ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICIES

*Please read the following and then sign, date and return the form to the Human Resources Office. One copy will be placed in your personnel file and you should retain a copy with your **copy** of the manual.*

The City of Washougal's personnel policy manual can be found on the Human Resources page of the City's website. In addition, each bargaining unit and employee has been provided a copy. It is your responsibility to read and understand the manual, as it will acquaint you with the City's personnel practices and guidelines, and some organizational philosophy.

It is important to understand that these policies do not create an employment contract or a guarantee of employment for any specific duration between the City of Washougal and its employees. We hope that your employment relationship with us will be long-term; we recognize that at times things do not always work out, and either of us may decide to terminate the employment relationship. All employees of the City are "at will" employees unless they are specifically provided additional rights in a collective bargaining agreement, written contract signed by the City Manager or pursuant to Civil Service rules. As an at-will employee, you or the City may terminate this relationship at any time, for any reason, with or without cause or notice.

As the City grows and changes so too will the personnel policies and guidelines. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the City Manager. The manual is produced in a loose-leaf notebook fashion in order to permit easy updating by replacing pages.

These policies supersede any prior policies or representations. Please understand that no supervisor, manager or representative of the City other than the City Manager has the authority to make any written or verbal statements or representations which are inconsistent with these policies. If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, department director or the Human Resources Director.

I understand that, in the State of Washington, employment is at will, which means that it may be terminated by myself or the City at any time, unless the terms of my employment are subject to a collective bargaining agreement, or Civil Service rules.

_____

Employee Name (Printed)

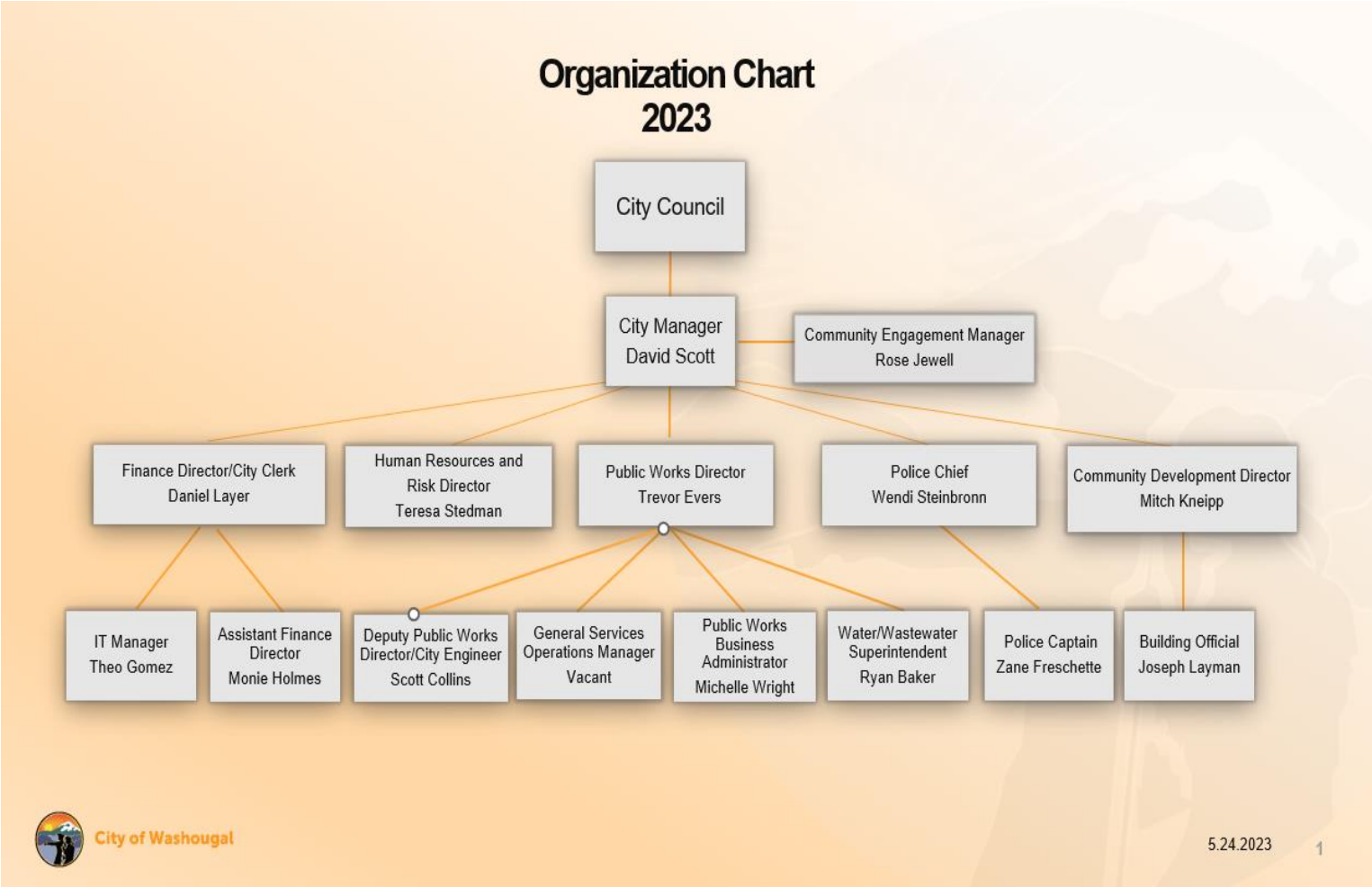
_____

Employee Signature

_____

Today's Date

Please return signed form to the Human Resources Office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2023
City Council
City Manager
David Scott
Community Engagement Manager
Rose Jewell
Finance Director/City Clerk
Daniel Layer
Human Resources and
Risk Director
Teresa Stedman
Public Works Director
Trevor Evers
Police Chief
Wendi Steinbronn
Community Development Director
Mitch Kneipp
IT Manager
Theo Gomez
Assistant Finance
Director
Monie Holmes
Deputy Public Works
Director/City Engineer
Scott Collins
General Services
Operations Manager
Vacant
Public Works
Business
Administrator
Michelle Wright
Water/Wastewater
Superintendent
Ryan Baker
Police Captain
Zane Freschette
Building Official
Joseph Layman
City of Washougal
5.24.2023
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PERSONNEL POLICY MANUAL

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INTRODUCTION

The purpose of this Personnel Policy Manual is to create a productive and harmonious work environment by clearly defining what is expected of each member of the City team. The ultimate purpose of all work in the City can be summed up in the words "***Excellence in Public Service***" and are guided by the City Values, Principles, and Philosophies reflected on the following pages.

This manual has been prepared as a guide or reference tool for all members of the City's work force. Although it will have different applications to employees, depending upon their employment status, the manual provides a "snapshot" of how things are done in the City and incorporates State and Federal mandates as well. Because we recognize that change is the norm, we will review this manual regularly to amend these guidelines where necessary to reflect ongoing change in the City workplace.

The guidelines set forth in the document for management include, but are not limited to, classification specifications, salaries, working hours and conditions, merit examinations and promotions, all kinds of leave, disciplinary proceedings, appeal procedures, and other matters related to the efficient functioning of the City's work force.

The provisions of this manual do not supersede any contrary provision in the collective bargaining agreements or Civil Service rules and regulations, and when in conflict, the specific terms and conditions of the collective bargaining agreement or Civil Service rules and regulations will prevail.

It is recognized that no personnel policy can answer all questions that might arise in the normal course of municipal government. Employees of the City are expected to exercise the utmost judgment and discretion in the performance of their duties.

It is important to understand that this policy manual does not create an employment contract or a guarantee of employment for any specific duration between the City of Washougal and its employees. Although we hope that your employment relationship with us will be long-term, we recognize that at times things do not always work out and that either of us may decide to terminate the employment relationship at any time. An employee with questions or suggestions about any policy or its interpretation may contact their immediate supervisor, department director, or a representative of the Human Resources Department for an explanation.

Chapter 1

GENERAL (updated August, 2013)

1.01 <u>Scope of Application</u>:
In the interest of the City of Washougal's employees and citizens, the City adopts guidelines and procedures to promote full communication between the City, as the employer, and its employees. The City also sets reasonable methods to resolve disputes about wages, hours, and other terms and conditions of employment and to continuously improve personnel management and employer-employee relations.

These employment policies apply to all regular employees and members of management at all levels of supervisory responsibility. If an employee is represented by a collective bargaining agreement and the collective bargaining agreement contains provisions that differ in any of the provisions herein, the provisions of the collective bargaining agreement shall govern. Although not considered employees, some of these policies are also applicable to elected and appointed officials, volunteers and temporary seasonal employees.

<u>New Employee Orientations</u>: All new regular full-time and part-time employees are given a new employee orientation by the Human Resources Department and by their own department as close as possible to their first day of work. This Personnel Policy is an important part of this orientation.

1.02 <u>Equal Employment Opportunity</u>: (updated August, 2013)
The City of Washougal is committed to developing a diverse workforce which reflects the diversity and composition of the community we serve, and honors and respects the differences and abilities of all our employees and residents, and provides employees with the necessary opportunities, tools, and support to achieve their maximum potential. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

Equal employment opportunity provides a level playing field for City job applicants and must be linked with a commitment to equitably manage a diverse work force. Diversity recognizes and respects the multitude of differences which employees bring to the workplace. Diversity complements organizational values that stress teamwork, leadership, empowerment, and quality service. Diversity means striving to maintain an environment in which managers value the differences in their employees and take steps to ensure that all employees know they are welcomed and included.

To achieve workplace equity and inclusion, the City observes the practices outlined below:

a. Equal employment opportunities (EEO) to all employees and applicants for employment are based solely on merit and business needs, and not on race, ancestry, religion, gender, age, marital status (or civil union status – where applicable), national origin, sexual orientation, place of birth, citizenship, veteran status,

disability, or genetic information as defined and required by state and federal laws or any other basis protected by applicable discrimination laws.

b. No employee of the City of Washougal is to discriminate against any applicant or fellow employee on the basis of any protected status. It is City policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment. The City will make reasonable accommodations to qualified individuals with disabilities, if it can do so without undue hardship.

3. Our recruiting efforts are designed to ensure that applicant pools are both capable and diverse.

4. We strive to make employment decisions based on job-related criteria and provide opportunities for entry and promotion to nontraditional jobs; and to encourage promotion from within.

5. We strive to provide a workplace free of all forms of harassment.

6. We have developed a procedure for prompt, thorough and impartial investigations of discrimination or harassment complaints and will take appropriate measures to provide appropriate remedy or relief to individuals who have been victims of illegal discrimination or harassment.

1.03 <u>Compliance with the Personnel Policy</u>:

In accepting employment with the City of Washougal, each employee is expected to follow this Personnel Policy, administrative guidelines and procedures established by the City Manager, their collective bargaining agreements or applicable Civil Service rules and regulations, and the guidelines and directives of the department in which they are employed. Volunteers and temporary employees, while performing their assigned duties for the City, shall follow the same guidelines of conduct as regular City employees.

1.04 <u>Authority of the City Manager or his/her Designee</u>:

The City Manager or his/her designee, as appointing authority, has general control and supervision over the affairs of the City. The City Manager has the authority to establish such other policies, procedures, and guidelines necessary for the control and supervision of the affairs of the City. The City Manager has the authority to appoint employees of all City departments.

The City Manager has the authority to remove "at will" employees; and may remove union employees for cause as provided by the collective bargaining agreement or Civil Service rules and regulations. The City Manager may delegate to the department directors the authority to appoint persons to budgeted positions within their departments.

1.05 Administrative Guidelines:
The City Manager is authorized to issue additional administrative policies as may be necessary to carry into effect this Personnel Policy, except as otherwise provided by state or federal law, and/or ordinance. The City Manager is authorized to approve supplementary departmental personnel guidelines not in conflict with these guidelines.

1.06 Department Guidelines:
Department directors may create guidelines more specific to their respective department operations consistent with these Personnel Policies and/or collective bargaining agreements. Departmental guidelines or directives will not conflict with or supersede any provisions of these Personnel Policies and/or collective bargaining agreements. In the event of any conflict, the Personnel Policies and/or collective bargaining agreements prevail.

Chapter 2

COMPENSATION, CLASSIFICATION AND PAY ADMINISTRATON
(Updated May, 2016)

2.01 POLICY:
The City of Washougal uses an organized and systematic method of classifying jobs, establishing pay ranges and administering pay to ensure that employees are compensated in accordance with federal and state regulations and that pay levels are competitive, internally equitable and conform to related aspects of the collective bargaining agreements.

2.02 PHILOSOPHY: The philosophy of the City of Washougal's Compensation, Classification and Pay Administration Policy is to:

a. Support the City's operating principle of fiscal accountability by providing parameters to manage personnel costs.

b. Promote employee morale, motivation and excellence in job performance by offering competitive compensation for their contributions and efforts to meet the City's goals.

c. Promote internal equity and consistency within and among the various departments by providing guidelines for decision-making.

d. Provide managers and supervisors flexibility to recruit and retain quality employees by allowing for situational discretion.

2.03 GUIDING PRINCIPLES: In administering the Compensation, Classification and Pay Plan, the City is guided by:

a. Fiscal Sustainability – considers the City's ability to pay at a current point in time, as well as over the longer term.

b. Market competitiveness – the City's pay program is intended to be competitive relative to the relevant labor market.

c. Internal Equity – relative worth of each job at the City when comparing the required competencies, formal training and experience, responsibility, and accountability of one job to another and arranging all jobs in a formal salary structure.

d. Appropriate Mix of Compensation Elements – the City's total compensation package will incorporate various elements available in the external market (base pay; benefits; etc.) to ensure competitiveness, while reinforcing and enhancing employee performance.

e. Flexibility – the City recognizes the need to be flexible in responding to internal and external compensation issues.

2.04 ROLES AND RESPONSIBILITIES FOR ESTABLISHING, MAINTAINING AND ADMINISTERING THE COMPENSATION, CLASSIFICATION AND PAY PLAN:

Appointing authorities shall have a responsibility to exercise the discretion included in these guidelines in a manner that conforms to laws and regulations, meets public and employee trust in management and avoids inconsistent, arbitrary or discriminatory pay actions.

It is management's right and responsibility to determine how work will be distributed and performed. In doing this, managers and supervisors have the right and responsibility to assign work, limit or reassign job duties to avoid "classification creep" which results in positions creeping into a classification in a higher or lower pay range.

City Council:
The City Council provides overall policy direction for employee compensation; approves collective bargaining agreements and personnel policies, including provisions for wages and benefits; approves the annual budget and any supplemental budget modifications.

City Manager:
The City Manager approves the *administrative guidelines and procedures* related to classification and compensation; and approves exceptions to established administrative policies and guidelines while using fiscal sustainability and public accountability as guideposts in these decisions.

Department Directors, Managers and Supervisors:
Managers and supervisors manage their budgets; evaluate and prioritize staffing needs and distribution of work; work with Human Resources to develop job descriptions for positions in their area; work with Human Resources to ensure that positions are appropriately classified and employees are paid at the appropriate classification level; hire qualified and quality employees; coach and motivate supervisors and employees to meet or exceed performance standards established for their positions; notify supervisors and employees of sub-standard performance and assist in corrective or disciplinary action; and implement employment and compensation policies, guidelines and procedures in a fair, ethical and legal manner.

Human Resources:
Human Resources, in consultation with appropriate stakeholders in the organization, develops, administers and interprets policies, administrative guidelines and procedures regarding all aspects of classification, compensation, labor relations and other human resource matters; provides consultative services and training to employees, supervisors and managers in the use of the system; determines appropriate classification of positions, including review of new allocations and reorganization proposals; monitors human resource administration practices to ensure adherence to laws, regulations and City policies; and provides advice to and the City Manager.

Finance Director:
Finance Director evaluates the fiscal impact of the classification and compensation actions; provides forecasts of future personnel costs; facilitates funding for Council approved position allocation and pay adjustments; provides input related to classification issues and provides advice to the City Manager. Payroll implements the compensation system by issuing payroll in compliance with laws, regulations and City policy.

Employees:
Employees keep informed about City employment and compensation policies and procedures; communicate concerns regarding classification or compensation issues to their managers, supervisors and/or Human

Resources; and as may be needed, serve on committees to provide structured input on the system and/or review classification actions.

2.05 WAGE AND CLASSIFICATION PLAN:

The Wage and Classification Plan provides a foundation for the allocation of positions and compensation of employees. The Wage and Classification Plan shall include:

a. Classifications consisting of positions with approximately equal responsibility and difficulty, requiring similar qualifications of incumbents and similar working conditions as outlined in job descriptions which will be compensated within the same pay range.

b. Classification titles which are descriptive of the work of each job classification.

c. Benchmark classification which will be used as part of external market and internal equity analysis. Benchmark classifications shall be determined by the Human Resources Director.

d. Pay ranges for classifications

2.06 CLASSIFICATION ALLOCATION:

Unless a position is uniquely identified, it will be classified to an existing classification as identified in the Wage and Classification Plan. Classifications are not to be used as prescribing what the duties of any specific position will be, nor construed as limiting the authority of the City to assign duties. Specific job descriptions are developed for use in recruitment, selection, performance evaluation and to meet other communication needs. Determination of the appropriate classification and pay range of a position will be based upon the predominance of duties and level of responsibility of the position.

2.07 REVIEW OF CLASSIFICATIONS:

As an underpinning of the Human Resources system, the Wage and Classification Plan must be dynamic enough to meet the City's needs yet stable enough to provide a foundation. Human Resources will review the efficacy of the Wage and Classification Plan on a continuing basis to ensure that the structure of the Classification Plan is adequate in describing the types and levels of the work performed throughout the City.

All benchmark classifications will normally be reviewed on a five year cycle, pursuant to the market analysis provisions of this Chapter.

2.08 REVIEW OF EXISTING POSITION CLASSIFICATION:

The appropriateness of a position classification may be reviewed due to a variety of reasons.

As part of the recruitment process, Human Resources will review the classification of a vacancy.

At any time there is concern whether a position is appropriately classified, that position may, at the discretion of the Human Resources Director, be reviewed upon request of the Department Director or the employee in the position.

Human Resources will make a determination of the classification allocation, based on the information provided. The outcome may be that the position is properly classified, classified at a level above the work

assigned (over-classified) or classified at a level below the assigned work (under-classified). In the event that the job is under or over classified, Human Resources and the Department Director will work together to determine how duties could be reassigned to ensure that the job is assigned duties and responsibilities consistent with the existing classification, before initiating reclassification action.

Once a position has been reviewed, it will not be reviewed again unless and until 1) there is a vacancy 2) there is significant and permanent change in the content of the job; 3) it is part of a departmental restructuring; or, 4) it is included in a periodic review of classifications.

Human Resources will establish a standardized process and procedures to ensure that classification reviews are considered in a timely and fair manner. Further, Human Resources will ensure that all employees are informed of the classification review process.

In all instances of review of classification (vacancy, employee generated, new position, reorganization, etc.), Human Resources will analyze all aspects of the body of the work and may request and include reviews of other positions that are affected in any form.

2.09 CLASSIFICATION OF NEW POSITIONS:

When a new position allocation is requested, Human Resources will evaluate the position and determine an appropriate classification and pay range based on the documentation required for funding the request and other documentation as required by the Human Resources Director. After the Human Resources evaluation, the analysis and recommendations will be shared with the City Manager and Department Director.

The allocation of newly created positions to new classifications within the Wage and Classification Plan requires Council action to ensure the position is allocated and budgeted.

2.10 CHANGES IN PROGRAM OR ORGANIZATION:

When a position is proposed to be reclassified as the result of changes to programs or organizations, department directors will prepare the business case justification for the structural changes and present the case to the City Manager.

Human Resources will determine the appropriate classification and whether the incumbent should be reclassified or whether the position will be opened to other applicants in accordance to the relevant collective bargaining agreement or personnel policy.

Any classification change that results in a new classification requires Council action to ensure the classification is allocated and budgeted.

Human Resources will notify the department director in writing of the approval or denial of requests for reallocation or reclassification of positions, and will also immediately notify the incumbent in writing, as appropriate.

2.11 APPEAL PROCEDURE:

Decisions regarding the assignment of a position to a classification may be appealed. The appeal procedure is only for disputes regarding how the position has been classified, and not the pay range to which the position has been assigned.

If a Department Director or employee does not agree with the classification of a position recommended by Human Resources, the Department Director or employee shall submit a letter to the City Manager within fourteen (14) calendar days of the date on the classification notice from Human Resources specifying the reasons why the classification is not appropriate and proposing a desired classification, referencing job descriptions for both the recommended and desired classifications.

The City Manager will review the appeal in consultation with the Human Resources Director, discuss it with the Department Director and, if necessary, the employee, and determine if the classification proposed by the appellant is more appropriate than the classification initially recommended. The Human Resources Director will provide written notification and explanation of approval or denial of the alternative classification to the employee and/or Department Director.

2.12 ADMINISTRATION OF WAGE AND CLASSIFCATION PLAN

2.12.01 POLICY:

It is the policy of the City of Washougal to administer pay equitably and consistently with City Policy; collective bargaining agreements and applicable laws.

2.12.02 OVERVIEW:

The Wage and Classification Plan provides a structure that allows the City to offer competitive pay to attract, retain and motivate employees as well as enhance the effectiveness of the City's recruitment effort for competent new employees, consistent with the philosophy and guiding principles of this Chapter.

The Wage and Classification Plan establishes a schedule of pay ranges for each job classification. The pay ranges for all job classifications that are included in a bargaining agreement or covered by Chapter 2A of the personnel policies are subject to the approval of the City Council.

Factors to be considered in establishing pay ranges include job content and requirements, internal equity, pay data from appropriate comparable jurisdictions and other relevant considerations.

2.12.03 PAY RANGES:

Pay ranges establish the minimum and maximum base pay rates provided for a specific classification and steps within the pay range providing for progression through the range.

2.12.03.01 FACTORS APPLIED TO DETERMINE PAY RANGE:

The factors used to determine pay range assignment shall be without regard to any prohibited bases of discrimination.

A position will be allocated to an existing pay range, unless a new pay range is determined to be appropriate. The factors used to determine the allocation of a classification to a pay range within the Wage and Classification Plan may include the following:

- Job evaluation factors that rank positions for internal equity; job-related formal education and experience; supervisory responsibilities; decision-making; thinking challenges and problem solving; and work environment. Classifications of similar ranking will be assigned to the same pay range, except as follows:
    - A classification may be assigned to a higher or lower pay range to meet competitive factors, based on an objective review of salary survey data from the relevant labor market.
    - The pay relationship of a specific position to other directly-supervised positions.

2.12.03.02 MARKET ANALYSIS:

To achieve pay range competiveness, the City seeks to establish pay ranges that are within +/- 5% of the median of pay ranges of similar positions in comparable Washington cities.

Human Resources will typically survey Washington cities that have a population within +/-50% of the City of Washougal and which are located in Western Washington. Other agencies, not meeting the population or geographic criteria, may be added as necessary to provide a better market picture for various hard-to-recruit or difficult to match occupations, or to provide an adequate number of comparables within the relevant labor market. Similarly, other factors, such as assessed valuation per capita, will be used to include or exclude an agency. The survey will be completed for benchmark positions, every five years; however more frequent assessments may be done to ensure market competitiveness. Benchmark positions will be determined by the Human Resources Director as part of each survey process.

2.12.03.03 INTERNAL PAY ANALYSIS:

To achieve internal pay equity, Human Resources will review the Wage and Compensation Plan periodically, at a minimum in conjunction with the market analysis as outlined in 2.12.03.02. The review will evaluate the differences in pay ranges based on an analysis of the kind of work, (that is, the profession, occupation, function, or subject matter field the position occupies) and the level of difficulty and complexity of the work. The factors will not take into consideration the personal skills or performance proficiency of incumbent employees.

2.12.03.04 UPWARD MARKET ADJUSTMENT:

When a pay range warrants an upward adjustment as a market adjustment, the pay range may be adjusted taking into account the City's ability to pay, the financial sustainability of any changes and the financial resources available. Pay range increases are subject to City Council approval.

Implementation of an upward market adjustment shall be as follows:

- Below the new range – if the incumbent is at a rate lower than the beginning of the new range, they will move to the beginning of the new range.
- Within the new range– if the incumbent is at a base rate that exists within the new range, the incumbent's new base rate will be calculated as their current rate plus any longevity that they currently earn. At no time will an incumbent's base rate exceed the top of the range. It is acknowledged that the new base rate for such incumbents may not match an exact step on the new

salary range. The Human Resources Director shall establish an implementation plan for each such incumbent such that annual merit increases equivalent to one step (3.5%), if earned, until such incumbent reaches the top of the salary range.

2.12.03.05 DOWNWARD MARKET ADJUSTMENT:
When a pay range warrants a downward adjustment as a market adjustment and an incumbent is at a rate higher than the top of the new range, the employee's pay will be frozen. The salary for those employees will be frozen until such time that their salary falls within the new salary range.

2.12.04 PLACEMENT UPON INITIAL HIRE:

Normally, new employees will be hired at the entry level of the appropriate pay range; but circumstances may occur which warrant compensating the new employee at a higher rate within the range. A pay offer above the minimum may be authorized based on the following:

- Request of the hiring Department Director that pay above the minimum is necessary to attract the most qualified candidate among the available applicants;
- The candidate offers documented advantages over the other candidates in terms of relevant experience, education and/or certifications;
- The advantage of the experience, education and certifications that the candidate offers is at least commensurate with the additional cost that will be incurred by the City as a result of hiring above the minimum, which factor has been considered by the Department Director prior to recruitment;
- The proposed salary will not cause inequities within the City when looking at the experience and education and performance of other employees in the same pay range;
- Sufficient funds exist to pay above the minimum level.

Prior to a formal salary offer to an applicant or employee, Human Resources will work with the Department Director in reviewing the applicant/employee's qualifications in comparison to the requirements of the position as well as the qualifications of current City employees in the same, or similar positions.

2.12.05 RECLASSIFICATION:

At the request of the department director to the City Manager a request can be made to reclassify an incumbent's position. When an employee moves from a lower paid position/classification to a higher paid position/classification with increased authority and responsibility (e.g. moving from a Maintenance Worker I to a Maintenance Worker II) or through reorganization and/or update of the job description, the employee's salary will be placed on the new pay range that provides a minimum one-step increase. This type of advancement does not create a new vacancy or reset an employee's anniversary date for performance evaluation purposes and pay range step increases.

When an employee is in a position that is reclassified to a classification with a lower pay range, and the employee's pay is above the maximum of the new range, the employee's pay will be frozen. The salary for those employees will be frozen until such time that their salary falls within the new salary range.

2.12.06 PROMOTION:

It is the policy of the City of Washougal to encourage the advancement and development of personnel within City service. Promotional selections are conducted as the needs of the City require. In general promotions will follow a competitive recruitment process, however, there may be times when the City Manager may promote a qualified employee through an appointment process.

When an employee, through the normal recruitment process, whether competitive or by appointment for an existing vacancy, is selected for a new City position in a higher pay range; this does not change an employee's seniority for the purposes of benefit accruals but does reset the employee's anniversary date for performance evaluation purposes and pay range step increases.

Regular employees, who meet the requirements of the classification for which a recruitment/examination is to be held and have satisfactorily worked for the City for twelve (12) continuous months, are considered eligible to compete in such a process. An employee selected for promotion shall move to the next highest step in the new salary range if available that provides for a minimum increase of 5%. In no instance will an employee be paid outside the approved salary range, unless otherwise approved by the City Council.
Employees who are promoted into a new vacancy shall serve a six (6) month probationary trial work period in the new position, at the new salary. If the City feels that the employee may not satisfactorily meet the new job requirements within thirty (30) days of the promotion, the employer will suggest that the employee exercise his/her reversion rights without discrimination. An employee serving a promotional trial period may voluntarily withdraw from that position within thirty (30) days of the appointment without discrimination or loss of seniority and return to his/her former position and pay. A promoted employee contemplating such action must communicate their interest in this regard to the department director as possible in order to coordinate the timing of the necessary administrative actions.

2.12.07 DEMOTION:

The City Manager may demote an employee for any of the following reasons or conditions:
a. The ability to perform the employee's required duties falls below commonly accepted standards;

b. Disciplinary reasons as set forth in Chapter 17 (Causes for Disciplinary Action);

c. An employee's position is eliminated;

d. An employee requests such demotion;

e. A departmental reorganization that affects employee positions;

f. Any other reasonable grounds as approved by the City Manager or his/her designee.

No employee can be demoted to a classification for which the employee does not have the minimum qualifications. Written notice is given an employee at least fifteen (15) working days before the effective date of the demotion unless the City Manager determines that a shorter notice period is appropriate.

2.12.08 PROGRESSION THROUGH A PAY RANGE:

Employees shall be paid within the limits of the pay range to which their positions are assigned. New hire salaries will consider the depth and breadth of experience relative to the position requirements and current incumbents in same or similar positions.

Progression through the pay range is intended to recognize continuing growth in one's skill and performance until reaching the market rate which is equivalent to the top of the range for the classification. Employees advance one step per year based on evaluation of performance at a satisfactory rating or better. The performance of a trial service employee is appraised informally halfway through their probationary period and formally at the completion of a successful probationary period. Thereafter, a performance appraisal will be completed at least annually on the anniversary of the employee's date of hire associated with the current position

For non-represented employees, their performance is assessed on an annual basis as outlined in 2A.07 of the personnel policies. If an employee's performance does not meet expectations or for some extraordinary reason cannot be assessed, the pay rate adjustment is withheld. It is management's responsibility to discuss and document performance deficiencies with the employee. If a rate adjustment is withheld due to performance, the manager will be required to put together a Performance Improvement Plan (PIP) outlining the deficiencies, as well as the specifics of the expectations over the next six months. Once a rate adjustment has been withheld, a re-evaluation of the employee's performance will be conducted prior to the end of the six-month PIP period, and a rate adjustment, moving forward, may be made at that time if documented performance warrants. The employee will then be eligible for their next rate adjustment on their original increase date (in most cases, one year from when the original adjustment was withheld). For represented employees their performance and pay rate adjustments will be handled in accordance with the language set forth in their respective collective bargaining agreement.

2.12.09 BASE WAGE ADJUSTMENT:

When the pay plan is upwardly adjusted for a base wage adjustment (e.g. cost of living adjustment):

- Step Pay Ranges: Employees will be placed on the same step.

2.12.10 OUT OF CLASS PAY:

Out of class pay is intended to compensate employees for temporarily taking on a majority of the responsibilities and/or performing the full range of activities of a higher level classification, without significant supervision. An employee will be paid either 4% above his/her current rate of pay (not to exceed the top of the range for the out of class assignment) or the entry rate of the out of class assignment, whichever is higher.

Out of class pay must be requested in advance of the assignment. In extraordinary circumstances, when request in advance was not possible, the pay will be retroactive to the first hour of the assignment.

For employees in FLSA (Fair Labor Standards Act) Exempt positions, the 4% will be added to pay and for FLSA non-exempt positions, the 4% will apply only to hours worked.

Extended out of class pay situations will be reviewed for reassignment of work or reclassification at six-month intervals according to 4.11 of the personnel policies.

2.12.11 SPECIAL MARKET PAY RANGE:

A job classification may be assigned to a Special Market Pay range for the following reason:

- Job classifications that directly supervise a position whose level of pay creates a specific issue of salary compression whereby the supervisory job classification's salary structure should be addressed. In these cases, the salary level of the position being directly supervised is one for which the salary structure has been negotiated or determined through interest arbitration.

Under these conditions, the Human Resources Director may recommend to the Department Director that such positions warrant a special market pay range adjustment. Such adjustments are subject to City Council approval.

2.12.12 PAY PERIODS:

City employees have the option of a monthly or semi-monthly payroll distribution. Disbursement of paychecks occurs on the 15th and the last working day of the month. If a payday falls on a holiday or weekend, checks are dispersed the working day before. Employees will have their pay checks directly deposited into their bank or credit union account of their choice via electronic transfer, unless the employee specifically requests a check. Employees may split their direct deposit into no more than three separate accounts. Employees must inform payroll at least three weeks in advance prior to closing or changing a direct deposit account.

