

RESOLUTION NO. 620

**A RESOLUTION OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING
UPDATED PERSONNEL POLICIES & PROCEDURES MANUAL**

WHEREAS, the Personnel Policies and Procedures Manual adopted by the City Council was last updated in 2006; and

WHEREAS, the Personnel Policies and Procedures Manual has been reviewed and updated to incorporate new developments in employment law; and

WHEREAS, the updated Personnel Policies and Procedures have been made available for internal review and comment, as well as for comment by IUOE No. 612, as required by contract;

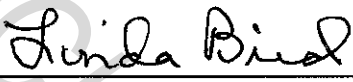
**NOW, THEREFORE, BE IT RESOVED BY THE CITY COUNCIL OF UNIVERSITY PLACE AS
FOLLOWS:**

Section 1. Adopt Updated Personnel Policies & Procedures in Place of Existing Personnel Policies & Procedures. Adopt the new updated version of the Personnel Policies and Procedures Manual to replace the existing policies and procedures.

Section 2. Authorization of City Manager to Administer the Personnel Policies and Procedures as Amended. The City Manager shall administer the Personnel Policies and Procedures as amended and attached to this Resolution.

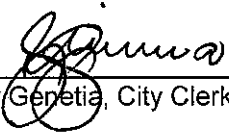
Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

ADOPTED BY THE CITY COUNCIL ON AUGUST 24, 2009.



Linda Bird, Mayor

ATTEST:



Emy Genetia, City Clerk

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CHAPTER 1

PURPOSE AND SCOPE

1.01 WELCOME MESSAGE

Congratulations on your selection as a City of University Place employee. Every City employee is selected for the breadth of their job skill and their positive approach to customer service. We have to be good not only at our own jobs, but also be able to help others be good at theirs. We select each City employee expressly for their ability to enhance our team approach to City services.

While some City of University Place employees provide direct services to citizens, the City is, in part, a "contract city," which means other government agencies or private companies contract with the City to provide services that would be cost prohibitive for the City to offer on its own.

We pride ourselves on selecting, training, and supporting a high quality, multi-talented, flexible, and customer service oriented City staff. We believe that our competitive pay and extensive benefits help us to attract and retain excellent employees. Welcome to the University Place Team!

1.02 EMPLOYEE ACKNOWLEDGMENT FORM

Each employee of the City must read and sign an acknowledgment form as follows:

Enclosed are the City of University Place's personnel policies. It is your responsibility to read these policies and ask questions about anything you do not understand. These policies will acquaint you with employee benefits, the City's personnel practices and rules, and some organizational philosophy.

It is important to understand that these policies do not promise specific treatment in specific circumstances: they do not create an employment contract either express or implied and they do not guarantee employment for any length of time with the City.

Consistent with the City's responsibility to be flexible in responding to emerging citizen needs, these policies are themselves flexible. The policies are general guidelines only. Although we hope that your employment relationship with the City will be long-term, we recognize that at times things do not always work out as hoped. Either of us may decide to end the employment relationship at any time.

Also, as the City grows and changes, personnel policies may change. 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. While we endeavor to advise employees of changes in the personnel policies, we provide no guarantee that you will receive

either actual or constructive notice of such changes either before or after a change is implemented.

Please also understand that no elected official, supervisor, manager or representative of the City other than the City Manager has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

