

# **City of Gig Harbor Personnel Regulations**



**2007**

**PERSONNEL REGULATIONS**  
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## **PREAMBLE**

The provisions of these Personnel Regulations are intended for informational purposes and are neither a contract nor a promise of how the city will address a particular situation. They are intended to be illustrative and the city reserves the right, through the City Administrator, to deviate from these policies in the event of an emergency, the need to preserve public confidence or for the convenience of the employer when necessary to preserve the efficient administration of the city. The city also reserves the right to amend these policies at its sole discretion.

## GENERAL PROVISIONS

### A. GOAL

A fair and equitable personnel management system is the goal of these regulations. Implicit in this goal are several objectives: employ the most qualified persons; develop and reward good performance; instill self-discipline in all employees; relate to all employees without consideration of their ethnic background, religion, sex, age, or disability; and, promote equal opportunity.

### B. SCOPE

If a regulation or regulations conflict with labor contracts authorized by the city or with Civil Service Rules, the provisions of the labor contract and/or Civil Service Rules shall govern. If the provisions of these Personnel Regulations are more expansive than a provision of a collective bargaining agreement, then the more restrictive provision of the collective bargaining agreement shall apply. In all other cases these regulations shall apply.

### C. EQUAL OPPORTUNITY EMPLOYER

1. The city is an equal employment opportunity employer. The city employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, political affiliation, medical condition, physical handicap, or disability.
2. The city will not discriminate against applicants or employees with a sensory, physical, or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential element of the job.
3. Employees with life-threatening illnesses, such as cancer, heart disease, or AIDS/HIV conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves, to their co-workers, or to the public. The city will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a substantial and unusual safety risk to fellow city employees or the public exists.

#### D. DISCRIMINATORY HARASSMENT

1. The city shall provide a work environment for its employees which is free from discrimination and intimidation. The city will not tolerate any form of discriminatory harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of discriminatory harassment.
2. Discriminatory harassment is defined as unwanted, unwelcome discriminatory advances, requests for discriminatory favors, and other verbal or physical discriminatory conduct which has the effect of creating an offensive, intimidating, degrading, or hostile work environment, or adversely interferes or affects an employee's work performance.
3. Any employee who believes he or she is being discriminatorily harassed by supervisors or co-workers should immediately notify his/her department head. In the event that the harassment involves the department head, the employee should notify the City Administrator.

The city will not retaliate against an employee who complains of discriminatory harassment.

## **EMPLOYMENT**

### **A. RECRUITMENT**

Available positions shall be published for a necessary period by announcements posted on public bulletin boards and by such other means, as the City Administrator may deem necessary. Announcements shall specify the title, pay range, duties to be performed, required qualifications as found in the job classification plan, time and manner of making application, and other pertinent information.

### **B. APPLICATION**

Application for employment shall comply with relevant state and federal statutes. Application forms shall require information on job experience, education, and training. It shall also include questions to solicit job related information.

No question(s) on the application nor asked by an interviewer shall elicit information on ethnic background, sex, marital status, religious affiliation, or handicap unless it's relative to an occupational qualification.

All statements on the application or resume are subject to verification prior to appointment.

Applications shall be completed, signed, and dated by the applicant.

An applicant may be required to submit to a physical examination, psychological evaluation, and/or a polygraph examination. If any or all of these examinations are required, the city shall pay the cost.

An abstract of the driving record for applicants for positions which require a drivers license or Commercial Drivers license and a safe driving history is required as a part of a conditional offer of employment.

### **C. NOTIFICATION**

All applicants shall be notified of: receipt of application, status in the selection process, disqualification from further consideration, and the filling of a vacant position.

### **D. APPOINTMENT**

Appointments to vacancies shall be based on experience, education, and requisite medical fitness. The evaluation shall consist of an impartial comparison of these factors to the job description and the results of any testing methods.

#### E. TEMPORARY APPOINTMENT

Appointments to positions other than an acting or regular basis shall be considered temporary. Such temporary appointments shall be allowed when:

1. A substitution for a regular appointee who is absent from his or her position is necessary;
2. It is impossible to appoint a person to the position due to recruitment difficulties;
3. Budget appropriations only provide for temporary employment; and/or
4. A state of disaster or emergency exists.

Temporary appointees shall serve at the discretion of the City Administrator. No temporary appointment shall exceed one year in duration.

#### F. NEPOTISM

No immediate family member shall be employed by the city in a situation where one would have the authority or practical power to supervise or discipline another, where one is responsible for auditing the work of another, or when he/she is going to be in a position of actual or reasonably foreseeable conflict between the employer's interests and his/her own. If this situation should occur, one employee must transfer to another department, or if a transfer is not available, the immediate family member will be given the opportunity to determine which of them will leave the organization.

#### G. PROBATION

An appointment or promotion to a full-time position other than law enforcement officers, shall not be regular for a period of six (6) months. An appointment to a full-time law enforcement officer position shall not be regular for a period of twelve (12) months from date of completion of the academy for entry-level officers. Probation is an extension of the selection process and failure of same as determined by the City Administrator or department manager does not constitute any right to appeal under these regulations. Employees on probation may be terminated by the City Administrator or the department manager. Upon satisfactory completion of the probationary period, the employee shall gain regular status. Unsatisfactory probationers shall be notified in writing by the department manager at any time during the probationary period. A copy of the notification shall be retained in the personnel files. Termination of a probation employee may occur for any reason that is not illegal or discriminatory.

## H. ATTENDANCE

Employees shall be at their job in accordance with the rules relating to hours of work, holidays, and leaves of absence.

An employee shall not be absent from work for any reason other than those specified in these regulations, without prior arrangements with his/her supervisor.

Any unauthorized absence from work shall be an absence without pay and may be cause for disciplinary action.

## I. HOURS OF WORK

The normal work week for full-time employees, other than sewer treatment employees, shall consist of forty hours: five consecutive days Monday through Friday at eight hours. The eight-hour day does not include a 30-minute meal period. The eight-hour day does include a fifteen (15) minute break in the morning and the same in the afternoon.

According to FLSA, the normal work week for full-time, regular employees, other than sewer treatment employees, shall consist of a fixed and regularly recurring period of 168 hours, seven consecutive 24-hour periods and it need not coincide with the calendar week. (The work week begins 12:00 midnight on Sunday and continues through Saturday).

The normal work week for sewer treatment employees shall consist of forty hours worked of five consecutive days of eight hours exclusive of a 30 minute meal period on the employees' own time unless mutually agreed by all parties. Concurrent schedule approval by the City Administrator, department director, and the employee must occur before flextime may be authorized.

## J. PROMOTION

Vacancies in positions shall be filled from employees holding regular appointments in appropriate job classes on a competitive basis. If qualified personnel are not available within the city staff, applicants shall be recruited. City employees who are promoted shall successfully complete probationary period. Those who fail the probationary period shall assume any regular appointment held prior to promotion if a position remains open.