2.12.13 GARNISHMENTS:

A garnishment is a legal stoppage of a specified amount from wages to satisfy a creditor. The payroll staff will make the necessary changes to the employee's wages, and a check for the garnished amount will be forwarded to the creditor as directed. The employee will be notified that the garnishment is being processed.

2.12.14 DEDUCTIONS:

Deductions from employees' pay are governed by current laws, contracts, and this Personnel Policy. They include the following:

a. Deductions required by law and contracts, which include, but are not limited to, Federal withholding tax, Social Security tax, State retirement systems, and health care insurance co-payments.

b. Deductions can be arranged for the credit union, AFLAC, deferred compensation, recognized employee organizations, and other deductions as approved by the City Manager.

2.12.15 ADMINISTRATIVE PAY CORRECTIONS:

The City of Washougal takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. The City reserves the right, with notification, to make the necessary corrections to the employees pay. In the unlikely event that there is an error in the amount of pay that has not been corrected by the City, the employee is required to bring the discrepancy to the attention of the Finance Department so that the corrections can be made as quickly as possible.

Chapter 2 – A (updated December, 2021)

COMPENSATION – DEPARTMENT HEADS AND OTHER NON-REPRESENTED EMPLOYEES

2.A.01 Introduction

This chapter has been prepared in order to establish a consistent structure for determining appropriate compensation for the City's Department Heads and other non-represented employees. All employees covered by this chapter are "at will." As an "at will" employee, you or the City may terminate this relationship at any time, for any reason, with or without cause or notice.

City Manager & Department Heads:	**Non-represented Employees:**
City Manager	Community Engagement Manager
	Assistant to City Manager
Public Works Director	General Services Operations Manager
	Water/Wastewater Superintendent
	City Engineer/Deputy PW Director
	Public Works Business Administrator
	Senior Analyst
Community Development Director	Building Official/Manager
Finance Director	IT Manager
	IT Systems Administrator
	Accounting Supervisor
	Assistant Finance Director
Police Chief	Police Captain
Human Resources Director	

(For purposes of this chapter, all references to department heads will also mean the city manager unless otherwise noted.)

This chapter addresses salary schedules, benefits, merit increases, and performance reviews for the city manager, department heads and other non-represented employees.

2.A.02 Longevity Pay

Employees affected by this chapter will be eligible for longevity pay. The percentage of longevity pay is based on years of service as follows and the employee must be at step ten of his or her respective salary schedule:

10-14 years of service	1.25% of base salary
15-19 years of service	1.50% of base salary
20+ years of service	2.00% of base salary

Longevity pay will be administered each pay period (semi-monthly or monthly).

2.A.03 ***<u>Severance Pay (Grandfathered for department heads hired on or before July 6, 2010)</u>***

The City Manager and department heads are at-will employees. Should the City Manager leave city employment, any potential severance pay will be governed per the manager's employment contract. Department heads shall also be entitled to severance pay per the following schedule should the department head be terminated involuntarily, asked to resign, or otherwise end employment at the request of the city:

After six (6) months through eighteen (18) months:	three (3) months' pay
Nineteen (19) months through thirty (30) months:	four (4) months' pay
Thirty-one (31) months through forty-two (42) months:	five (5) months' pay
Forty-three (43) months and beyond:	six (6) months' pay.

Severance pay is calculated on base pay without consideration of benefits or other additional premiums. Severance pay will be paid on the normal payroll schedule.

Should the department head's termination be voluntary, the result of gross negligence, improper conduct/behavior, conviction of a felony, conviction of a misdemeanor involving moral turpitude, or dereliction of duty, the department head will receive no severance pay.

Severance Pay (for department heads hired after July 6, 2010)

Department heads shall also be entitled to severance pay per the following schedule should the department head be terminated involuntarily, asked to resign, or otherwise end employment at the request of the city. The contract for City Manager shall govern his/her severance pay.

One (1) month pay for each year of service with a cap of six (6) months' severance.

Severance pay is calculated on base pay without consideration of benefits or other additional premiums. Severance pay will be paid on the normal payroll schedule.

Should the department head's termination be voluntary, the result of gross negligence, improper conduct/behavior, conviction of a felony, conviction of a misdemeanor involving moral turpitude, or dereliction of duty, the department head will receive no severance pay.

2.A.04 ***<u>Sick Leave (updated January, 2018)</u>***

Regular full-time employees affected by this chapter will accrue one day (8 hours) of sick leave per month. Regular part-time employees accrue sick leave in proportion to the number of hours worked per week. Sick leave accruals during months when an employee works less than the standard workweek are prorated based on the number of hours actually worked. At the end of the calendar sick leave accrual year unused paid sick leave balances of 120 days (960 hours) or less will carry over to the following year. Sick leave may be used once accumulated by cannot be used in advance of the accrual. Employees affected by this chapter who have accrued in excess of sixty days (480 hours) of sick leave may annually in January trade four (4) hours of sick leave for one (1) hour of vacation in excess of the 480 hours of sick leave. The employee must maintain a minimum of 480

hours of sick leave at the time of the trade request. Employees hired on or before July 6, 2010 with five or more years of service will be paid 25% for any unused sick leave balance upon leaving City employment. Those employees hired after July 6, 2010 will not be eligible for the 25% payout of unused sick leave.

2. A.05 Paid Family and Medical Leave (added November, 2018, effective January 1, 2019)

Eligible employees are covered by Washington's Family and Medical Leave Program, RCW 50A.04. Eligibility for leave and benefits, which begins January 2, 2020, is established by Washington Law. Premiums for benefits are established by law and for the period ending December 31, 2020, will total four-tenths of one percent (0.4%) of employees' wages (unless otherwise limited by action of the State). Employees will pay through payroll deduction the full cost of the premiums associated with family leave benefits and forty-five percent (45%) of the cost of the premiums associated with the medical leave benefits, as determined under RCW 50A.04.115. The City will pay the remaining premium amounts. The net contribution for the employee will be 63% of the .4% and for the city the remaining 37%.

2.A.06 Benefits (updated November, 2016)

The City will pay 95% of the premium for medical coverage for employees and 85% for their dependents under the terms of the policy provided by the AWC Benefits Trust $250 Deductible Medical Plan. Participating employees will pay the 5% cost sharing for employee coverage and 15% for dependent coverage through payroll deduction. The City will continue to offer the HDMP plan and HSA incentive. The City will pay 97% of the cost for employees and dependents. Participating employees will pay the 3% cost sharing through payroll deduction. The City will contribute to the employee HSA in an amount equivalent to 55% of the premium cost savings between the HDMP and the AWC Benefits Trust HealthFirst $250 deductible medical plan, based on the employee coverage level. This contribution will be made in four quarterly installments, as early as practicable in January, April, July and October.

The employee may also opt out of the City-provided healthcare program if they have verifiable coverage elsewhere and receive $250 per month of additional taxable income.

The City will offer an alternative HMO plan through Kaiser Permanente. The City will pay 95% of the premium for medical coverage for employees and 85% for dependents under the terms of the policy provided by the Kaiser $250 Deductible Medical Plan. Participating employees will pay the 5% cost sharing for employee coverage and 15% for dependent coverage through payroll deduction The City will continue to offer the HDMP plan and HSA incentive as outlined for 2015. The employee cost sharing will be paid for through payroll deduction. The City will contribute to the employee HSA in an amount equivalent to 55% of the premium cost savings between the HDMP and the Kaiser $250 deductible medical plan, based on the employee coverage level. This contribution will be made in four quarterly installments, as early as practicable in January, April, July and October. The City will continue to offer the Custom $5 co-pay plan and Traditional $5 co-pay plan. Employees opting for a $5 co-pay plan will pay the premium difference between that

plan and the $250 deductible plan, plus the 5% for the employee premium and 15% for the dependent premium that is paid by employees covered by the $250 deductible plan.

Dental – The City will pay 95% of the premium cost for dental under Washington Dental Service. The City will offer an alternative dental plan through Willamette Dental. The 5% employee cost sharing will be paid for through payroll deduction.

Optical—The City will pay 100% of the premium cost for optical coverage through Vision Services Plan. Those employees electing medical coverage through Kaiser Permanente will be credited the cost of vision coverage against their medical premium difference, if any, deducted through payroll.

Term Life Insurance—The City will provide each employee covered by this chapter term life insurance in the amount of $50,000. Such insurance coverage shall terminate at the time employment is terminated.

Long-Term Disability—The City will pay the premium cost of long-term disability insurance for employees.

All other benefits are offered as outlined in the City's Personnel Policies.

2.A.76 Vacation:

City Manager and Department Heads hired on or before July 6, 2010, the following schedule shall apply:

Vacation accrual will be as follows.

Years of employment	Vacation Hours Earned
0-3 years	12.00 hours per month
4-6 years	15.00 hours per month
7-9 years	18.00 hours per month
10-15 years	21.00 hours per month
16+ years	24.00 hours per month

City Manager and Department Heads hired after July 6, 2010, the following schedule shall apply:

Years of employment	Vacation Hours Earned
0-5 years	12.00 hours per month
6-10 years	15.00 hours per month
11-15 years	18.00 hours per month
16+ years	21.00 hours per month

Managers and Supervisors (non-department heads) hired on or before July 6, 2010, the following schedule shall apply:

Years of employment	Vacation Hours Earned
0-3 years	10.00 hours per month
4-6 years	12.50 hours per month
7-9 years	15.00 hours per month
10-15 years	17.50 hours per month
16+ years	20.00 hours per month

Managers and Supervisors (non-department heads) hired after July 6, 2010, the following schedule shall apply:

Years of employment	Vacation Hours Earned
0-5 years	10.00 hours per month
6-10 years	12.50 hours per month
11-15 years	15.00 hours per month
16+ years	17.50 hours per month

Non-Exempt Employees, the following schedule shall apply:

Years of employment	Vacation Hours Earned
0-3 years	8.00 hours per month
4-6 years	10.00 hours per month
7-9 years	12.00 hours per month
10-15 years	14.00 hours per month
16+ years	16.00 hours per month

Employees affected by this chapter may accrue up to a maximum of 360 hours of vacation. Regular part-time employees accrue vacation leave in proportion to the number of hours worked each week. Vacation leave is, however, not available for use until earned and posted to the employee's accrued vacation leave following the end of the current pay period. Employees are eligible for a vacation "buy-back" of accrued vacation time. The employee may apply to the City Manager or designee to "buy back" the vacation time during the month of October. Up to 80 hours may be requested for "buy back." The employee must maintain a minimum of 80 hours of vacation at the time of the buyback request. The buyback will occur during the last November pay cycle.

2.A.07 Merit Increases/Performance Reviews

For managers and supervisors (non-department head) and non-exempt employees, performance reviews will be conducted annually on or immediately prior to the employee's anniversary date. Any resulting merit step increase will be effective in the month of their anniversary date.

For department heads, performance reviews will be performed by the City Manager prior to

December 31st of each year. Any resulting merit step increase will be effective on January 1st of the next year regardless of anniversary date. Any deviation from this policy must be approved by the city council.

2.A.08 Salary Schedules

This schedule will consist of ten steps. The increment between each step will be three and one-half percent (3.5%).

Each year the City Manager will put together as part of the budget, proposed salary increases for the following year, if any. These adjustments, if any, will be reviewed by the Council annually. Economic circumstances and indicators, budget considerations, and comparable market analysis may be used to determine proposed adjustments. The Council must approve all such adjustments before they are finalized as part of this chapter.

Employees' salaries affected by this chapter will be adjusted effective January 1 of each subsequent year based on the amount listed in the salary schedule that corresponds to their current step position in their respective range. This adjustment is without consideration of merit increases (addressed separately within this chapter).

Chapter 3

HOURS OF WORK (updated May, 2016)

3.01 <u>Established Workdays and Workweeks</u>:
The standard workday for employees may range between eight (8) hours and ten (10) hours. The standard workweek is forty (40) hours. Different work schedules may have been established through collective bargaining agreements or may be established upon recommendation of the department director to the City Manager. Fire and Police Department (shift) personnel shall refer to their collective bargaining agreements for the workweek definition.

3.02 <u>Exempt Employees:</u>
Exempt employees are not covered by the FLSA and WMWA overtime provisions and do not receive overtime pay or comp time. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week. In recognition of the extra time demands of certain exempt positions, administrative paid leave may be granted by the City Manager and taken, as mutually agreed upon by the exempt employee and the City Manager. See Section 9.08.

3.03 <u>Attendance:</u>
To maintain a productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness result in a burden to other employees and on the City's overall operations. Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of the City and minimize unscheduled absences.

<u>Absence:</u>

Defined: Absence is the failure of an employee to report for work when the employee is scheduled to work.

a. Excused Absence occurs when all four of the following conditions are met: i) the employee provides sufficient notice to his or her supervisor, ii) the reason is found credible or acceptable by his or her supervisor (see #b below), iii) such absence request is approved by his or her supervisor, and iv) the employee has sufficient accrued vacation, sick or annual leave time to cover such absence. The City uses a calendar year when determining an excessive amount of unexcused absences. (See #b below).

b. Unexcused Absence occurs when one of the four conditions in #1 above is not met.

- Employees are expected to report to work on time and maintain good attendance. If you are unable to report to work on time, you are to notify your supervisor before the workday begins of your usual and scheduled starting time. If you are unable to call, have someone make the call for you.

a. If an unscheduled absence continues beyond one day, you should call in to your supervisor each day. If your supervisor is unavailable, leave a message for your supervisor and/or receptionist. Excessive tardiness and poor attendance may lead to disciplinary action up to and including termination of employment.

3.04 Unusual Weather Conditions/Emergency Closures of City Facilities:
At times, emergencies such as severe weather, fire, power failures or earthquakes, can disrupt City operations. In extreme cases, these circumstances may require the closing of a work facility.

If the City Manager advises employees not to report to work or to leave early due to an emergency as described above. Any portion of the shift for that working day will be considered paid time off and will not be charged to any vacation or floating holiday leave. Employees who work during the emergency conditions will earn compensatory time off based on FLSA regulations.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused vacation benefits or accrued compensatory time to cover for such absences.

3.05 Overtime Policy:
[This section does not apply to FLSA-exempt employees.] Overtime is time worked in excess of forty hours in a workweek. Fire and Police Department (shift) personnel shall refer to their collective bargaining agreement for the definition of overtime. It is the policy of the City to avoid the need for overtime work in order to minimize the financial liability caused by accumulated overtime. Overtime may be necessary for the protection of the lives or property of the residents of Washougal or the efficient operation of City departments. Authorized overtime is to be kept to a minimum.

Prior Approval: An employee needs their department director's, or his/her designee's prior approval to work overtime. Overtime work required to meet an emergency situation does not require advance approval, but should be reported to the appropriate authority as soon as possible.

Reporting: The department director or his/her designee is responsible for authorizing, approving, and submitting overtime hours on the employee's weekly timesheet for payment of overtime and compensatory time earned during any work week.

Eligibility for Overtime

a. In accordance with the Federal Labor Standards Act (FLSA), nonexempt employees are eligible to receive overtime pay at a rate of one and one-half times their regular pay for time worked in excess of 40 hours per workweek.

b. Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of the position.

Time Worked

Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, FMLA, military leave, jury and witness duty, funeral/bereavement leave, and voting time off, are not counted as time worked for the purposes of computing overtime.

3.06 <u>Compensatory Time</u>: (updated May, 2016)
Upon approval of the department director or the department director's appointed representative, an employee may choose to receive compensatory time at one and one-half (1½) hours for each FLSA overtime hour worked in excess of sixty (40) hours per week. The maximum accrual of compensatory time shall not exceed eighty (80) hours at any given time. Unused compensatory time shall be paid at the employee's regular rate of pay at the time of termination, promotion, or transfer to another department.

The accumulation and use of compensatory time by an employee is documented on the employee's weekly timesheet.

3.07 <u>FLSA Exempt Employees:</u>
In accordance with the Fair Labor Standards Act regulations, exempt employees who are required to be paid on a salary basis generally may not have their pay reduced for variations in the quantity or quality of work performed. Employees who feel their pay has been improperly reduced should report this immediately following the procedures specified below.

Provisions Mandated by the Salary Basis Rules

a. Exempt employees normally must receive their full salary for any week in which they perform any work, without regard to the number of days or hours worked. However, exempt employees need not be paid for any workweek in which they perform NO work at all for the City.

b. Deductions from pay cannot be made as a result of absences due to the circumstances listed below. Such improper pay deductions are therefore specifically prohibited by the City of Washougal, regardless of the circumstances. Managers or supervisors violating this policy will be subject to investigation of their pay practices and appropriate corrective action in accordance with normal procedures:

    i. Jury duty.

    ii. Attendance as a witness.

    iii. Temporary military leave.

    iv. Absences caused by the employer.

    v. Absences caused by the operating requirements of the business i.e. committee meetings that are hosted at off-site locations.

<u>Leave Record keeping</u>: For reasons of public accountability, records of all employees' use of leave are maintained in accordance with State records retention schedules.

3.08 Paid Holidays (updated December, 2021):

Regular Holidays: The following holidays are recognized as municipal holidays for pay purposes. Regular full-time, regular part-time and trial service employees have these days off with pay:

New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Juneteenth Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

When a day recognized as a holiday by the City falls on Sunday, the following Monday is observed as the holiday. When a day recognized as a holiday by the City falls on Saturday, the preceding Friday is observed as the holiday. A holiday is defined as eight (8) hours for all regular full-time employees. Holiday hours are pro-rated for regular part-time employees based on the number of hours worked per week.

For the purpose of Christmas Eve and Christmas Day, the following schedule will be followed:

- When Christmas Day falls on a Saturday, Christmas Eve will be observed on the preceding Thursday and Christmas Day on the preceding Friday.
- When Christmas Eve falls on a Saturday and Christmas Day on a Sunday, Christmas Eve will be observed on the preceding Friday and Christmas Day on the following Monday.
- When Christmas Eve falls on a Sunday and Christmas Day on a Monday, Christmas Eve will be recognized on the following Monday and Christmas Day on the following Tuesday.

An employee eligible for holidays shall not receive holiday pay if they are on unpaid leave of absence or leave without pay, immediately prior to or immediately following the observed holiday.

Floating Holiday:

Non-represented employees will receive three (3) floating holidays.*

Advance approval from the employee's immediate supervisor must be received prior to use. Floating holidays (defined as eight hours) are used during the calendar year. Floating holidays are not considered as part of separation pay if they have not been used at the time of termination and do not carry over from year to year.

*Floating holiday hours are pro-rated in the employee's first year of service based on the employee's hire date.

Religious Holiday: An employee who wishes to be excused from work in observance of a religious holiday will request approval of the absence from the department director. If approved, the time off is charged against vacation leave, compensatory time or floating holiday.

3.09 Employees Required to Work on Holidays:
Any covered employee normally eligible for holiday benefits who must work on a day designated as a holiday under the provisions of this Personnel Policy, or such other day as authorized by the City, is paid at one times the employee's hourly rate of pay for the hours worked. In addition, full-time employees receive eight (8) hours of holiday pay and part-time employees receive prorated hours of pay.

When a day designated as a holiday under the provisions of this Personnel Policy, or such other day as authorized by the City, falls on an eligible covered employee's normally-assigned day off, the employee receives either straight time pay equal to their regularly scheduled shift or an additional work day off to be taken within the next pay period with his/her supervisor's approval.

3.10 Alternative Work Schedules:
Employees or the City may propose alternative work schedules within the limits of a maximum forty (40) hour per week schedule. Such schedules must be approved by the department director and City Manager. No work schedule is permitted which would result in the payment of overtime for hours worked during the regular workweek. This section is intended to address long term or continuous schedule changes. Part-time employees requesting an alternative schedule will work, if approved, a prorated part time alternative schedule. Alternative work schedules are subject to the following:

a. The City may utilize schedules for which Saturday and Sunday is a regular work day for those work units which operate on a seven (7) day workweek.

b. Any holidays that occur during a scheduled shift other than eight (8) hours shall be paid as an eight (8) hour holiday, including floating holidays, unless pro-rated for regular part-time employees.

c. All sections of the Personnel Policy Manual apply to the alternative schedule except as noted.

d. Employees are committed to working the alternative work schedule for the duration of their employment unless otherwise notified by the department director.

3.11 Meal & Break Periods:
All employees are entitled to one twenty (20) minute break (including transit time if applicable) in the morning and one twenty (20) minute break (including transit time if applicable) in the afternoon. Breaks for office employees should be taken in designated areas, when possible. Field employees should take their breaks near the job site for no more than twenty (20) minutes. Lunch periods are established by each person's immediate supervisor and, in all cases, will be at least 30 minutes but no longer than one hour, without prior approval from the employee's supervisor.

The breaks are scheduled for the employee's benefit. Under no circumstances will the employee be permitted to "work through" a break in order to have an abbreviated work day.

Lunch periods and break times for employees are rotated to ensure coverage of the department operations at all times.

Chapter 4

EMPLOYMENT (Updated May, 2016)

4.01 <u>Purpose of Policy</u>:
The City is obligated to its customers to recruit and hire the most talented and qualified employees. Employees are informed and encouraged to apply for City vacancies, and to continually develop their own skill base to enhance their competence and competitiveness.

4.02 <u>Foreign Nationals</u>:
This policy establishes a guideline for consistent decisions and practices to ensure compliance with Federal regulations governing the employment of foreign nationals. It serves to protect the City and individual employees from substantial penalties that may be incurred in the employment of unauthorized aliens. This policy applies to the employment of foreign nationals regardless of their employment status with the City of Washougal.

a. Policy

Employment of foreign nationals will be authorized only under the provisions of this policy and only when conditions and visa requirements established by Federal law are satisfied and documented. Under no circumstances may any employee of the City of Washougal knowingly employ, or contract employment with, an unauthorized alien.

Nothing in this policy shall be used as the basis for discrimination against any individual or group because of race, sex, age, color, religion, national origin, disability, or veteran status; nor will it be construed to be a basis for circumventing equal employment opportunity laws,

b. Responsibility

Employment offers to foreign national applicants or candidates for positions are contingent upon receipt of necessary work authorization documents as directed through the Human Resources Department.

c. Definitions

- Foreign National: An individual who is not a U.S. citizen, permanent resident or resident alien of the United States.
- Employee: An employee of the City is an individual who performs services that are subject to the will and control of the organization in terms of what must be done and how it will be done. An employee is paid through the payroll system, with accompanying tax withholding as provided by law.
- Volunteer: An individual who performs activities to benefit the organization and who does not receive, nor expects to receive, payment or remuneration of any kind for such labor or service at any time.
- Permanent Resident or Resident Alien: An individual who has been lawfully admitted to the United States to live; an immigrant; or holder of a green card**.**

4.03 Application:
All internal and external candidates for employment must file an approved employment application form with the Human Resources Department. The form and its contents are established by the Human Resources Director. Additional information such as a resume, cover letter, supplemental questionnaire, transcripts, copies of applicable licenses/certifications, and/or proof of good driving record may be requested of applicants. Applications are only accepted when there is an opening.

4.04: Job Posting:
This posting policy is to ensure that all employees are made aware of and have the opportunity to apply for open positions either before or concurrent with the City's consideration of external candidates for employment.

Eligibility for application:
All regular part-time and full-time employees with at least twelve months of continuous service, and who have a satisfactory performance and attendance record, are eligible to apply for posted openings.

Method of Posting:
Job openings will be posted on all department bulletin boards.

Posting Duration:
Jobs will be posted for ten working days when possible, during which time applications may be submitted to Human Resources**.**

Posting Information:
Each job posting will contain the following information:
a. Job title
b. Department with job opening
c. A complete job description, which includes: a concise summary of principal duties, responsibilities and requirements of the job, and minimum qualifications of the candidates for the job
d. Grade and salary range
e. Location of department with job opening

4.05 Selection Process:

The City of Washougal is an equal opportunity employer. It is the policy of the City to prohibit discrimination of any type and to afford equal employment opportunities to employees and applicants, without regard to age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification.
In its interviewing and selection process the City of Washougal complies with all applicable laws including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. City policy is to hire the best-qualified candidates available

without regard to race, gender, age, national origin, religion, veteran status, marital status, disability, and sexual orientation or any other protected status.

Applications submitted in response to a job posting will be screened, and the most qualified applicants will be interviewed by Human Resources and the hiring management team. Reasonable accommodations will be provided for the application and interview process when requested by candidates. A criminal background check and a professional reference check will be completed for those applicants who have successfully interviewed.
Upon completion of an impartial selection process, based on the results of testing and other relative considerations, the City Manager or his/her designee shall make an appointment from the final candidates. An appointment is usually made upon the recommendation of the director of the department in which the new appointee is assigned. An appointment becomes effective only after all necessary documents have been signed by the department director and City Manager.

Criminal Background Checks:
The City of Washougal requires a criminal background check for all full-time and part-time employees once a conditional offer of employment has been extended by the department director.
Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment with the City. Depending on a variety of factors (for example, the nature of the position, the nature of the conviction, and how long ago the conviction occurred) the candidate may still be eligible for employment with the City. However, if an applicant attempts to withhold information or falsify information pertaining to previous convictions, the candidate will be disqualified from further employment consideration in any position with the City due to falsification of an application.

A conditional offer of employment may be extended to an applicant prior to the completion of the criminal background check. However, the applicant's first day of work in the position must not occur prior to the satisfactory completion of the criminal background check.

Professional Reference Checks:
The City of Washougal will disclose only the employee's last position held and employment duration with the City, unless the individual has provided written permission to release additional employment information. All reference requests must be referred to Human Resources for response.

Pre-Employment Testing:
Prior to their appointment, the City shall require a conditionally selected candidate for appointment to a position requiring commercial drivers license (CDL), or a public safety sensitive budgeted position for City service, to undergo and pass a pre-employment drug screening examination at City expense. The City may also require a candidate to pass a physical examination, and/or psychological examination after a conditional offer of employment has been made and prior to the candidate's appointment. Negative information obtained from pre-employment screening may be cause for rejection of an applicant.

4.06 Ineligibility or Disqualification:

The City Manager may withdraw anyone from consideration whose appointment is considered contrary to the interests of the City. Reasons for disqualification may include, but are not limited to, the following:

a. Lack of any of the qualifications or requirements established for the examination or position for which the candidate applied;

b. A physical or mental disability that makes the applicant unable to perform the essential functions of the position to which appointment is sought with or without reasonable accommodation;

c. The misuse of intoxicating beverages;

d. The misuse of prescription drugs or use of illegal drugs and/or controlled substances;

e. Conviction of a felony;

f. Dismissal from any position for any cause that may be deemed cause for dismissal by the City;

g. Resignation from any position to avoid dismissal;

h. Deception or fraud in completing the position application;

i. The applicant's request to withdraw from consideration;

j. Failure to reply within a reasonable time, as specified by the City Manager, about the candidate's availability for employment;

k. Disqualification or unsuitability for employment as specified in any City or departmental rule;

l. Failing the applicable required pre-employment drug and/or alcohol screening test;

m. Having a poor driving record as defined by the City's liability insurance carrier if the position that the candidate is being considered for requires the operation of a City vehicle;

n. Any other lawful reason deemed appropriate.

4.07 <u>New Employee Orientation:</u>

The City sets aside a new-hire orientation period which is to be conducted within three days of an employee's start date.
Pre-Orientation Preparation:
Each new employee will be notified by Human Resources of the date, time and location for the orientation to be conducted. Employees will be provided with their new-hire informational packages. The following forms and documents will need to be completed during the orientation session:
• I-9 Form and instructions. Employees shall bring documents supporting their eligibility to work in the United States to the orientation.
• Employee self–identification.
• Employee handbook acknowledgement receipt.
• Federal tax withholding form.
• Emergency contact information form.
• Benefit plan enrollment forms (Health forms, PERS and DCP)
• Union card (if applicable)

Orientation:

Stage 1—Human Resources Agenda

• New employee forms completion.
• Benefit plan information, discussion and preliminary enrollment.
• Policy reviews—pay periods, travel, personal vehicle use, training requests.

Stage 2—Management Agenda

Supervisor introductory meeting with new employees—discuss department and standards, confidentiality and privacy issues, facility and work station location issues, attendance and punctuality standards, reporting of absences, pay problem reconciliation, time card completion, review of timekeeping and reporting codes, complaint procedures.

4.08 Method for Filling Vacancies:

All vacancies in City service filled by transfer, promotion, or appointment follow the recruitment process outlined in the Personnel Policy Manual. A temporary appointment generally not exceeding six months in duration may be made under the provisions of this Policy if there are no eligible qualified applicants. If additional time is needed approval may be given by the City Manager.

Departments may also utilize the provisions of a professional services contract of a temporary employment firm to backfill a position on a short-term basis (usually for periods of a few days up to a few weeks or up to 3 months due to FMLA approved leave).

4.09 Classes of Appointments:

Employment in the City is divided into the classes of Regular Full-Time, Regular Part-Time, and Temporary as defined in Chapter 33 of these personnel policies.

4.10 Temporary Appointments:

Whenever a City department requires help because of a special project, a temporary increase in workload, or the absence of a regular full-time employee or regular part-time employee on leave with or without pay, or extended sick or vacation leave, temporary appointments may be made for the duration of such work. The period of this service is not counted as part of the trial service period if the employee is later appointed to another regular position, unless such time served is acceptable to the department director concerned and documented as such. Temporary employees are not entitled to benefits (medical benefits, leave accruals, holidays, etc). Temporary employees pay contributions to the social security system, as does the City on their behalf. Temporary employees will normally not be placed on the state PERS retirement system, although there are a few exceptions depending on PERS eligibility criteria.

Temporary positions that are expected to continue for longer than six months per calendar year should be filled through the normal recruitment process. Should additional time be needed, approval may be given by the City Manager. The same temporary employee candidates may be hired from year to year. However, the end of each temporary assignment, the employment relationship is severed with the City at that time. If the same temporary employee candidate is hired for a new temporary assignment, this new hire does not imply an ongoing employment relationship nor create an expectation of continued employment once the previous temporary assignment is concluded. When a temporary employee applies for a regularly budgeted position, they must be considered as an external candidate and are ineligible to compete on internal recruitments.

4.11 Temporary Re-Assignments:

During an emergency, period of unusual workloads, special projects or other assignments as deemed necessary by the City Manager, or a department director, may temporarily reassign City personnel within the department director's department for a period typically not to exceed six (6) months. Should additional time be needed, the City Manager may grant an extension of such re-assignment. City personnel may be temporarily reassigned from one department to another within the City. Interdepartmental reassignments are administered as follows:

1. Requests for personnel are approved by both the department director for the department to which the employee had been assigned before the reassignment and the department director to which the employee is reassigned.
2. An employee who has been temporarily reassigned to a higher job classification receives their normal rate of pay and benefits, plus out of class pay at 4%. Should the employee be unavailable to perform the higher-level duties for three or more consecutive days at a time during the temporary reassignment period due to planned or unplanned leave, the employee shall be compensated at their regular position’s classification pay range/step for those days.

4.12 Employment of Relatives:

It is City policy that relatives of City employees, the City Council, and the City Manager, and individuals involved in a dating relationship, will not be employed by the City where:

a. One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;

b. One party would be responsible for auditing or evaluating the work of the other; or

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

This section applies to all individuals employed by the City of Washougal (both regular and temporary) except employees in their current positions as of January 1, 2007.

For the purposes of this section, "relatives" include spouse, children (biological, step, adopted or foster), brothers, sisters, half-brothers and sisters, step brothers and sisters, parents, step-parents, aunts, uncles, nephews, nieces, first cousins, grandparents, grandchildren, and the spouses of the above.

Request to Hire: When a department wishes to hire an employee's relative, the department director should submit a written request to the City Manager through Human Resources.