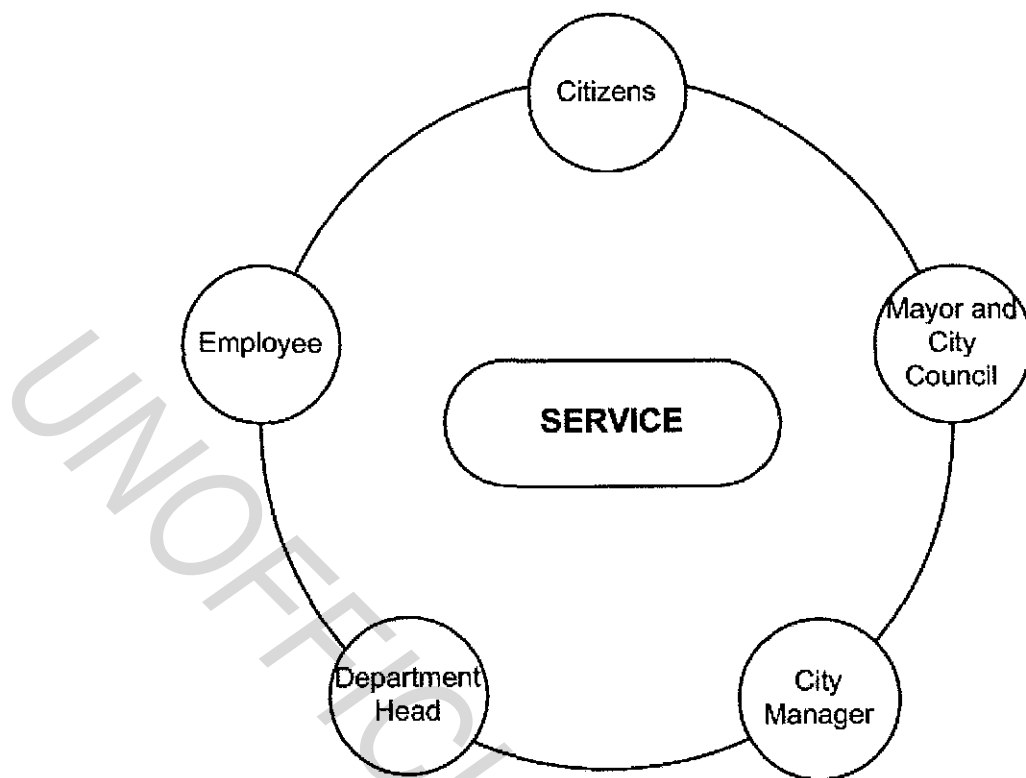
If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, department head or the Human Resources Manager.

1.03 ORGANIZATIONAL CHART

University Place is a "Council-Manager" city. The citizens elect the City Council at large. The Council then elects from among its members a Mayor and Mayor Pro Tem to serve as Chair and Vice-Chair of the Council. The City Council appoints the City Manager who acts as the City's Chief Executive Officer. All City employees work under the direction and supervision of the City Manager.

An organizational chart, detailing City functions and positions, appears in the City's budget. The City Council approves positions, pay ranges, and benefits as part of adopting the budget. The City Manager and Department Heads are responsible for the individual pay and benefit administration within these Council-approved pay and benefit plans. Please feel free to discuss with your department head your position, how it fits into the organization, and how your pay is determined.

SEE CHART ON NEXT PAGE.



1.04 CITY HISTORY

University Place is a city with a rich history. In the late 1800s, there were plans to build a university here, but financial concerns eventually cancelled these plans. Nevertheless, the community became known as "University Place," and the name stuck. Since then University Place has evolved into a suburban residential community, proud of its history, eager to retain its unique quality of life and looking ahead to future challenges.

Approximately one hundred years after University Place was established as a community, a movement began towards creating a local government and assuming local control over decision making. Groups formed to discuss incorporation. In November 1994 a ballot measure passed providing that 7.86 square miles of Pierce County be incorporated as the City of University Place.

This ballot measure began the journey to city-hood. Council members were elected, an interim city manager selected, and start-up staff hired. This group, along with thousands of hours of efforts by volunteers, made becoming a city a reality. University Place officially incorporated on August 31, 1995.

Today University Place is a community of over 31,000 people. The City Council, residents, and staff face the tasks ahead with enthusiasm and energy. There is a special atmosphere and attitude in a city such as ours. We recognize a unique opportunity to do things differently, to make changes that improve the quality of life, and to positively shape the future of our community.

1.05 PUBLIC SERVICE

City staff strives to provide quality customer service. This means making visitors to City Hall feel welcome, answering citizens' questions and concerns in an efficient and timely manner, and following through to ensure that each citizen inquiry is resolved to the best of our ability.

"Public service" is important to all of us at City Hall. We are here to transform City Council goals into reality, to ensure tax dollars are spent prudently, and to help citizens find solutions to their problems. The City of University Place is a city of innovation; one that recognizes that there is always room for improvement and that effectively resolving issues requires flexibility and ingenuity. We pride ourselves on our willingness to grow and learn from past mistakes and build on the successes of others. We are committed to preserving University Place as a quality community in which to live and work.

1.06 SCOPE OF POLICIES

These personnel policies apply to all City employees, except the City Manager, who serves at the pleasure of the City Council. In cases where these policies conflict with a City ordinance, state or federal law, a personal services contract, or union contract, the terms of the law or contract prevail. In all other cases, these policies apply. The City Manager shall have authority to exercise reasonable judgment and discretion in the interpretation of these policies.

1.07 CHANGING THE POLICIES

As the City grows and changes, these personnel policies may also change. 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. While we endeavor to advise employees of changes in the personnel policies, we provide no guarantee that you will receive either actual or constructive notice of such changes either before or after a change is implemented.