## K. DEMOTION

No employee shall be demoted to a position for which he or she does not possess the minimum qualifications. An employee being demoted shall be notified two weeks prior to demotion. An employee may be demoted when: performance falls below that established for his/her particular classification; the

employee becomes physically or mentally incapable of performing the duties of his/her position; in lieu of layoff; or as a form of discipline for failure to meet job requirements. A demotion may be authorized by the City Administrator for any employee who requests it or to prevent a layoff. Any demotion to prevent layoffs may be reversed when the employee's previous position is re-opened.

L. TRANSFER

With the approval of the City Administrator, an employee may transfer from one job classification to another. However, an employee may not transfer to a position for which he/she does not meet the minimum qualifications.

A new probationary period shall begin for any employee who is transferred. A transfer shall not be used to circumvent provisions governing promotions, demotions, or termination.

M. LAYOFF

The City Administrator may lay off regular employees for lack of work, budgetary restrictions, or other organizational changes. No regular employee shall be laid off while another person in the same classification is employed on a probationary or temporary basis, except probationary employees who have been promoted, in a position for which the regular employee is qualified. In determining who shall be laid off in a job classification, consideration is to be given to individual performance. If the employee being laid off possesses a good service record, his/her name shall be placed on a re-employment list according to his/her job performance. The list shall be maintained for one year.

N. RE-EMPLOYMENT

An eligible list of those employees with regular appointments who were laid off or demoted in lieu of layoff shall be maintained for each job classification. Re-employment from these lists shall be in order of date of layoff, the earliest date of layoff being first. Employees re-employed may be required to submit to medical examinations as provided in these Regulations, if deemed necessary by the City Administrator.

O. LEAVE OF ABSENCE WITHOUT PAY

Upon an employee's written request, the City Administrator may grant a regular employee a leave of absence without pay not to exceed one year. Approval shall be in writing and signed by the City Administrator. No vacation, sick leave benefits, or other benefits shall accrue while an employee is on such leave. 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 employee shall be reinstated in the position held at the time leave was granted or to an equivalent

position.

P. RESIGNATION

An employee wishing to leave employment with the city in good standing, shall at least two weeks before leaving, file with his/her department director, a written statement of reasons for leaving and the effective date. The time limit of the resignation may be waived at the discretion of the department director. The department director shall file a copy of the resignation and a final performance appraisal in the employee's personnel file.

Q. RETIREMENT

Retirement age shall be governed by statutes in effect at the time. In all instances, the retirement date shall be the last day of the calendar month in which the employee shall have reached the designated retirement age.

R. TRAINING

The City Administrator shall encourage training opportunities for employees. He/she shall assist department directors in developing training programs designed to improve performance for promotion to positions of greater responsibility. Training sessions may be conducted during regular working hours at the discretion of department directors.

S. SAFETY

1. Every employee is responsible for maintaining a safe work environment and following the city's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her department director. The city will make every effort to remedy problems as quickly as possible.
2. In the case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their department director or the City Administrator.
3. Responsibility for development, promotion, and coordination of safety throughout the various city departments shall be a responsibility of the department managers and the City Administrator.

T. OUTSIDE EMPLOYMENT

Prior to engaging in any employment other than his/her city job, each employee shall report the proposed outside employment to the City Administrator through his/her immediate supervisor. The City Administrator shall not unreasonably

withhold approval for outside employment but will prevent outside employment, which would interfere with the efficient performance of the employee's job, create a conflict of interest, or result in a poor public image for the city as determined in the sole discretion of the City Administrator. The City Administrator may also require individuals to cease outside employment should any of these factors arise during the course of employment.

#### U. RESTRICTION ON EMPLOYMENT

Employment with the city requires an employee to conduct any and all personal matters in a manner that will bring no discredit to the city.

Peddling or soliciting for sale or donation of any kind on city premises or during regular working hours is not allowed without the express written consent of the City Administrator.

#### V. POLITICAL ACTIVITY

The rules governing political activities of employees shall follow the provisions of RCW 41.06.250. Solicitation for or payment to any partisan, political purpose or any compulsory assessment or involuntary contribution is prohibited: PROVIDED, however, that officers of employee associations shall not be prohibited from soliciting dues or contributions from members of their associations. No person, elected official, or employee thereof shall solicit on city property any contribution for partisan political purposes.

Employees shall have the right to vote and express their opinions on all political subjects and candidates, and to hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices. A classified civil service employee shall not hold a part time public office of the city when the holding of such office is incompatible with, or substantially interferes with the discharge of official duties of the job. For employees who are in positions financed primarily by federal grant-in-aid funds, political activity will be regulated by the rules and regulations of the United States Civil Service Commission.

#### W. PERSONNEL RECORDS

1. The City Administrator shall maintain a personnel record for each employee. Such record shall contain the employee's name, title of position held, the department to which assigned, salary, performance evaluations, personnel actions affecting the employee, change in employment status, training received, and such other information considered pertinent.

2. A medical file is also kept for each employee, which is separate from the personnel file and is kept locked. It contains information on any physical reports, medical notes or leaves, drug testing results, and accident reports or claims.
3. An employee has the right to review his/her file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the city denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.
4. Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, contrary to law, without a written request for specific information submitted to the City Administrator.

#### X. USE OF CITY VEHICLES

City vehicles shall not be driven for personal uses. With the approval of the City Administrator, on-call employees may drive a City vehicle back and forth between work and their private residence. The on-call employee is responsible for keeping detailed records regarding the mileage used commuting to and from home, and will be taxed on said mileage and gasoline cost as a Fringe Benefit to the employee. An employee must be eighteen years or older to drive a City vehicle. Smoking is prohibited in City owned vehicles.

Those employees who are required to drive a city vehicle as a part of their job must maintain a safe driving history. An abstract of their driving history will be reviewed every three years or more often if deemed necessary by the supervisor.

#### Y. USE OF CITY CREDIT CARDS

1. Implementation. The Finance Director (or his/her designee) shall implement this system for the distribution, credit limits, payment of bills, authorization and control of cards, relating to the use of credit and purchasing cards by city officials, officers and employees.
2. Eligibility. All regular-status city employees and city officers/officials are eligible to receive a purchasing/credit card if authorized by their approving director and the Finance Director. Purchasing/credit cards may be checked out by the Finance Department to those city officials/officers and employees who are authorized to obtain a card because their job responsibilities would be facilitated by the use of a purchasing/credit card and such use would benefit the city. The act of

obtaining a city purchasing/credit card does not indicate pre-approval of expenses.