Relationship Occurring During Employment: When a relationship, as defined below, occurs during employment, the affected employees may remain in their positions provided they are not in conflict with the restrictions stated in this policy section. If a conflict is created by the relationship, the City will attempt to arrange a transfer or change in position. If a suitable transfer/change in position is not available, one of the employees will be separated from City service. Every attempt will be made to effect transfer or separation on the basis of agreement between the employees involved and the City. If a mutual agreement is unattainable, the City Manager will determine, in the City's best interest, the employee to be transferred or separated.

Relative, Defined: Relative, for the purposes of this policy section, includes:
Parent, sibling, child, step relative of the proceeding three, spouse, cohabitating individuals, adopted or foster child, mother or father in law, daughter or son in law, grandparent, grandchild, aunt or uncle, niece or nephew, first cousin.

Cohabitating Individuals, Defined: Two unrelated adults of the same or opposite sex sharing the same living arrangement.

Dating Relationship, Defined: A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved. If a dating relationship is established by a supervisor (or higher position of authority) with another employee, it is the responsibility and obligation of the supervisor

involved in the relationship to disclose the existence of the relationship to management. Employees in a dating or family relationship should refrain from public workplace displays of affection or excessive personal conversation. Note: same conditions apply as indicated above in the 4.12 a-c.

4.13 Reappointment:

Any regular full-time employee or regular part-time employee who has resigned from City service in good standing may be considered for reappointment to a vacant position in a comparable or lesser classification without competitive recruitment in City service providing the former employee meets the current minimum qualifications and seeks reappointment within one year of their resignation. All such employees will serve the required trial service period. A written request for consideration must be submitted. In no way is it mandatory for any appointment authority to reappoint a former employee should the appointment authority desire not to do so. Waiving the Time Limit: The City Manager may waive the twelve month time limit for employees who have kept their skills current or who possess extraordinary skills or abilities needed by the City.

a. An employee so reappointed is considered a new appointee. The employee has no vested interest in or is entitled to any benefits accrued during any previous employment with the City, except for the following Retirement System Benefits - The reappointed employee will be subject to the requirements of the proper retirement system of which the employee was previously an active member.

b. Seniority - No credit for past service is allowed**.**

4.14 Transfer:

An employee may be transferred by the appointing authority, at any time, to a position in another comparable classification if they meet the minimum qualifications. The transfer must be approved by the City Manager. For transfer purposes, the definition of "comparable class" is a classification that compensates at the same minimum and maximum rates of pay, performs similar duties, and requires substantially the same minimum qualifications.

A regular full-time employee or a regular part-time employee may be transferred from one department to another department with consent of the employee and approval of the affected department directors. The City Manager may order the transfer where he/she determines that it is in the best interests of the City.

Reversion to Former Position: If the performance of an employee so transferred is unsatisfactory in the new position, or if the new position is eliminated and the employee's performance in the original position had been satisfactory, the employee may be transferred back to their original position or a similar position. This reversion transfer is allowed only within a reasonable amount of time, generally within thirty (30) days of the effective date of transfer.

4.15 <u>Internal Movement Frequency</u>:

An employee who successfully transfers or achieves a promotion through recruitment for an existing vacancy should serve at least one year in the new position before the same employee is eligible to transfer or pursue another internal vacancy. Exceptions may be granted in writing by the City Manager in consultation with the affected department heads.

4.16 <u>Exit Interviews</u>:

A termination interview is generally conducted with all employees separating from City service for any reason by a representative from the Human Resources department.

4.17 <u>Hiring PERS 1 Retirees</u>: (added May, 2009)

Substitute House Bill 1262 affects employers and Plan 1 retirees of the Public Employee's Retirement System (PERS).

To prevent the pensions of PERS Plan 1 retirees from being suspended after working 867 hours in a calendar year, the city must adhere to the following criteria:

a. Hiring a PERS 1 retiree requires approval of the City Manager
b. The need to hire the PERS 1 retiree will be documented and include a summary of the process used. This documentation will be retained and made available, in the event of an audit.

In following the above criteria, PERS Plan 1 retirees can work *up to* 1,500 hours before their pension is suspended. To manage the yearly hourly limits (867 or 1,500 hours), DRS will communicate with both retirees and employers.

Chapter 5

TERMINATION OF EMPLOYMENT

5.01 <u>At Will Employment</u>:
Unless specifically provided additional rights in a collective bargaining agreement, a written contract signed by the City Manager, or pursuant to Civil Service rules, the employment relationship may be terminated at any time for any reason by either the City or the employee. Generally, the City will follow its progressive discipline process, as outlined in Chapter 17. However, the City reserves the right to forego any part or all of that process when, in the discretion of the City Manager, progressive discipline is not merited. The decision to use progressive discipline in a given case is an attempt to improve the performance or behavior but does not change the at will nature of the employment relationship.

5.02 <u>Resignation Process</u>:
A regular employee is encouraged to submit a written notice of resignation to the employee's department director and Human Resources department at least ten (10) working days before the effective date of the resignation. The department director and the City of Washougal may authorize the resignation of an employee with fewer than ten (10) days notice if there are sufficient reasons to waive the requirements of this section. Employees resigning with less than the ten (10) working days notice, unless waived by the City, will not be eligible for reappointment or reconsideration.

<u>Resignation Process for Managers</u>: A department director, to be considered as having resigned in good standing, must submit a written notice of resignation to the City Manager at least thirty (30) calendar days before the effective date of the resignation. The City Manager may authorize a resignation in good standing upon shorter notice for sufficient cause.

<u>Separation Date</u>: In order to minimize the City's liability, the separation date is generally the last workday of an employee's employment. However, in the case the employee notifies the City in writing of their intent to retire, elects to work through the end of the given month, and the last day of that work month is a recognized holiday, the employee will be eligible to receive holiday pay for their last official day of employment with the City. No vacation or sick leave is accrued from that date forward. Accumulated leave may not be used to extend the effective date of termination without written authorization by the City Manager.

5.03 <u>Lack of Work or Funds</u>:
Employees may be laid off by the City Manager because of a change in duties or organization, elimination of a position, shortage of work funds, contracting out City services, completion of work for which employment was created or other lawful reasons deemed appropriate by the City Manager.

<u>Layoff Order</u>: The order of layoff of regular employees is based on the recommendation of the department director. In preparing a recommended order of layoff, the department director may

consider the lengths of service, job performances, qualifications of the employees involved and other relevant factors. Employees within the classifications involved will be laid off in the following order: emergency employees, temporary employees, trial service period employees, regular part-time employees, and regular full-time employees.

Notification: In cases involving a regular full-time or regular part-time employee, notice of such termination is given to the employee within a reasonable time, generally at least thirty (30) calendar days before the effective date of termination. Employees so notified may be allowed to use reasonable amounts of work time during that period to seek other employment.

Reinstatement from Layoff: The names of regular full-time and part-time employees who left in good standing are placed on the official layoff reinstatement list for a period of eighteen (18) months. Employees on a layoff reinstatement list are eligible for reinstatement to the same classification if a position comes open. Employees on the layoff list may also be considered for any open position for which they meet the minimum qualifications. Laid-off employees are recalled in the inverse order to the layoff with consideration given to qualifications. While on the recall list, employees should report to the Human Resources Department if they become unavailable for recall. Employees who do not keep a current home address on record with the Human Resources Department will lose their recall rights. Removal from the recall list terminates all job rights the employee may have. Notice of recall will be sent by registered mail, return receipt requested to the current home address on record with the Human Resources Department. Unless the employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any rights with the City of Washougal.

5.04 Retirement:
All regular full-time and regular part-time employees in City service who retire under the provisions of any present or subsequent retirement policy or plan are treated as having been separated from City service in good standing.

5.05 Requirements:
An employee who becomes unable to meet the physical, licensing or certification requirements of the employee's position may be terminated from City employment within thirty (30) days of the date the employee is unable to meet the requirements of their position subject to all applicable federal and state laws and regulations. The department director will make the recommendation of termination to the City Manager.

5.06 Trial Period:
Employees in their trial period may be terminated for any reason and at any time without following the discipline steps outlined in Chapter 17. Successful completion of the trial period does not create an employment contract or guarantee employment with the City for a specified duration.

Chapter 6

TRIAL SERVICE PERIOD

6.01 <u>Purpose of Trial Service Period</u>:
The trial service period is a continuation of the testing and orientation process during which the employee is on trial to demonstrate their ability to perform the requirements of the appointed position at a level that meets City and departmental expectations and standards. The period is a time to observe closely the employee's performance in order to achieve an effective match and/or adjustment of a trial service employee to their position, or to determine that a trial service employee's performance does not meet the acceptable standards of the position.

6.02 <u>Length of Trial Service Period</u>:
All original and promotional appointments are conditional and subject to a trial service period from the time of appointment. The trial service period is for a minimum of six (6) consecutive months of actual service. The City Manager, upon written request from a department director, may limit the trail service to less than six months or grant an extension of the trial service period up to a maximum of six (6) additional months. The successful completion of trial service means that the employee has been appraised and found capable of meeting the performance expectations of the position during the trial service period. Satisfactory completion of the trial period does not create an employment contract or guarantee employment with the City for a specified duration.

6.03 <u>Trial Service Employee Status</u>:
The employee's department director gives a copy of the trial service employee's performance report(s) to the City Manager. The department director gives the City Manager a written appraisal of the employee's performance as well as any written recommendation for the employee's successful completion of the trial period, demotion or termination. A copy of the notification of demotion or termination is given to the trial service employee. Termination of a trial service employee becomes effective only after approved by the City Manager. An employee termination is not subject to appeal. A representative of the Human Resources department will conduct an exit interview with a terminated trial service employee.

<u>Trial Service Due to Promotion</u>: A promoted employee may voluntarily revert to their former position within thirty (30) days of the date of promotion but will still serve a six (6) month trial service period due to the promotion. A promoted employee contemplating such action must communicate their interest in this regard to the department director as soon as possible in order to coordinate the timing of the necessary administrative actions.

6.04 <u>Employee Performance Appraisals</u>:
The performance of a trial service employee is appraised informally halfway through their probationary period and formally at the completion of a successful probationary period. Thereafter, a performance appraisal will be completed at least annually on the anniversary of the employee’s date of hire associated with the current position.

Process: The original written appraisal of an employee's performance is sent to the Human Resources department and approved by the City Manager and placed in the employee's personnel file. A copy of the employee's performance appraisal is given to the employee.

6.05 Regular Appointment:

The department director (or their designee) and immediate supervisor shall be responsible for tracking the timing of the completion of the midpoint trial service appraisal and the final trial service appraisal. If the performance of the trial service employee has been satisfactory, the department director should submit a written appraisal to the Human Resources department at least two (2) weeks prior to the expiration of the employee's trial service period. The City Manager shall act on the recommended action changing an employee's status from trial service to regular. Regular employment status means that an employee has been deemed capable of meeting the performance expectations of the position at that time.

6.06 Use of Sick Leave/Vacation:

Trial employees may use their accrued sick leave from the beginning of their employment but may not use earned vacation until they have been employed for six (6) months. Exceptions may be made by the City Manager.

Chapter 7

SICK LEAVE (updated January, 2018)

7.01 <u>Use of Sick Leave</u>:
Sick leave may be requested for the following reasons:

1. An employee's mental or physical illness, injury or health condition;
2. Preventative care such as medical, dental or optical appointments and/or treatment;
3. Care of a family member with an illness, injury, health condition and/or preventative care such as a medical/dental/or optical appointments;
4. Closure of the employee's place of business or child's school/place of care by order of a public official for any health-related reasons;
5. If the employee or the employee's family is a victim of domestic violence, sexual assault, or stalking.

Family member defined: child or parent (including biological, adopted, foster, step or legal guardian in loco parentis, and "de-facto"), a spouse, domestic partner, spouse's parent, grandparent, grandchild or sibling.

Accrual of Paid Sick Leave:
Paid sick leave begins to accrue at the start of employment. You will be provided with an Employee Sick Leave Notification at the start of employment. It contains information regarding: authorized use of paid sick leave, our city's paid sick leave accrual year, carryover of paid sick leave, eligibility for use, and information about retaliation. Accrual and carryover rates for non-represented employees are outlined in Chapter 2A of these policies. The accrual and carryover rates for represented employees are outlined in their respective collective bargaining agreement. All regular full-time or part-time employees are eligible to use paid sick leave once time is accrued.

Effective January 1, 2018, the accrual rate for seasonal and temporary employees shall be one (1) hour of paid sick leave for every forty (40) hours worked. If employment is continued to the following calendar year, up to forty (40) hours of paid sick leave will be carried over to the next year. Temporary/seasonal employees are eligible to use accrued paid sick leave ninety (90) days after starting employment.

Paid Sick Leave Accrual Year: For all employee groups, the sick leave accrual year shall be based on the calendar year.

Increments of Use of Paid Sick Leave: Employees are allowed to use paid sick leave in increments of fifteen (15) minutes.

Under the Washington Family Care Act, employees may use accrued sick leave or vacation leave to care for a child with a health condition that requires treatment or supervision; or a spouse,

parent, parent-in-law, grandparent, grandchild or sibling of the employee who has a serious health condition or an emergency situation. Employees may also use accrued sick or vacation leave for a domestic partner with a health condition that requires treatment or supervision. At the employee's option, he/she may use accrued sick leave for any condition set forth in this paragraph.

Chapter 10 - Family and Medical Leave Policy states other conditions under which sick leave may be requested.

Request:

An employee requesting foreseeable sick leave must provide at least ten (10) days' notice, or as early as possible, before the first day paid sick leave is used. Please provide such reasonable notice using the documentation required within your department to your manager/supervisor. Any information provided will be kept confidential. If possible, notification should include the expected duration of the absence.

An employee requesting unforeseeable sick leave must inform their immediate supervisor or department director as soon as possible.

- If the need for the sick leave is unforeseeable and arises before the required start of the employee's shift, notice should be provided no later than one (1) hour before the employee's start time.
- In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf, may provide such notice.
- If possible, the notification should include the expected duration of the absence.

Advance notice is essential in cases where replacement employees or rescheduling is necessary as a result of planned absences. The employee's immediate supervisor approves the sick leave on the timesheet and other applicable leave request form that may be used in the department/City.

Verification of Absences Exceeding Three Days:
If an employee is seeking to use or has used paid sick leave for authorized purposes for more than three (3) consecutive days, during which the employee is/was required to work, the employee may be required to provide verification that established or confirms that the use of paid sick leave was/is for an authorized purpose.

When an employee or the employee's family member is sick for more than three (3) consecutive days for which the employee is required to work, acceptable verification may include:

- A doctor's note or signed statement by a healthcare provider indicating that the use of paid sick leave is necessary to take care of the employee or an employee's family member; or
- A written or oral statement from the employee indicating that the use of paid sick leave is necessary to take care of themselves or a family member.

When an employee is absent due to the closure of the employee's child's school or place of care by a public official due to health-related reasons:

- Notice of closure by a public official that the employee received regarding the employee's child's school or place of care.

Verification must be provided to the City of Washougal within ten (10) days of the first day an employee used paid sick leave to care for themselves or a family member.

Please note:

- You are not required to provide any details concerning the specific nature of your health condition in order to use paid sick leave, unless otherwise required by law.
- Any information you provide will be kept confidential.

If an employee believes obtaining verification for use of paid sick leave would result in an unreasonable burden or expense, please contact your immediate supervisor or department director in writing. Indicate that your absence is for an authorized purpose and explain why verification would result in an unreasonable burden or expense to you.

Within then (10) calendar days of receiving your request, your immediate supervisor or department director will work with you to identify an alternative for you to meet the verification requirement in a way that does not result in an unreasonable burden or expense.

- Possible options may include, but are not limited to:
    - Company-provided transportation;
    - Sharing the cost of getting a note from a medical provider;
    - Providing a note of explanation in lieu of other forms of verification; or
    - Exempting you from the verification requirement based on your explanation

The City may choose not to pay you for paid sick leave taken in excess of three (3) consecutive days until verification has been provided.

An employee has the right to contact the Human Resources Department if the employee believes the proposed alternative still results in an unreasonable burden or expense.

If the employee is still not satisfied with the alternatives provided, he/she may consult with the Washington State Department of Labor and Industries.

Online: www.lni.wa.gov/workplacerights
Call: 1-866-219-7321, toll free
Visit: www.lni.wa.gov/offices
Email: ESgeneral@lni.wa.gov

Payroll:
Employees will be notified of their paid sick leave balance each payroll cycle for which they are paid (monthly or semi-monthly) on their pay stub/direct deposit statement including:

- Accrued paid sick leave since the last notification

- Used paid sick leave sick the last notification
- Current balance of paid sick leave available for use

Reinstatement of Employment:
If any employee leaves employment and is rehired within twelve (12) months of separation, any accrued, unused paid sick leave will be reinstated to the employee's sick leave balance. In the case of regular employees that are eligible for the 25% sick leave cash out at the time of termination, only the 75% forfeited will be reinstated.

If a temporary/seasonal employee is rehired within twelve (12) months of separation, the employee will not be required to wait another ninety (90) days to use their accrued paid sick leave if the employee met that requirement during the previous period of employment. If an employee did not meet the 90-day requirement for the use of paid sick leave prior to separation, the previous period of time the employee worked for the City of Washougal will count towards the ninety (90) days for the purpose of determining the employee's eligibility to use paid sick leave.

Retaliation Prohibited:
Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is not allowed. Employees will not be disciplined for the lawful use of paid sick leave.

If an employee feels that they are being discriminated or retaliated against, the employee may contact the Human Resources Department.

If the employee is not satisfied with the City's response, the employee may contact the Washington State Department of Labor and Industries.

Online: www.lni.wa.gov/workplacerights
Call: 1-866-219-7321, toll free
Visit: www.lni.wa.gov/offices
Email: ESgeneral@lni.wa.gov

7.02 <u>Workers' Compensation and Disability Payments</u>:
All employees are covered by the State Workers' Compensation Program (Industrial Insurance Program). This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents are required to be reported immediately to the supervisor.

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

<u>Employee's Leave Buy-Back Requirement</u>: If the employee's claim is accepted by Labor and Industries and the employee has chosen to use accumulated leave, the employee must "buy back"

all the leave that the time loss check will afford. The number of leave hours to be reinstated and returned to the employee is determined by dividing the amount of the employee's time loss check by the employee's current regular hourly rate of pay. While on Worker's Compensation, the employee shall receive his/her full pay as long as he/she has available accrued sick leave and shall endorse all time-loss payments to the City.

Chapter 8

VACATION LEAVE (updated December, 2013)

8.01 Eligibility:
Regular employees and regular part-time employees are eligible to use accumulated vacation after six (6) months of continuous employment. Exceptions may be granted by the City Manager. Use of these accrued and accumulated vacation hours are subject to approval by the employee's immediate supervisor. An employee's vacation may not exceed the amount of vacation time the employee has actually accrued and accumulated.

Temporary employees are not eligible to earn vacation leave with pay.

8.02 Vacation Payoff at Termination:
With the exception of those employees that are on probation at the time of termination, a terminating employee is paid for accrued and accumulated vacation leave at the rate of pay in effect at the time of separation. For termination dates that fall between the 1st and the 15th of the month, the terminating employee will receive one half their monthly accruals. For those that terminate after the 15th of the month, the terminating employee will receive the full monthly accrual.

When termination is caused by an employee's death, payment for accumulated vacation leave is paid to the beneficiary as designated by the employee. The designation will be in writing, signed by the employee, and filed with the Human Resources department. If an employee has not designated a beneficiary, the payment will be made to the employee's estate.

8.03 Effect of Extended Military or Other Leave of Absence:
An employee who is granted a military or other leave of absence exceeding one hundred and eighty (180) calendar days may request payment for accumulated vacation leave that remains on their record. An employee may also request payment for any accrued vacation as of the date the employee's military leave commences.

Chapter 9

OTHER LEAVES OF ABSENCE (updated January, 2018)

9.01 <u>Authorized Leave of Absence Without Pay</u>:
A leave of absence is not a right, but a privilege. Leaves of absence, other than those that qualify as family or medical leave, may be granted without pay in cases of emergency or if other leave balances have been exhausted. A leave of absence may be granted only upon written request by an employee who presents the reason for the leave. A leave of absence without pay may be granted for reasons, including but not limited to: a prolonged illness or medical condition, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of twenty-one (21) days per year. Approval will be made in writing according to the following provisions:

a. A request for a leave of absence without pay for one (1) week or less may be granted by the department director, depending on the merit of the individual case.

b. A request for a leave of absence without pay in excess of one (1) week may be granted by a department director with the approval of the City Manager, depending on the merit of the individual case.

c. A leave of absence may not exceed twelve (12) months for every five years of employment.

An employee in leave without pay status will cease to earn sick leave, vacation leave, seniority, and City paid health benefits, but the employee will be allowed to participate in the City's insurance program by paying his/her own premium. Moreover, the employee's anniversary date will be adjusted by the length of the leave granted. Upon expiration of a regularly approved leave without pay, the City will attempt to reinstate the employee in the position held at the time the leave was granted or to another equivalent position if available, if the employee continues to meet the minimum qualifications for that position and assignment into that position would not violate the employee's bona fide seniority rights or a collective bargaining agreement.

9.02 <u>Bereavement Leave</u>:
An employee shall be granted a maximum of twenty-four (24) hours with pay for bereavement leave in the case of death in an employee's immediate family or any other member of the immediate household. In the case of travel of 250 miles or more one-way, the employee will be granted an additional (16) sixteen hours of bereavement leave.

Immediate family member is defined as: The spouse, parents, children, brother or sister, grandparents, grandchildren, that includes the in-law or step equivalent, legal guardian or any relative living in the employee's household. Leave may be extended at the discretion of the employer without pay. It is understood that this policy extends to similar members of a domestic partner's family as detailed above.

Bereavement leave shall not be charged to any leave banks except in the cases approved by the

employer when the bereavement leave exceeds twenty-four (24) hours. Upon approval of the employer, bereavement leave in excess of twenty-four (24) hours may be charged to accrued vacation, floating holiday, or compensatory time balances. Bereavement leave in excess of twenty-four (24) hours not charged to paid time may be counted as leave without pay. Employees may be excused by the employer to attend the funeral of deceased co-workers as leave with pay.

9.03 Military Leave of Absence:

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

Whenever possible, the employee making a request for a military leave of absence will notify an immediate supervisor of the request ten (10) working days before the beginning date of the leave of absence. Any regular full-time employee who is absent from work to serve on an active military reserve unit shall be granted a leave of absence with pay for a total period not to exceed twenty-one (21) days per calendar year as established by RCW (currently the calendar defined by statute is October 1 to September 30). As applicable, the employee may use accumulated vacation and/or compensatory time during a military leave of absence that extends beyond twenty-one (21) calendar days per year. It is the intent of this section that it conforms with Section 38.40.060 of the Revised Code of Washington and applicable Federal Law. The City of Washougal will continue to pay the City's portion of medical, dental, vision and life insurance benefits to those participating employees and their families should the employee be called upon or volunteer for active duty or active duty training in any branch of the uniformed services for military service of less than 31 days. Individuals performing military service greater than 30 days may elect to continue they healthcare coverage for up to 24 months through the election of COBRA.

The statute establishes the cumulative length of time that an individual may be absent from work for military duty and retain reemployment rights to five years.

9.04 Leave for Spouses of Military Personnel (Non-FMLA)

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to fifteen (15) days of unpaid leave while his/her spouse is on leave from deployment, or before and up to deployment. The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of twenty (20) hours per week to be eligible for this family military leave.

An employee seeking to take family military leave must provide their supervisor with notice of his/her intent to take leave within five (5) business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave.

9.05 Subpoena:

Related to Employment: An employee who is requested or subpoenaed to appear on behalf of the City in court as a witness in a matter arising from their job-related duties with the City is granted regular pay when the employee is appearing during a regularly scheduled workday. If the employee appears under these conditions when off-duty, the employee receives overtime pay or compensatory time. Compensation received by the employee for witness or subpoena fees, and for mileage when traveling in a City-owned vehicle is remitted to the City. Compensation for mileage, when traveling in a private vehicle, is retained by the employee.

Not Related to Employment: If an employee is subpoenaed to appear in court as a witness in a matter not arising from their job-related duties with the City, will use accumulated leave and provide a copy of the subpoena to their immediate supervisor. Compensation for witness or subpoena fees, mileage, and subsistence is retained by the employee.

9.06 Jury Duty:

A regular employee required to report for jury duty during the employee's workday is granted leave with pay. The employee receives full pay from the City for the time served on the jury up to a maximum of two (2) weeks, provided the employee remits to the City all fees for jury duty as soon as the duty fees are received. Compensation for mileage when the employee uses their own vehicle and the subsistence allowance is not to be considered as fees and are retained by the employee. When the employee is traveling in a City-owned vehicle, the employee remits all mileage fees to the City. It is expected that employees will report to work if there is a break during jury duty where one is not required to report to the courts, or they are relieved of service within 4 hours remaining in their regularly scheduled workday.

Notice: Before a regular employee can be granted leave with pay for jury duty, the employee must give their immediate supervisor a copy of the summons to serve on a jury.

If a regular employee is serving jury duty when they are off duty or using vacation or personal leave, all fees, mileage, and subsistence allowances are retained by the employee.

9.07 Unauthorized Leave of Absence:

Unauthorized leave of absence consists of those workdays, or portions of a workday, when an employee was scheduled to work but did not actually work. The employee's pay is deducted by an amount equivalent to the time the employee was absent during the workday. (Please note that for FLSA exempt employees, pay should not be deducted for a partial day absence unless the employee’s leave banks have been exhausted or they have requested leave without pay in lieu of a reduction of their leave banks). An unauthorized leave of absence shall be cause for disciplinary action, up to and including termination of employment.

9.08 Administrative Leave

On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interest of the City (as determined by the City Manager) during the pending of an investigation or other

administrative proceeding.

The length of such leave is solely at the discretion of the City based upon the authorities below, except that the length of the leave shall not exceed the length of the situation for which the leave is approved.

a. Administrative leave for one (1) week or less may be granted by the department director.

b. Administrative leave in excess of one (1) week may be granted by a department director with the approval of the City Manager.

Administrative leave with pay may also be granted to employees in positions exempt from the Fair Labor Standards Act to compensate for unusual, non-customary work demands.

9.09 Domestic Violence/Sexual Assault Leave (updated January, 2018):

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member who is a victim of domestic violence, sexual assault, or stalking. Family member defined: child or parent (including biological, adopted, foster, step or legal guardian in loco parentis and "de factor"), a spouse, domestic partner, spouse's parent, grandparent, grandchild or sibling. The leave may be taken in blocks, intermittently, or on a reduced leave schedule.

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

- Seeking legal or law enforcement assistance or remedies to ensure the health and safety of employee and their family members including, but not limited to or derived from domestic violence, sexual assault or stalking.
- Seeking treatment by a health care provider for physical or mental injuries cause by domestic violence, sexual assault or stalking.
- Attending healthcare treatment for a victim who is the employee's family member.
- Obtaining, or assisting the employee's family member(s) in obtaining services from: a domestic violence shelter; a rape crisis center; or a social services program for relief from domestic violence, sexual assault or stalking.
- To obtain, or assist a family member in obtaining mental health counseling related to an incident of domestic violence, sexual assault or stalking in which the employee or the employee's family member was a victim of domestic violence, sexual assault or stalking.
- Participating for the employee or for the employee's family member(s) in: safety planning; or temporary or permanent relocation; or other actions to increase the safety from future incidents of domestic violence, sexual assault or stalking.

When possible, employees must give advance oral or written notice of their intention to take paid sick leave to address issues related to the employee or the employee's family member being a victim of domestic violence, sexual assault or stalking. If advance notice is not possible, because of an emergent or unforeseen circumstance related to the employee or employee's family member being a victim of domestic violence, sexual assault or stalking, employee (or their designee) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave.

Depending on the situation, the employee's choice of any of the following documents, or any combination thereof, satisfy this verification requirement.

- A written statement that the employee or an employee's family member is a victim of domestic violence, sexual assault, or stalking, and that the leave was taken to address related issues;
- A police report indicating that the employee or the employee's family member was a victim of domestic violence;
- Evidence from a court or prosecuting attorney showing that the employee or the employee's family member appeared, or is scheduled to appear in court in connection with an incident of domestic violence, sexual assault, or stalking;
- A court order protection;
- Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicting that the employee or the employee's family member is a victim:
    - An advocate for victims of domestic violence, sexual assault, or stalking;
    - An attorney;
    - A member of the clergy; or
    - A medical professional

Except where disclosure is authorized or required by law, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

The City shall maintain healthcare coverage for an employee that takes leave under this policy. The coverage will be maintained for the duration of the leave at the level and under the conditions coverage would have been provided if the employee had not taken the leave.

Upon the employee's return, the City shall either:

- Restore the employee to an equivalent position of employment held by the employee when the leave commenced; or
- Restore the employee to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.

9.10 Family Care/Use of Accrued Leave to Care for a Sick Family Member (updated January, 2018):

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave that they have available for their own use in order to care for a family member as described below:

- A child with a health condition that requires treatment or supervision; or
- A spouse, parent, parent-in-law, grandparent, grandchild or sibling who has a serious health condition or an emergency condition.

Definitions:

a. "Child" means a biological, adopted or foster child, a step-child, a legal ward, or a child of a

person standing *in loco parentis*, who is (i) under 18 years of age or (ii) an adult child 18 years of age or older and incapable of self-care because of a mental or physical disability.

b. "Health condition that requires treatment or supervision" includes:
    i. Any medical condition requiring treatment or medication that the child cannot self-administer;
    ii. Any medical or mental health condition that would endanger the child's safety or recovery without the presence of a parent or guardian; or
    iii. Any condition warranting treatment or preventative healthcare, such as physical, dental, optical or immunization services, when (1) a parent must be present to authorize, and (2) sick leave may otherwise be used for the employee's preventative healthcare.

c. "Serious health condition" means an illness, injury, impairment or physical or mental condition that involves –
    i. Any period of incapacity or treatment connected with in-patient care, and any subsequent treatment or recovery in connection with such in-patient care; or
    ii. Continuing treatment under the supervision of a healthcare provider or a provider of healthcare services, and which includes any period of incapacity.

d. "Emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health that demands immediate action and is typically very short-term in nature.

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

9.11 Unpaid Holidays for Reasons of Faith or Conscience

Pursuant to WAC 357.31.052, employees are entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

9.11.1 Procedures:

The employee may select the days on which he or she desires to take the two (2) unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two (2) unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management (see below).

i. An employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of ten (10) days prior to the requested day.

ii. Approval for the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.
iii. The two (2) unpaid holidays allowed by this section must be taken during the calendar year, if at all. They must be taken in full day increments, and they do not carry over from one year to the next.
iv. Employees exempt from overtime under the Fair Labor Standards Act (FLSA) who request time off under this policy shall have the wages for the days taken off, deducted from their regular paycheck.

9.11.2 Eligibility:

All regular full-time and part-time employees.

9.11.3 Definitions:

WAC 82-56-020 Definition of Undue Hardship
For purposes of Chapter 168, laws of 2014, "undue hardship" means an action requiring significant difficulty or expense to the employer. The following factors should be considered in determining whether approving unpaid leave results in an undue hardship to the employer:
(1) The number, composition, and structure of staff employed by the employing entity or in the requesting employee's program.
(2) The financial resources of the employing entity or the requesting employee's program.
(3) The number of employees requesting leave for each day subject to such a request.
(4) The financial impact on the employing entity or requesting employee's program resulting from the employee's absence and whether that impact is greater than a deminimus cost to the employer in relation to the size of the employing entity or requesting employee's program.
(5) Impact on the employing entity, the requesting employee's program or public safety.
(6) Type of operations of the employing entity or requesting employee's program.
(7) Geographic location of the employee or geographic separation of the particular program to the operations of the employing entity.
(8) Nature of the employee's work.
(9) Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.
(10) Any other impact on the employing entity's operation or requesting employee's program due to the employee's absence.