1.08 ADMINISTRATION OF THE PERSONNEL SYSTEM

These policies and the City's personnel system shall be administered as follows:

City Council: Adopts a budget that provides for authorized positions, salary ranges and benefits. The Council shall adopt, amend or revise these personnel policies by resolution.

City Manager: Has responsibility for developing, implementing and interpreting the personnel policies. The City Manager is responsible for the final decision on hiring, termination and discipline of all employees.

Deputy City Manager: Reports to the City Manager. In the absence or unavailability of the City Manager, a Deputy City Manager has all the authority of the City Manager.

Department Heads: Responsible for administering their own department in accordance with applicable laws and these policies. Under authority granted by the City Manager, department heads are responsible for hiring, supervising, disciplining and terminating their employees.

Human Resources Manager: Administers the personnel system on behalf of the City Manager, interprets these policies, and advises the City Manager and department heads on personnel matters.

Employee: Employees are full partners with the City in reading, understanding and following the personnel policies. Employees are required to sign a statement of understanding and acceptance of the personnel policies. Comments, suggestions and complaints should be discussed with the employee's department head or the Human Resources Manager.

1.09 DEFINITIONS

Anniversary Date: The date the employee commenced work with the City; or a date based on the commencement of employment but adjusted for periods of unpaid leave. Benefits normally calculated based on the anniversary date include vacation and sick leave eligibility and accrual, eligibility for insurance and retirement programs and calculation of years of service with the City.

Education/Tuition Reimbursement: Education that an employee chooses to undertake in the employee's non-work hours. The City in its sole discretion may choose to reimburse an employee for education or tuition expenses if the City deems that the education will enhance the employee's effectiveness and contribution to City goals.

Exceptional Performance: When an employee demonstrates superior performance by achieving work goals ahead of schedule, under budget, and/or otherwise performing operational duties above and beyond expectations.

Immediate Family: Includes the employee's spouse, child, stepchild, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, and those over whom the employee has legal guardianship.

Performance Review Date: The date established by the City Manager as the next formal performance review date for an employee. Normally this occurs twelve months from the last review date. However the performance review date may be delayed or accelerated based on an employee's performance or other factors. Adjustments to an employee's salary, if any, normally occur on the performance review date.

Position Date: The date an employee commences work in a specific position or classification.

Regular Full-Time Employee: An employee who has successfully completed a working test period as defined in these policies and who regularly works either forty (40) hours per week or such other number of hours per week of work as the City

Manager shall establish as a full-time week of work. Regular full-time employment status does not imply or guarantee for-cause status. Some employees are designated at-will employees, pursuant to their offer letter with the City and are not extended for-cause processes.

Regular Part-Time Employee: An employee who has successfully completed a working test period as defined in these policies and who regularly works less than forty (40), or such other number of hours per week of work as the City Manager shall establish as a full-time work week, but at least an average of one-half of the hours of work per week worked by a regular full-time employee.

Short-Term Volunteer: A City volunteer working less than eight hours per week for a period not exceeding three months.

Temporary Employee: Employees who hold jobs of limited duration due to special projects, abnormal workloads or emergencies. Temporary employees are always at-will; their employment based on the current needs of the City.

Training: Education the City provides to an employee to enhance or improve the employee's performance. Training is usually scheduled at City expense and on City time.

Working Test Period: Initial period of employment usually lasting for six months during which time either the City or the employee may terminate employment for any or no reason. Successful completion of the working test period does not imply or guarantee for-cause status. Following a successful working test period employees are granted regular employment status. The working test period may be extended under certain circumstances (see Section 3.06). Unless otherwise specified, when regular employees are referred to in these policies, they shall include working test period employees.

1.10 EMPLOYEE STATUS

Employment with the City is either "at will" or "for cause", depending on the nature of the position held. At will status means that the employment relationship may be terminated at any time, with or without cause, by the employee or by the City. An employee who has for cause status may only be terminated by the City with cause.

A matrix indicating which positions are at will and which are for cause can be found in Appendix A to these policies. Generally speaking, and as reflected in Appendix A, employees serving in a confidential capacity, assisting the City Council or City Manager in policy and/or program formation, or serving as supervisors or advanced level professionals (e.g., Project Engineers) are designated at will employees. Temporary employees also have at will status, as do all employees during the working test period.

Those employees holding positions not designated as at will are granted for cause status, provided that for cause status is granted only after the employee successfully completes his or her working test period.