3. Establishment of Card Limits. The Finance Department shall set a credit limit on the purchasing/credit card not to exceed \$5,000. No single purchase on the purchasing/credit card shall exceed \$5,000 without prior approval of the City Administrator or the Finance Director.
4. Official/Officer and Employee Responsibility.
  - a. Cardholders are accountable and responsible for the expenses charged on the card in their name or the city's name.
  - b. Purchasing /credit cards are to be used for city business only and not personal use. An agreement between the cardholder and the city must be executed before the card will be issued.
  - c. Purchasing/credit cards will not be used for personal expenses, cash advances, or tuition, the latter of which may be reimbursed through the city's Tuition Reimbursement Program. It may not be used as a substitute for professional service agreements, public works contracts and/or human services contracts.
  - d. The use of the purchasing/credit card does not relieve the cardholder from complying with other city and departmental policies and procedures. The card is not intended to replace effective procurement planning which can result in quantity discounts, reduced number of trips and more efficient use of city resources.
  - e. The only person entitled to use the purchasing/credit card is the person who has been issued the card. Cards should be treated with extreme care in the same manner as a personal credit card. The cardholder will be responsible to report a lost or stolen card immediately to the purchasing card administrator.
  - f. The cardholder must retain all receipts and reconcile their purchasing/credit card statement within the timelines set by the purchasing card administrator. The statement must be reconciled and submitted to the purchasing card administrator along with all receipts and a complete description of each product/service that was purchased if the information is not already on the receipt.
  - g. Merchandise returns and billing errors are the cardholder's responsibility. The cardholder is responsible for resolving all disputes directly with the purchasing card vendor or the merchant. All charges must be paid on invoicing.

- h. If the cardholder will be absent from the city for an extended period of time (i.e., vacation), the cardholder is responsible for assigning and training an employee within his/her department to handle the account reconciliation responsibilities and meet established deadlines.
- i. If the card is used for the purpose of covering authorized travel expenses, the cardholder shall submit a fully itemized travel expense voucher within 15 days of returning from such travel. Any charges against the purchasing/credit card not properly identified on the travel expense voucher or not allowed following an audit (as required by RCW 42.24.080) shall be paid by the cardholder by check, U.S. currency or salary deduction.

5. City Procedure:

- a. If, for any reason, disallowed charges are not repaid by the cardholder before the statement is due, the city shall retain a prior lien against and a right to withhold any and all funds payable to the cardholder up to the amount of the disallowed charges and interest at the same rate as charged by the purchasing/credit card.
- b. Finance charges will not be paid by the city. If the statement and receipts are not submitted to the purchasing card administrator by the due date, the purchasing/credit card limit will be set to zero until the information is received. Also, the city may revoke the purchasing/credit card under Section 6 herein.
- c. Cardholders shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand of the Finance Director.

6. Card Revocation. The city shall have unlimited authority to revoke the use of any purchasing/credit card, and upon delivery of a revocation order to the purchasing/credit card company, shall not be liable for any costs. A purchasing/credit card may be revoked by the purchasing card administrator under any of the following circumstances:

- a. If the card is used in a manner inconsistent with city policy or
- b. If the cardholder transfers to another department;
- c. If the cardholder resigns or is otherwise terminated from the city;
- d. If the monthly purchasing/credit card is not properly reconciled or received by the purchasing card administrator according to the

established schedule;

- e. If finance charges are incurred as a result of an officer/official or employee's failure to comply with Section 4;
- f. If the card is lost or stolen.

## Z. PERSONAL TELEPHONE CALLS

Personal calls on city telephones and city-owned cellular phones are generally discouraged. However, an employee may call if the failure to call will interfere with their performance. Such calls should be brief and to the point. Employees who use city-owned cellular telephones shall sign reimbursement agreements which authorize withholding of employee pay for failure to pay reimbursement of personal calls not authorized. Personal long distance calls shall be approved by the City Administrator or the employee's department manager. The employee shall reimburse the city for the call. The employee is responsible for reviewing all call records and identifying personal calls. The full cost of the charges will be reported as taxable wages to the employee if substantiation requirements are not met.

If approved by the city, an employee may use their personal cellular phone for business-related calls and be reimbursed by the city.

## AA. INJURY PROCEDURE

In case of injury, no matter how minor the injury seems, an employee shall contact their supervisor or department director to report the injury. Employees have the right to go to the doctor of their choice. All medical bills that arise from a workplace injury or occupational disease will be paid by the Washington State Fund. Be sure to notify the doctor that the injury is work-related and he/she will complete a Report of Industrial Injury or Occupational Disease form and send it to the Department of Labor and Industries. This is the first step in filing an industrial insurance claim.

## BB. CONTACT WITH NEWS MEDIA

The Mayor, City Administrator, or designated department directors shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Mayor, City Administrator, or department head may designate specific employees to give out procedural, factual, or historical information on particular subjects.

## CC. SUBSTANCE ABUSE

- 1. The city may discipline or terminate an employee possessing, consuming,

controlling, selling or using alcoholic beverages, illegal drugs, or other controlled substances during work hours. The city may also discipline or terminate an employee who exhibits an on-going dependence on alcoholic beverages, illegal drugs, or other controlled substances which, in the city's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to city employees or others.

2. Employees who self-report an alcohol, drug, or controlled substance dependency problem will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment may use sick leave to attend a bona fide treatment or counseling program. The city may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs, or other controlled substances.
3. Employees using any prescription or over the counter drugs which might impair their work performance are requested to notify the City Administrator. Such information shall be kept strictly confidential in accordance with the provisions of the American with Disabilities Act (ADA). Employees with impaired work performance will be subject to a process of reasonable accommodation which may include reassignment to less hazardous duty or if the individual cannot be accommodated in the work place, placed on sick leave.

#### DD. DRUG-FREE WORKPLACE

1. The manufacturing, distribution, dispensation, possession, and use of unlawful drugs or alcohol on city premises or during work hours by city employees is strictly prohibited.
2. Employees must notify their direct supervisor within five (5) days of any conviction for a drug violation in the workplace.
3. Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete an assigned rehabilitation program is grounds for termination.
4. Any employee required to have a commercial driver's license and operate a vehicle over 26,000 lbs. in gross vehicle weight needs to comply with federal drug testing requirements.

#### EE. WHISTLEBLOWER ACT

1. Employees should be encouraged to disclose to the extent not expressly prohibited by law, improper actions of local officials and employees without fear of retaliation.

2. Any improper actions shall be submitted in a written report to the City Administrator and, in addition, to the appropriate person or persons outside the local government. In the case of an emergency, the report does not have to be filed in writing.
3. The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.
4. A copy of the RCW governing the Whistleblower Act shall be posted in each work area and a copy provided to any employee who requests one.

#### FF. CODE OF ETHICS

1. The following are definitions of some of the terms used in the city's ethics policy:

Gift means anything of economic value, not including campaign contributions, informational materials exclusively for official or office use, memorials, trophies, and plaques of no commercial value, gifts of \$20.00 or less for bona fide, non-recurring, ceremonial occasions or any gifts which are not used and which within thirty days after receipt are returned to the donor, or donated to a charitable organization without seeking a tax deduction.