WAC 82-56-030 Application of definition of undue hardship to request:
(1) In determining whether the employee's absence would result in an undue hardship to the employing entity, the employer must make a case by case determination based on the specific objective facts and circumstances, not assumed information, present at the time of each request.
(2) (a) The existence of a collective bargaining agreement or bona fide seniority system does not in and of itself relieve the employing entity from determining whether there would be an undue hardship if the request was granted.

(b) When an employee is represented by a union, in determining whether the employee's absence would result in an undue hardship, the request must be reconciled, when feasible, with the provisions of the applicable collective bargaining agreement.
(c) If the employee is covered under a collective bargaining agreement, the employing agency must determine whether the request can be granted without violating that agreement.

Chapter 10

FAMILY AND MEDICAL LEAVE POLICY (updated March, 2020)

10.01 Purpose of Policy:

In accordance with the Federal Family and Medical Leave Act (FMLA), a notice entitled "Employee Rights and Responsibilities under the Family Medical Leave Act" is posted on all City bulletin boards. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy.

10.02 Eligibility:

An employee who has worked for the City of Washougal for at least twelve (12) months (whether or not consecutive) and for at least 1,240 hours during the previous twelve (12) months is entitled to take Family Medical Leave under the circumstances described below. Vacation, annual leave, sick leave or unpaid leave is not included in the 1,250-hour calculation.

10.03 Leave Entitlement:

The City of Washougal will allow eligible employees to take Family Medical Leave for the following qualifying reasons:

- The birth of a child and to care for the newborn child within one year of birth;
- The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- To care for the employee's spouse, child, or parent who has a serious health condition;
- A serious health condition that makes the employee unable to perform the essential functions of his/her job;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on "covered active duty," or
- Twenty-six workweeks of leave during a single twelve (12) month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

10.04 Military Family Leave Entitlements:

Qualifying Exigency - Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to active duty status in the National Guard or Reserves and Regular Armed Forces in support of a contingency operation may use their twelve (12) week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis,

admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility. The amount of time an eligible employee may take for Rest and Recuperation qualifying exigency leave is a maximum of fifteen (15) calendar days.

Military Caregiver Leave - An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember (a current servicemember) or covered veteran of the Armed Forces, including National Guard and Reserve members, with a serious injury or illness incurred in the line of duty on active duty for which the servicemember is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, may take up to twenty-six (26) workweeks of FMLA leave to care for the servicemember in a single twelve (12) month period

Length of Leave – twelve (12) weeks except where noted above under Military Leave:

Eligible employees may use a maximum of twelve (12) weeks of FMLA during a rolling twelve (12) month period. A "rolling twelve (12) month period" is defined by the City of Washougal to be the twelve (12) month period measure backward from the first day of any Family Medical Leave used by an employee.

10.05 Definitions:

Serious Health Condition:
A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement maybe met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Serious Injury or Illness of Covered Service Member:
Incurred by a covered service member in the line of duty or active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. Or, injuries or illnesses that existed before the beginning of the member's active duty and were aggravated by service in the line of duty on active duty in the armed forces.

Twelve-Month Period:
A rolling twelve-month (12) period measured forward from the date family and medical leave is first taken. The period continues with each additional family and medical leave day taken**.**

Spouse:
Either member of a legally-married pair. If both spouses work for the City, they are entitled to a combined total of twelve (12) weeks of leave if the leave is taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. If each spouse uses a portion of the twelve (12) weeks of leave for the purposes specified above, each would be entitled to the difference between the amount they had taken and twelve (12) weeks of FMLA for a different purpose. Example, if each spouse took six (6) weeks of leave as a result of the birth of a child, each could use an additional six (6) weeks of leave as a result of the birth of a child, each could use an additional six (6) weeks due to his or her own serious health condition.

Employee's Child:
A person younger than eighteen (18) years of age or a person older than eighteen (18) years of age and incapable of self-care due to a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility. A "child" includes a biological, adopted, foster, or step-child.

Key Employee:
Employee is a salary "eligible" employee who is among the highest paid ten (10) percent of employees with the City.

Medically Necessary Leave:
A medical need for the leave because of the employee's own serious health condition or to care for a family member and that can best treat the need through an intermittent or reduced leave schedule.

Next of Kin:
The service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter.

HealthCare Provider:
- Doctor of Medicine or osteopathy authorized to practice medical surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by x-ray) authorized to practice and performing within the scope of their practice, under state law; or
- Christian Science practitioners listed with the First Church of Science in Boston, Massachusetts; or
- Any health care provider recognized by the employer or the employer's group health plan benefits' manager

Covered Veteran:
An individual who was discharged or release under conditions other than dishonorable at any

time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

10.06 Intermittent or Reduced Leave

Family Medical Leave need not be taken at one time. It may also be taken on an intermittent basis or used to reduce your work schedule during the period of the serious illness, if there is a medical need for such leave and that need can best be accommodated through an intermittent or reduced leave schedule. If you need intermittent Family Medical Leave or a reduced schedule, you must attempt to schedule the Leave so as not to disrupt the operations of the City of Washougal.

10.07 Substitution of Paid Leave:

Family Medical Leave is unpaid leave. If an employee takes time off for what would otherwise be an authorized purpose under the Washington State Sick Leave Law, but does not choose to use their accrued, unused sick leave for such time, the City will not require the employee to use accrued, unused paid sick leave to cover this absence.

An employee who incurs a work-related injury may be eligible to receive worker's compensation benefits. Any time off due to the work-related illness or injury will count toward the employee's FMLA benefit.

10.08 Designating Leave as FMLA Leave:

The City has the authority to designate leave as FMLA where appropriate and will notify the employee as soon as possible upon learning that it qualifies as FMLA leave. The initial notification to the employee may be verbal but will be confirmed in writing. The City's designation is based upon information obtained from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc. if the employee is incapacitated). The employee must provide enough information to enable the City to make a determination. If not, the City may make a tentative designation until further inquiry is made to obtain the additional information.

The City may designate leave as FMLA leave after an employee has returned to work in two cases:

1) If an employee was absent for an FMLA reason and the City did not learn the reason for the absence until their return to work, the City and/or the employee may (within two business days of the employee's return to work) designate the leave retroactively as FMLA and will give appropriate notice of this designation; or
2) If the City knows of the reason for the leave but has been unable to confirm that the leave qualified under the FMLA, the City will make a preliminary designation and so notify the employee. Upon receipt of the information or medical certification which confirms that the leave either is or is not for an FMLA reason, the preliminary designation will either be withdrawn or be made final.

10.09 Employee Notice Requirements and Certification:

You must give reasonable notice of the need to take FMLA to the City of Washougal when it is foreseeable. "Reasonable notice" means notice that is given as soon as is practicable. If the necessity for Family Medical Leave is based on planned medical treatment, you must provide at least thirty (30) days' notice and make a reasonable effort to schedule the treatment so as to not unduly disrupt the organization's operations, subject to the approval of the health care provider.

The City of Washougal requires that any Family Medical Leave request that is based on a serious illness of the employee or family member, or that is for an intermittent or reduced schedule, be supported by the certification of a health care provider on the form provided by the City of Washougal. Copies of the Certification of Health Care Provider form are available from the Human Resources Department. You must obtain a recertification of the need for leave for your serious illness or that of a family member every thirty (30) days or at the end of the predicted minimum period of absence (whichever is later) in order to establish the continuing need for Family Medical Leave.

Medical Certification: If the employee's leave is to care for the employee's seriously ill spouse, child or parent or due to the employee's own serious health condition, the request must be supported by a certification issued by the health care provider of the employee or the employee's ill family member. Medical certification forms will be made available by the Human Resources Department.

Second/Third Opinion: The City may require a second opinion (at the City's expense). Pending receipt of the second opinion, the employee is provisionally granted leave. If the opinions of the employee's and City designated health care providers differ, the City may require a third opinion (at the City's expense). The third health care provider will be designated or approved jointly by both the employee and the City. The third opinion is final and binding. The City will reimburse an employee or family member for any reasonable travel expenses incurred to obtain the second and third opinions.

Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for the leave.

Confidentiality: All documentation related to the employee's or family member's medical condition is held in strict confidence to the extent possible and maintained in the employee's confidential medical file in the Human Resources Department.

If you are taking Family Medical Leave because of your own illness, you must present certification from your health care provider indicating that you are able to return to work.

10.10 Payment of Group Health Premiums:

The City will maintain (including the continuation of payment the City's share of the premiums) the group health insurance coverage for an employee's FMLA period whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued

to work. Any portion of group health plan premiums which the employee has paid before starting an FMLA leave must continue to be paid by the employee during the leave. Any changes to premium rates and levels of coverage or other conditions of the plan that apply to other active employees also apply to eligible employees on FMLA. The City will give advance written notice to employees of the terms for payment premiums during FMLA. If FMLA is unpaid, the City requires that payment of the employee's portion of the payment of health benefit premiums will be made by the employee to the City. Payment is required at the same time as if it would be made by payroll deductions.

The City's obligation to maintain group health benefits end after a premium payment is more than thirty (30) days late. The City will provide fifteen (15) days' notice that coverage will cease if the employee's premium is more than thirty (30) days late. If coverage should lapse while the employee is on FMLA, they will be restored to equivalent coverage upon return to work and will not be required to meet any qualification requirements imposed by the health care plan such as preexisting waiting periods or passing a medical exam to obtain coverage.

Failure to Return to Work: The City may recover its share of health plan premiums during a period of unpaid FMLA from an employee, if the employee fails to return to work at the end of the leave. The only exception is where the employee does not return due to the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member or other circumstances beyond the employee's control.

10.10 Updates While On Leave:

Any employee on Family Medical Leave must report to the City of Washougal periodically, but at least once per month, regarding his/her status and intent to return to work. Additionally, an employee must notify the City of Washougal as soon as possible when he/she is able to return to work so that the organization may make arrangements to reinstate the employee.

10.11 Rights Upon Return to Work:

When an employee returns from an FMLA leave, they will be restored to the same or an equivalent position with equivalent benefits, pay, or other terms and conditions of employment. The Act does not require the City to place a returning employee in the same position. If a position in which an employee is placed is equivalent, the employee has no right to be restored to the original job.

The employee's restoration rights are the same as they would have been if the employee had not been on FMLA. For example, if the employee's position would have been eliminated or if the employee would have been terminated, the employee does not have the right to be reinstated upon return from FMLA.

Seniority: An employee is not entitled to seniority or benefit accruals during periods of unpaid family and medical leave. However, an employee does not lose seniority or benefits accrued prior to family and medical leave.

Early Return: Since an employee may only be required to take FMLA for reasons that qualify

and may not be required to take more leave than necessary, the employee may be promptly restored if the employee requests reinstatement earlier than originally scheduled and is fit for duty. Where foreseeable, the employee should give the City reasonable advance notice, generally at least two (2) working days.

Request for Extension: An employee should give reasonable notice to the City of the need for an extension if less than the twelve (12) weeks of FMLA leave has been approved.

Failure to Return to Work: An employee who does not (or is unable to) return to work after exhausting the twelve (12) weeks is no longer protected by FMLA. If the employee is able to return at some time after the twelve-week (12-week) FMLA has expired, the employee may request an additional leave without pay and may be reinstated to the employee's same or similar position, if available, in accordance with applicable laws.

Under specific and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, the City may refuse to reinstate certain highly paid "key" employees after using FMLA during which health coverage was maintained. In order to do so, the City must:

• Notify the employee of his/her status of "key" employee in response to the employee's notice of intent to take FMLA leave;
• Notify the employee as soon as the employer decides it will deny job restoration, and explain the reasons for this decision;
• Offer the employee a reasonable opportunity to return to work from FMLA after giving this notice; and
• Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration.

10.12 Leave for Pregnancy Disability and to Care for Newborn

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

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors FMLA, with the same eligibility standards and entitlement of twelve (12) weeks for family and medical reasons. In most situations, leave under FLA runs concurrently with FMLA. However, the FLA leave does not run concurrently with any leave taken for Pregnancy Disability Leave; this affords an employee time off to care for her newborn once she has recovered from the Pregnancy Disability. For example, an FMLA and FLA-eligible employee works up to her delivery date and needs six (6) weeks of Pregnancy Disability leave to recover from childbirth. This six-week (6-week) period is also covered by FMLA leave. At that

point, where the employee is no longer disabled from childbirth, the employee also has up to twelve (12) weeks of FLA leave available to care for the newborn. The remaining six (6) weeks of FMLA leave would run concurrently with the FLA leave. Thus, the total leave entitlement in this case would be 18 weeks: six (6) weeks of Pregnancy Disability leave (running concurrently with the first six (6) weeks of FMLA leave) followed by twelve (12) weeks of FLA leave (running concurrently with the remaining six (6) weeks of FMLA leave).

Chapter 10A
Paid Family and Medical Leave (added March, 2020)

10A.01 Purpose of Policy:
The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. PFML benefits will be available starting on January 1, 2020. This policy provides a summary of the PFML program. Employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the City of Washougal will administer this benefit program consistent with applicable statutes and regulations.

10A.02 Payroll Deductions:

The PFML program is funded through premiums collected by ESD via payroll deductions and City contributions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the City will modify payroll practices to reflect those statutory changes.

10A.03 Eligibility:

Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:
Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.
Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year). An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (*e.g.*, outside employment or contracting).

10A.04: Leave Entitlement:

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

birth/placement of the employee's child. PMFL leave may be taken for the following reasons:

Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML runs concurrently with FMLA where an absence is covered by both laws. PFML leave may
be taken intermittently, provided that there is a minimum claim requirement of eight (8) consecutive hours of leave in a week for which benefits are sought.

10A.05 <u>PFML Application Process:</u>

An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website (www.paidleave.wa.gov). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

Notification Requirements. An employee must provide written notice to their supervisor and the Human Resources Director of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to their supervisor and the Human Resources Director, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the Human Resources Director will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations. If taking leave intermittently, an employee must notify the Human Resources Director each time PFML leave is taken so that the City may properly track leave use.

10A.06 PFML Monetary Benefits:

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a maximum of $1,000 per week. ESD's website is expected to include a benefits calculator to assist employees in estimating their weekly benefit amount. With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven (7) day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period. Paid leave accruals (vacation, sick leave, floating holidays, compensatory time, or any other accrued leave) are not supplemental to PFML. An employee may elect to use the appropriate accrued leave during a PFML-covered absence, although the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit. Important note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

10A.06 Coordination with Other Benefit Programs:

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of City policies and benefit programs. Insurance coverage and other benefits will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

10A.07 Job Restoration; Return to Work Recertification: An employee who is eligible for job-
protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (*e.g.*, the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition and/or the employee is employed in a safety-sensitive position. Under certain conditions, the City may deny job restoration to a salaried employee who is among the highest paid ten percent of City employees. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the City as soon as possible.

Chapter 11 (added October, 2007)

DOMESTIC PARTNER STATEMENT AND POLICY

11.01 Purpose of Policy: The City of Washougal seeks to promote acceptance of diversity in all its dimensions, including sexual orientation. In light of this goal, the benefits provided domestic partners are the same benefits as provided to spouses of legally married employees.

Registration of a domestic partnership is not required to take advantage of Human Resources Policy provisions, with the exception of benefits, including, medical, dental, vision.

11.02 Eligibility Criteria: The following is criteria establishing a domestic partner as eligible to enroll in the benefit programs purchased by the City of Washougal:

- Sole relationship of: 1) same gender only; 2) opposite gender only; or 3) same and opposite gender.
- Share the same regular and permanent residence; and
- Have a close, personal and exclusive relationship; and
- Are jointly responsible for "basic living expenses," as defined below; and
- Are not married to anyone; and
- Are each eighteen (18) years of age or older; and
- Are not related by blood closer than would bar marriage in the State of residence; and
- Were mentally competent to consent to contract when the domestic partnership began; and
- Are responsible for each other's common welfare.
- Upon termination of benefit coverage, a new domestic partner can be enrolled no earlier than 90 days following termination of the prior relationship. The employee must then wait 90 days from the date of the notice before registering another domestic partnership, except in either of the following cases:
    - The employee is registering the same domestic partnership within thirty days notification of the termination of that domestic partnership, or
    - The employee's former domestic partnership was dissolved through the death of the employee's domestic partner.

Dependents of Domestic Partner Criteria

The following is criteria establishing a domestic partner's dependents eligible to enroll in the benefit programs purchased by the employer through the AWC Employee Benefit Trust:

- Natural, adopted or court-appointed legal guardian of an unmarried child to age 19. The natural, adopted or court-appointed guardian may remain on the program up to age 26 if:
    - A full-time student at an accredited institution (for medical, dental and vision coverage); or
    - Reliant upon the domestic partner for a majority of his/her support (for medical coverage only).

- Totally incapacitated children due to developmental disability or physical handicap are eligible beyond the age limit of the contract, provided the child is chiefly dependent on the domestic partner for support and maintenance, and the disability occurred prior to the limiting age.

11.03 Documentation: The following documents will need to be provided to the AWC Trust and/or insurance carrier:

- Affidavit of Marriage/Domestic Partnership Form. This form can be obtained from the Human Resources Department.
- Combined Enrollment Form (Domestic Partner Version). This form can be obtained from the Human Resources department.

Domestic partners and their enrolled dependents receive the same or equivalent benefits as spouses and their enrolled dependents receive for group continuation health coverage through COBRA and/or individual conversion.

Chapter 12
SHARED LEAVE POLICY (updated June, 2019)

12.01 Purpose of Policy:

The City of Washougal provides a Leave Sharing Program to allow employees to donate vacation leave to a Shared Leave Bank to assist other employees who are experiencing a medical emergency condition, in which the employee is unable to work and causes loss of income. The employee receiving the leave must meet the following eligibility requirements.

12.02 Eligibility Criteria:

The Human Resources Department, with the City Manager's approval, permits an employee to receive shared leave if:

- The employee or an employee's family member is experiencing a medical emergency which has caused, or is likely to cause, the employee to take leave without pay
- The employee has twelve or more month of continuous employment with the City of Washougal in a benefits eligible position
- The employee has or shortly will have exhausted all vacation leave, sick leave, personal leave, compensatory time, and banked holiday time
- Prior to the use of shared leave, the employee has abided by the City's sick leave policy
- The employee has diligently pursued and is found to be ineligible for worker's compensation insurance benefits
- The employee provides appropriate medical justification and documentation both of the necessity for the leave and the length of time which the employee reasonably can be expected to be absent due to the condition
- The use of shared leave will not significantly increase the City's costs, excepted for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department
- Employee requesting shared leave will need to complete an "Application for Shared Leave."
- Donated leave is paid at recipient's normal compensation rate and recipients cannot receive a cash pay-out in lieu of paid time off. Donated leave is considered gross income and wages for purposes of tax withholding.
- Shared leave is meant to cover only the duration of the emergency medical condition for which it was approved

12.03 Requesting Shared Leave:

- Eligible employees may request and receive up to four hundred and eighty (480) hours in a twelve (12) month period. An employee cannot exceed two hundred and sixty (260) days or two thousand and eighty (2080) hours of donated leave during employment with the City of Washougal.
- To request shared leave the employee shall complete the "Application for Shared Leave" and submit to the Human Resources Department for processing.
- The employee's total compensation may not exceed the compensation the employee would have received while in a regular paid status

12.04 Review and Determination:

- Human Resources will review all Shared Leave Applications with the City Manager. If the request meets the criteria, the application will be approved, and employee will be notified. In some cases, additional information will be requested for clarification before the application will be approved or denied.
- The determination of the nature of the medical condition and the decision to approve or deny the request of Shared Leave is final and not subject to appeal. However, additional medical information will be considered if provided.
- If Shared Leave is denied, the employee will go into an inactive pay status

12.05 Donating Shared Leave:

- City of Washougal employees may voluntary donate vacation to the Leave Sharing Program by completing the "Employee Request to Donate Vacation Leave." Donation of leave are in full-hour increments. Employees may donate twice a year, in the months of June and December.
- To be eligible to donate vacation leave, an employee must have a total of more than eighty (80) hours of vacation leave and have taken at least eighty (80) hours of vacation in the past twelve (12) months. An employee may not donate more than forty (40) hours per calendar year.
- All donated hours are placed in a Shared Leave bank and donations are not designated for a specific employee
- Leave donors may not claim an expense, charitable contribution, or loss of deduction under IRS guidelines
- No employee shall be coerced, threatened or intimated into donating hours
- Shared leave will be transferred to the bank on a dollar-for-dollar basis.
- Shared Leave will be converted to sick leave for the recipient
- Any designated, unused shared leave to the recipient will be returned to the bank

12.06: Confidentiality:

- The highest level of confidentiality will be maintained with all requests and donations.

12.07: Roles

- Human Resources and City Manager are responsible for reviewing each request and to make a fair, non-biased determination based on the criteria outlined in the Shared Leave policy
- Finance will accurately account for donated hours and administrate Shared Leave, upon approval

12.08 Definitions:

- Medical emergency is defined as a major illness or other medical condition (e.g., heart attack, cancer, etc.) that requires a prolonged absence from work, including intermittent absences that are related to the same illness or condition.
- Immediate Family Member includes spouse, parent or child

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Chapter 13

Health Insurance Portability and Accountability Compliance (HIPPA) Policy

The City of Washougal is not a covered entity as defined by HIPPA; however, the City does maintain health care and related plans that are subject to HIPPA requirements. Thus, the City has made a decision that HIPPA privacy and security provisions will apply to protected health information (PHI) maintained by the City.

HIPPA regulations will be followed in administrative activities undertaken by assigned personnel when they involve PHI in any of the following circumstances: health information privacy, health information security and health information electronic transmission.

The City will consider any breaches in the privacy and confidentiality of handling of PHI to be serious and disciplinary action will be taken in accordance with our code of conduct.

Chapter 14

Continuation of Health Insurance under COBRA

Under the Consolidated Omnibus Budget Reconciliation Act of 1985, better known as COBRA, if an employee terminates with the City, the employee is entitled to continue participating in the City's group health plan for a prescribed period of time, usually 18 months (in certain circumstances, such as divorce or death, the length of coverage period may be longer for qualified dependents). COBRA coverage is not extended to employees terminated for gross misconduct.

Under the Uniformed Services Employment and Reemployment Rights Act of 1994, better known as USERRA, an employee who is out on a military leave of absence will retain their health insurance coverage for the first thirty-one (31) days of uniformed service. Employees out on military leaves of absence which extend beyond the thirty-one (31) days will be eligible for COBRA benefits for up to 24 months.

If a former employee chooses to continue group benefits under COBRA, he/she must pay the total applicable premium plus a 2% administrative fee. Coverage will cease if the former employee fails to make premium payments as scheduled, becomes covered by another group plan that does not exclude pre-existing conditions or become eligible for Medicare.

Chapter 15

WORK-RELATED TRAVEL AND MEALS POLICY

15.01 Purpose of Policy:
There are times when a City employee, public official, and others must travel as part of the job and for City business (such as for meetings, conferences, training programs, and seminars away from City Hall). The types of travel that can arise are wide ranging, anything from a short car trip to transcontinental air travel. These guidelines explain whether the costs of such travel can be wholly or partly paid by the City and how these payments are made.

It is recognized that business related food and non-alcoholic beverage expense for both travel and non-travel purposes will be incurred by City staff where reimbursement will be provided. This policy provides guidelines by which to determine whether expenditures by City employees may be reimbursable to the employee, and by which to determine whether refreshments and related costs served or made available at meetings involving volunteers and other quasi-employees are legitimate City expenditures.

Individuals have the responsibility for becoming knowledgeable about authorized expenditures and the documentation requirements. Care must be taken to avoid unnecessary or excessive expenditures and those not directly and reasonably related to the conduct of City business. All travel must be approved in accordance with the Washougal Municipal Code.

15.02 Definitions:
"Routine" Travel Time to and From Work: Travel time to and from work before and after the regular workday is not work time. This is true whether the employee works at a fixed location or at different job sites.

"Extraordinary" Travel Involving Overnight Travel: Required travel that keeps an employee away from home overnight is work time when it cuts across the employee's workday. The time is not only hours worked if it occurs during the employee's normal working day and working hours, but also if it occurs during the corresponding hours on non-working days. Thus, if an employee regularly works Monday through Friday, from 8:00 a.m. to 5:00 p.m., travel time between 8:00 a.m. - 5:00 p.m. is work time if it occurs on Saturday and Sunday as well as on weekdays.

Travel from Work Site to Work Site: Time spent traveling from one work site to another during the workday must be counted as hours worked. If an employee is required to drive a vehicle to transport tools, equipment, or other employees from the employer's place of business to the job site, that is considered work time. It makes no difference whether the vehicle is the employee's, the City's, or rented by the City.

15.03 Documentation:
No claim for reimbursement shall be paid unless it is accompanied by an original, bona fide vendor’s receipt. This receipt should be the detailed listing of items purchased and not the

summary credit card receipt. Should a receipt be lost or not be obtainable, an employee certification signed by his/her Department Head (or City Manager if the employee is a Department Head) will serve as a substitute for a receipt. Such receipt or certification should show the date, a description of the purchase, vendor identification, amount paid, and an explanation for the lack of a receipt.

Restaurant meal "stubs" will be accepted as a receipt where a more detailed vendor receipt cannot be reasonably obtained. However, the stub must include the following information: pre-printed name of the restaurant and phone number. The tip can be added by the employee if not included.

Requests for reimbursements must be within the budget year the expense took place or for end of year expenses, within thirty (30) days of when the expense was incurred. No reimbursement requests will be authorized for any expenses taking place in a previous budget year except as described above.

The City has implemented travel advance procedures to assist employees who are traveling out of the area on City business and who are not issued a City credit card. Overnight travel out of the local area must be involved to use the Advance Travel Fund. Please refer to the Washougal Municipal Code for the policy and procedures related to the use of Advance Travel.

15.04 Meals:

Meal costs must be incurred directly by the claimant; direct billing to the City by a restaurant is prohibited.

Employees and City officials claiming reimbursement for meals consumed while on City business and on overnight travel must use the per diem basis. A per diem allowance is a payment that is made for meals and incidental expenses at a rate for the travel locality as determined each year by the Internal Revenue Service (IRS). Incidental expense covers laundry and dry cleaning costs and fees/tips for waiters, baggage handlers, etc. Locality of travel means the place to which an employee goes on business away from home (overnight). When using the per diem allowance, actual receipts are not required.

When a meal is provided by a conference the per diem available for use during the remainder of the day is determined by deducting the appropriate percentage of the total per diem daily amount as listed below:

20% for breakfast
30% for lunch, and
50% for dinner.

All City employees and officials claiming reimbursement for meals consumed while on City business but not on overnight travel are not eligible for per diem and must have required original receipts. Meals purchased in lieu of those provided as part of the conference fees/registrations are not eligible for reimbursement. Reimbursement for meals that do not include an overnight stay and that do not meet the business connection requirement for IRS and Social Security System regulations will be included in the employee's gross income and are subject to federal income tax withholding. Amounts will be reported to the employee on Form W-2.

If costs of meals for persons other than the claimant are included, those persons must be entitled to City meal reimbursement in their own right, and they are to be listed by name and title in the claim documentation. Identification of elected or appointed officials by group, such as "Civil Service Commission," shall be sufficient.

When not using per diem allowance, payment for table service at a restaurant, commonly referred to as a tip, not to exceed 20% (or $1.00 whichever is greater) of the meal price is reimbursable as a reasonable and necessary cost for such service.

15.05 Travel:

Reimbursement for reasonable costs of business travel is authorized. The use of a City vehicle rather than a personal vehicle is encouraged. When using a City vehicle, out of area costs of vehicle operation are authorized for fuel, oil, tires, and necessary repairs.

Personal Vehicles—If a traveler chooses to drive a personal vehicle instead of fly (this decision must be approved by the department director), reimbursement within a 300-mile radius will be at the current mileage reimbursement rate as specified in the IRS regulations governing travel expenses. If the destination is of a distance further than 300 miles one way, the City will reimburse the traveler at the lower of (a) the established rate per mile, or (b) the lowest applicable airfare obtainable by the City plus expenses associated with transportation to and from Portland International Airport. The traveler should obtain written airfare quotes at least three weeks before the trip.

Air Travel—Arrangements for air travel on City related business shall be made by the individual's department with the necessary paperwork processed through accounts payable.

Whenever feasible, the need for air travel arrangements should be provided by way of the normal purchase order process at least five (5) weeks in advance of the departure date.

The authorized procurer will arrange for air travel based on the lowest available airfare for a regularly scheduled flight which reasonably accommodates the time of travel requested and the destination as specified by the requesting department. A travel agency may be used.

The authorized procurer will process a purchase order and purchase the ticket using a City of Washougal credit card.

If personal travel is combined with business related travel, the traveling employee shall be responsible for paying the increase in airfare necessary to accommodate the personal part of the flight. The City shall only pay the lowest available airfare from the round trip between Portland International Airport and the business-related destination. Such payment for personal travel shall accompany the City's payment to the vendor for the tickets.

15.06 Other Miscellaneous Travel Expenses:

Miscellaneous travel costs such as bus, shuttle, taxi, bridge or other tolls, parking, and ferry are authorized by a listing of same on the reimbursement form. Porter, bellman, and the like (not

including any maid service) are considered incidental expenses and are part of the per diem allowance.

15.07 Accommodations:
Reasonable hotel/motel expenses will only be reimbursed if you are traveling outside a sixty (60) mile radius of the City and will be paid at a maximum of the single room rate. Any amount above the single room rate must be borne by the employee. Exceptions may be authorized by the City Manager should circumstances dictate and should a single room rate not be available, but evidence of this should be received from the hotel/motel. A purchase order must be used and direct billing of hotel/motel charges is required. Room rental charges and related taxes can be paid by City credit card, but the credit card or a City purchase order cannot be used to directly pay for any other charges on the hotel bill.

15.08 Incidental Expenses:
This category includes all reasonable and necessary incidental expenses. Those allowed and specifically not allowed are identified as, but not limited to, the following:

Allowable Incidental Expenses

- Personal telephone calls home, if away from home for more than a 24-hour duration, are considered a business expense, but are limited to one call not to exceed five (5) minutes for each 24 hour period. The employee will pay costs for longer calls with the amount determined on a proportional basis.
- Business telephone and business postage expense.
- Books or other reference materials which may be helpful or necessary. These books/materials become the property of the city and should be so marked.

Non-allowable Incidental Expenses

Unless an individual item exceeds $10 and is documented by receipt, the following incidental (miscellaneous) expenses may not be claimed because they are included in the IRS per diem allowance: fees and tips for services such as waiters, porters, baggage handlers, laundry, cleaning or pressing of clothing. (The per diem allowance does not include transportation or communication costs).

While receipts should be obtained whenever reasonably possible, those incidentals which are not included in the IRS per diem may be claimed without a receipt if they do not exceed $10.00 with the proper employee certification.

The following expenses are considered personal, not directly related to business travel, and are therefore not eligible for reimbursement:

- Liquor or tobacco
- Expenses of a spouse or other persons not authorized to receive reimbursement under this policy

- Beauty parlor or barber services
- Personal entertainment (movie rentals, etc.)
- Theft, loss, or damage to personal property
- Damage costs caused by employee/officer actions
- Airline or other trip insurance
- Personal postage, reading materials, or non-business-related telephone calls (except as provided elsewhere in this policy)
- Personal toiletry articles

15.09 Non-Travel Food and Beverage Reimbursement Policy:

Employee Expense Reimbursement—Reimbursable employee non-travel expenses are subject to the following:

- Meals consumed by the City employee during meetings and other functions which conduct official City business or serve to benefit the City of Washougal are reimbursable to the employee. Reimbursements for meals that do not include an overnight stay or do not meet the business connection requirements for the IRS and Social Security System must be included in the employee's gross income and are subject to federal income tax withholding. These amounts will be reported to the employee on Form W-2.