CHAPTER 2 BEGINS ON THE NEXT PAGE.

CHAPTER 2

GENERAL POLICIES AND PRACTICES

2.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of University Place is an equal employment opportunity employer. It is the policy of the City to treat employees and job applicants on the basis of job-related qualifications and competence. These policies and all City employment practices shall be applied without regard to an individual's gender, race, color, religion, national origin, age, marital status, sexual orientation, pregnancy, disability or any other basis prohibited by applicable law.

The City does recognize the importance of, and is committed to, achieving workforce diversity that reflects the diversity of its residents. Toward this end special effort will be made during employee recruitment to reach out to minority populations and thus widen the applicant pool.

2.02 DISABILITY DISCRIMINATION PROHIBITED

The City will not discriminate against qualified applicants or employees with a disability and it will provide reasonable accommodation as required by law. An employee who reasonably believes that he/she needs assistance in accommodating a disability should make a written request to the City Manager specifying the accommodation requested.

2.03 LIFE THREATENING/COMMUNICABLE DISEASES

Employees with life threatening illnesses or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. 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, including termination, when a substantial and/or unusual safety risk to the employee, co-workers or the public exists.

2.04 ANTI-HARASSMENT/NON-DISCRIMINATION POLICY

It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate discrimination or unlawful harassment by employees toward co-workers or members of the public. Nor will the City tolerate discrimination or harassment of employees by any third parties, such as vendors or members of the public. Employees are expected to show respect for each other and the public at all times.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or member of the public based on that individual's race, ethnic background, gender, sexual orientation, religion, age, disability or other status protected by law. Examples of prohibited conduct include

slurs or demeaning comments to employees or members of the public because of their race, gender or other protected status.

See Section 2.06, Harassment/Discrimination Complaint Procedure for guidance on what to do if you experience harassment.

2.05 SEXUAL HARASSMENT PROHIBITED

Sexual harassment will not be tolerated by the City of University Place. Prompt disciplinary action will be taken against any employee who commits or participates in any form of sexual harassment. Sexual harassment includes any unwelcome or personally offensive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (or aimed at just one sex) by managers or supervisors, co-workers or third parties such as customers or vendors. Harassment is illegal when used as a part of a manager's or supervisor's decision to hire or fire someone or when used to make other employment decisions such as changes in pay, promotion, or job assignment. It is also illegal when it interferes with the employee's work performance or creates a hostile, offensive or intimidating work environment. Sexual harassment can include verbal behaviors such as unwanted sexual comments, suggestions, jokes, pressure for sexual favors, or foul or crude language; non-verbal behavior such as suggestive looks or leering or the display of sexually oriented or explicit materials; and physical behavior such as pats or squeezes, obscene gestures, or repeatedly brushing against someone's body.

If you have a sexual harassment complaint, or if you believe you have witnessed harassment, please follow the steps below in Section 2.06, Harassment or Discrimination Complaint Procedure.

2.06 HARASSMENT OR DISCRIMINATION COMPLAINT PROCEDURE

Each supervisor is responsible for ensuring an atmosphere free of discrimination and unlawful harassment. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve.

The following procedure outlines the steps to take if you experience harassment or discrimination on the job.

- (1) If you believe or feel you are being harassed or discriminated against, you are encouraged to make it clear to the other person that you are offended and that their behavior is not welcomed. If this does not resolve the matter or if you are uncomfortable with such direct communication, you should move to step 2.
- (2) If you experience or witness any job-related harassment, or believe you have been treated in an unlawful or discriminatory manner, promptly report the incident to your supervisor, any department head, or the City's designated Equal Employment Opportunity (EEO) officer, the Human Resources Manager. Supervisors should report all

complaints to the Human Resources Manager as soon as they are received.

- (3) All complaints will be investigated promptly by the Human Resources Manager or designee. Upon receiving a complaint from the employee, the supervisor or the department head, the Human Resources Manager shall initiate an investigation and upon completion of the investigation recommend to the City Manager whether further action should be taken. If the investigation shows the accused employee did engage in harassment, appropriate disciplinary action will be taken, up to and including termination, as deemed necessary to stop any further harassment and to return to a professional work environment.
- (4) Both the employee filing the complaint and the alleged offender shall receive either a verbal or written response to the complaint. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of the date the complaint was received.
- (5) The City prohibits retaliation of any kind against an employee or member of the public for filing a good faith complaint under this policy or for assisting in a complaint investigation. Any employee who retaliates or provides false information regarding a complaint may be subject to disciplinary action.