Compensation means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted, or transferred for, or in consideration of, personal services to any person.

Confidential means information or data, regardless of form, acquired by a public employee or official in the course of his or her duties which is either not subject to public disclosure under the Open Meetings and Record Act, RCW 42.17.255, et seq. or is prohibited from release to the public or unauthorized city employees under state or federal statute. Examples include, but are not limited to:

- a. Information obtained in an executive session of the City Council;
- b. Private medical information prohibited from unauthorized disclosure under the Americans with Disabilities Act; or
- c. Nonconviction data prohibited from release under the provisions of the Criminal Records Privacy Act.

Public officers and employees mean all employees, including regular full and part-time, represented and auxiliary, and temporary and seasonal/hourly employees of the city for purposes of this code of ethics.

As declared in state law, high moral and ethical standards among public servants are essential to the conduct of government in order to eliminate conflicts of interest, improve standards of public service, and promote and strengthen the faith and confidence of our citizens in their government.

2. The public trust prohibits employees from giving or receiving any compensation (other than regular salary), gift, reward, or gratuity for any matter connected with or related to their services as an officer or employee of the city. This provision shall not, however, prohibit the acceptance of business meals of nominal value on an infrequent basis. Except as authorized by law in the course of his or her official duties, no city employee shall use the power or authority of his or her office or position with the city in a manner intended to induce or coerce any other person to provide such city employee or any other person with any compensation, gift, or other thing of value directly or indirectly.
3. Employees may not disclose confidential information gained by reason of their official position, nor otherwise use such information for their personal gain or benefit. Nor shall a city employee be additionally employed or engage in any business or profession which could benefit from confidential information acquired through his/her position with the city.
4. This policy is not intended to address all prohibited behaviors that may constitute conflicts of interest for employees.

#### GG. VOLUNTEERS - REFRESHMENTS

The serving of coffee, other light refreshments and meals at meetings involving volunteers and other "quasi-employees" may be authorized as a limited form of compensation for people who otherwise might be entitled to monetary payment.

#### HH. INTERNET AND ELECTRONIC MAIL USE

Employees are responsible for using the Internet and Electronic Mail in an ethical, legal and conservative manner. All internet and e-mail communications made with City equipment are public record subject to release under state statute, are the property of the City and subject to periodic or random review. Employees have no right of privacy in their use of City e-mail and the internet.

1. Internet and Electronic Mail access is provided to employees as a research and communication tool to help conduct city business. Employees are not to use city-owned equipment, service, information technology or other resources for personal purposes. Employees are trusted to exercise good judgment in both duration and frequency of Internet and e-mail use. The e-mail system shall not be used as a method of communicating non-essential information to city staff. The "County-

wide” message feature shall be used only by the City Administrator or his/her designee.

2. Employees are discouraged from downloading software from the Internet. When there is clear business reason for downloading Internet software, the appropriate anti-virus detection program(s) should be used with the approval of the Information Systems Specialist.
3. If unsure whether materials are copyrighted, then don't use such materials without the written permission of the author.
4. City Internet users shall not post to newsgroups without consent from the City Administrator.

## **POSITION CLASSIFICATION PLAN**

### **A. DEVELOPMENT AND MAINTENANCE**

The City Administrator or a designee shall be responsible for the development and maintenance of a position classification plan that describes the responsibilities, authority and qualifications for each job position and the class to which the position is assigned.

### **B. CLASSIFICATION CRITERIA**

Permanent positions shall be included within the same class if:

1. They are so similar in respect to duties and responsibilities that the same descriptive title may be used;
2. Substantially the same requirements as to education, experience, knowledge, and ability are demanded of applicants;
3. Substantially the same tests of fitness may be used in choosing qualified appointees;
4. The same schedule of compensation can apply with equity.

### **C. RECLASSIFICATION OF POSITIONS**

The City Administrator or a designee shall periodically evaluate changes in position and/or class responsibilities, authority, and qualifications. Such changes shall be reflected by revisions in class specifications and re-assignments with the classification plan.

Reclassification, alteration, or omission of existing classifications shall be approved by the City Administrator.

### **D. NEW POSITION CLASSIFICATION**

When a department director requests a new position classification, a written position description shall be submitted to the City Administrator. The proposed description may be approved or amended by reassignment to another class or by revising the position specifications.

### **E. APPEAL OF CLASSIFICATION**

A permanent full-time employee, or his/her representative, may request a re-consideration of their position classification. The employee shall file a written

justification with his/her department director. The director shall review the request and forward it to the City Administrator with his written comments. The City Administrator may deny the request or revise the classification.

## PERFORMANCE - PAY SYSTEM

### A. GOAL

Pay for performance does not merely mean paying some employees more than others. Rather, it entails a whole compensation philosophy that includes comparability principles, position in a salary range, acceleration policy, etc., to achieve an integrated and balanced system. The goals of a pay for performance system reflect this philosophy:

Use performance evaluations as the basis for determining pay adjustments.

Provide equal pay for equal performance so that salary and overtime corresponds to an employee's performance level.

Accomplish "pay-for-performance" within constraints of the salary structure and available funding and to enable employees to work productively, efficiently, and effectively, both with tasks and people.

Provide for training to improve objectivity and fairness in the evaluation of performance.

The system emphasizes the maintenance of pay distinctions consistent with performance distinctions. This is achieved by placing employees in a pay position based on performance, not longevity. Thus, the employee who eventually is paid near the top of the range should be among the city's best performers.

Also inherent in this concept is the principle that once employees are positioned in a pay step they must maintain their performance to maintain their position.

A salary point placed above the middle of the pay range indicates that the level of performance should exceed the minimum essential job requirements and average performance for the position.

The pay range schedule is a statement of policy of the City Council as to the minimum and maximum they are willing to pay for properly classified positions. Also, the pay schedule is a motivational tool for management.

### B. PERFORMANCE EVALUATION

The performance evaluation is the foundation for moving an employee along the pay range in either direction.

Performance evaluations of city employees shall be conducted annually by the

department director and/or City Administrator to evaluate the employee's level of general performance and accomplishment of the city's goals and objectives. Salary adjustments will be based on evaluation of work-related productivity, effectiveness, and efficiency, with both tasks and people, within specific budgetary limits and conducted once each year. The employee's performance evaluation will determine the progress of the employee reaching the mid-point salary in the classification's range or higher levels of performance and merit compensation.

An employee's performance shall be evaluated by his/her immediate supervisor on the anniversary of the employee's employment date or after the date which ends a probationary period. Department directors will be evaluated by the City Administrator. The Mayor may decide to issue a concurring opinion. A supervisor must evaluate an employee more than annually when:

- The employee is to be moved within the pay range (either direction) for any reason other than a Cost of Living Adjustment;
- The employee's performance is judged by supervisors as deficient;
- The employee requires re-training;
- An employee is placed on a 60-day conditional employment;
- An employee is demoted;
- The city terminates an employee; or
- An employee resigns.