- Generally, the City will not incur costs for refreshments and other related items for meetings or functions held in the normal course of business or that are attended solely by City employees. However, such meetings or functions wherein a municipal function, public purpose, or City program is served or furthered and wherein the City Manager has expressly approved the meeting as such, the City may incur such costs directly or as a reimbursement to employees who have incurred such costs on behalf of the City.

- Refreshments purchased solely for personal entertainment are not a legitimate City expense.

Quasi-Employee Refreshments—"Quasi-employees" are defined as non-compensated volunteers, advisory committee members, board and commission members, and others who are participating in City business but are not on the City's payroll.

- Coffee, utensils, and other light refreshments at meetings involving volunteers and other "quasi-employees" are authorized City expenses.

- Incidental consumption of refreshments by City employees at meetings involving quasi-employees is allowed.

Ceremonies and Celebrations—The following guidelines should be used for City hosted ceremonies and celebrations:

- Reasonable expenses, including food and beverage, associated with commemorating a dedication or an unveiling that is recognized as serving a public purpose are legitimate City expenditures.

- Private celebrations rather than public celebrations are not generally considered as serving a public purpose. Refreshments, food and beverage related costs would therefore not be recognized as legitimate City expenditures.

- Support of a local "event" or celebration may not take the form of gratuitous contribution of public funds to a private person, committee, or organization. Expenditure of public funds on a publicly sponsored event requires (1) the existence of a recognizable public or municipal purpose that relates to the purpose of the City's existence, (2) proper authorization from the legislative authority for such public sponsorship, and (3) a reasonable relationship between the amount of the City's expenditure and the "public" nature of the event.

Chapter 16

COMPLAINT PROCEDURE/PROBLEM SOLVING PROCESS

16.01 Purpose of Policy:
The City recognizes that sometimes situations arise in which an employee feels he/she has not been treated fairly or in accordance with City policies and procedures. Therefore, this personnel policy outlines a procedure to use to remedy the complaint. Retaliatory or discriminatory action against an employee for using this procedure or discrimination in the application of this Personnel Policy is prohibited, and is grounds for disciplinary action, up to and including termination.

The purpose of this procedure is:

a. To promote full communication between the City and employees in City service by providing a reasonable method for resolving disputes regarding terms and conditions of employment between the City and an employee.

b. To assure an employee of a prompt and fair discussion and resolution of the issue involved.

c. To provide that complaints will be settled as near to the point of origin as possible.

d. To provide that complaints will be heard and settled informally.

e. To enable employees to make their complaints known in an orderly process.

16.02 Complaints:
A complaint is a written statement of dissatisfaction regarding the administration of these Personnel Policies. This procedure does not apply to claims of harassment. Separate procedures apply to harassment complaints (see Chapter 25 Anti-Harassment Policy).

16.03 Complaint Submission:
In the complaint procedure, the complainant will present complaints in writing.

16.04 Department Level Discussion:
When possible, any complaint arising out of employment is considered within an employee's department.

16.05 Discrimination Complaints:
Discrimination complaints are given to the Human Resources Department for investigation.

Process at Department Level:

- When a complaint, as defined in this Personnel Policy, arises, it is brought to the attention of the employee's immediate supervisor as soon as possible. If an employee fails to bring the complaint to the attention of the immediate supervisor within ten (10) working days from the date of the action or incident causing the complaint or when the employee should reasonably have known of the incident, an employee has waived the right to submit the complaint.

- The employee's immediate supervisor takes action on the complaint and notifies the complainant of their action or decision within a reasonable time, generally ten (10) working days from the date the complaint was submitted to the supervisor.

- If the matter can be resolved by the employee's immediate supervisor to the satisfaction of the employee, then the complaint will be terminated.

- If the matter cannot be resolved by the immediate supervisor within a reasonable time, generally ten (10) working days from the date of submission to the supervisor, the employee may submit the complaint to their department director. The employee may also submit the complaint to the department director if the employee is still dissatisfied after the supervisor's decision. The complaint will be submitted to the department director within ten (10) working days from the date of the immediate supervisor's decision, or the complaint will be terminated.

- The department director should confer with the complainant, the immediate supervisor, and such other persons as necessary, to gather all the facts. The department director will take action to resolve the complaint and notify the complainant of the his/her action or decision within a reasonable time, generally ten (10) working days from the date the complaint was submitted to the department director.

16.06 Review by City Manager:
If the complainant is not satisfied after informal discussion(s) regarding the department director's decision, the complainant may, within ten (10) working days of receiving the department director's decision, submit a written request to the City Manager. Failure by the complainant to submit a written request to the City Manager within the ten-day period terminates the complaint.

Process at the City Manager's Level:

- Upon receiving the written request, the City Manager within a reasonable time, generally ten (10) working days, discusses the complaint with the complainant, the complainant's representative, if any, and all principals involved for the purpose of resolving the complaint. The City Manager conducts any inquiry, investigation, or compilation of facts deemed necessary to assist in reaching a decision.

- The City Manager will render a decision in writing to the complainant within a reasonable time, generally ten (10) working days from the date the City Manager receives the complainant's written request. The City Manager will also give copies of the decision to the complainant's immediate supervisor and department director. The decision of the City

Manager.

16.07 Election of Remedies:
If the subject matter of the complaint could be appealed to the Civil Service Commission or processed through a collective bargaining agreement grievance procedure, the matter may be submitted to the Civil Service Commission or processed through the grievance procedure but not both. If the matter is to be reviewed by the Civil Service Commission, the request for civil service hearing must be submitted in accordance with the Civil Service Rules and Regulations. If the employee chooses to proceed with the grievance procedure, then the timeliness of the grievance procedure must be followed. Failure to adhere to the timelines shall render the grievance forever waived and null and void. Submission of a dispute to the grievance procedure or to the Civil Service Commission shall bar submission to any other forum.

Chapter 17

DISCIPLINE

17.01 Purpose of Policy:
Progressive discipline focuses on the corrective nature of discipline and provides employees an opportunity to correct deficiencies in their performance by providing notice, setting goals and measures, monitoring procedures, providing feedback, and including clearly-defined disciplinary measures that may be taken if performance does not improve. It also provides employees an opportunity to document the reasons for the outcomes of the disciplinary procedure. A flexible progressive discipline policy is in the interest of all parties.

However, the City will review each situation independently and make a decision on what it deems to be appropriate discipline in all cases, up to and including discharge. The decision to use progressive discipline in a given case does not change the at-will nature of the employment relationship.

City employees should be informed of rules and conduct and specific causes for disciplinary action, including applicable departmental policies or rules. These rules of conduct are formalized for each employee's information to minimize the likelihood of any employee becoming subject to disciplinary action through misunderstanding or otherwise. It is the responsibility of the department manager and immediate supervisor to ensure employees are informed of the rules of conduct.

17.02 Rules of Conduct:

1. The occurrence of any of the following is sufficient justification for immediate discharge but is not considered inclusive:
    a) Theft, misappropriation or removal of city property or the property of employees, clients or customers.
    b) Falsification of an application for employment or any report, time sheet or city record.
    c) Soliciting and/or accepting payments, gifts or any item of value for services performed in the employee's capacity as a City employee,
    d) Willful alteration, destruction or waste of city property, facilities, records or equipment, wherever, located, or the destruction of another employee's property.
    e) Bringing alcohol (except as specifically authorized by the City), narcotics or other controlled substances on city property or in city vehicles; reporting to work or being under the influence of alcohol, narcotics or other controlled substances while on working time, or while on city property or in city vehicles.
    f) Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position.
    g) Serious or repeated disorderly conduct, horseplay or insubordination. Insubordination includes, but is not limited to: neglect of duty, or refusal or failure to obey orders or instructions in the line of duty; public disrespect displayed toward a supervisor or the city while performing work for the city; and

abusive language to any supervisor.

h) Threatening, intimidating, coercing or interfering with supervisors or other employees.
i) Deliberate attempts to injure another employee or fighting on city property or during working hours.
j) Unauthorized sleeping during working hours.
k) Unauthorized possession of firearms, explosives or any dangerous weapons while performing city work or while on city property.
l) Participating in an unauthorized work stoppage or slowdown.
m) Negligence resulting in a serious accident while on duty, whether on city property or while driving a city vehicle.
n) Violation of the City's anti-harassment and discrimination policy.
o) Willful infraction of any departmental or city rule, regulation or policy.

2. The occurrence of any of the following is sufficient justification for the imposition of lesser discipline such as verbal or written warning, suspension without pay or disciplinary probation as set forth in the following section, although depending on the seriousness of or prevalence of the offense, the city may immediately discharge the offender. These reasons for discipline are not intended to be all-inclusive.

a) Ignoring safety rules or common safety practices.
b) Failure to report occupational injuries or accidents promptly to the employee's supervisor, including motor vehicle accidents in a city vehicle.
c) Engaging in activities other than assigned work during working hours and/or while operating city equipment, without advance approval by the employee's supervisor.
d) Acting in an insulting, rude, insolent or uncivil manner toward any customer or other person while working for the city, or while operating city equipment or on city premises.
e) Failure to exercise the care and attention to one's work as required by the circumstances.
f) Smoking in restricted or prohibited areas on city property.
g) Accepting employment with another employer while on leave without pay from the city without written authorization from the city.
h) Acting in any manner inconsistent with common sense rules of conduct necessary to the welfare of the city or its employees.
i) Unexcused or excessive absences or tardiness.
j) Leaving work before the end of the shift or not being ready to begin work at the start of the shift, or working overtime without permission of management.
k) Loafing or spending unnecessary time away from the job.
l) Unauthorized possession or use of any city property, equipment or materials.
m) Carrying an unauthorized passenger in a city vehicle.
n) Contributing to unsanitary conditions or poor housekeeping.
o) Use of city property or time for personal financial gain.
p) Any form of sexual harassment as outlined in this policy.
q) Having wages or salary subject to a writ of garnishment for three or more separate indebtedness in a continuous 12-month period.

17.03 Types of Disciplinary Actions:
Disciplinary actions, if implemented, may include any or all of the following:

1. Counseling: Initial action may include the supervisor's decision to counsel the employee during which time deficiencies are described, goals are set, and the employee has the opportunity to respond. A notice and written record of counseling should be retained by the supervisor, in the supervisor's working file.

2. Oral Reprimand: An oral reprimand shall be recorded and placed in the supervisor's working file.

3. Written Reprimand: A written reprimand is recorded and placed in an employee's personnel file and may be followed within a reasonable time, generally within sixty (60) days, by a written evaluation of the employee's performance, if deemed helpful to improve performance. If after twenty-four (24) months there is no recurrence of the event(s) prompting the discipline, the record~~s~~ of a written reprimand may be requested to be removed from the employee's personnel file depending on the overall performance/conduct of the employee.

4. Suspension: An employee may be suspended by the City Manager at any time, pending the results of disciplinary investigation and/or action. The employee is suspended with or without pay pending the results of the investigation and depending on the nature of the violation. An unpaid suspension for an exempt employee must be a minimum of one work week. A suspension less than a work week must be paid for an exempt employee.

   An employee suspended from City service as a result of disciplinary action, forfeits all rights, privileges, and compensation during the suspension, except for the employee's health plan, retirement plan, disability plan (if applicable), and life insurance plan.

   Duration: Suspension without pay for disciplinary reasons shall not exceed sixty (60) calendar days in any calendar year.

5. Disciplinary Demotion: A disciplinary demotion results in an employee's change in status to a lower pay step in the same classification or to a position in a different classification with less responsible duties, lower qualifications, and a lower maximum rate of pay. No employee is demoted to a classification for which the employee does not possess the minimum qualifications.

6. Discharge: An employee who has been discharged from City service is paid their compensation accumulated to the effective separation date, any accumulated compensatory time, and accrued vacation leave (with the exception of those on a probationary status).

17.04 Authority to Take Disciplinary Action:
The City Manager, an employee's department director, or an employee's immediate supervisor may take disciplinary action with the assistance of the Human Resources department throughout the disciplinary process against an employee under their control for one or more of the causes for

discipline as specified above in Causes for Disciplinary Action, or for such other causes as may be deemed necessary in the given situation.

For any disciplinary action/recommendation above a written reprimand (i.e., suspension or greater), prior to the disciplinary action being taken, the employee will be advised in writing of the nature of the allegations and that disciplinary action and/or termination is being contemplated. The employee will be given the opportunity to respond and shall be afforded the right of representation (Weingarten rights).

Immediate supervisors may give an official (oral or written) reprimand to an employee under their supervision. An immediate supervisor may recommend disciplinary probation, suspension, disciplinary demotion, or discharge against an employee under their supervision to the department director.

Department directors may execute suspensions against an employee within their department. The department director may recommend disciplinary demotion**,** disciplinary probation**,** or discharge against an employee under their supervision to the City Manager.

Department directors may delegate to supervisory employees the authority to relieve an employee of the employee's duties in an emergency situation, pending further action by the department director.

Department directors may suspend an employee under their supervision for not more than three (3) working days at any one time without the approval of the City Manager. Written notice of suspension is given an employee within five (5) working days. An employee may appeal a suspension in the manner provided in Section 17.08 - Appeal Procedure.

17.05 Notice of Disciplinary Action Greater than Written Reprimand

Investigation. Before executing a disciplinary action, the employee's immediate supervisor or department director shall advise the employee in writing of the alleged behavior by factually describing the alleged misconduct, which may include what the reporting supervisor understood to have happened, when it happened, where it happened, who was involved, how it happened. The employee shall also be notified that disciplinary action is being contemplated for any disciplinary action/recommendation above a written reprimand (i.e., suspension or greater). A meeting between the investigating management official and employee shall be scheduled as soon as possible following the event and issuance of written notice of contemplation of disciplinary action. The management official shall permit the employee to have a representative present if the employee desires.

The purpose of this meeting is to allow the employee the opportunity to provide any appropriate information in response to the allegations.

Notice of Disciplinary Action: Upon completion of the investigation phase and if discipline is deemed appropriate then the disciplinary process will proceed:

a. Written report of the nature of the disciplinary action and the summary details of the pre-

disciplinary meeting;

b. The effective date of the disciplinary action;

c. The policy or procedure violated and/or the deficient performance;

d. Feedback given to the employee during any monitoring period;

e. The acts or conducts upon which the disciplinary action is based;

f. The conditions/goals/measures or future actions to be set and/or taken.

Allegations shall be considered confidential to the extent possible, unless an employee, through the employee's own action, allows the allegations to become public information.

17.06 Disciplinary Probation/Disciplinary Demotion/Termination Process:
Disciplinary probation**,** demotion and termination actions can be taken only by the City Manager. A department director may submit a written recommendation for a disciplinary probation, demotion or termination of an employee to the City Manager. The recommendation should include the specific allegations and the basis of the recommendation. A copy will be provided to the employee. The City Manager will advise the employee in writing if there is to be a pre-disciplinary probation**,** pre-termination or pre-demotion hearing. The employee will be notified in writing of the basis of the recommendation for disciplinary probation, termination or demotion and will be advised to meet with the City Manager to discuss the proposed disciplinary probation, termination or demotion.

17.07 City Manager Level Pre-Disciplinary Meeting:
If a pre-disciplinary meeting is held by the City Manager, it should be held at a reasonable time and after reasonable notice to the employee. In responding to the charges, the employee may present any appropriate information.

The City Manager will conduct the hearing informally. The City Manager, upon reviewing the information provided by the department director and the employee, will make a decision whether to place the employee on disciplinary probation, termination, demote the employee or to consider other disciplinary action. If the employee is placed on disciplinary probation, terminated or demoted, the employee will be given written notice of and the basis for the termination or demotion.

17.08 Appeal Procedure:
Regular employees have the right to appeal to the City Manager concerning any disciplinary action taken by the employee's immediate supervisor or department director. The appeal should be filed with the City Manager, with a copy given to the department director, within ten (10) working days after receipt of the written notice of a disciplinary action. The appeal should specifically state the facts upon which the appeal is based.

The City Manager will render a decision on the matter, generally within ten (10) working days after receipt of the appeal. The City Manager decision is final.

Chapter 18

RECORDS, REPORTS AND NOTICES

18.01 Purpose for Maintaining Personnel Records:
Objectives for maintaining adequate personnel records and reports are:

a. To demonstrate that legal, regulatory and procedural requirements for all personnel actions have been satisfied.

b. To provide a basis for making decisions involved in personnel actions.

c. To provide a basis for reports on personnel activities.

d. To document the attainment of employees' educational, development and training goals.

e. To the degree possible, security of information will be respected and maintained.

18.02 Notice of Employee Change of Status:
Every appointment, transfer, promotion, demotion, change in compensation, resignation, suspension, vacancy, leave of absence, official reprimand, commendation, address change, name change, reclassification, and all other temporary or permanent changes in status of employment is reported to the City Manager and the Human Resources department on a proper form with original documents attached. The effective date and a record of the change are kept by the Human Resources Department.

Change of Personal Information: Employees are responsible for keeping their personnel records up to date by notifying the Human Resources Department in writing of any personal information changes to the following information: name, address, telephone number, marital status (for benefits and tax withholding purposes only), addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only), beneficiary designations for any of the City's insurance programs, disability, retirement, and deferred compensation plans, and persons to be notified in case of emergency. Failure to do so may delay or have an adverse effect on the timely receipt of correspondence being mailed, insurance coverage, and/or accurate assessment of premium rates for the City.

18.03 Personnel Files:
Human Resources Department: The Human Resources Department maintains complete personnel files for employees showing each employee's name, address, classification title, position, assigned department, employment status, performance appraisals, commendations, official disciplinary actions and other pertinent information.

Disagreements over the information placed in an employee’s personnel file shall be raised at the time of placement. Generally, disciplinary notices should be signed by the employee prior to placement in their file. The employee’s signature shall only be indicative of receiving a copy of said document and shall not necessarily indicate agreement with the contents. If the employee

refuses to sign such a document, this fact shall be noted, and the document placed in the personnel file. Employees shall have the right to attach a rebuttal to adverse materials that have been placed in the employee's personnel file within ten (10) working days of the material being presented to the employee.

Separate files for confidential, medical-related information will be maintained.

Finance Department: The Finance Department maintains records for each employee's compensation, changes in pay rates, vacation leave, sick leave, floating holidays, personal leave, compensatory time, and compensation schedules. The City Manager (e.g. the Finance Director) determines the form and manner in which this information will be maintained.

18.04 Records Open to the Public:
Unless otherwise specified by statute or case law (see RCW Chapter 42.17.310), the contents of an employee's personnel file is confidential and shall not be disclosed to the public.

Neither the Human Resources Department nor any employee can release the address, telephone number, Social Security number, or date of birth of any employee, officer, or appointed official as shown in the personnel records (except upon request from law enforcement agencies) without the prior consent of that employee, officer, or appointed official. The Human Resources Department has the authority to verify or confirm the above information without prior written permission from the employee, officer, or appointed official.

After giving reasonable advance notice, an employee shall have the right to inspect all contents of their personnel file. If the employee desires, he/she may fill out an inventory sheet listing all documents in his/her file. Upon request, a single copy of any document(s) shall be provided to the employee. An employee requesting that their personnel files or portions thereof be released to an individual or agency other than themselves must provide written authorization indicating the specific material to be released and the name of the party to which the information is to be released. The City assumes no responsibility for disclosure of confidential information from the release of such requested copies and will require the employee's signature on a form indicating this is understood.

18.05 Destruction of Records:
Personnel files and payroll records are retained in accordance with City policy as well as State and Federal laws and guidelines.

Chapter 19

EMPLOYEE TRAINING, DEVELOPMENT AND EDUCATIONAL PROGRAMS (updated November, 2019)

19.01 Purpose of Policy:
The City supports and encourages training, self-improvement, and personal development programs for all employees through on-the-job training, educational programs, and certification.

Training may include demonstrations, reading assignments, lecture courses, workshops, seminars, teleconferences, cross training with other work units, or other methods that may be available to improve the effectiveness and broaden the knowledge of employees.

19.02 Educational Programs and Tuition Reimbursement:
The personal and professional development of employees is vital to the success of each employee and the City. Planning an employee's individual development or learning plan is the joint responsibility of the employee and immediate supervisor and should occur at least annually. All employees and managers are strongly encouraged to take advantage of advanced educational programs.

Tuition Reimbursement Plan: The City offers financial support for approved courses as funding allows. The City will attempt to budget funds each calendar year for the purpose of tuition reimbursement, registration and books only. Tuition reimbursement funds are not guaranteed and are subject to legislative budget approval. Employees who meet the eligibility requirements (included required approvals) as stated in this policy shall be reimbursed for approved courses, in an approved course of study that is designed to earn a degree from an accredited school, college, university or other professional training organizations. For the purpose of this policy, "accredited" refers to an accreditation provided by a body recognized by the US Department of Education.

Eligible Courses: Courses taken at any accredited and recognized educational or training institution are generally approved when courses are related to the employee's present position in City service and potential development within City service; are part of a program leading to a degree related to the employee's present position or potential for development. Pursuit of a degree will be on the employee's own time and will not result in overtime. Certification courses that are required by the City can be taken during regular work hours.

Reimbursement Schedule: The City will reimburse the actual cost of the course; or up to 100% of the cost of tuition for an Associate's, Bachelor's or Master degree, commensurate with a Washington State College/University credited course.

Eligibility Requirements:

1. Employee is a regular post-probationary employee of the City of Washougal. Part-time employees (greater than 20 hours per week) receive tuition reimbursement pro-rated, based on the number of hours in their regularly scheduled workweek;

2. The employee has applied for the Tuition Reimbursement Program as outlined in this policy, and has been approved;
3. The employee submits for this tuition refund no later than sixty (60) days following the issuance by the institution of a qualifying final grade updating the student's transcript;
4. The employee successfully completed the course with a grade of C (2.0) or better for undergraduate courses; or B (3.0) or better for graduate courses, or pass (P) in pass-fail classes.

Application Procedures: To apply for the Tuition Reimbursement Program the employee shall submit to their department director the following information:

1. A Tuition Assistance Application that includes a summary as to how the degree will benefit the City in the short-term and long-term; by enhancing current job skills; by contributing to the development of employee capabilities in the applicant's present position; supporting professional growth towards career opportunities for another position(s) within the city; fulfilling a requirement of a current position; and/or improving the quality of City Services.
2. Estimate the course load and tuition expenses for the coming academic year.
3. Obtain their department director's approval confirming the job relatedness of their college degree objectives consistent with item #1 above.
4. All requests must be made no later than June 30 of the year prior to when the classes will be taken.

Note: Once an employee has received final approval for their degree program, approved program participants only need to submit for subsequent approval their expected course load and tuition expenses each June for the following academic year.

The department director shall review the request and add comments or clarification, if necessary, indicating how the course relates to the employee's current or next higher position.

Upon approval, the department director shall forward the request to Human Resources who will review the request for consistency with the above application guidelines.

The Human Resources Director will review all requests with the City Manager and will make the final decision for such requests.

An employee, who applies for tuition reimbursement, will be informed by Human Resources upon approval of the adopted budget if funds have or have not been budgeted for them for the upcoming year.

Reimbursement: Upon competition of a course, the employee whose request has been approved shall submit to Human Resources:

1. A completed Expense Reimbursement Request
2. Documentation for paid tuition and books
3. Documentation of the issuance by the institution of a qualifying final grade updating the student's transcript

If there are extenuating circumstances that cause a delay of the issuance by the institution of a qualifying final grade updating the student's transcript, then these situations will be reviewed on

a case by case basis.

Reimbursement is made only for courses that earn the employee credit towards their approved degree objective and were pre-approved.

Note to employees: Internal Revenue Code Rules may require that some or all tuition reimbursement be included in an employee's taxable earnings.

Books: If the City reimburses the employee for books, then the City retains the books for a departmental library established for employees' use. If the employee wants to keep the books, then the City does not reimburse the employee for that cost.

If the employee pays for the tuition, registration or books on a credit card or installment plan, no service fees or financial charges are paid by the City.

Financial Assistance: If an employee receives assistance under Federal or State government legislation, or other student aid programs, for tuition, registration, or books for an approved course, the City pays only the difference, if any, between the student aid and the actual costs for tuition, registration, and books.

Payback Provision: Based on the date of reimbursement, employees are responsible for repayment of tuition reimbursement and books (if retained) under the following circumstances:

1. Separation from service of twelve (12) months or less following the completion of any classes – 100% repayment.
2. Separation from service between twelve (12) and twenty-four (24) months following the completion of any classes – 50% repayment.

For purposes of this section, separation from service shall mean voluntary separation and termination for cause, with the exception of disability. Additionally, the completion of any class means the date on which a final grade is issued by the institution updating the student's transcript.

Chapter 20

SUBSTANCE ABUSE AND PHYSICAL EXAMINATION POLICY

20.01 Examinations:
Following a conditional offer of employment, an applicant may be required to take a physical exam to determine fitness to perform the essential functions of the position. An employee may be required, at the City's request and expense, to take a physical and/or psychological examination as a condition of continued employment if there is a question about the ability of the employee to perform any of the essential functions of their position or request for a reasonable accommodation. Some employees may be required, according to the legal requirements of their position, to have periodic examinations to ensure their physical ability to continue performing certain functions associated with their job duties. Physical and/or psychological examinations shall be taken in a timely manner whether on or off duty. The City shall be entitled to a physician's report stating an employee's ability/inability to perform regularly assigned duties, any physical and/or psychological limitations, and the physician's recommendations for corrective measures. The physician's report shall be placed in the employee's confidential medical file. All employees shall be required to make a reasonable effort to keep themselves in good health in keeping with the requirements of their particular position and/or classification.

20.02 Substance Abuse:
The City considers its employees to be its most valuable asset and believes that professionalism in the delivery of public services can only be maintained within a drug-and alcohol-free work environment. Further, the City believes that employees have a right to work in an environment free of drugs and alcohol and those employees have the obligation not to place themselves in a situation where job performance is impaired by substance abuse.

This chapter has been developed in compliance with the Federal Drug-Free Workplace Act of 1988, regulations of the U.S. Department of Transportation ("DOT"), the Federal Transit Administration ("FTA"), and other relevant authorities.

20.03 Drug Free Work Place:
The City recognizes that the maintenance of a drug-free workplace is essential to the safety and welfare of employees. This chapter establishes programs and practices that promote and support a drug-free working environment and brings the parties into compliance with the Drug-Free Workplace Act of 1988.

Statement: The intent is to educate employees as to the dangers of drug abuse in the workplace, the commitment to a drug-free workplace, the penalties that may be imposed upon employees for drug violations in the workplace, and the commitment of support for employees undergoing treatment and rehabilitation of chemical dependencies.

20.04 Provisions:

a. Controlled Substances:

- The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol in the workplace is prohibited. Reporting to work under the influence of a controlled substance or alcohol is prohibited.

- As a condition of employment, all employees must notify their department director of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction.

b. Prescription or Over-the-Counter Drug Use: The use of prescription and over-the-counter drugs which compromise the safety in the workplace is prohibited. It is the employee's responsibility to check with their physician as to whether or not a prescription drug will impair safe performance. Under this chapter employees are specifically required to notify their immediate supervisor when they are taking medications with warning labels that may affect their ability to remain alert or operate equipment.

c. Drug Use Away from the Workplace: The use of a controlled substance off the work site by an employee may be grounds for disciplinary action if it results in an adverse impact on the City.

d. Employee Sanctions: It is the responsibility of every employee to be aware of the above provisions and to abide by them. Failure to observe these provisions will result in discipline of the employee, up to and including termination. The employee may be required to participate satisfactorily in an alcohol or drug abuse assistance or rehabilitative program as a condition of continued employment.

e. Employee Assistance Program: The City is committed to supporting employees undergoing treatment and rehabilitation for alcohol or other chemical dependency. The City will provide information to employees on available drug counseling and rehabilitation programs.

f. Drug Abuse Education Program: The City will utilize available resources, to educate employees as to the dangers of drug abuse.

g. Confidentiality: The confidentiality of all complaints and reported violations of the provisions of this directive will be strictly maintained to the extent possible, except as required by public disclosure laws or court order.

20.05 <u>Drug and Alcohol Testing</u>

Purpose: This section of the chapter sets forth the alcohol and drug testing program which is intended to apply the same testing and reporting requirements, with the exception of random testing, to all employees as required by Federal regulations as stated in this section. The purpose of this chapter is to support the drug free work place and establish compliance with the Federal Highway Administration regulations for Commercial Driver's License holders. Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees in safety-sensitive positions, including those who are

required to hold a Commercial Driver's License.

Application: This chapter applies to all employees with the additional requirement of random testing for employees who are required to have and maintain a Commercial's Driver's License in order to perform the duties of the job. Contractors performing functions for the City of Washougal involving the use of a vehicle requiring a Commercial Driver's License will be subject to specific alcohol and drug testing as required by Federal regulations.

Statement: The City has a significant interest in the health and safety of employees. In furtherance of that interest, the City will take those steps necessary to ensure that employees perform their duties and responsibilities and are free from the influence of drugs and alcohol. Employees are encouraged to seek confidential counseling for problems associated with alcohol and drug abuse through the Employee Assistance Program. There will be mandatory drug and alcohol testing for employees and job applicants under the circumstances outlined in this chapter. All drug and alcohol testing (pre-employment, random, and reasonable suspicion) shall be conducted following the current testing standards and thresholds established by the U.S. Federal Department of Transportation.

Training and Education: Employee education and supervisor training are essential parts of this program. All existing and new employees will receive information on the impact of drug and alcohol use and will receive information on resources for assistance. Supervisors will receive the same training as well as additional training in the recognition and detection of signs and symptoms of alcohol and drug misuse. Supervisors will not be permitted to make reasonable suspicion test referrals unless they have completed training required by federal regulations.

Types of Testing

1. Pre-Employment Drug Testing: All individuals employed in CDL required positions and public safety-sensitive positions must pass a drug test as a post-offer condition of employment.

2. Reasonable Suspicion Testing: Employees shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy may have been or is presently being violated. A referral for testing will be based on current, clearly described observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use, confirmed by a second trained supervisor where possible. Prior to questioning the employee about the observed behavior, the supervisor will inform represented employees of their right to have union representation present during the meeting. Employee's requests for representation will be honored to the extent that honoring the request does not unreasonably delay testing. When reasonable suspicion exists, the affected employee will be questioned and observed. A decision to request a specimen will be based upon eye witness reports, facts of the event and observed physical and behavioral characteristics of the affected employee. The employee will be interviewed in a private area where possible.

A. Verification: A reasonable suspicion request will be documented in writing with a copy provided to the affected employee.

B. Relief of Duty: The employee will be placed on leave until the results of the drug and/or alcohol test are complete and verified. If the test results are negative, the employee will be compensated during the waiting period for all work time lost. If the test results are positive employees will be allowed to use vacation, floating holiday, or compensatory time, at their discretion or sick leave if entitled or applicable during the period of absence due to waiting for the test results to eliminate any loss of income. Personal leave is not authorized for this purpose. If an employee chooses to use paid leave during the period of absence, they must notify the City which type of paid leave will be used during the period of absence. The City shall thereafter notify the employee of the disciplinary action in accordance with Chapter 17.

C. Transportation Assistance: The employee will be accompanied to the collection site by a supervisor or director. The employee will be provided transportation home. If the employee refuses and demands to drive their vehicle, the City shall notify law enforcement.

3. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight (8) hours, the employee will not be allowed to return to duty until:

A. An alcohol test is administered and the employee's breath alcohol concentration measures less than 0.02; or

B. 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

4. Post-Accident Testing: Following an accident, as defined under definitions in this chapter, the employee is required to submit to alcohol and drug tests. Testing should occur as soon as possible but may not exceed eight (8) hours after the accident for alcohol testing and thirty-two (32) hours after the accident for drug testing.

An employee who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Employees who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy.

5. Random Testing: Employees required to have a CDL will be subject to random, unannounced alcohol and drug testing whenever they are on duty.