Any employee who is found to have deliberately made false sexual harassment allegations against another person will be subject to disciplinary action or other appropriate sanctions. Refusal to cooperate in an investigation may also subject an employee to disciplinary action up to and including termination.

2.07 WORKPLACE VIOLENCE PROHIBITED

The City of University Place strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around the workplace, or otherwise related to City employment:

- Threatening injury to damage against a person or property;
- Fighting or threatening to fight with another person;
- Threatening to use or the possession, custody, storage, or control of a weapon on City premises;
- Abusing or injuring another person;
- Abusing or damaging property;
- Using obscene or abusive language or gestures in a threatening manner;

- Raising voices in a threatening manner;
- (Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.)

"Weapon" Definition: The term "weapon" is defined in its broadest sense and means any object or substance that ordinarily is capable of inflicting death or serious bodily harm including, but not limited to: a hand gun or any other firearm or similar device; a knife (other than a pocket knife with a blade less than three inches in length); or other item intended for physical harm, such as straight razor or other dangerous sharp object, explosive device, electronic stun device.

"City Premises" Definition: The term "City premises" means all areas under City ownership and/or control, including, but not limited to: buildings, offices, vehicles, work areas, lounges, parking lots, desks, cabinets, lockers, and storage areas. The City reserves the right to search all City premises and employee property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for work place safety.

Reporting Violent Conduct: Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to their supervisor (and/or the Human Resources Manager) as soon as possible. Incident reports are to be completed, as appropriate. If management determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including discharge, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

The City of University Place will provide appropriate support and assistance to employees who are victims of domestic violence (defined below). This includes: confidential means for coming forward for help, resource and referral information, work schedule adjustments or leave as needed to obtain assistance as feasible. Other appropriate assistance will be provided based on individual need.

Reporting Domestic Violence (Please see section 7.05 for further information): The City of University Place will provide appropriate support and assistance to employees who are victims of domestic violence (defined below). This includes: confidential means for coming forward for help, resource and referral information, work schedule adjustments or leave as needed to obtain assistance as feasible (see section 7.05 Domestic Violence Leave). Other appropriate assistance will be provided based on individual need.

The City is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employee will be penalized or disciplined solely for being a victim of harassment in the workplace.

Employees who are perpetrators of domestic violence are also encouraged to seek assistance. The City will provide information regarding counseling and certified

treatment resources, and make work schedule arrangements to receive such assistance.

The City will not tolerate domestic violence including harassment of any employee, contractor, or any other member of the public while in City offices, facilities, work sites, vehicles, or while conducting City business. This includes the display of any violent or threatening behavior (verbal or physical) that may result in physical or emotional injury or otherwise places one's safety and productivity at risk.

Any employee who threatens, harasses, or abuses someone at the workplace or from the workplace using any City resources such as work time, workplace phones, FAX machines, mail, email, or other means may be subject to corrective or disciplinary action up to and including termination. Corrective or disciplinary action may also be taken against employees who are arrested, convicted, or issued a permanent injunction as a result of domestic violence when such action has a direct connection to the employee's duties as a City employee.

All employees need to take seriously the problem of domestic violence and its effects in the workplace. The City will take all reasonable measures to foster a safe working environment for all employees, contractors, and citizens.

Domestic Violence: The physical, sexual, and/or psychological abuse of an individual perpetrated by a current or former intimate partner.

Imminent Danger/Violence Incident Procedure: Any employee who reasonably believes that a situation with an aggressive employee, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger at the work site, should promptly leave the work area and report to his/her supervisor (and/or the Human Resources Manager). (As appropriate, however, the employee may call 911 and/or should first try and secure the area and see that no other individuals are potentially at risk.) No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time at the work site. The supervisor should take immediate action and contact the Human Resources Manager as soon as possible for immediate action (e.g., 911 call, if not already made). The timing and circumstances of possible return by the employee to the work area should be coordinated by the employee with City management. The employee, supervisor and/or Human Resources Manager shall follow City procedures in response to such events, including incident reporting and appropriate action deemed necessary by City management.

Security Precautions. All City security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, City solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

2.08 EMPLOYEE PERSONNEL RECORDS

Access to an employee's personnel file generally is limited to the City Manager, Human Resources, the employee's immediate supervisor and department head, although labor laws, collective bargaining agreements, public disclosure laws, and other laws or regulations may mandate access by other persons to the personnel file. The personnel file contains such items as the employee's job application, job description, emergency numbers and contacts, performance evaluations, salary information, training records, disciplinary actions, and letters of commendation.