At the time of evaluation, the supervisor and employee shall meet to discuss accomplishments and performance strengths and weaknesses. The evaluation shall be recorded on the performance evaluation form and a copy shall be retained in the employee's personnel file.

The supervisor has the responsibility to review and assess an employee's performance on each essential job element as per the employee job description.

In the written evaluation, the following factors should be considered by the supervisor.

1. Improvements in effectiveness, productivity, and quality of work.
2. Timeliness of performance.
3. Attention to cost efficiency at work.

4. Relationships with other employees, associated professionals, clients, and the public.

Following the evaluation of performance and the completion of a written evaluation, the supervisor may recommend a pay adjustment in either direction along the range.

The written evaluation and the recommendation for a pay adjustment shall be discussed with the employee by the evaluating supervisor. The supervisor will advise the employee that he/she may respond in writing to any aspect of the performance evaluation within seven calendar days. The employee will also be advised that they may grieve their evaluation under the city's personnel grievance procedure.

After the discussion, the supervisor will forward the evaluation, the pay recommendation, and any written response by the employee to the department director. The department director will review the evaluation. Where necessary, the director will require further explanation or justification. The director may approve or modify any ratings or pay recommendation. Then, the evaluation and recommendation(s) will be forwarded to the City Administrator for review, approval, or modification and processing.

#### C. PAY ACCELERATION FACTORS

Under the pay for performance system, management has the flexibility to move employees from the minimum to the maximum rate consistent with their performance and the city's acceleration policy.

A new employee shall enter the pay range for their position at the minimum level unless the Mayor and/or the City Administrator determine that the employee's qualifications warrant a position higher in the range. A new employee shall not enter their pay range higher than mid-range unless prior approval is received from the City Council.

All employees are eligible for a pay adjustment after employees have served their probation periods and on each anniversary thereafter. An employee shall not receive more than one accelerating performance pay adjustment in a calendar year. A recommendation for a pay adjustment (accelerating/de-accelerating) shall be justified in a written performance evaluation.

No employee can receive less than the minimum or more than the maximum rate of the pay range assigned to his/her position.

#### D. PAY PERIOD

Employees shall be paid on a bi-weekly period or the closest working day, or as

authorized by the Mayor or the City Administrator. New employees who work less than a calendar month shall be paid for actual hours worked. The rate per hour shall be calculated by dividing the annual salary by 2,080 hours.

E. SALARY RANGE ADJUSTED ANNUALLY

1. The City Administrator shall brief the Mayor and City Council regarding timing and considerations for adjusting employees' compensation.
2. City employees shall have the opportunity to suggest modifications in salaries and other wage supplements to the City Administrator.
3. The City Administrator shall conduct annually a compensation survey in accordance with labor market and benchmark classifications as selected by the City Administrator and approved by the City Council.
4. The City Council shall give the Mayor and City Administrator policy guidance regarding adjustments to the employee compensation program, based on the following criteria:
  - a. Ability of city to pay;
  - b. Compensation survey information;
  - c. Changes in cost-of-living;
  - d. Desires of the employees;
  - e. Compensation adjustments for other employees.
5. The City Administrator shall make recommendations to the Mayor and City Council regarding salary range and fringe benefit modifications. Salary range adjustments shall be based on the compensation survey and internal salary relationships.
6. Employees who have satisfactorily completed a six-month employment probationary period shall be eligible for a performance pay increase from 0% to 5% and a one-year employment probationary period shall be eligible for a performance pay increase from 0% to 8%.
7. Employees who have yet to reach the top of their salary range shall be eligible for performance pay increases of 0% to 8% each year. Such performance pay increases shall be added to their base rate of pay to compute the employee's new salary. Performance pay increases shall be approved by the City Administrator. Once an employee has reached the top of his/her salary range, the employee shall be eligible for merit/bonus compensation up to 5% of the employee's annual base salary. Such merit/bonus pay increase shall not be added to the employee's base pay.

This merit/bonus pay is separate, non-cumulative compensation and must be earned through exemplary performance each evaluation period.

F. MERIT/BONUS PAY

Employees shall be eligible for merit/bonus pay increases in accordance with the provisions set forth below:

1. Merit/bonus pay increases shall be within the city's budget in an appropriate fund within each department's budget.
2. The amount of the merit/bonus pay salary increase for each employee shall be based solely on performance.
3. Merit/bonus pay salary increases shall be granted by the City Administrator and confirmed by the Mayor.

## EMPLOYEE BENEFITS

### A. HOLIDAYS

The following holidays established by the Legislature as state holidays shall be recognized by the city as city holidays:

New Years Day	January 1
Martin Luther King Jr. B.D.	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25th
* Floating Holiday (2)	(taken at employee's discretion)

- \* An employee must be on the payroll a minimum of 90 days to receive the floating holidays.

If a holiday falls on a Saturday it shall be observed on the preceding Friday. A holiday falling on a Sunday shall be observed on the following Monday.

If a department director directs an employee to work on a paid holiday, the employee shall receive pay at two times his/her hourly rate for the actual time worked.

Holidays observed during vacation or sick leave shall not be charged against such leave.

### B. VACATION

Annual vacation leave is earned based on the following schedule up to a maximum of twenty-six (26) days per year:

First year	6.67 hours a month to equal 80 hours a year
Each year thereafter	an additional .67 hours per month equal to 8 hours per year

Employees should use vacation leave within the year accumulated. However, accumulated leave shall not exceed thirty (30) days at the end of the calendar year.

New general employees may use accumulated leave following their six (6) month probation and law enforcement officers following their twelve (12) month probation.

A request for vacation leave shall be approved by the department director prior to the first day of leave. Employees with greater seniority have priority if a conflict of requested leave periods occurs.

Employees leaving city employment shall be paid at a current rate of pay for all unused accumulated vacation leave.

### C. SICK LEAVE

Sick leave with pay shall accrue at the rate of one working day of leave for each month of continuous full-time service. Leave accrued which is unused in any year shall accumulate for succeeding years for all regular full-time employees to a maximum of 180 days. Upon retirement, death, or mutually-agreed-upon termination, twenty-five percent of unused sick leave shall be paid to an employee with five years or more of city employment.

Employees are eligible for sick leave with pay for the following reasons:

1. Personal illness or physical incapacity resulting from causes beyond the employee's control.
2. Quarantine of an employee by a physician.
3. Illness within the immediate family necessitating the employee's absence from work. Immediate family shall be defined as husband, wife, children, step-children, mother, father, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparents, grandparents-in-law, brother or sister, or grandchildren if immediate dependents of the employee.
4. Medical or dental treatment of the employee or his/her dependents.
5. Maternity or paternity purposes relating to childbirth or related circumstances.