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

7. Follow-Up Testing: An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed sixty (60) months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up tests will be determined by the Substance Abuse Professional and the City but will not be less than six tests in the first twelve (12) months following the employee's return to duty. The employee will be responsible for costs associated with follow-up testing not covered by insurance should a positive test result occur, and the employee is retained in the City workforce.

8. Re-Testing: Employees who test positive for drugs may request a second test of the remaining portion of the split sample within seventy-two (72) hours of notification of a positive test result by the Medical Review Officer. The cost of the second test will be borne by the City.

9. Testing Compensation: All time spent administering alcohol or controlled substance tests, including travel time, will be paid at the employee's regular rate of pay, or at their overtime rate if applicable. Time spent in taking second tests will not be compensated. Any employee who is not allowed to return to work while awaiting test results will be placed on paid leave during the waiting period. If the test results are negative, the employee will be compensated during the waiting period for all work time lost. If the test results are positive, employees will be allowed to use vacation, compensatory time, sick leave or other paid leaves during the period of absence to eliminate any loss of income. The City shall pay all costs associated with the administration of alcohol and controlled substance tests except follow-up testing. The employee will be responsible for costs associated with follow-up testing not covered by insurance should a positive test result occur and the employee is retained in the City workforce.

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

A. A failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with the procedures manual;

B. Failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing in accordance with the procedures manual;

C. Engaging in conduct that obstructs the testing process.

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

20.06 <u>Definitions</u>:

Accident - Accident means an occurrence involving the employee which results in (1) a fatality; (2) bodily injury of a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; (3) overall property/vehicle damage estimated at $1,000 or more; (4) the employee cannot be completely discounted as a contributing factor to the accident; (5) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle; or (6) a citation for a moving traffic violation arising from the accident.

Driver - This term includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a Commercial Driver's License.

Commercial Vehicle - A commercial vehicle is one that either: (1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); (2) is designed to transport 16 or more persons, including the driver; or (3) is used to transport hazardous materials.

Drugs - In accordance with the applicable federal regulations, "drugs" refers to the following five substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines.

Medical Review Officer (MRO) - The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.

Safety Sensitive Position - These are positions associated with the driving of commercial vehicles.

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

20.07 <u>Prohibited Conduct:</u>

The following conduct regarding alcohol and drug use or abuse is prohibited.

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

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

3. Pre-Duty Use of Alcohol: An employee may not report for duty or operate a commercial vehicle within four hours after using alcohol. An on-call employee who consumes alcohol within four (4) hours of being called in must acknowledge the use of alcohol and may not report for duty.

4. Alcohol Use Following an Accident - An employee required to take a post-accident alcohol test may not use alcohol for eight (8) hours following the accident, or until a post-accident alcohol test is given, whichever comes first.

5. Use of Drugs: An employee may not report for duty, remain on duty, or drive a commercial vehicle when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform their duties or operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely must provide written notice from their physician with respect to the effect of such substances.

6. Refusal to Submit to a Required Test: An employee may not refuse to submit to a post-accident, reasonable suspicion, or follow-up alcohol and drug test as directed by this chapter. In addition, employees required to have and maintain a CDL may not refuse to submit to random testing as directed by this chapter.

7. Positive Drug Test: An employee may not report for duty or remain on duty, if the employee tests positive for drugs or alcohol.

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

9. Possession, Transfer or Sale: No employee may possess, transfer or sell drugs or alcohol while on duty.

20.08 <u>Securing Information from Previous Employers</u>:

As a condition of employment and post-offer of employment, all applicable applicants that will be holding a position requiring a CDL must authorize a request for all employers within the past two (2) years to release information of the following:

1. Positive alcohol and drug tests

2. Refusal to be tested.

This information must be obtained before the person is employed by the City. However, if the information has not arrived by the anticipated start date, and the person has passed the pre-employment drug test, the person may be hired and the requested information obtained from the previous employers within fourteen (14) calendar days of the date of hire. If the information has not been received within the fourteen (14) calendar days, the person will not be permitted to drive commercial vehicles until the information has arrived. If the information obtained from previous employer(s) indicates either a positive test or a refusal to be tested occurred within the past two (2) years, that person shall not be hired by the City. That person will not be permitted to drive commercial vehicles unless subsequent information indicates that the person has been released to operate a commercial vehicle by a Substance Abuse Professional and has successfully completed return to duty testing.

If no such information was generated about the applicant or if the past employer(s) cannot be located or refuse(s) to cooperate, the supervisor will so document and send a report to Human Resources. Normal hiring may proceed when a memo documenting the lack of information has been sent to Human Resources.

20.09 Confidentiality and Record Retention:
All records related to drug and alcohol testing will be maintained in a secure location with controlled access. Record retention time frames shall be in accordance with DOT criteria for CDL employees, however for all other employees; 1) records for negative tests shall be removed and destroyed after one (1) year and; 2) records of positive tests shall be removed and destroyed after five (5) years. These records will be kept separate from all other records.

20.10 Consequences of Engaging in Prohibited Conduct or Positive Drug or Alcohol Tests:
Discipline and Rehabilitation: An employee will be subject to appropriate disciplinary action up to and including termination from employment if:

1. The employee tests positive for a drug or drugs; and/or,

2. Results from an alcohol test indicating a blood alcohol level of 0.04 or greater; and/or,

3. The employee has engaged in prohibited conduct as outlined above.

All employees, regardless of disciplinary action taken, will be advised of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

The City shall make reasonable efforts to afford union represented employees the right to applicable representation whenever an employee is directed to submit to an alcohol or drug test which is for cause, post-accident, or reasonable suspicion.

The following sections of this policy apply to those employees who are not terminated for their violation of the alcohol and substance abuse policy:

20.11 Positive Test Results and/or Engaging in Prohibited Conduct:
If an employee tests positive for drugs or has an alcohol test that indicates blood alcohol level of .04 or greater from a random, reasonable suspicion, post-accident, or other authorized test, or engages in prohibited conduct as outlined in this chapter, the employee will be immediately removed from all duties including the driving of a commercial vehicle. The employee will not be permitted to return to work unless they:

1. Have been evaluated by a qualified Substance Abuse Professional;

2. If recommended by a Substance Abuse Professional, have properly followed any rehabilitation prescribed; and,

3. Have a verified negative result on a return-to-duty alcohol (<0.02) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty (60) months as recommended by the Substance Abuse Professional and the City, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty.

Alcohol Concentration of 0.02 but less than 0.04: Employees having a breath alcohol concentration of at least 0.02 but less than 0.04, shall be removed from duty requiring the driving of a commercial vehicle for at least 24 hours.

Employee Assistance Program/Voluntary Referral: The City supports employees who volunteer for treatment of alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program. Any employee who comes forth and notifies the City of alcohol or drug abuse problems prior to violating the City's alcohol and substance abuse policy will be given the assistance extended to an employee with any other illness.

Any such program, however, may not interfere with the tests required by these rules. For example, a driver may not identify themselves as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this chapter.

Sick leave, vacation leave, or leave of absence without pay may be granted for treatment and rehabilitation as in other illness. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

Chapter 21

EMPLOYEE ETHICS, STANDARDS OF CONDUCT, AND PERSONAL ACTIVITIES

21.01 Purpose of Policy:
The City expects its employees to subscribe to the highest set of ethics, values, and principles that guide all employees in our provision of services to our customers who are both inside and outside of City employment. The City expects employees to be fair, honest, consistent, and committed to high levels of customer service and professionalism. Anyone who fails to live up to such ethical standards reflects negatively on the entire City work force.

21.02 General Principles:
Employees shall apply the following principles in determining whether their professional ethics and conduct is proper.

- **a.** Employees shall not engage in financial transactions using non-public City government information or allow the improper use of such information to further any personal or private interest.
- **b.** Employees shall not hold financial interests that conflict with the conscientious performance of their job.
- **c.** To ensure that every citizen can have complete confidence in the integrity of the City government, each employee shall respect and adhere to the principles of ethical conduct set forth in applicable laws, policies, and regulations.
- **d.** Employees shall not, except as permitted by law, regulation, or policy, solicit or accept gifts or other items of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
- **e.** Employees shall put forth honest effort in the performance of their duties.
- **f.** Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the City government.
- **g.** Employees shall not use public office or their position for private gain or personal influence.
- **h.** Employees shall act impartially and not give preferential treatment to any private organization or individual.
- **i.** Employees shall protect and conserve City property and shall not use it for other than authorized activities.
- ***j.*** Employees shall not engage in outside employment or activities that conflict with official assigned City job duties and responsibilities.
- ***k.*** Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- **l.** Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those such as applicable Federal, State, or local taxes that are imposed by law.
- **m.** Employees shall adhere to all laws and regulations that provide equal opportunity for all citizens and City employees regardless of race, color, religion, sex, national origin, age,

marital status or disability. Employees shall endeavor to avoid any actions creating the appearance that they are violating these ethical standards.

n. During an employee's workday, an employee devotes 100% of their time, attention, and efforts to the duties and responsibilities of the employee's position in City service.

o. Employees have the right to work in an environment where mutual respect and consideration are shown among all employees and with the public. The City expects that employees shall conduct themselves in a respectful and professional manner in the work place and avoid any behavior that may be construed to be harassing, menacing, demeaning, and/or of a violent nature.

Failure to follow general guidelines of professional conduct, examples of which are set forth above, may lead to disciplinary action.

21.03 Incompatible Personal Activities of City Employees:

An employee will not engage in any off-duty employment or activity that is inconsistent, incompatible or in conflict with the employee's duties in City service. The department director determines which activities are inconsistent, incompatible, or in conflict with duties in City service. Examples of prohibited activities include, but are not limited to:

a. The use of City time, facilities, equipment, or supplies for private gain or advantage;

b. The use of the badge, uniform, prestige, or influence of an employee's position for private gain or advantage;

c. The direct or indirect solicitation or acceptance of any gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of tangible value in connection with or resulting from an employee's official position. Nor will employees use their official position, badges, or identification cards to obtain privileges not otherwise available to them;

d. The performance of an act when an employee is off duty that may later be subject to direct or indirect control, inspection, review, audit, or enforcement by that employee of the City in the exercise of their City duties.

21.04 Off-Duty Employment:

An employee may engage in off-duty employment that is not inconsistent, incompatible or in conflict with the employee's duties in City service; and that will not negatively affect the performance of the employee while in City service. An employee who chooses to have an additional job, contractual commitment, or self-employment (off-duty employment) may do so provided he/she obtains prior approval from the department director, who shall use the criteria outlined in Section 21.03 in determining whether to approve or deny the request. The Department director shall approve or deny the request within ten (10) working days of receipt of the request. If off-duty employment has been previously approved or permitted by the City, and it appears later that such work would not be approved under this policy, prior approval may be revoked. The employee shall receive at least fourteen (14) calendar days advance notice of such revocation with a written explanation from the City relative to the reasons why the decision to revoke was made.

21.05 Employee's Personal Financial Affairs:
Employees need to arrange their personal financial affairs so that credit and collection agencies do not have to make use of the offices of the City, the department directors, the City Manager to make collections.

21.06 Political Activities of Public Employees:
There are no restrictions on the right of an employee to participate off duty and in their personal capacity in political activities that involve ballot measures that relate to wages, hours, or working conditions. An employee can, when off duty, campaign for or against elected City officials or ballot measures. The employee may not, however, disturb employees during their work periods or workdays for such purposes.

In compliance with Washington State RCW 42.17.130, employees may not campaign or solicit political contributions during work hours, using public telephones or other equipment, or on City property; carry or display political material in or on publicly owned vehicles; display or distribute campaign posters, placards or other promotional materials on City owned or operated premises; use City supplies, equipment or facilities to print, mail, or otherwise produce or distribute campaign materials; or solicit signatures for any initiative, recall or referendum campaign on publicly owned or operated premises.

Employees who are in City service or who are seeking an elected office will not use the employee's office to influence another person or persons for political purposes.

21.07 Personal Appearance:
Employees are expected at all times to present a professional image to customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Washougal. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.

Office employees and any employees who have regular contact with the public are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire or athletic clothing, and similar items of casual attire that do not present a professional appearance. Employees who do not regularly meet the public should follow basic requirements of safety and comfort but should still be as neat as working conditions permit.

Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job. When in doubt, ask your supervisor for assistance in determining what is appropriate.

On Fridays the City of Washougal allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required. However, employees are still expected to present a neat and professional appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

21.08 Safety:
Every employee is responsible for maintaining a safe work environment and following the City's safety policies. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her supervisor. The City will make every effort to remedy problems as quickly as possible.

In case of an accident involving personal injury, regardless of how serious, employees shall immediately notify their supervisor or department director.

Chapter 22

COMMUNICATION DEVICE POLICY (updated June, 2017)

22.01 Scope:

This policy applies to all employees of the City of Washougal, unless otherwise addressed by a current collective bargaining agreement, who acquire and use communication devices. Communication devices include, but are not limited to: cellular phones, pagers, personal digital assistants (PDAs), alpha text pagers, palm pilots, PCS (personal communications service) devices, telephones, fax machines and two-way radios. Such devices will be referred to as communication devices for the remainder of this policy unless specifically stated otherwise.

22.02 General:

This policy describes departmental and staff responsibilities and choices for acquiring, using, and monitoring the use of such devices. This policy applies to all telephones, mobile cellular telephone and data services used on cellular telephones and multi-function devices (such as Nextel's, PDAs, and Blackberries).

22.03 Policy:

It is the policy of the City of Washougal to provide employees with efficient, cost effective communication devices and services. The purchase and utilization of these communication devices and specifications are contained in this policy.

22.04 Acquisition:

Standard phone, cellular telephones/WDs are paid for by department funds. The acquisition of such devices should be limited to those instances in which there is a need for such equipment to perform essential City business or to improve safety, increase productivity, increase service to the public, or in situations in which necessary communications cannot be provided by any other means. The purchase of standard phones, cellular telephones/WDs shall be subject to approval by the appropriate department head and in the case of cellular telephones/WDs shall be processed through the City Cellular Telephone/ Coordinator.

22.05 Responsibility:

City Cellular Telephone/Wireless Device Coordinator:
The City of Washougal shall designate a Cellular Telephone/WD Coordinator for oversight of all City wireless communication devices.

Department Heads:
Department heads should consider the following responsibilities before assigning a cellular telephone or WD to staff:

- Department heads are required to limit the number of employees who have such devices to only those who have a demonstrated on-going, business need for such communication. Department heads should consider other options such as pagers and existing radio services as alternatives to such devices where available.
- Department heads are responsible for communicating this policy to employees.
- Department heads and their designees are also responsible for the review of the appropriate bills and/or service reports and holding employees accountable for any inappropriate use under the City's policy. Department heads are responsible for ensuring that employees review the bill and return to them after identifying personal usage and submit their payment for such use at that time.
- Department heads are responsible for retaining records of all personal cellular telephone/WD charges for audit purposes at their location. Department heads should also notify the cellular telephone/WD coordinator when the service should be terminated or suspended given personnel changes.

Employee Responsibilities regarding City Owned Standard Cellular Telephones/Wireless Communications Devices:

- Protect City-owned standard phones/cellular telephones/WDs from theft, loss or damage.
- Immediately report the loss or theft to your supervisor or department head.
- As cell phone calls are not secure, use discretion while making calls of a sensitive or confidential nature.
- Immediately return the cellular telephone/WD to your supervisor or department head if it is determined that the cellular telephone/WD is no longer necessary or upon leaving employment with the City.

22.06 <u>Safety:</u>

- In accordance with RCW 46.61.667, employees (exceptions below) will are prohibited from using a cellular telephone/WD while operating a motor vehicle unless the vehicle has been pulled off the roadway or traffic lanes, where the vehicle can safely remain stationary.
- Exceptions:
    - An authorized emergency vehicle, or tow truck responding to a disabled vehicle;
    - A moving vehicle using a cellular telephone/WD in hands-free mode;
    - A moving motor vehicle using a hand-held wireless device to call 911 or other emergency services

22.07 <u>Personal Use:</u>

The City recognizes that occasions arise in which personal calls need to be made or received on any communication device. However, it is intended that such devices be used for City business-related purposes. Personal usage should be ***minimized***. The City reserves the right to monitor the use of all City-owned communication devices and has the authority to withhold any unreimbursed amount from the employee's wages.

22.08 Prohibited and Inappropriate Uses:

Personal use is subject to the prohibited and inappropriate use policies as outlined in section 23.04 of the Technology Resource Usage Policy and Work Guidelines.

22.09 Reimbursement for Personal Standard Phone/Cellular Telephone/WD Calls:

Employees shall reimburse the City for personal usage made on City cellular telephones/WDs. In the case of an emergency necessitating a personal call on a City cell phone/WD, the employee making or receiving the call shall keep a record of the date, time and identifying information for the call. Personal usage of cellular telephones/WDs will be reimbursed at the rate of .20 cents per minute. Long distance and roaming charges will be reimbursed at the rate identified on the billing detail. Failure for the employee to reimburse the City may result in the deduction of the amount due from the employee's paycheck, or final check upon termination of employment.

22.10 Reimbursement of City Calls with Personal Phone:

Employees using privately owned communication devices may be reimbursed by their department for such usage to conduct authorized City business when evidenced by a billing detail. Reimbursement shall be made through the City's expense claim process with the billing detail attached. City business usage should be identified, including name of person/agency called and reason for call.

22.11 Definitions:

- "Hands-free mode" means the use of a wireless communications device with a speaker phone, headset, or earpiece.
- Communication Device Holders are users who use such devices to conduct City business.
- A "personal call" may either be a (non-work related) voice communication or an active link to a network/Internet site.
- "Communication Services" include commercially offered wireless transmission of analog/digital voice and data messages.
- Pursuant to RCW 46.04.040 an "authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol, ambulance service, public or private, which need not be classified, registered or authorized by the State Patrol, or any other vehicle authorized in writing by the State Patrol.

Chapter 23

TECHNOLOGY RESOURCE USAGE POLICY AND WORK GUIDELINES

23 01 Purpose

The purpose of this policy is to implement guidelines for the use of city technology resources, including hardware, software, Local Area Networks (LANs), Wide Area Networks (WANs), e-mail and on-line information services.

This document does not attempt to address every possible situation that may arise. Etiquette and common sense should be exercised while using city technology resources. This document provides policies and general guidelines for appropriate use of resources.

23.02 General Policy

Technology resources are made available to staff as determined by the department directors to improve communications and information exchange within and outside the city, other local state and federal officials, professional and business associates, and to provide information and research resources. This policy sets forth computer network resource restrictions that are necessary to reduce potential liability, the risk of inappropriate use, and possible adverse perceptions by the general public. Technology resources are intended for official city business purposes and must be consistent with the intent and requirements of all city policies and work rules. These resources are not to be used for entertainment, personal communications, other personal use, or illegal, harassing, libelous, or obscene purposes during or outside city business hours. Technology resources may not be used to facilitate operation of a personal business such as sale of cosmetics or consulting.

Technology resources may be used for incidental personal needs as long as such use does not result in additional cost or liability, interfere with business, productivity, or performance, pose additional risk to security, reliability or privacy, or conflict with the intent or requirements of any city policy or work rule. Personal usage is subject to the limitations and guidelines of this policy.

This policy applies to all computer hardware, operating systems, data, and application software of the city, any stored electronic media and other systems that may be connected, such as bulletin boards, internet, and on-line information services. This includes any information in digital electronic format, including but not limited to electronic mail, databases, clip art, digital images, voice and sound recordings, and any digitized information that may be available.

23.03 Electronic Mail (E-mail)

E-mail must follow the same code of conduct as expected in any other form of written or face-to-face communication. Messages sent via e-mail are assumed to be a public record unless expressly exempted by statute and must meet the same standards as if they were tangible documents or instruments. Users must manage their e-mail in accordance with record retention

policies and procedures as defined by the City Clerk's office.

If using e-mail for sensitive materials or a communication that must be private, clearly mark the communication as "CONFIDENTIAL."

E-mail accounts must be managed within assigned capacities. Messages must be stored to alternative locations (like a hard drive or back-up disk) on a regular basis and deleted from the e-mail system. Personal messages should be deleted immediately. Never assume that e-mail can be read by no one except yourself. Others may be able to read or access e-mail. Never send anything that would be embarrassing or that you would not like seeing on the evening news or released to the media under public disclosure.

The city provides staff access to and support of the Exchange/Outlook messaging (e-mail) system. Access or usage of any other messaging system is not allowed.

23.04 Prohibited and Inappropriate Uses

City technology resources shall not be used inappropriately. Examples include but are not limited to:

- Seeking to gain or gaining information for inappropriate purposes or unauthorized access to proprietary information. Seeking access to passwords belonging to others.

- Transmission, distribution, or storage of any information or materials in violation of federal, state, or municipal law. Software that is copyrighted or licensed may not be shared or illegally distributed. Copyright violations are federal offenses that may result in civil and criminal penalties to employees and the City of Washougal.

- Unauthorized attempts to break into any computer whether of the city or another organization.

- Using the Internet or knowingly allowing another to use the Internet for personal profit, personal business, commercial product advertisement, or partisan political purposes.

- Using the email or City technology resources to threaten, intimidate, harass or discriminate on any basis prohibited by law.

- Sending or posting confidential materials outside of the city or posting city confidential materials inside the city to non-authorized personnel.

- Loading or attaching personal software or devices to any city-owned equipment without written authorization by the Finance Director or his/her designee.

- Using the network via any connection (e-mail, application, Internet, etc.) to access or download non-business-related files. Examples include but are not limited to video, audio, MP3 files, and games.

- Processing, distributing, transmitting, or displaying inappropriate stored electronic media such as obscene, libelous, or defamatory materials. This includes downloading, transmission, and possession of pornographic, profane, or sexually explicit materials. Visiting "adult" or sexually oriented web sites, sites associated with hate crimes, violence or others that create discomfort in the workplace and have no legitimate business value is prohibited. Filtering software will be actively used to preclude access to inappropriate web sites. Attempts to alter or bypass filtering mechanisms are prohibited.

  Activities of the Police Department related to criminal investigations, or personnel investigations by any department in general with the approval of the Human Resources Department would not constitute a prohibited or inappropriate use.

- The department director or his/her designee may limit Internet connect time and bandwidth. Using "push" technology or other "subscriber" technologies that employ continuous or extended connections to the Internet or produce high volumes of e-mail communications is prohibited.

23.05 <u>Permitted Personal Use</u>

Limited Internet, on-line services, and personal e-mail communications are permitted subject to the following limitations:

- Such use shall not occur on city time but is permitted before and after hours, and during breaks.

- Such use is permitted only to the extent that the city does not incur user charges.

- Personal use remains subject to the prohibited and inappropriate use policies in Section 21.4.

- When using Internet chat rooms or other means of communication, keep in mind that you are representing the City. Comments made should be reflective of city policy unless expressly indicated otherwise (i.e. "These opinions are mine and not those of the City of Washougal").

23.06 <u>User Accounts</u>

At the request of the department director, the Finance Department must authorize all access to the central computer systems. Additional authorization by the department director and the Finance Department is needed for remote access. Each user is responsible for establishing and maintaining a password that meets city requirements. Without express authorization of the user, the use of another person's account or attempt to capture other users' passwords is prohibited. Each user is responsible for restricting unauthorized access to the network by logging out of his or her computer account when leaving his or her computer unattended. If you discover unauthorized use of your account, immediately follow the reporting procedure in Section 23.08.

23.07 Monitoring and Employee Privacy

The City owns all data stored on its network and systems (including e-mail, voicemail and Internet usage logs) and reserves the right to inspect and monitor any and all such communications at any time. The City may conduct audits of employee accounts in order to ensure compliance with policies and requirements, to investigate suspicious activities that could be harmful to the organization, to assist departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the city. Internet and e-mail communications may be subject to public disclosure and the rules of discovery in the event of a lawsuit. The city's Internet connection and usage by individuals is monitored. There is no right to privacy in an employee's use of city technology resources.

23.08 Administration, Reporting, and Violations:

Department directors will designate specific employees who have access to technology resources. Department directors or their designee share responsibility for monitoring appropriate implementation of these policies and requirements. Department directors are responsible for determining any and all disciplinary actions that may stem from violations of these policies and requirements

A virus checker will be running on computers that are connected to the Internet, to check downloaded files, e-mail, and attachments. Files brought in from outside sources will be checked for viruses before installation on any city-owned hardware. If you receive a pop-up screen indicating the presence of a virus, immediately report the message to the IT Department. Do not continue to download any attachments that the system indicates contains a virus.

Any employee who observes or suspects a violation of these policies and requirements, particularly those that relate to security of the city's network, systems, and data, should immediately report these concerns to the IT Manager or his/her designee.

Violations of this policy are subject to disciplinary action up to and including termination.

Chapter 24

WORKPLACE VIOLENCE PREVENTION POLICY

24.01 Purpose of Policy:
The City of Washougal is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City of Washougal has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

24.02 Policy:
The policy of the City is to conduct its operations in an environment free of violence. Accordingly, the City has a "ZERO TOLERANCE" policy on workplace violence. Any form of workplace violence will not be tolerated and will be acted upon IMMEDIATELY. Any City employee who engages in threatening behavior or workplace violence will be subject to discipline up to and including termination. Further, any person who visits a City facility and engages in workplace violence and/or threatening behavior will be referred to local law enforcement and be subject to applicable laws.

Department directors and division managers/supervisors are to ensure that any form of threat (direct, confrontational, and veiled) be immediately confronted/acted upon by management, then documented and assessed. The respective department director and the City Manager are to be informed immediately.

24.03 Definitions:
Workplace Violence means a violent act or threatening behavior that is directed at an employee or member of the public during business hours or on City premises. Workplace violence does not include the use of reasonable force in self-defense or the defense of others.

Violent Act means any non-consensual touching (such as hitting, pushing, kicking, holding or blocking the movement of another person) that result in physical harm or would have caused a reasonable person to feel threatened with physical harm.

Threatening Behavior means any physical or verbal communication that would cause a reasonable person to feel threatened with physical harm.

Unauthorized Weapon means any firearm, knife (such as a switchblade), explosives, dangerous chemical or any object that is not necessary for a City employee's job and has the potential to cause substantial injury to others.

24.04 <u>Procedures:</u>

1. **All employees:**

   a. All employees, including supervisors and temporary employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," workplace violence, violent acts, threatening behavior or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City of Washougal without proper authorization.

   b. Conduct that threatens, intimidates, or coerces another employee; contractor or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state or local law.

   c. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by vendors, solicitors, contractors or other members of the public. When reporting a threat of violence, the employee should be as specific as possible and detailed as possible.

   d. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

   e. The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the City individual making a report will be protected as much as practical. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending investigation.

   f. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

   g. The City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources department before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns in good faith.

   h. Employees should give serious consideration to making their supervisor aware of potential threatening or violent situations occurring in their personal life that may become problematic for the safety and security of the workplace. The purpose for this notification is to heighten the supervisor's awareness of any possible dangerous and preventable violent situations that may occur in the workplace. Notify both Human Resources department and the Police Department of any court issued

protective/restraining order that lists any City of Washougal's work areas/locations as protected areas. Other department/division management staff in the location where the individual works should also be notified. In the case there is a violation of the order, those in positions of responsibility will be aware of the issue and can take the action of notifying the police and asking the person who violated the order to leave.

i. Where appropriate and in consultation with law enforcement in the City, take steps to provide security measures at work locations where violence is anticipated or threatened

2. Department Directors:

Immediately upon observing or receiving a report of an incident of prohibited activity or workplace violence:

a. Take every reasonable effort to ensure that persons involved are safe;

b. Notify the police, if necessary;

c. Notify the City Manager;

d. Ensure the incident is appropriately documented;

f. Contact the Human Resources Department to jointly initiate an investigation.

3. The Human Resources Department:

a. Review, monitor, and recommend necessary modifications to this policy to ensure its effectiveness and compliance with employment trends and laws.

b. Design and implement periodic workplace violence prevention/awareness training for City personnel.

c. Assist department directors and supervisors in investigating incidents involving prohibited activities and workplace violence.

d. Review job applications and references in the applicant recruitment/screening process of prospective employees for any indications of workplace violence in prior employment.

e. Ensure a quality employee assistance program (EAP) is available for all City employees and immediate family members as a resource to assist with anger management, stress, conflict management, and/or alternative dispute resolution.

Chapter 25

ANTI-HARASSMENT POLICY

25.01 Purpose of Policy:
As an employer, the City of Washougal values the dignity of all employees and is committed to providing a respectful workplace, one that is harassment free and in which all individuals are treated with respect. The expectation is that managers, supervisors and employees will create and maintain a work environment that is respectful of all persons in it.

25.02 Application:
This policy applies to all workplaces and employees of the City of Washougal, volunteers working on behalf of the City and individuals under contract to the City of Washougal.

25.03 Roles and Responsibilities:
Harassment is a concern for everyone and maintaining a harassment free workplace is everyone's responsibility. The City has a responsibility and a legal obligation to ensure employees are not exposed to unlawful harassment in the workplace and for the implementation of this policy. Supervisors and managers are responsible for providing a harassment free workplace and adherence to the policy. This includes taking appropriate preventive or corrective action reasonably designed to stop any harassment of which they are aware. Supervisors and managers should ensure that all employees' rights are protected and should support employees in the conflict resolution process.

Employees have a responsibility to create and support a workplace that is free of harassment by complying with this policy and by ensuring their behavior meets acceptable standards. Employees must refrain from discriminatory or harassing behavior. Employees who feel they have been harassed should ***promptly report their concerns under the complaint procedure set forth in section 25.07.***

25.04 Policy:
Unlawful harassment in the workplace will not be tolerated. The abuse of one's authority or position to intimidate, coerce or harass is forbidden and is considered absolutely intolerable in the City workplace. Violation of this policy constitutes a disciplinary infraction that shall be dealt with through the appropriate measures up to and including termination.

25.05 Definitions:
Harassment: Harassment is a form of discrimination. This policy defines harassment as any objectionable conduct, comment or display by a person that:

a. Is unwelcome;
b. Is made on the basis of race, creed, religion, color, sex, sexual orientation, marital status, disability, or national origin; and
c. Creates a hostile or offensive working environment.

Examples of Harassment

Harassment can include, but is not limited to, the following examples:

unwelcome remarks, jokes, innuendoes or taunts causing embarrassment or offense;
displaying objectionable materials, graffiti or pictures;
insulting gestures, jokes, disparaging written materials;
unwanted contact or attention (may be one time only or persistent);
inappropriate touching;
shunning and ostracizing;
threats, bullying, coercion, isolation;
actual or threatened physical assault;
verbal assault;
malicious gestures or actions; and
stalking.

Sexual harassment is behavior of a sexual nature which is unwelcome. It can include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

1. Submission to the conduct is made a condition of the individual's employment, whether implicitly or explicitly;
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
3. The harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an environment which is intimidating, hostile or offensive to the employee.

Each employee must exercise his/her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Harassment may or may not be intentional. The impact on the recipient and the workplace is a measure of whether or not harassment has occurred.

Workplace: For the purposes of this policy, the workplace includes, but is not limited to, the physical work site, break rooms, training sessions, business travel, field locations, conferences, work related social gatherings or any other place where the employee is required to be in service to the employer.

25.06 Confidentiality:

The City will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint or required by law. All information relating to verbal and written complaints shall be kept as confidential, as possible, and consistent with the need to investigate.

25.07 Process and Procedures:

If you feel that you or other employees have been subjected to harassment of any kind, you are encouraged to immediately identify the offensive behavior to the harasser and request that it stop.

If you are uncomfortable in addressing the matter directly with the harasser, or if you do so and the behavior does not stop, then discuss the matter immediately with the Human Resources Department, your supervisor, the City's Employee Assistance Program, or any supervisor with whom you feel comfortable. You should report the matter regardless of whether or not you have confronted the harasser.

You should also report any harassment by members of the public, customers, suppliers, or other persons whom you encounter at work. Your concerns will be promptly investigated by the City and you will not suffer retaliation for reporting your concerns.