For payroll purposes, certain salary and benefit records will be kept in separate payroll files. Medical records and benefit enrollment information are kept in a confidential medical file that is separate from the personnel file.

Employee's Right to Inspect File: Employees have the right to review their own file and may request removal of irrelevant or erroneous information. If the City denies the employee's request to remove the information, the employee may submit a written statement of explanation to be placed in his/her file. If you wish to see your personnel file, please make your request to the Human Resources Manager. You have the right to a copy of any information in your file.

Public Access: Personnel files are confidential except as stated in the first paragraph of this section and to the extent permitted by public disclosure law, labor laws, or other applicable regulations. The City will only release individual information (such as dates of employment, positions held and pay range) unless a more specific release is requested in writing by the employee, by court order or unless disclosure is required by public disclosure laws, a subpoena, or other lawful request.

It is the employee's responsibility to keep all personal contact and benefits information including address, phone number, and beneficiaries up to date. This information should be given to the Human Resources Manager as soon as is reasonably possible to ensure accurate disbursement of benefits.

2.09 EMPLOYMENT REFERENCES

Only the City Manager, Human Resources Manager, department head, or the department head's designee will provide employment references on current or former City employees. City employees shall refer all requests for references to the Human Resources Manager, department head or the City Manager.

CHAPTER 3

EMPLOYMENT PRACTICES

3.01 MERIT EMPLOYMENT

Consideration in the selection, placement and retention of employees shall be based on merit. Merit is defined as the match between the knowledge, abilities, skills, and interest of the individual and the requirements of the position as well as how the employee performs the duties of that position. Selection processes will be job related and will attempt to measure a candidate's knowledge, abilities, skills, and interests as they relate to the duties of the position.

3.02 APPOINTING AUTHORITY

The City Manager alone may appoint and remove all officers and employees of the City. Department heads may make recommendations to the City Manager regarding the appointment and removal of employees.

3.03 HIRING PROCEDURES

When a position is vacant or otherwise needs to be filled, the department head shall submit a request to fill the position to the City Manager. The position may be posted and/or advertised after the City Manager approves the request.

The City may administer pre-employment examinations and background checks, testing and verifying applicants' qualifications, abilities, and background as is legally required and as the City deems necessary. Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States, driving record checks, and requiring applicants/employees who have unsupervised access to children to complete a disclosure statement and submit to a State Patrol or other police background check.

Driving Record/License: Applicants for positions in which the incumbent is expected to operate a motor vehicle must be at least eighteen (18) years old and will be required to present a valid Washington State driver's license with any necessary endorsements and proof of personal vehicle insurance. Job applicants for positions where they would be driving on behalf of the City must provide a certified copy of their five-year Motor Vehicle Report abstract to Human Resources as part of the application process. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.

Medical Examination: After a conditional offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination paid for by the City. The purpose of the examination is to determine if the individual is physically able to perform the essential functions of the job and to ensure the candidate's physical condition will not endanger the health, safety or well-being of other employees or the public. Included in the required medical examination may be drug testing or screening (employees subject to the Federal DOT drug and alcohol testing regulations should see Appendix D). The offer of employment may be conditioned on the results of the examination.

A candidate may be disqualified from consideration if: (1) found physically unable to safely perform the essential functions of the position and the individual's

condition cannot reasonably be accommodated in the work place; (2) the candidate refuses to submit to a medical examination or drug testing, and/or complete medical history forms; and (3) the candidate tests positive on any required drug and alcohol screening.

Offers of Employment: After a candidate's selection or promotion has been recommended by the department head and approved by the City Manager, the City Manager will notify the candidate in writing and officially extend an offer of employment or promotion, including compensation levels and conditions of employment. The candidate must be made aware that employment and compensation are always subject to budget availability and continued satisfactory performance. No City representative other than the City Manager has the authority to enter into any agreement for employment for a specific period of time or make any agreement contrary to the foregoing. In limited cases the City Manager may delegate this hiring authority. Any such delegation will be expressed in writing.

3.04 TEMPORARY EMPLOYEES

Department heads may use temporary employees to temporarily replace regular employees who are on vacation or other leave, to meet peak workload or seasonal needs, or to temporarily fill a vacancy until a regular employee is hired.

Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees normally do not receive retirement, vacation, sick leave, health insurance, holidays or any other benefits during their employment. The City Manager may offer benefits to temporary employees on a case-by-case basis, considering the City's need for the employee, the employee's skills and abilities, and the estimated length of temporary employment with the City. Temporary employees will normally not be placed on the state PERS retirement system, although there are some exceptions depending on PERS eligibility criteria. Eligibility for PERS does not imply or guarantee eligibility for other benefits.