An employee who cannot report to work for any of the aforementioned reasons shall report the reason(s) to his/her immediate supervisor by 8:30 a.m. of the initial day of sick leave, to provide the reason(s) for the leave and to arrange a common understanding for the period of absence. Unreported sick leave shall be leave without pay. After two consecutive days of sick leave a department director may require a physician's statement to verify the reason(s) for leave.

As defined by the Family Medical Leave Act (FMLA), a regular, full-time employee can take up to 12 workweeks of unpaid leave because of the birth or adoption of a child (whether that employee is the mother or father), or if his or her spouse, child, or parent suffers a serious illness. In addition, an employee is entitled to leave if his or her own serious health condition prevents the employee from working. On returning from leave, the employee must be allowed to return to his or her old job or to a job with comparable pay and benefits.

Employees, who need leave to care for a sick family member, or because of their own illness, may take leave intermittently if medically necessary. If an employee requests intermittent leave due to planned medical treatment, the employer can require the employee to transfer temporarily to an alternate job with equivalent pay and benefits if it would better accommodate recurring periods of leave than the employee's regular job.

Employees seeking leave due to birth or adoption may take intermittent leave only if the employer agrees.

An employee who has taken no sick leave during any six (6) month period shall receive, as a bonus, one annual day off or one day's pay (eight hours) for each such period. It shall be the responsibility of the employee to notify the city of the eligibility of the bonus day(s).

The City reserves the right to limit the use of FMLA leave for highly compensated employees whose absence would cause a grievous economic injury to the operation of the City.

FMLA leave is controlled by federal statute and regulation and the definitions, rights and limitations will control administration of the policy. These provisions are intended to provide notice of the benefit and not to create new rights nor limit rights granted under the statute.

#### D. MATERNITY / PATERNITY LEAVE

Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth and recovery there from, are, for all job related purposes, to be considered temporary disabilities. Accrued sick leave may be used for childbearing or related circumstances (i.e., miscarriage, abortion, or recovery there from).

As defined by the Family Medical Leave Act (FMLA), a regular, full-time employee may take up to 12 workweeks of unpaid leave because of the birth (or adoption) of a child or related circumstances (i.e. miscarriage, abortion, or recover there from). Accrued leave may be used to maintain paid leave status during this time. FMLA leave will run concurrently (at the same time) with

accrued leave taken.

Upon agreement of the employer, the employee may take intermittent leave because of the birth of a child.

Female employees cannot be denied the opportunity to work during the entire period of pregnancy. They may continue working if a physician concurs with her ability to work, and the responsibilities of the job are satisfied. Proof of the physician's concurrence shall be submitted when requested by the city. Upon return from maternity/paternity leave, an employee shall return to her/his same job or a similar job with at least the same pay.

All provisions shall apply equally to married and unmarried women / men.

If the period of disability extends beyond the employee's accrued sick leave, then he/she may take a leave of absence without pay or benefits not to exceed one year. The conditions of the leave of absence shall be agreed upon by the employee and the city. The employee shall notify the city two weeks, if possible, before the anticipated date of departure. A three to four week recovery period is considered reasonable in the absence of extenuating circumstances.

#### E. MILITARY LEAVE

A city employee who is a member of the State National Guard or a Federal Reserve Military Unit is entitled to be absent from work, with full pay, for fifteen (15) calendar days during each calendar year to comply with ordered military duty. Such leave shall not affect accrued vacation or sick leave.

Employees who are called or volunteer for service with the armed forces of the United States or the Washington National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of the State Law (Ch. 73.16 RCW).

An employee promoted to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the incumbent. The employee affected by the return shall be restored to the position he or she held previously or any other equivalent positions. A new employee hired to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the incumbent. The employee affected by the return shall be placed in a vacant similar position. If no vacancy exists, the person may be laid off.

Under Washington law (RCW 38.40.060), an employee is entitled to a military leave of absence for a period not to exceed 15 working days each year beginning October 1 and ending September 30. During this military leave. The employee is on paid military leave regardless of orders or volunteer status.

Should the military leave extend past the 15 work days, the employee will be on unpaid leave status, but the employee has the option to use his or her vacation and/or comp earned accrued leave to remain compensated. If the military leave takes 30 days or more, the City may require the employee to provide a copy of the employee's orders.

For other guidelines, see the Payroll/Benefits Administrator or see the Federal law governing military leave and reemployment rights, Uniformed Serviced Employment and Reemployment Rights Act (USERRA), 38 U.S.C. 4301 et seq.

F. BEREAVEMENT LEAVE

A full-time, regular employee may be granted Bereavement Leave not to exceed five working days for the death of an immediate family member. A full-time, regular employee may accrue no more than 40 hours of Bereavement Leave each year.

G. FUNERAL PARTICIPATION

An employee may be granted a reasonable time off to participate in a funeral ceremony.

H. JURY DUTY/WITNESS APPEARANCE

It is the civic obligation of each employee to serve on a jury or to testify as a witness when called or subpoenaed. While appearing as a jurist or a witness, an employee shall receive full pay. However, the city will deduct any jury fee or witness fee the employee receives.

I. VOTING

When an employee's work schedule is such that he/she cannot vote prior to the normally scheduled working hours, he/she shall be allowed time off to vote without loss of pay, accrued vacation, or sick leave.

J. COMPENSATORY LEAVE

Compensatory time off equivalent to the overtime hours worked in lieu of overtime pay may be arranged by mutual agreement between the city and the employee.

K. WORKMEN'S COMPENSATION

The city shall insure city employees, excluding LEOFF I personnel, with the State Workmen's Compensation Plan. An employee receiving pay for sick leave who

is eligible for time-loss payments under the workmen's compensation law, shall for the duration of such payments, receive only that portion of his regular salary which, together with said payments, will equal his regular salary. To avoid hardship on the employee caused by a time lag in time-loss payments, the employee shall be paid full salary. As the employee receives time-loss payments he/she shall endorse such payments to the city.

#### L. MEDICAL COVERAGE

The city shall pay the group medical, dental, orthodontia, and vision premiums as follows:

Employee	100%
Dependents	100%

Medical insurance shall be provided by AWC Plan A. A brochure detailing the coverage shall be available to all employees participating in the group plan.

#### M. BENEFIT PLAN

The city shall provide and maintain a benefit plan as a substitute for Social Security benefits. The plan shall consist of these benefits:

1. Long-term disability;
2. Life insurance;
3. A deferred compensation plan for retirement income; and payroll deduction for elective short-term disability or other coverage.
4. The City Administrator shall select the corporation or corporations that will manage these benefits.