Any supervisor or manager who becomes aware of any alleged incident of harassment should immediately refer the matter to the Human Resources Department for investigation. If the Human Resources Director is the subject of the complaint, the matter should be referred to the City Manager for investigation.

The complaint is promptly investigated and may be assigned to an independent third party/contractor. The investigation includes interviews with the individuals involved and any witnesses who are available. Confidentiality during the investigation process is maintained to the degree possible.

Any action or conduct found to violate this policy may result in disciplinary action, up to and including discharge. Failure to maintain confidentiality may also result in disciplinary action.

Chapter 26 (updated March, 2020)
TOBACCO-FREE POLICY

26.01 Purpose of Policy:
The object of this policy is to provide a healthy and productive work environment for all City employees. The policy responds to the growing medical and scientific evidence showing the detrimental effects of using tobacco on personal health and work performance. The policy also responds to public laws related to smoking in public facilities and to the strong desire of many City employees to work in a tobacco-free environment. This policy intends to provide a tobacco-free work environment for all employees. It does not intend to infringe upon the personal right and decision of an employee to use tobacco.

26.02 Policy:
It is the policy of the City to prohibit smoking and/or the use of smokeless tobacco in enclosed work areas, common areas, city building and automobiles.

26.03 Scope:
The Tobacco-Free Workplace policy applies to:

- All enclosed buildings occupied by City employees
- All City-sponsored off-site events
- All vehicles owned or leased by the City
- All visitors (vendors and members of the public etc.) to City premises
- All contractors and consultants and/or their employees working on City premises
- All temporary employees

26.04 Definitions:
Smoking or To Smoke: Inhaling, exhaling, or carrying any burning tobacco or other plant matter. This includes, but is not limited to, cigarettes, cigars, pipes, electronic cigarettes or other vaping devices.

Smokeless tobacco**:** tobacco that is not smoked but used in another form such as chewing tobacco or snuff.

Enclosed Work Area: An area enclosed by a roof and walls with at least one opening for ingress and egress. The area is owned, leased, or rented by the City with intended use by officers and employees of the City.

Common Area: Includes, but is not limited to, employee lounges, lunchrooms, conference rooms, stairways, elevators, hallways, and rest rooms.

Tobacco Debris: Includes, but is not limited to, smoke, ash, or any other residue resulting from smoking. “Smoking debris" also includes cigarette or cigar butts, cigarette paper, or products packaging tobacco.

City Facility: An enclosed facility, including any automobile, that is owned, leased, or operated by the City and frequented by the public or represents the work station of an employee.

Automobile: Any car, truck, pickup, or other equipment or vehicle.

26.05 Uniform Tobacco Policy:
The use of tobacco is prohibited twenty-four (24) hours of the day, every day, in all enclosed work and common areas, facilities, and automobiles.

Employees may use tobacco during break periods and lunch periods as long as they are outside the designated non-smoking areas that are within twenty-five feet of all doors, windows that can be opened, and ventilating intakes of all City facilities. All employees who elect to use tobacco in outdoor areas are responsible for the proper maintenance and/or removal of all tobacco debris.

The City-wide tobacco-free policy applies to all City work and common areas, whether in an individual or shared office space, or an automobile. The policy also applies to all persons who visit enclosed work and common areas during all hours and days of the year. These persons include all officers, employees, contractors, and members of the general public.

26.06 Procedures:

Resolving complaints about tobacco use:

- Any complaints about the application of the policy to the workplace should be brought to the attention of the Human Resources Director or the City Manager for resolution. Complaints could also be submitted by citizens to the City Manager.
- All complaints (either from employees or citizens) should be submitted in writing to identify specific objections. The City will investigate the complaint and resolve it in accordance with the policy.
- No employee shall suffer any form of retaliation for raising a complaint or asking a question about this policy.

26.07 Violations:
Discipline may be imposed, in accordance with the Personnel Policy, on any employee who violates the City tobacco-free policy. The primary objective of discipline is to correct the behavior in violation of the policy, not to punish employees who use tobacco products.

Chapter 27
Auto Usage Policy (amended January, 2011)

27.01 <u>Policy</u>:
The purpose of this policy is to ensure the safety of those individuals who drive city vehicles or use personal vehicles for the purpose of City business *and to* provide guidance on the proper use of such vehicles. It is the driver's responsibility to operate such vehicles in a safe manner and to drive defensively to prevent injuries and property damage. It is the policy of the City to provide vehicles for business use and to reimburse employees for business use of personal vehicles according to this policy. The term "vehicle" as used in this policy includes, but is not limited to, cars, trucks, backhoes, front end loaders, graders, and any other motorized equipment. City-owned or leased vehicles shall be used for the conduct of municipal business

27.02 <u>Driver Guidelines and Procedures</u>:
a. City vehicles are to be driven by authorized employees only, except in case of repair testing by a mechanic.

b. At no time will an elected official be ***assigned a take home vehicle*****. However, elected officials may use city automobiles for official city business such as conferences, seminars, training programs and other city-related business trips.

c. Employees who use their personal vehicles for approved business purposes will receive a mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Reimbursed mileage is defined as mileage driven over and above the employee's normal commuting mileage. Employees who operate personal vehicles for City business must maintain auto liability coverage (as required by State Law) for bodily injury and property damage with a special endorsement for business use, when necessary as determined by the representing personal insurance agent. Therefore, the employee's personal auto insurance would be considered primary, and WCIA's coverage excess.

d. Some City departments may assign a take home vehicle to individual staff. In doing so, each individual department must maintain departmental procedures for the operation of these assignments. All staff members must be cognizant of the IRS ruling that deals with commuting mileage that may be subject to withholding and may need to work cooperatively with the Finance Department to fulfill these obligations.

e. Employees who are on call on a 24 hour basis and assigned a take home vehicle need to provide written acknowledgment that they fully understand that the vehicle should only be used as part of an emergency response.

f. Prior to utilizing a City owned vehicle on an intermittent basis (non-CDL holders), each employee should conduct an inspection of the vehicle and note any pre-existing damage. This damage should immediately be reported to your supervisor.

g. Unless otherwise authorized by the City, only employees and/or qualified volunteers holding a valid Washington or Oregon state Driver's License and/or combination endorsement, if applicable, will be allowed to operate City vehicles or personal vehicles for City business.

h. Any employee who has a driver's license revoked or suspended shall immediately notify their supervisor the next business day, and ***immediately discontinue operation of the City vehicle***. Failure to do so may result in disciplinary action, up to and including termination of employment.

i. All accidents, theft, or damage of City vehicles, regardless of the extent of damage or lack of injuries shall be reported by the employee to their supervisor and to the appropriate police department. Such incidents are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible). Accidents in personal vehicles while on City business* ***must*** follow these same accident procedures. Accidents involving the employee's personal injury must be reported to Human Resources for Worker's Compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment.

j. Drivers must report all ticket violations received during the operation of a City vehicle, or while driving a personal vehicle on city business*, within seventy-two (72) hours to their supervisor. Employees are responsible for any driving infractions or fines as a result of their driving.

k. Employees holding jobs requiring driving as an essential job function must, as a condition of employment, be able to meet the driver approval standards. For those employees, Motor Vehicle Records will be obtained on all drivers prior to employment and periodically thereafter during continued employment with the city. A driving record that fails to meet the criteria stated in this policy or is considered to be in violation of the intent of this policy, will result in a loss of the privilege of driving a City vehicle and may render the employee unqualified to perform their position.

l. Passengers will be transported in City vehicles only to the extent that their conveyance is directly related to official business. No "civilians" shall be transported other than the appropriate medical response/transport vehicles unless prior authorization is received from supervisor and appropriate waiver is signed by "civilian passenger" i.e. ride along with police officers. Please review *Personal Use, Passengers & Authorized Drivers of Company Vehicles* section at the end of this policy.

** City business is defined as driving at the direction, or for the benefit, of the employer. It does not include normal commuting to and from work.*

***Assigned take home vehicle is for employee use for City business and for regular commuting to and from the employee's home and workstation.*

27.03 <u>Driver Criteria & Administration:</u>

Employees must have a valid and current driver's license to operate a City vehicle or a personal vehicle with current auto insurance while on city business. In addition, those required to drive commercial motor vehicles shall obtain a commercial driver's license (CDL) as required by RCW 46.25.050.

Employees who drive commercial vehicles or who are otherwise subject to separate rules and regulations such as those dictated by state or federal law are also expected to adhere to all policies and regulations associated with the appropriate law or regulation that applies. [See separate policy pertaining to pre and post-employment and alcohol/drug testing]

Exceptions to the CDL requirement include the following:

A firefighter or law enforcement officer operating emergency equipment, and:
(i) The firefighter or law enforcement officer has successfully completed a driver training course approved by the director; and

(ii) The firefighter or law enforcement officer maintains a certificate attesting to the successful completion of the approved training course.

Employees are expected to drive in a safe and responsible manner and to maintain a good driving record. If an employee's driving record indicates a pattern of unsafe or irresponsible driving, the employee may be subject to disciplinary action, which could include suspension or revocation of driving privileges.

Criteria that may indicate an unacceptable record includes, but is not limited to:
• Three or more moving violations* in a year

• Three or more chargeable accidents within a year. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration.

• Any combination of accidents and/or moving violations.

* *Violations include any ticket, charge, or other law enforcement proceeding relating to these.*

27.04 <u>Driver Safety Rules</u>:
a. All employees who operate a motor vehicle for business operations should successfully complete a driver orientation and training program within a specific time frame after placing that employee in a driving position.

b. Employees shall not operate any City vehicle at any time or operate any personal vehicle while eligible for mileage reimbursement while on city business while under the influence of intoxicants and other drugs (that could impair driving ability). Such action is forbidden and is sufficient cause for discipline, up to and including termination of employment.

c. In accordance with RCW46.61.667, cell phone use while driving should be kept to a minimum and only in a "hands free" mode via a headset or speaker. Drivers need to be aware when use of the cell phone is creating a distraction from safe driving and adjust their usage accordingly, including pulling off the road to continue/finish the conversation if needed. Whenever possible, drivers should complete calls while the vehicle has been pulled off the roadway or traffic lanes, where the vehicle can safely remain stationary or use the phone in a "hands free" mode via a headset or speaker. While driving, attention to the road and safety should always take precedence over conducting business over the phone.

d. No driver shall operate a city or personal vehicle when his/her ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness or medication.

e. All drivers and passengers operating or riding in a city vehicle ***must*** wear seat belts, even if air bags are available.

f. No unauthorized personnel are allowed to ride in city vehicles. Please review Personal Use, Passengers, & Authorized Drivers of City Vehicles section of policy for additional detail.

g. Drivers are responsible for the security of City vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

h. Head lights shall be used 2 hours before sunset and until 2 hour after sunrise, or during inclement weather or at any time when a distance of 500 feet ahead of the vehicle cannot be clearly seen.

i. All State and Local laws must be obeyed.

27.05 Vehicle Maintenance:
Routine vehicle maintenance is important. Minimally, a preventative maintenance program would usually start with the manufacturer's maintenance recommendations and then modified (if appropriate) by the actual experience.

27.06 Personal Use, Passengers & Authorized Drivers of City Vehicles:
A vehicle assigned to an employee may be used for personal transportation on a limited basis as defined in the **Personal Use, Passengers, & Authorized Drivers of City Vehicles.**

1. City vehicles are to be driven by authorized employees only, or in case of repair testing, by a mechanic. Spouses, other family members, or other non-employees, are *not* authorized to drive City vehicles.

2. Passengers are generally limited to those individuals who need to ride in the vehicle to conduct City business, such as other employees, vendor representatives, retailers, etc.

3. The following guidelines are established to provide accommodation for restricted, need based, personal use of City vehicles. These guidelines are written to ensure safe and appropriate use of city assets. **NOTE: Children age 12 and under should never ride in a front passenger seat.**

If an employee's child, age 12 or under, is transported in a city vehicle, the child should ride buckled up in the rear seat. They should use child safety seats, booster seats, or safety belts appropriate to their age and size.

• Use of a qualified non-personal-use vehicle*, including commuting, is non-taxable to the employee; and record keeping and substantiation by the employee are not required by the IRS. In the case of nonqualified personal use of City vehicles, (with the exception of DeMinimis** use) such mileage driven on personal business must be tracked separately for income tax purposes. A mileage log book will be completed daily, indicating per trip mileage, purpose, etc., and a copy will be attached to the monthly mileage report which is turned into Finance. City vehicles will not be used on weekends or holidays for personal use without *prior* authorization on a case by case (per incident) basis by the appropriate department head or City Manager.

* Definition of qualified non-personal-use vehicle: any vehicle that the employee is not likely to use more than minimally for personal purposes because of its design i.e. police and fire vehicles and unmarked vehicles used by law enforcement officers.

**Example of DeMinimis use: Small personal detour while on business, such as driving to lunch while out of the office on business.
• Non-employee family members may be passengers during this restricted, need based use.
Employees who use the vehicle to transport non-employees (for example, to pick up a child from day care) must understand that they are liable for any damages, payments, or costs that exceed the limits of employer insurance coverage. Employees who transport nonemployees during personal use of a city vehicle should be aware that such use indicates acceptance of any liability not covered by city insurance.

Chapter 28 (added June, 2008)
ACCIDENTS AND INJURIES

28.01 Purpose:
To protect the health and safety of all employees that is in compliance with federal and state laws. Each employee is responsible for following the safety policies in the completion of his/her assigned duties, for his/her own personal safety and the safety of his/her fellow employees, the general public, and City property.

28.02 Reporting of Accidents Involving City Vehicles or Equipment:
All accidents involving City vehicles or equipment, regardless of severity, must be reported on the City "Report of Accident/Incident or Damage/Injury Form" and delivered to the Finance Department within twenty-four (24) hours.

The employee's supervisor is responsible for making sure that the incident report is completed, and ensuring that it includes photographs of the scene, if appropriate, and witness statements, containing names, addresses and phone numbers, and other relevant information.

The supervisor shall be responsible for obtaining damage estimates.

28.03 Reporting Employee Job Related Accident and Injuries:
Regardless of severity, every City employee must complete an accident and injury form that describes all injuries and accidents while performing their job duties to his or her supervisor.

If the injured employee requires medical evaluation or treatment by a qualified health care provider, they should report to the appropriate treatment site for such care. If the nature of the injury is serious when immediate corrective action is deemed necessary, the nearest bystander or supervisor should contact 9-1-1 for assistance.

If it is necessary to see a qualified health care provider, the employee will complete their portion of the Report of Industrial Injury or Occupational Disease. This form will be provided by the qualified health care provider's office and submitted to L&I for review.

An Injury and Illness Incident Report should be completed as soon as possible after an on-the-job injury. Prompt reporting of injuries is a requirement of state and federal law. Failure to do so could cause delay or denial of employee's L&I claim. If the employee is not seeking medical attention, the Injury and Illness Incident Report is the only form that needs to be completed. These completed forms need to be turned into Human Resources within twenty-four (24) hours of the incident.

28.04 Safety is Everyone's Responsibility:

Use your safety equipment as directed.

Report all unsafe situations or conditions that are potentially hazardous.

Only operate equipment you are qualified to operate. When in doubt, ask questions.

Talk to your manager/supervisor at any time about problems that affect your safety or work conditions.

Chapter 29 (revised April, 2010)

WHISTLE BLOWER POLICY

29.01 Purpose of Policy:

a. The City finds that the proper operation of government requires that employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; and that the public have confidence in the integrity of its government. Accordingly, it is the purpose of this policy to establish ethical standards of conduct for all employees of the city; to set forth those acts that are incompatible with such standards; to require disclosure by such employees of private financial or other interests in matters affecting the city; and to provide effective means for enforcement thereof. This policy is not to be construed so as to impair the ability of city employees to participate in ceremonial, representational or informational functions in the pursuit of their official duties.
b. This policy shall be liberally construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for city employees.
c. This policy shall be interpreted and applied to allow inadvertent minor violations to be corrected and cured without disciplinary action and in conformance with the spirit and purpose of this policy.

29.02 Policy Statement:

It is the policy of the City of Washougal to (1) encourage reporting by its employees and improper governmental action taken by City of Washougal officers or employees and (2) protect City of Washougal employees who have reported improper governmental actions in accordance with the City of Washougal's policies and procedures.

29.03 Definitions:

As used in this policy, the following terms shall have the meanings indicated:

a. "City agency" means every department or any subdivision thereof.
b. "City employee" means every position of employment in any city agency.
c. "Person" means individual, association, corporation, or other legal entity.
d. "Subject" means the person to whom the whistleblower alleges responsibility.
e. "Improper governmental action" means any action by a City of Washougal employee:
    - That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
    - That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds. "Improper governmental action" does not include personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments,

reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining agreements or civil service laws, alleged violations of labor agreements or reprimands.

f. "Retaliatory action" means any adverse change in terms and conditions of City of Washougal employee's employment made because an employee reported improper government action.

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

29.04 <u>Prohibited Conduct of City Employee:</u>

a. Improper Use of Official Position
   - Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the City; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
   - Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any City funds or City property, for a purpose which is, or to a reasonable person would appear to be, for other than a City purpose; provided, that nothing shall prevent the private use of City property which is available on equal terms to the public generally, the use of City property in accordance with City policy for the conduct of official City business (such as the use of a City automobile), if in fact the property is used appropriately; or the use of City property is for participation of the City in activities of associations of governments or governmental officials;
   - Except in the course of official duties, assist any person in any City transaction where such City employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the City; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;

b. Accept Gifts or Loans
   - Solicit or receive any retainer, gift, loan, entertainment, favor, or other thing of monetary value from any person or entity where the retainer, gift, loan, entertainment, favor, or other thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by such employee in his or her official capacity.

c. Disclose Privileged Information
   - Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

29.05 <u>Prohibited Conduct After Leaving the City:</u>

a. No former employee shall, during the period of one (1) year after leaving City office or employment:

- Disclose or use any privileged or proprietary information gained by reason of his or her City employment for his or her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
- Assist any person in proceedings involving the agency of the City with which he or she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
- Represent any person as an advocate in any matter in which the former employee was officially involved while a City employee;
- Participate as a competitor in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used

b. The prohibitions of Sections 29.05 (bullets two and three) shall not apply to former employees acting on behalf of a governmental agency unless such assistance or representation is adverse to the interest of the City.

29.06 <u>Procedures for Reporting Improper Governmental Actions:</u>

In order to be investigated, an assertion of improper governmental action must be provided to the City within one year after the occurrence of the asserted improper governmental action.

City of Washougal employees who become aware of improper governmental actions should file a report through the City Human Resources Director or such other person as may be designated by the City Manager to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The City Human Resources Director or the City Manager, as the case may be, shall take prompt action to assist the City of Washougal in properly investigating the report of improper governmental action. City of Washougal officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

City of Washougal employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures.

29.07 <u>Complaints, Investigations, Review and Enforcement:</u>

a. Any person may file a complaint alleging a violation of this policy, as set forth in Section 29.06 Procedures for Reporting.
b. The complaint shall be in writing and shall, except as described in section c. below, be signed by the complainant. The written complaint should state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). To facilitate the reporting requirements, the City will provide a Whistleblower Reporting Form. The complaint shall be filed with the City Human Resources Director who shall provide a copy to the person charged with the violation. The complainant shall provide the City Human Resources Director with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.
c. This policy is intended to protect employees who choose to come forward in good faith with complaints about governmental actions and conduct of City of Washougal employees. Anonymous complaints have the potential to subject the person who is the subject of the complaint to an investigation that may, at the least, cause stress and embarrassment, and may, at most, result in discipline or termination of employment. The City is reluctant to begin an investigation based on an anonymous complaint due to the fact that evidence will be difficult to obtain and verify, and it will be impossible to assess the complainant's credibility. Complainants and whistleblowers have protection from retaliation under City policy, and a thorough investigation of such complaints is the City's goal. It is not possible to conduct a thorough investigation when a complainant remains anonymous. Therefore, the City reserves the right to decline to investigate any complaint that is provided anonymously. If a complaint is received anonymously, it shall be referred to the City Attorney for a recommendation on the processing of the complaint. Upon review of the complaint, the City Attorney will make a recommendation to the City Manager. Such a recommendation will be made within ten (10) calendar days of receipt of the complaint, if possible. Upon receipt of the City Attorney's recommendation, the City Manager shall make the final determination on whether or not to refer the matter to the City Human Resources Director for investigation.
d. Within thirty (30) calendar days after receipt of a complaint, the City Human Resources Director or another person appointed by the City Manager shall conduct a preliminary investigation. If the City Manager, the Council will determine who will conduct the City's investigation. Criminal allegations will be referred to the proper law enforcement agency.

e. If the City Human Resources Director determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the City Human Resources Director shall advise the City Manager to dismiss the complaint. If the City Manager does dismiss the complaint, he or she shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant, to the person charged with the violation and to the City Human Resources Director.
f. The City Human Resources Director shall refer a complaint to the City Manager for action after his or her preliminary investigation, unless the City Manager has dismissed the complaint; the City Human Resources Director requests from the City Manager more time to conduct an investigation; the City Human Resources Director has determined that the violation was inadvertent and minor and was or is being satisfactorily corrected and cured: or with respect to a knowing or material violation, the City Human Resources Director recommends to the City Manager a settlement.
g. Within thirty (30) calendar days from the date the City Human Resources Director refers a complaint to the City Manager for review, the City Manager shall issue a written determination stating whether the policy has been violated and setting forth the facts and provisions of law upon which this determination is based. A copy of said determination shall be delivered to the complainant, to the person charged with the violation, to the City Human Resources Director and, where appropriate, to the person's department head.
h. If the City Manager determines that an employee has violated the provisions of this policy, the City Manager may subject the employee to disciplinary action. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or removal from employment, or such other disciplinary action as may, by the City Manager, be deemed necessary and proper, and consistent with city administration and personnel ordinances and rules; provided, that this section shall not derogate from employee rights under any collective bargaining agreement or City administration and personnel ordinances, or rules promulgated thereunto.

29.08 <u>Protection Against Retaliatory Actions:</u>

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

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise in writing their supervisor, the City Human Resources Director or the City Manager. City of Washougal officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the City Human Resources Director, or the City Manager, as in the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing written notice to the City of Washougal's City Council that:

a. Specifies the alleged retaliatory action and
b. Specifies the relief requested

City of Washougal employees shall provide a copy of their written charge to the City's Human Resources Director no later than thirty (30) calendar days after the occurrence of the alleged retaliatory action. The City of Washougal shall respond within thirty (30) calendar days to the written charge of retaliatory action.

After receiving either the response of the City of Washougal or thirty (30) calendar days after the delivery of the charge to the City of Washougal, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by the law. An employee seeking a hearing should deliver the request for the hearing to the City Human Resources Director within the earliest of either fifteen (15) calendar days of delivery of the City of Washougal's response to the charge of retaliatory action, or forty-five (45) calendar days of delivery of the charge of retaliation to the City of Washougal for response.

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

Office of Administrative Hearings
PO Box 42488, (919 Lakeridge Way SW 2nd Floor)
Olympia, WA 98502-6026
Voice (360)664-8717 Fax (360)664-8721

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

29.09 <u>Responsibilities:</u>

The City Manager is responsible for implementing the City of Washougal's policies and procedures (1) reporting improper governmental action and (2) protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) permanently posted where all employees will have reasonable access to them, (2) made available to any employee upon request and (3) provided to all newly-hired employees and elected officials. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

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

29.10 <u>List of Agencies:</u>

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the City Human Resources Director.

LOCAL AGENCIES	LOCAL AGENCIES
City of Washougal Mayor 1701 C Street Washougal, WA 98671 (360)835-8501	**Clark County** Prosecuting Attorney's Office 1013 Franklin Street PO Box 5000 Vancouver, WA 98666 (360)699-2261
STATE AGENCIES	**STATE AGENCIES**
State Department of Ecology PO Box 47600 Olympia, WA 98504-7600 Location: 300 Desmond Drive SE Lacey, WA 98503	**State Department of Health** Health Consumer Assistance PO Box 4789 Olympia, WA 98504-7890 (800)525-0127
Office of the Attorney General **Antitrust Division** 80 Fifth Avenue, Suite 2000 Seattle, WA 98104-3188 (206)587-5510	**State Auditors Office** Attn: ED PO Box 40021 Olympia, WA 98504-0021 (360)902-0370
Liquor Control Board PO Box 43075 3000 Pacific Avenue SE Olympia, WA 98504-3075	**Puget Sound Water Quality Action Team** PO Box 40900 Olympia, WA 98504 (360)725-5444
Office of Attorney General 1125 Washington Street SE PO Box 40100 Olympia, WA 98504-0100 (360)753-6200	**Department of Labor & Industries** **Mailing address:** PO Box 44000 Olympia, WA 98504-4000 Location: 7273 Linderson Way SW Tumwater, WA 98501-5414 (360)902-5800
Department of Natural Resources 1111 Washington Street SE PO Box 47000 Olympia, WA 98504-7000 (360)902-1000	**Department of Social & Health Services** Directors Office 1115 Washington Street SE Olympia, WA 98504
FEDERAL AGENCIES	**FEDERAL AGENCIES**
Department of Education PO Box 47206 600 Washington St., SE RM 253 Olympia, WA 98504-7201 (360)725-6025	**Department of Agriculture** Office of Inspector General 1400 Independence Ave., SW Washington DC, 20250 (202)720-8002
Department of Commerce **Office of Inspector General** 915 Second Avenue Room 3062 Seattle, WA 98174 (206)220-7970	**Bureau of Alcohol, Tobacco & Firearms** Seattle Field Division 915 2nd Avenue, Room 790 Seattle, WA 98174-1093 (206)389-5800

Consumer Product Safety Commission 1301 Clay Street, Suite 610-N Oakland, CA 94612-5217 (510)637-4050	**Customs Service** 1220 Southwest 3rd Avenue Portland, OR 97204-2806 (503)36-2871
Equal Employment Opportunity Commission Federal Office Building 909 First Avenue, Suite 400 Seattle, WA 98104-1061 (206)220-4000	**Federal Emergency Mgmt. Agency** Federal Regional Center 130 228th Street SW Bothell, WA 98021-8627 (425)487-4600
Federal Trade Commission 915 Second Avenue, Room 2896 Seattle, WA 98174 (877)383-4357	**General Services Administration** **400 15th Street SW** **Auburn, WA 98001**
Department of Health and Human Services 2201 Sixth Avenue Seattle, WA 98121 (206)615-2547	**Housing and Urban Development** Seattle Federal Office Building 909 First Avenue, Suite 200 Seattle, WA 98104-1000 (206)220-5101 or (877)741-3281
Department of Justice Drug Enforcement Administration 400 2nd Avenue West Seattle, WA 98119 (206)553-5443	**Mine Safety and Health Admin.** 3633 136th Place, SE Room 206 Bellevue WA 98006 (206)553-7037
Nuclear Regulatory Commission Region IV Texas Health Resources Tower 612 E Lamar Blvd., Suite 400 Arlington, TX 76011-4125	**Department of Transportation** Washington Division Office 711 South Capitol Way, Suite 501 Olympia, WA 98501 (360)753-9480
National Transportation Safety Board Ste 2500, 1000 2nd Avenue Seattle, WA 98104-1095 (206)870-2200	**Social Security** 402 Yauger Way SW Olympia, WA 98502 (800)772-1213
Department of Treasury Internal Revenue Service (local office) 319 7th Avenue Olympia, WA 98501 (360)570-5410	**Department of Treasury** Financial Management Service San Francisco Financial Center PO Box 24700 Oakland, CA 94623 (510)594-7300
Department of Veteran Affairs Veterans Benefits Administration Federal Building 915 2nd Avenue Seattle, WA 98174 (800)827-1000	**Veterans Health Administration** 2030 9th Avenue Seattle, WA 98121 (206)553-2706
Department of Interior Western WA Fish and Wildlife 1111 Washington Street SE Olympia, WA 98501	

(360)902-2200 Mailing address: 600 Capitol Way N Olympia, WA 98501	

Chapter 30

DISABILITY/REASONABLE ACCOMMODATION POLICY (added May, 2009)

30.01 Policy Statement:

It is the policy of the City of Washougal that qualified individuals with disabilities not be discriminated against because of their disability in regard to recruiting, hiring, compensation, benefits, duties and responsibilities, and other terms and conditions of employment. Any employee who believes that he or she is being discriminated against because of a disability should report that discrimination immediately to the City's Director of Human Resources. Complaints of disability discrimination will be investigated and resolved in accordance with the City's anti-discrimination and anti-harassment policies.

Further, it is the policy for the City to provide reasonable accommodation to qualified individuals with disabilities to enable the applicant or employee to be considered for the position he or she desires, to perform the essential functions of the position in question, or to enjoy equal benefits and privileges of employment, unless the accommodation would impose an undue hardship for the City or pose a threat of substantial harm to the health or safety of the applicant, employee or others. Any employee who believes he or she needs an accommodation shall bring this matter to the attention of the City's Director of Human Resources. The request for accommodation will be handled in accordance with this policy.

30.02 Definition of Disability:

1. Washington State Law

Under Washington State law, "disability" is defined as any physical, mental or sensory impairment that is medically diagnosable, whether temporary or permanent, common or uncommon, mitigated or unmitigated, or whether it limits a person's ability to work generally or at a particular job. "Impairment" includes, but is not limited to:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

- Any mental, development, traumatic, or psychological disorder; including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

2. Federal Law

Federal law applies a different definition of "disability." Under federal law, "disability" is defined as any physical or mental impairment that "substantially limits" one or more of an employee's "major life activities." "Major life activities" are tasks that are central to a person's everyday existence: walking, seeing, hearing, eating, speaking, breathing, sleeping, and cleaning

oneself. “Major life activities” also include major bodily functions of the immune system; normal cell growth; digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Mitigating measures other than "ordinary eyeglasses or contact lenses" are not considered in assessing whether an individual has a disability. “Working” is considered a “major life activity” if the condition affects the employee’s ability to do a broad range of jobs, not just the job he/she has. Under federal law, the impairment must be permanent or long term.

Under federal and state law, recovering alcoholics and recovering drug addicts (the employee must no longer be using alcohol or drugs) are considered disabled. Employees who are HIV+ are also considered disabled.

30.03 <u>Reasonable Accommodation</u>:

A reasonable accommodation is one that may make it possible for the person with the disability to perform the essential functions of his or her job. The essential job functions are the main tasks or duties of a particular position. These functions are determined by how often they are performed, and how fundamental they are to the position. Essential job functions do not include job duties that are peripheral to the main functions or are only done occasionally. City job descriptions outline the essential job functions for each position.

The reasonable accommodation can be a schedule change, additional computer hardware or software, ergonomic furniture, alternate break times, elimination or reassignment of non-essential functions, allowing the employee to wear a brace, providing the employee with a stool to sit on, and the like.

If the employee can do no work at all, the City may grant a reasonable leave of absence to allow the employee to recover. Such leave would be unpaid unless the employee has accrued sick or vacation leave (or receives donations according to our shared leave policy).

If the employee cannot work in his/her assigned position, but can do other jobs, the City will consider reassignment to another available position. Reassignment can be on a temporary or permanent basis, if the employee can do the “essential functions” of the other job. The City will advise the employee of any available positions that the employee may be qualified to fill, and facilitate the employee’s application for those positions.

The City is not obligated to provide an accommodation that is not reasonable or would result in an “undue hardship.” An undue hardship may be created when the requested accommodation is too costly, extensive, disruptive, or will fundamentally alter the nature of the business. This would mean an action requiring significant difficulty or expense. An undue hardship will be determined on a case-by-case basis.

30.04 Interactive Process:

Once an employee requests reasonable accommodation for a disability, the City may seek to engage in the "interactive process." The "interactive process" is an exchange of information between the City, the employee, and the employee's medical providers to learn more about the disability, its impact on the employee's ability to work, and the prognosis.