Because they are not typically eligible for retirement and other benefits, temporary employees contribute to the social security system. If the temporary employee participates in PERS, neither the City nor the temporary employee will contribute to social security.

3.05 VOLUNTEERS

The City wishes to make use of the rich skills and talents and goodwill of individuals and organizations within the community to benefit the entire community and to gain leverage in service delivery.

Individual volunteers and organizations that perform voluntary services in conjunction with the City must do so in a safe, appropriate and legal manner in

accordance with City policies. Full volunteer policies are contained in Appendix E to this manual.

City employees are expected to work with volunteers as equal partners in service delivery.

3.06 WORKING TEST PERIOD

Upon hire or appointment, all employees (other than temporary employees) enter a working test period that is considered an integral part of the selection and evaluation process. The working test period gives an employee time to learn the job and the supervisor time to evaluate whether there is an appropriate match between an employee and the job. Resignation or termination during the working test period may be deemed a separation in good standing.

The normal working test period is six months from the employee's date of hire, re-hire or promotion. The City Manager may for any reason, authorize a department head to extend the working test period up to three additional months not including any periods of absence from work of the employee. The department head shall indicate, in writing, successful completion of the working test period.

Performance Reviews: During the working test period, the employee's performance may be evaluated orally or in writing on a scheduled basis or as needed. These evaluations may document that the employee is successfully completing the working test period, provide a written plan of improvement that includes what is needed for the employee to gain regular employment status, or recommend termination of employment.

An employee may be terminated at any time for any reason during the working test period. Only in unusual circumstances, as authorized by the City Manager, will the working test period be extended to further evaluate performance.

An example of a process for reviews during the working test period may include:

- (1) Initial orientation and goal setting within the first thirty days;
- (2) Progress reviews during the first three (3) months;
- (3) A written working test period review shall be conducted during or shortly after the sixth (6th) month;
- (4) Monthly reviews if the working test period is extended.

The working test period is not considered successfully completed unless stated and approved in writing by the City Manager. Once the working test period is successfully completed, the employee will be granted regular employment status, per the written approval of the City Manager. Satisfactory completion of the working test period does not necessarily create an employment contract nor does it guarantee employment with the City for any specified duration. FLSA non-exempt employees will be granted "for cause" status upon satisfactory completion of the working test period, (See Appendix A).

Use of Sick Leave/Vacation: During their working test period employees may use sick leave as it accrues, but may not use accrued vacation until having completed

six (6) months of employment. If an employee is voluntarily or involuntarily terminated during the working test period, no payoff of accrued sick leave or vacation is made.

3.07 EMPLOYMENT OF RELATIVES (NEPOTISM)

It is City policy that immediate family or domestic partners of current city employees and the City Council will not be employed by the City where:

- (1) One of the parties would have authority (or practical power) to benefit, supervise, appoint, remove, or discipline the other;
- (2) One party would handle confidential material that creates improper or inappropriate access to that material by the other;
- (3) One party would be responsible for auditing the work of the other; or
- (4) Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City.

Change in Circumstances: If two employees marry, become related or become domestic partners, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City, unless appropriate changes, as determined by the City Manager, can be made to eliminate the potential problem. The decision as to which employee will remain with the City must be made by the two employees within ninety (90) calendar days of the date they marry, become related, or become domestic partners. If no decision is made during this time, the City reserves the right to terminate either employee.

3.08 PROMOTIONS

The City's policy is to encourage promotion from within the organization whenever possible. Openings will usually be posted so that employees may become aware of opportunities and apply for positions in which they are interested and for which they are qualified. Current employees or City residents applying for positions will be given preference when qualifications are equal to or exceed those of outside candidates.

New Working Test Period: After promotion to a new position, a new working test period must be completed, unless waived or reduced by the department head. In the case of unsatisfactory performance in a promotional situation, the employee will be considered for (but not guaranteed) transfer back to the previous position or level formerly held by the employee, as long as that position or a position at that level is open and available.

CHAPTER 4 BEGINS ON THE NEXT PAGE.

UNOFFICIAL DOCUMENT

CHAPTER 4

HOURS AND ATTENDANCE

4.01 WORKING HOURS

The City's basic workweek is Sunday 12:01 a.m. through Saturday midnight. The schedule for most full-time, non-exempt employees is Monday through Friday from 8:00 am to 5:00 pm. A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules or workweeks may be established upon recommendation of the department head to the City Manager.