The City also desires to permit part-time employees the protections and advantages of being involved in group health insurance plans and other benefit programs. Regular employees of the City who, on a quarterly basis, work an average of less than the forty hour per week for weekly employees, or a proportionately adjusted number of hours for shift employees, shall be eligible for participation in the City's benefit programs under the following terms and conditions:

- (a) Employees working 40 hours or more per week shall receive full benefits.
- (b) Employees working less than 20 hours per week shall not be eligible and may not participate in the City's benefit

programs.

- (c) Employees working from 20 to less than 40 hours per week on a quarterly basis shall be eligible for participation in the medical benefit program by paying 50% of the cost of the benefit programs attributable to themselves and/or their families, with the City paying the remaining 50% of the benefit program costs. The employee and family will be covered at 100% for dental and vision benefits.

The following terms shall be given the definition shown:

- (i) **Benefit Program.** Health, Vision, and Dental and other benefit programs, including participation in the City's deferred compensation program provided to regular full time employees of the City.
- (ii) **Program Costs.** The cost which the City pays on behalf of its full time employees.
- (iii) **Full-Time Employee.** An employee working an average of 40 hours or more per week on a monthly basis, provided, however, that shift employees such as police officers who work a schedule calculated at greater than 40 hours per week shall have their eligibility determined on a proportionate basis by comparing the shift-worker's weekly work schedule with 40 hours per week.
- (iv) **Eligibility.** A part-time employee shall be eligible for participation in the dental and vision program upon hiring. After completing one full calendar quarter (3 months), the part-time employee will become eligible for medical coverage as defined in paragraph (c) above. A full time employee shall be eligible for participation in the program on the first day of the month following the date of employment.

The benefits established pursuant to this program shall be interpreted and applied in accordance with the plan, requirements or insurance policy of a particular benefit program. For example, if the City has a program such as deferred compensation which the employee designates a portion of his or her salary, which results in no cost to the City, an employee may participate regardless of the number of hours, and the provisions of the program shall apply.

In the event of conflict between this ordinance and any individual employment contract or labor collective bargaining agreement, the provisions of the contract or the collective bargaining agreement shall control.

N. OVERTIME

1. When approved by a department director, overtime shall be paid for each hour worked beyond eight (8) hours a day or forty (40) hours a week. The rate of pay shall be one and one half times the normal hourly rate of pay. Overtime pay shall be calculated to the nearest half hour interval.
2. Department directors shall receive pay for overtime when the following conditions exist:
  - a. A paid overtime employee is not available;
  - b. The work performed is non-supervisory; and
  - c. The work must be accomplished immediately.

The rate of pay shall be one and a half times the averaged pay rate for the position normally required to perform the work.

O. TRAVEL TIME

1. Home to Work Travel. Time spent traveling from home to work is not generally compensable. In addition, the time spent by an employee traveling from home to a local airport, bus depot or train station in order to get to an out-of-town meeting is not compensable.
2. Travel During Workday. Time spent traveling from one job site to another during the work day is compensable.
3. Out-of-Town Travel. If an out-of-town meeting takes place during the employee's regular working hours, time spent driving to the meeting or attending the meeting is compensable. If the out-of-town meeting does not take place during the non-exempt employee's regular working hours, only the time spent driving is compensable. Travel time spent by an employee outside of regular working hours as a passenger in a car, boat, bus, airplane or train to an out-of-town meeting is not compensable.

P. CALL BACK

When an employee is called into work during his/her normal off-time, a minimum of two hours overtime pay shall be paid.

Q. STAND-BY STATUS

An employee scheduled for "standby status" shall be compensated as follows:

1. If the standby period is less than eighteen (18) hours, the employee shall

receive one (1) hour of pay at the straight time rate; or,

2. If the standby period exceeds eighteen (18) hours but not twenty-four (24) hours, the employee shall receive two (2) hours pay at the straight time rate;
3. After twenty-four (24) hours, compensation is calculated by repeating the aforementioned method.
4. If the employee is called back to work while on stand-by, compensation shall be governed by personnel regulations on call back. Stand-by status will then begin when the call back ends.

The method of scheduling personnel and the determination of periods for stand-by assignments shall be the responsibility of the department director or his designee.

#### R. TRAVEL REIMBURSEMENT

When employees are required to travel on city business, they shall be reimbursed for:

1. Private vehicle use at the current Internal Revenue Service business mileage rate.
2. The actual and reasonable expenses for lodging and meals.

When employees are making travel and accommodation arrangements, it shall be the responsibility of the employee to obtain government discount rates whenever available and to use city vehicles whenever possible.

#### S. EDUCATION PROGRAM

Upon satisfactory completion of a job related educational course when the employee who desires to take the course has prior written approval from the City Administrator, the city shall reimburse the employee for the educational course up to a maximum of \$160 per credit hour for undergraduate courses and \$250 per credit hour for graduate courses. The city agrees to compensate reasonable expenses for textbooks required for such course and will retain such textbooks in the department of the department director.

#### T. SHARED LEAVE

The purpose of shared leave is to permit city employees, at no additional employee cost to the city other than the administrative cost of administering the program, to come to the aid of a fellow employee who is suffering from illness, injury, impairment, physical or mental conditions which has caused, or is likely to

cause, the employee to take leave without pay or to terminate his or her employment. For employees eligible for unpaid FMLA leave, shared leave must be used concurrently (at the same time) as the unpaid FMLA leave. All leave accrued by the employee must be exhausted before any Shared Leave donations will be processed. The City Administrator may permit an employee to receive shared leave under this section if:

1. The employee suffers from an illness, injury, impairment or physical or mental condition, which has caused, or is likely to cause, the employee to go on leave without pay or to terminate his or her employment with the city.
2. The employee has depleted or will shortly deplete his or her total of accrued vacation, sick leave, compensatory time, holiday time, and/or other paid leave.
3. Prior to a request to use of shared leave, the employee has abided by the sick leave policy.
4. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits or such benefits have been exhausted.
5. Use of shared leave will not significantly increase the city's costs except for those costs which would otherwise be incurred in the administration of this program and which would otherwise be incurred by the employee's department.

The City Administrator shall determine the amount of shared leave, if any, which an employee may receive under this resolution. The employee shall be required to provide appropriate medical justification and documentation both of the necessity for the leave and the time that the employee can reasonably be expected to be absent due to the condition. Shared leave cannot be used to extend the absence of the employee beyond the post-leave time prescribed by State Statute, the applicable labor agreement, or city policy.

Shared leave shall be funded through voluntary transfers of accrued vacation and/or sick leave from other city employees to the employee approved for a shared leave. Co-workers who donate leave must retain a reasonable amount of accrued vacation and sick leave to protect them from a wage loss due to illness or injury and to enjoy a reasonable vacation period. All donations shall be voluntary. The Finance Director shall determine that no significant increase in city costs will occur as a result of the transfer of leave.

While an employee is on shared leave, he or she will continue to be classified as a city employee and shall receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave.