In the interactive process, the employee is expected to provide information that he or she has about his condition, the limitations it imposes, and any accommodations he/she needs so that he/she can do his/her assigned job or another available position. The employee is also encouraged to authorize and facilitate communication between the City and the employee's medical providers regarding the condition, the limitations, and the prognosis.

In the interactive process, the City is expected to provide information on the "essential job functions," accommodations that it believes it can reasonably provide, and other available positions that the employee can fill for the duration of the disability.

The medical provider is expected to provide information on the nature of the disability, the limitations it imposes, the expected duration, the prognosis, and what kinds of accommodations may enable the employee to work at his/her assigned position or another available position.

The employee must authorize in writing any communication with his/her medical providers. The employee may refuse to allow communication with his or her medical providers, though the employee then takes the risk of failing to cooperate in the interactive process, which may relieve the City of its duty to provide a reasonable accommodation. The employee can also limit communication with his/her medical providers to a written exchange of information but being able to speak directly to the medical providers is more helpful in understanding the disability and what accommodations may be helpful.

The City may retain an independent medical provider, at its expense, to evaluate the situation (including an examination of the employee and a review of the employee's medical records) and provide a second opinion on issues related to the employee's disability.

All documents received as part of the interactive process that concern an employee's medical condition will be maintained in a separate confidential file with restricted access and will not be part of the employee's general personnel file.

Chapter 31

WELLNESS PROGRAM (updated August, 2013)

31.01 Purpose:

The City of Washougal recognizes employees are critical in providing quality and efficient services to its citizens. The health of employees also has a direct effect on the costs to the City. The City recognizes its need to contribute in a positive way to the health and well-being of its employees.

This policy is established to provide a framework for the administration of the City's Wellness Program. This includes defining mission and goals, structure and the membership requirements for the Committee.

31.02 Mission and Goals:

The Wellness Program strives to meet the needs and interests of employees of the City of Washougal in the voluntary adoption and maintenance of healthy lifestyle choices. The goals of the program are to:

1. Improve employee quality of life through knowledge about health and life-style
2. Improve morale at work
3. Reduce long-term costs related to treatment of illness and accident

31.03 Structure:

The Wellness Program is budgeted and administered through the Human Resources department. A voluntary Wellness Committee as described below assists with the planning, oversight, management, promotion and execution of the Annual Operating Plan. The Human Resources department is also responsible to apply for, obtain and manage annual grant funding.

All benefited employees may qualify for incentives as provided by of City of Washougal or AWC for their participation in sponsored Wellness Committee events. These incentives are to reward participants as well as encourage and motivate their participation. The incentives are outlined in the Annual Operating Plan.

The Wellness Committee will promote its program through cultural change and recurring awareness. Specifically, it will advance its agenda through four types of activities:

- Information and awareness programs such as flyers, bulletin boards, brown bag lunch sessions, wellness seminars, workshops and classes
- Motivational programs such as interdepartmental or with neighboring cities that provide an employee group challenge
- Behavior change programs such as nutritional information, stress reduction, smoking cessation and weight management

- Offer the biennial HealthCheck Plus and annual Health Questionnaire (Regence) or Total Health Assessment (Kaiser).

31.04 <u>Health Club Membership:</u>

- It is the employee's choice as to which health club they wish to join
- Any and all initiation fees required to join the health club are the employee's responsibility, and are not subject to reimbursement
- The city will reimburse up to one half the employee's monthly membership fee; a maximum of $20 per month
- In order to get reimbursed, the employee must have a receipt showing full payment of their monthly dues. The receipt must be attached to an expense sheet and submitted to their supervisor. Reimbursements can be submitted minimally on a quarterly basis or a maximum of twelve months, at a time. However, no more than three months will be reimbursed that were not incurred in the current budget year.
- If an employee already belongs to a health club, the same rules apply

31.05 <u>Wellness Membership Committee Requirements</u>:

A voluntary employee Wellness Committee as described below assists with the planning, oversight, management, promotion and execution of program activities.

<u>General Staffing Requirements:</u>
The committee will have a minimum of five (5) members representing; management, community development, finance, public works and police. The management team will provide staff time to the members of the committee to conduct its activities.

<u>General Committee Requirements:</u>
All meetings will start promptly and end on time.
All committee members are equal participants and have equal right and responsibility to voice opinions, ideas and share in the success of the program.
Confidentiality is important in all health education activities. Because the Wellness Committee may offer programs about potentially sensitive issues, the transactions will be confidential and will be respected as such.

<u>Member Requirements/Expectations:</u>
Attend regularly scheduled wellness meetings.
Inform another attending member if they cannot attend a meeting.
Organize and promote wellness events in accordance with the Annual Operating Plan.
Representing your department and educating them on the various Wellness activities.
Share ideas freely and raise any concerns or objections and offer alternative solutions when a decision is to be reached by consensus.
Fully support all agreed upon decisions by the committee.
Work in conjunction with management and AWC to increase awareness about the benefits of healthy living.
Recruit employees to assist in the delivery of programs and activities that are hosted each year.
Perform evaluations of ongoing programs and activities.

Attend AWC annual conferences.

Role of Chair Person:
Set the time and place of meetings.
Prepare an agenda in advance of all meetings.
Manage meetings according to the established agenda.
Take minutes and distribute to committee members and managers following each meeting.

Chapter 32

EMPLOYEE COST SAVINGS SUGGESTION PROGRAM (added March, 2015)

32.01 Program Overview:

The Employee Cost Savings Suggestion Program is designed to promote the communication of ideas, enabling both the City and its employees to benefit from increased revenues, lower costs, greater productivity, and safer working conditions.

32.02 Administration:

A suggestion committee whose members are appointed by the City Manager will be drawn from non-represented employees, Local 307-W and Police. Each employee group shall be represented by two members and one person will serve as chair person. Employees are encouraged to volunteer as a representative for their group. However, if there are insufficient volunteers, committee members will be appointed by the City Manager. Committee participation will be reviewed on an annual basis; however, participants shall serve for a minimum of one year. The committee will hold meetings at least quarterly to review suggestions. The Program Coordinator shall be designated to the Human Resources Department.

32.03 Committee Responsibilities:

- Foster employee awareness of the suggestion program.
- Accept employee suggestions.
- Maintain a log of suggestions and their disposition.
- Forward suggestions to the appropriate department head (or topic expert) for his/her evaluation and feasibility of the suggestion.
- Recommend program improvements to the City Manager.
- Keep employees informed of the status of their suggestions.
- Recommend to the City Manager or his/her designee the level of reward based on the tangible benefits that are realized during the first year of implementation.

32.04 Award Eligibility:

- All regular full-time and part-time employees are encouraged to submit suggestions with the exception of; Mayor, Council, City Manager, department heads and committee members.
- The suggestion may be related to an employee's job, but the substance of the suggestion cannot be specifically detailed in the employee's job description. This will be determined by the department head during the feasibility evaluation process.
- If duplicate suggestions are submitted, only the first received shall be eligible for an award.

32.05 Submitting Suggestions:

Each suggestion should be written on an Employee Suggestion Form. An employee may ask for managerial help in completing the form, but a management signature is not required. (Blank forms can be obtained from the Human Resources Department).

Each suggester shall execute the following agreement: "In consideration of my participation in the Employee Cost Savings Suggestion Program, I hereby agree that the use by the City of Washougal of my suggestion concerning (subject matter to be completed) shall not be a basis for a claim of any nature against the City of Washougal by me, my heirs, executors or assigns."

Each suggestion should state a specific problem and propose a definite solution. It should include the benefits to the City, the cost to implement versus the savings and when the savings that are expected to be realized.

32.06 Evaluation of Suggestions:

A cost savings suggestion involves those ideas for improvement which result in a measureable cost reduction or in the recovery of revenue which would otherwise be lost.

- The program coordinator will route suggestions to a topic expert in the affected department(s).
- The topic expert will evaluate the suggestion within thirty (30) days of receipt of the suggestion from the coordinator using the Evaluation Form.
- The coordinator will convene the committee within thirty (30) days of receiving the evaluation form from the department evaluator.
- The Committee will determine whether the suggestion should be implemented with the suggested department(s) based on the evaluator's analysis. If more than one City department affected, each affected department must be solicited for their recommendation on the suggestion's feasibility.
- If the Committee determines the suggestion is to be implemented, the suggestion will be evaluated for the amount of the award based on the projected net cost savings estimate for the first year.
- Accepted suggestions will have an implementation date assigned and will be clearly documented as to the basis of the Committee's decision and how the amount of the award was determined.
- Rejected suggestions will be clearly documented as to why implementation of the suggestion is not feasible.
- The results of the Committee review are final and not eligible for appeal or grievance. The coordinator will convey the decision of the Committee in writing to the suggester.

32.07 Amount of Awards:

1. The amount of the award will be based on 10% of actual net savings over the period of one year's implementation. No cash award shall be for less than $25 or more than $5,000.
2. Normally, employees shall receive the full amount of their awards when the suggestions are implemented. The Committee may recommend withholding part of an award pending full implementation of a suggestion by the affected department(s).
3. Cash awards shall be in addition to regular compensation for work performed.

32.08 City Rights:

In consideration for the City approval and tender of an award, employees agree to assign all of their rights, title and interest in and to the suggestion to the City.

32.09 Ineligible Suggestions:

The following listing should not be considered a denial of merit for any ideas or proposals. However, suggestions of this nature are to be handled through normal channels of communication (for example, memorandums, and verbal communications with management, work groups and Open-Door enquiries) rather than through the Suggestion Program.

- Duplicate or closely parallel a previously submitted suggestion.
- Improvements that are already on record as having been considered, proposed and/or adopted by the City.
- Work already in progress, under consideration, or being evaluated.
- Suggestions that state improvements needed but fail to provide thorough solutions (insufficient information or diagrams may cause a suggestion to be returned to the suggester).
- Proposing changes in the City of Washougal's values or policies.
- Recommending additional revenues at the expense of a segment of the taxpayers.
- Recommending a study, survey or review with the course of action to be taken in accordance with the findings.
- Involving a personal grievance.
- Recommending a change in the pay or classification of a position or class, or the establishment of new positions.
- Involving terms and conditions of employment which are subject to the collective bargaining process.
- Matters controlled by vendor warranties, government regulations and all other warranties and regulations outside the control of the City of Washougal.
- The sale of any City of Washougal property.
- Charitable contributions or fund raising.

Chapter 33

AMMENDMENTS

32.01 Amendments to the Personnel Policy:
The City Manager designee may suggest changes and revisions to this Personnel Policy for Council approval. The City Manager will provide written notice to each of the union presidents of any proposed amendments, changes or revisions to the Personnel Policy Manual as provided for in the applicable collective bargaining agreements. The union/guild representatives will have thirty (30 calendar) days to respond in writing what, if any, comments they may have.

Employee Recommendations: Any employee may suggest an amendment, change, or revision by submitting suggestions in writing to the HR Director and the City Manager.

The City Manager will decide which, if any, proposed changes will be forwarded to the City Council for approval. The City Council retains final authority to approve or disapprove proposed revisions made by an employee or by the Employee Advisory Committee.

All amendments, changes, and revisions are made available to all City employees in the manner and form approved by the City Manager.

32.02 Saving Clause:
If any section, subsection, paragraph, sentence, or phrase is found by a court to be invalid or unconstitutional, such findings shall not affect the remainder of this Personnel Policy.

Chapter 34

DEFINITIONS

The following terms, whenever used in the Personnel Policy, are defined as follows:

Absence: Absence is the failure of an employee to report for work when the employee is scheduled to work.

Accrued Vacation Leave: The vacation hours/shifts an employee has earned from their anniversary date to a particular month that have not yet been added to the employee's records.

Accumulated Vacation Leave: The vacation hours/shifts reflected in an employee's records and that are added on a monthly basis.

Administrative Leave: Leave that is authorized by the City Manager with or without pay for an employee during the time a fact finding investigation or other administrative proceeding is pending completion.

For employees in positions exempt from the Fair Labor Standards Act, administrative leave may also be approved to compensate for unusual, non-customary work demands.

Advancement: A salary increase within the limits of the pay range established for a classification.

Allocation: The official assignment of an individual position to the proper classification according to the duties performed and authority exercised.

Anniversary Date: The initial date of regular employment in a budgeted City position and the date from which vacation leave, sick leave, and longevity will be computed.

Appeal Procedure: The established procedure to follow when an employee files an appeal because of action taken against that employee.

Appeal Rights: The right of a regular employee to appeal an action taken against the employee.

Appointing Authority: The City Manager who has the authority to make appointments to fill positions.

Appointment: The offer to and acceptance by a person for a position according to this Policy.

Appointment Date: The date that a newly hired employee (temporary or trial service) begins work for the City.

Armed Forces: Includes the Army, Navy, Marine Corps, Coast Guard, Air Force and their auxiliaries.

At Will Employment: The employment relationship for all employees not covered by a collective bargaining agreement or Civil Service rules and regulations and which may be terminated at any time by either party with or without cause or notice.

Automobile: Any car, truck, pickup, or other equipment or vehicle.

Bereavement: The death of a member of the employee's immediate family which may require the presence of the employee**.** The following is the definition for immediate family of the employee or spouse of the employee: Parent, child, spouse, domestic partner, brother, sister, son-in-law, daughter-in-law, grandparent, grandchild, and equivalent step relatives.

Budgeted Position: A position that is funded in the City's annual budget.

Candidate: An applicant who is participating in the recruitment for a position.

Child: biological, adopted or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis, who is (i) under 18 years of age or (ii) an adult child 18 years of age or older and incapable of self-care because of a mental or physical disability.

City: The City of Washougal, Washington.

City Agency: every department or any subdivision thereof.

City Council: The City Council of the City of Washougal.

City Department: A major functional subdivision of City government that is accountable through the department director to the City Manager.

City Employee: every position of employment in any city agency.

City Facility: An enclosed facility, including any automobile, that is owned, leased, or operated by the City and that is frequented by the public or represents the work station of an employee

City Service: The performance of official duties and responsibilities for the City.

Civil Service Commission: A City Council appointed commission that meets regularly on a monthly basis to administer the established City of Washougal Civil Service Rules and Regulations for civil service covered Police and uniform Fire personnel.

Classification: A group of positions with similar or equal duties, responsibilities, and pay ranges.

Classification Title: A name assigned to a position that indicates a particular level of rank and specific duties and responsibilities.

Cohabitating Individuals: Two unrelated adults of the same or opposite sex sharing the same living arrangement.

Common Area: Includes, but is not limited to, employee lounges, lunch rooms, conference rooms, stairways, elevators, hallways, and rest rooms.

Communication Device Holders: Users who use such devices to conduct City business.

Communication Services: Include commercially offered wireless transmission of analog/digital voice and data messages.

Covered Employee: A person in a position covered by the overtime provisions of the Fair Labor Standards Act and Washington Minimum Wage Act, also referred to as a "non-exempt" employee.

Dating Relationship: A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship.
Compensation: The salary/wage, and all other forms of valuable consideration earned by, or paid to, any employee in remuneration for services in any position.

Demotion: A reassignment to a position or classification with a lower pay range. Demotions may be involuntary if associated with a disciplinary action, or voluntary which includes changes by employee preference (location, hours, environment, etc.) and demotion to avoid layoff. In either case, the demotion shall be approved only if the employee is qualified to assume the duties of the new position/classification.

Department Director: The professional employee who administers the operation of a City department and is directly responsible to the City Manager.

Department Guidelines: Guidelines issued by a department director and approved by the City Manager designed for specific types of activities within a department's operation.

Disabled War Veteran: A disabled person who has served in active duty of the Armed Forces of the United States during any recognized period of war and who has been discharged or released under other than dishonorable conditions. A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the U.S. Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of Congress. (RCW 41.04.005)

Disability:

Washington State Law

Under Washington State law, "disability" is defined as any physical, mental or sensory impairment that is medically diagnosable, whether temporary or permanent, common or uncommon, mitigated or unmitigated, or whether it limits a person's ability to work generally or at a particular job. "Impairment" includes, but is not limited to:

- Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

- Any mental, development, traumatic, or psychological disorder; including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

Federal Law

Federal law applies a different definition of "disability." Under federal law, "disability" is defined as any physical or mental impairment that "substantially limits" one or more of an employee's "major life activities." "Major life activities" are tasks that are central to a person's everyday existence: walking, seeing, hearing, eating, speaking, breathing, sleeping, and cleaning oneself. "Major life activities" also include major bodily functions of the immune system; normal cell growth; digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions. Mitigating measures other than "ordinary eyeglasses or contact lenses" are not considered in assessing whether an individual has a disability. "Working" is considered a "major life activity" if the condition affects the employee's ability to do a broad range of jobs, not just the job he/she has. Under federal law, the impairment must be permanent or long term.

Under federal and state law, recovering alcoholics and recovering drug addicts (the employee must no longer be using alcohol or drugs) are considered disabled. Employees who are HIV+ are also considered disabled.

Discharge: A disciplinary termination of employment.

Disciplinary Action: There are several types of disciplinary action that may include, either individually or in combination, an official reprimand ***(****verbal or written)*, disciplinary probation, suspension, reduction in salary, demotion, or termination.

Disciplinary Probation: A form of disciplinary action for a period that generally will not exceed six (6) months.

Diversity Management: The policy of the City that seeks equality in employment opportunities and access to services and programs for all applicants and employees regardless of race, religious creed, ancestry, sex, age, marital status, physical or mental disability, national origin, or any other protected status, and that honors and supports cultural and other work force differences as an enhancement to productivity and service.

Division: A major unit of a department within the City organization.

Division Manager/Supervisor: An employee who administers a major unit within a City department and who is directly responsible to a department director.

Eligibility: A candidate whose name is recorded on an eligibility or reinstatement list.

Eligibility List: A record of the names of persons who have been found qualified through suitable examination for employment in a specific position or classification.

Emergency: A circumstance that, if not immediately changed, may cause damage to persons or property.

Emergency: The City Manager has the discretion to determine whether an emergency exists. Generally, an emergency as it relates to City operations is an unforeseen circumstance beyond the control of the municipality that either: (a) presents a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Emergency Vehicle: Pursuant to RCW 46.04.040 an authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state patrol, or any other vehicle authorized in writing by the state patrol.

Emergency Vehicle: Any vehicle that is designated and authorized to respond to an emergency i.e. police and security, fire and rescue, medical and civil emergency.

Employee's Child: A person younger than eighteen (18) years of age or a person older than eighteen (18) years of age and incapable of self-care due to a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility. A "child" includes a biological, adopted, foster, or step-child.

Employee or Incumbent: A person legally occupying a position in the City service. Such persons include, but are not limited to, the following:

1. Regular Full-Time Employee: Employee's who work forty (40) hours (or the designated work week for fire-shift personnel) per week in a budgeted position. This person has successfully completed the trial service period and has been retained according to the Personnel Policy provisions.

2. Regular Part-time Employee: Employee's working in a budgeted position whose normal work schedule is less than forty (40) hours per week. This person has successfully completed the trial service period and has been retained according to the Personnel Policy provisions. Regular part-time employees are paid at the equivalent hourly rate of the range and step in the classification to which they are appointed and receive benefits on a pro-rated basis commensurate with their budgeted part-time hours.

3. Trial Service Employee: An employee working in a six- to twelve-month test period in which employee must prove their ability to perform the duties of the appointed position before they can become a regular full-time or regular part-time employee.

4. Temporary Employee: A person appointed to a temporary position or temporarily appointed to a regular position. A temporary position means a position budgeted for a set period of time on an hourly, daily, weekly, seasonal, or call-in basis. This period of time will normally not exceed six (6) consecutive months of continuous employment.

5. Emergency Employee: A person employed to meet unexpected operational emergencies for a temporary period in a position not specifically authorized or funded in the budget.

Emergency condition: a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health that demands immediate action, and is typically very short-term in nature.

Employment Date: See Anniversary Date.

Enclosed Work Area: An area enclosed by a roof and walls with at least one opening for ingress and egress. The area is owned, leased, or rented by the City with intended use by officers and employees of the City.

Exempt Employee: A person in a budgeted position exempt from the overtime provisions of the Fair Labor Standards Act as an executive, administrative, or professional employee.

Fair Labor Standards Act (FLSA): A Federal law, enacted by the United States Congress in 1938, which sets minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are covered by the Act.

Family Medical Leave Act (FMLA): A law enacted on February 5, 1993, which entitles qualified employees to up to 12 weeks of unpaid leave year per for the birth, adoption or placement for foster care of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition.

Final Earned Rating: The final percentage score attained by a candidate in a Civil Service covered examination for a budgeted position, computed by adding the percentages earned in each part of the examination.

Foreign National: An individual who is not a U.S. citizen, permanent resident or resident alien of the United States.

Grievance: An alleged violation of a collective bargaining agreement that is processed through the grievance procedure of that agreement.

Hands-free mode: The use of a wireless communications device with a speaker phone, headset, or earpiece.

Health Care Provider: Health care provider means:

- Doctors of medicine or osteopathy authorized to practice medical or surgery by the state in which the doctor practices; or
- Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray) authorized to practice and performing within the scope of their practice, under state law; or
- Christian Science practitioners listed with the First Church of Christ Science in Boston, Massachusetts; or
- Any health care provider recognized by the employer or the employer's group health plan benefits' manager.

Improper governmental action: any action by a City of Washougal employee:

- That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
- That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds. "Improper governmental action" does not include personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining agreements or civil service laws, alleged violations of labor agreements or reprimands.

Health condition that requires treatment or supervision includes:

i. Any medical condition requiring treatment or medication that the child cannot self-administer;
ii. Any medical or mental health condition that would endanger the child's safety or recovery without the presence of a parent or guardian; or
iii. Any condition warranting treatment or preventative healthcare, such as physical, dental, optical or immunization services, when (1) a parent must be present to authorize, and (2) sick leave may otherwise be used for the employee's preventative healthcare.

Interview Panel: An interviewing panel composed of persons who are experienced either in the field of work for which the examination is being conducted or in the technique of evaluating and rating candidates.

Key Employee: Employee is a salary "eligible" employee who is among the highest paid ten (10) percent of employees with the City.

Lay-Off: The separation of an employee from City service without fault or delinquency on the employee's part due to reorganization, privatization, the lack of work, the lack of funds, or other factors that may lead the City to find a reduction-in-force is necessary.

Medically Necessary Leave: A medical need for the leave because of the employee's own serious health condition or to care for a family member and that can best treat the need through an intermittent or reduced leave schedule.

Military Duty: Training and service performed by an inductee, enlistee, reservist, or any entrant into any of the Armed Forces of the United States and their auxiliaries.

New Employee Orientations: All new regular full-time and part-time employees are given a new employee orientation by the Human Resources Department and by their own department as close as possible to their first day of work. This Personnel Policy is an important part of this orientation.

Next of Kin: The service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter.

Non-Exempt Employee: See Covered Employee.

Non-Represented Employees: All employees appointed to budgeted positions who are not covered by collective bargaining agreements.

Official Reprimand: An oral or written notice to an employee informing the employee of an action or course of conduct on their part that is cause for disciplinary action.

Open Examination: An examination open to all qualified persons including City employees.

Parent: Biological or adoptive parent, or a step-parent.

Performance Appraisal: An appraisal of the quality, quantity, effectiveness, and efficiency of work performed. The appraisal is to communicate with the employee about performance, expectations, departmental standards, provide positive feedback, define specific areas needing improvement, and to develop a specific growth plan to address learning needs. At minimum, informal appraisals are encouraged frequently; formal appraisals are made annually.

Permanent Resident or Resident Alien: An individual who has been lawfully admitted to the United States to live; an immigrant; or holder of a green card.

Personal Call: May be either a (non-work related) voice communication or an active link to a network/internet site.

Person: individual, association, corporation, or other legal entity.

Person: All persons employed in City service.

Personnel Management: The process of defining and proposing policies for managing City staff and the implementation of those policies in collaboration with responsible managers and supervisors.

Policy: An approved course of action established by the City Managaer or other appropriate authority.

Position: The official rank within a given classification and held by an employee with a descriptive title.

Position Classification and Compensation Plan: The City's official plan that classifies budgeted positions and sets compensation rates.

Position Description: A complete and detailed statement about the general responsibilities, essential functions, specific duties, and minimum qualifications of a specific position within a given classification, as well as decision-making responsibilities, level of supervision received and exercised, working conditions, and equipment operated.

Promotion: A change in the employment status of an employee to a position in a higher classification with a higher rate of pay and increased responsibility.

Promotional Examination: An examination for an unfilled budgeted position opens only to active employees of the City.

Promotional List: A list of employees who have been successfully tested for promotion to a more responsible position or positions.

Range: The distance between the minimum and maximum rates of pay within a given classification.

Rate of Pay: See Compensation.

Reclassification: The process of reassigning a position to a different classification as a result of a position audit.

Recognized Employee Organization: A collective bargaining unit.

Recruitment: Activity intended to attract, inform, evaluate, and appoint persons to City service under the provisions of this Personnel Policy.

Regular Employee: See Employee.

Rejection: The separation from employment during the employee's trial service period.

Relative: Any person related to the employee including spouses, domestic partners, children, brothers, sisters, half-brothers and sisters, step-brothers and sisters, parents, step-parents, aunts, uncles, nephews, nieces, first cousins, grandparents, grandchildren, and the spouses of the above.

Represented Employees: All employees appointed to budgeted positions who are covered by collective bargaining agreements.

Retaliatory Action: An adverse change in terms and conditions of City of Washougal employee’s employment made because an employee reported improper government action.

Retirement: Official retirement from a budgeted position and City service that is available when the requirements of the employee's retirement system are met.

Salary Date: The date on which an employee's rate of pay becomes effective and on which advancements within the pay plan are based.

Separation Date: The last day of an employee's work in City service, after which no vacation or sick leave is accrued or used.

Serious Health Condition (Family Care Leave): an illness, injury, impairment or physical or mental condition that involves –

i. Any period of incapacity or treatment connected with in-patient care, and any subsequent treatment or recovery in connection with such in-patient care; or
ii. Continuing treatment under the supervision of a healthcare provider, or a provider of healthcare services, and which includes any period of incapacity

Serious Health Condition (FMLA): An illness, injury, impairment, or a physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice or residential medical care facility;
- A period of incapacity of ***more*** than three (3) consecutive full calendar days from work or other regular daily activities that also involves continuing treatment (or under the supervision of) a health care provider;

- A period of incapacity due to pregnancy or for prenatal care;

- A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three (3) full consecutive calendar days in the absence of medical treatment (e.g. chemotherapy for cancer or dialysis for kidney disease)

Smokeless Tobacco: Tobacco this is not smoked but used in another form such as chewing tobacco or snuff.

Smoking to Smoke: Inhaling, exhaling, or carrying any burning tobacco or other plan matter. This includes, but is not limited to, cigarettes, cigars or pipes.

Spouse: Either member of a legally-married pair. If both spouses work for the City, they are entitled to a combined total of twelve (12) weeks of leave if the leave is taken for the birth of a child, the placement of a child for adoption or foster care, or to care for a sick parent. If each spouse uses a portion of the twelve (12) weeks of leave for the purposes specified above, each would be entitled to the difference between the amount they had taken and twelve (12) weeks of FMLA leave for a different purpose. Example, if each spouse took six (6) weeks of leave as a result of the birth of a child, each could use an additional six (6) weeks due to his or her own serious health condition.

Step Date: The date in which the employee moves within their assigned classification pay range to the next higher pay step. An employee's step date is established by the following personnel actions:

initial appointment - upon successful completion of the non-represented employees trial service period, the initial step date shall be established; the step date for represented employees will be one year following their appointment date;

promotion - the promotion of the employee through a competitive recruitment process shall dictate a new step date commencing on the effective date of promotion;

demotion - the demotion (voluntary or involuntary) of the employee shall maintain their prior step date for the purpose of any future step increases;

reclassification - an employee whose classification is changed shall receive a new step date commencing at the effective date of reclassification.

Stand-by Status: An employee required during impending need to be available by a pager or telephone number known to the employee's immediate supervisor and/or the Police Department. Such an employee is prepared to report for duty within thirty (30) minutes and is considered to be on stand-by duty until relieved by the employee's supervisor.

Subject: the person to whom the whistleblower alleges responsibility.

Supervisor/Manager: An employee hired and/or appointed by the City Manager at the recommendation of the director of the employee's department to assign/direct and evaluate the work of other employees within designated work unit or division of the same department.

Suspension: The temporary separation of an employee from their position, with or without loss of pay, for pending disciplinary action, disciplinary action, or for another reason as determined necessary by the employee's supervisor, and for a defined period of time.

Tenure: Status granted to an employee, after a trial service period indicating that the position or employment is regular.

Termination: The separation of an employee from City service. Termination may be by discharge, death, lay-off, resignation, retirement, work completion, contracting out City services, or lack of work or funds. The termination date is the last day of an employee's work in City service. No vacation or sick leave is accrued or used from that date forward.

Tobacco Debris: Includes, but is not limited to, smoke, ash, or any other residue resulting from smoking. “Smoking debris" also includes cigarette or cigar butts, cigarette paper, or products packaging tobacco.

Training, Education, and Development: The training and educational programs as established or budgeted by department directors or the City Manager for personnel in City service. Training and educational programs give opportunities for employees and volunteers to gain knowledge,

skills, and abilities to perform more effectively in City service.

Transfer: A reassignment of an employee from one position to another position in the same classification or another classification having the same pay range, involving the performance of similar duties, and requiring substantially the same basic qualifications.

Trial Service Period: A working test or orientation period during which an employee demonstrates, by actual performance, the employee's suitability for the duties of the position to which the employee has been appointed. The trial service period is for a minimum of six (6) months unless otherwise determined by the City Manager or designated by a collective bargaining agreement.

Twelve-Month Period: A rolling twelve-month (12-month) period measured forward from the date family and medical leave is first taken. The period continues with each additional family and medical leave day taken.

Unauthorized Leave of Absence: Failure of an employee to notify and receive permission from their immediate supervisor in advance of absence or failure of an employee to report for work at the beginning of their next regularly-scheduled work period. An unauthorized leave of absence includes all or any portion of a work day for which notice and approval have not been provided. An unauthorized leave of absence may be grounds for disciplinary action up to and including termination.

Volunteer: An individual who performs activities to benefit the organization and who does not receive, nor expects to receive, payment or remuneration of any kind for such labor or service at any time.

War Veteran: Any person who has received the Armed Forces, Marine Corps, or Navy expeditionary medal for opposed action on foreign soil. This person may belong to any branch of the Armed Forces of the United States. A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the U.S. Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of Congress. (RCW 41.04.005)

Workday: An employee's scheduled daily hours of employment.

Workweek: An employee's schedule of work hours within an appointed week.

APPENDIX A

City of Washougal

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Clark County

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Mailing Address: P.O. Box 5000, Vancouver, WA 98666
Main phone: (360) 397-2261

State of Washington

Attorney General's Office
1125 Washington St. SE
P.O. Box 40100
Olympia, WA 985040-0100

State Auditor's Office
Assistant Attorney General

State Attorney General's Office
PO Box 40021
Olympia, WA 98504-0021
(360)902-0370

State Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
(360)407-6000

Department of Labor & Industries
Vancouver Field Office
312 SE Stonemill Drive, Suite 120
Vancouver, WA 98684-3508
(360)896-2300

Human Rights Commission
402 Evergreen Plaza Building FJ-41
711 South Capitol Way
PO Box 42490
Olympia, WA 98504-2490
1-800-233-3247

United States Federal Government

USDA, Office of Inspector General
75 Hawthorne Street, Suite 200
San Francisco, CA 94105-3920
(415)744-2887

Environmental Protection Agency
Criminal Investigations
1200 Sixth Avenue
Seattle, WA 98101
(206) 553-1200 or (800) 424-4EPA

Department of Labor (Regional Office)
Occupational Safety and Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(800)-321-OSHA

Equal Employment Opportunity Commission

909 First Avenue, Suite 400
Seattle, WA 98102-1061
(206)220-6883