1. All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.
2. The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payments by the city to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

Leave shall be transferred on a dollar-for-dollar basis. The value of the leave shall be determined at the current hourly wage of the transferor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

The Finance Director shall be responsible for computing values of donated leave and shared leave, and shall also be responsible for adjusting the accrued leave balances to show the transferred leave. Records of all leave time transferred shall be maintained in the event any unused time is returned at a later date. The City Administrator shall report annually to the City Council as a part of the budget process regarding this program, its usage and any costs associated with it.

The value of any leave transferred, which remains unused shall be returned at its original value to the employee or employees who donated the leave. The City Administrator shall determine when shared leave is no longer needed. To the extent administratively feasible, the unused leave shall be returned on a pro-rata basis.

The City Administrator shall monitor the use of shared leave to insure equivalent treatment for all employees of the city. Inappropriate use or treatment of the shared leave provision may result in cancellation of the donated leave or use of shared leave.

This is a pilot program and creates no vested rights. It may be amended, suspended or terminated at any time by the City Council.

#### U. LICENSING AND MEMBERSHIP

The employer shall pay all employee's organization membership dues, certifications and licenses required by the employer. Such licenses, certifications and dues shall include but are not limited to all building, plumbing, mechanical, fire, water, sanitary sewer and electrical organizations and agencies.

V. RECOGNITION AWARDS

The City of Gig Harbor encourages recognition activities that provide employees and volunteers a meaningful experience, but would not be considered extravagant by community standards. Recognition awards or ceremonies shall follow the standards outlined in RCW 41.60.150, Recognition Awards.

W. NEGOTIATED LEAVE ACCRUAL

In order to recruit and hire the best qualified individuals, it may be necessary for the Mayor and City Administrator to negotiate leave accruals consistent with the job history of a particular applicant. Therefore, the Mayor and City Administrator are authorized to negotiate placement of individual new employees on the City's leave accrual list. In the event that the applicant will be a member of a bargaining unit, any deviation from the leave accrual rates set forth in the Collective Bargaining Agreement shall be subject to the approval of the bargaining representative for that Unit.

## DISCIPLINE

### A. GOAL

How an organization disciplines has a profound effect on work group attitudes, on personal relations between employees, and on organizational performance. The goal of this system is "positive discipline".

Positive discipline is based on an examination of organizational objectives and of behaviors which will accomplish them. Its objective is to modify undesirable behavior rather than punish it.

### B. PROCEDURES

Not all unsatisfactory performance or breaches of discipline have equal effects on the city's goals. Nor are all employees equal in their performance histories. Therefore, department directors /managers must select an approach based on the magnitude of the breach and the employee's past performance. Several approaches are available.

#### 1. Counseling - Step Method

Step One - A supervisor will speak with the employee in a casual manner and will describe to the employee that his/her unsatisfactory performance or lack of discipline compromises any and all city goals. The employee will also be reminded of the high standard of performance that is expected of everyone and that only responsible performance achieves organizational or personal success. This counseling will be recorded in the employee's personnel file.

Step Two - In the event of further incidents within eight weeks, Step One is repeated with some variation. The employee is asked to consider whether he/she is truly interested in being a part of the organization or is going to continue the behavior which is subject to discipline. If the employee elects to stay employed, then the emphasis will be to clarify for the employee the difference between the employee's behavior and city standards. The employee is asked to make an on-going commitment to city standards. This counseling is documented in the employee's personnel file.

Step Three - The employee who commits another incident of unsatisfactory performance within eight weeks of Step Two will be sent home for the rest of the workday and instructed to consider whether he/she does or does not wish to abide by city standards. The employee will receive full pay for the time as a last expression of the city's hope that he/she will wish to stay and abide by all standards. The employee will be

instructed to return the following workday with a decision. Documentation will be made in the employee's personnel file.

If no further incidents occur within eight weeks of any Step (except Step Three) such step is cleared from an employee's record. Should another incident happen at a later time, Step Three may be implemented.

In cases of several incidents occurring at unusually close intervals, or serious breaches of discipline, Steps One and Two may be skipped.

2. Conditional Employment - 60 days. A department director may place an employee, who is in Step Three of counseling, on conditional employment for sixty (60) days. The department director will evaluate the employee's performance every twenty (20) days. If the employee's performance is satisfactory at the end of sixty (60) days he/she will not be subject to Counseling Steps One or Two as a consequence of any subsequent disciplinary incidents, but will be subject to Step Three and or other disciplinary measures. If his/her performance is not satisfactory, he/she may be terminated with the approval of the City Administrator. When an employee does not demonstrate improvement during any 20-day review period they may be terminated prior to the end of 60 days.
3. Suspension With Pay - Department directors may suspend an employee with pay if the employee does not appear to be physically or psychologically suitable for work and a further evaluation is necessary to determine this fact.
4. Suspension Without Pay - Suspension without pay shall only be used for serious breaches of organizational or professional policies and procedures, or alleged criminal behavior. This shall be the most severe action in lieu of termination. The reasons for suspension shall be written and a copy given to the employee.
5. Termination - Discharging an employee should occur when there is little probability of modifying unsatisfactory behavior or performance, or when the behavior subject to discipline is a risk to the safety of other employees, or the misconduct is so severe that public trust and confidence is compromised.

The City Administrator shall approve all recommendations for termination. A discharged employee shall be notified in writing by the department director. Such notification shall include supporting reasons.

## **GRIEVANCE PROCEDURE**

### **A. RIGHT TO GRIEVE**

An employee may grieve the interpretation, meaning, or application of any provision in these regulations.

### **B. PROCEDURE**

Under no circumstance may an employee maintain more than one appeal of the same issue under these available appeal procedures. This procedure shall apply unless preempted by state law, Civil Service Rules, or a union contract.

1. The employee shall discuss the grievance with his/her immediate supervisor within ten (10) working days of the incident causing the dispute. The supervisor shall respond, in writing, within ten (10) working days. Copies of all documents shall be forwarded to the City Administrator.
2. If the employee is not satisfied with the supervisor's response, he/she may submit a written complaint to the department director. Such complaint must be filed within five (5) working days following receipt of the supervisor's response. The department director shall respond, in writing, within five (5) working days. Copies of all documents shall be forwarded to the City Administrator.
3. If the employee is not satisfied with the director's response, he/she may file a written complaint with the City Administrator. The complaint must be filed within five (5) working days of receiving the director's response. The City Administrator shall respond, in writing, within five (5) working days.
4. If the employee is still not satisfied, the City Administrator may agree to other means to resolve the dispute. Otherwise, the City Administrator's decision is final.

No punitive action shall be applied to an employee for using the grievance procedure.

## **SEVERABILITY**

If any provision of these Personnel Regulations, or if their application to any person or circumstances is held invalid, the remainder of the Personnel Regulations, or the application of the provision to other persons or circumstances is not affected.