Supervisors will advise employees of their scheduled work hours.

4.02 FLEXIBLE AND ALTERNATE WORK SCHEDULES

To ensure compliance with the Washington Clean Air Act and the Washington Commute Trip Reduction Act, the City developed a flexible work schedule policy that permits varied work schedules and job sharing between employees. Flexible work schedules reduce commuter travel during certain days of the week and reduce the number of commuters traveling during peak congestion periods. This reduces travel time, peak period traffic congestion and the consumption of petroleum while improving air quality.

Alternate work schedules that accommodate the City's workload while recognizing the City's responsibilities under regional trip reduction regulations may be established by agreement between an employee and the City Manager or department head. Examples of alternate work schedules include condensed work weeks (e.g., 4/10, 9/80) or telecommuting. Approval for an employee to telecommute will be predicated on task specific assignments. The City is not responsible for providing or maintaining equipment used at home, and the employee is responsible for maintaining a safe home work place.

A Flexible Work Schedule is a work schedule that permits starting and quitting times other than the standard work schedule. Flexible work schedules require that a minimum number of hours be worked each workday.

A Compressed Work Week is a work schedule which permits employees to increase the length of each work day so as to provide one day off every one or two weeks. Compressed workweek schedules include:

- 1) 4/10 - Four ten hour days each week. This provides one extra day off each week.
- 2) 9/80 - 80 hours in a two-week period are scheduled over nine working days. Example: The normal workday is extended by one hour for five days one week and for three days the next week, with one regular eight-hour day. This provides one extra day off every two weeks.

NOTE: Because of the requirement to pay overtime to employees in overtime-eligible (non-exempt) jobs, specific alternative schedules for these employees should be developed in order to avoid overtime liability (see examples p. 21).

NOTE: Each department reserves the right to administer the flexible schedule policy to promote the efficient use of resources and to provide effective service to the citizens. The alternative work schedule options offered are subject to change at any time. Changes in workload, funding, legal mandates, legal interpretations or other needs of the City and/or individual departments may cause the City to modify or cancel an alternative work schedule.

All regular status full-time and part-time employees of the City are eligible for consideration to work flexible work schedules. Final decisions for participation will be made by the City Manager with concurrence by the department director. Among other factors that will be considered are whether the alternative work schedule interferes with the City's business operations or compromises the City's ability to provide service to citizens.

The completed Request for Flexible Work Schedule will be submitted to the department director for review. An application must be reviewed and approved by Human Resources for Fair Labor Standards Act and the Washington Wage and Hour Law compliance. Final approval will be given by the City Manager. Copies will be distributed to the employee, the department director and the Finance Division. The original will be placed in the employee's personnel file. The request for flexible work schedule must be completed and approved at least two weeks prior to the end of the pay period in which the alternative schedule begins.

All approved flexible work schedule applications will be implemented for a trial (or interim) period, of at least three (3) months, but not to exceed six (6) months. At the conclusion of the trial period, the director will evaluate the situation and determine if the alternative work schedule should be continued. After successful completion of the flex schedule trial period, employees should commit to their flex schedule for no less than three additional months to facilitate efficient use of staff resources.

Sick and vacation leave will continue to accrue at the employee's regular rate. When an employee takes a full day of sick or vacation leave the time charged will be equivalent to the full number of hours the employee was scheduled to work on that day pursuant to the flexible schedule.

When a paid holiday falls on a full-time employee's regularly scheduled workday, the employee will be paid eight hours of holiday pay. If the regularly scheduled workday is greater than 8 hours, the employee will be required to use either vacation or compensatory time earned to make up for the time in excess of the 8 hours that the employee was scheduled to work.

If the department director approves, an employee may work additional hours during the same workweek as the holiday in lieu of using accrued leave.

When a paid holiday falls on a full-time employee's regularly scheduled day off, the employee will be credited with eight hours of holiday time off which must be used prior to the end of the calendar year.

Employees must schedule personal appointments (doctor, dentist, etc.) on scheduled days off whenever possible. Employees may be required to fill in on their regularly scheduled days off for employees who are absent. Supervisors and employees will provide as much advance notice as possible and will attempt to work out alternative schedules for employees who are asked to work on regularly scheduled days off. There is no guarantee, however, of advance notice.

The Fair Labor Standards Act (FLSA) requires that non-exempt employees be paid overtime for all hours worked in excess of forty hours during a workweek. The workweek consists of seven consecutive 24-hour periods, and the employer retains the right to designate when the work period begins and ends. The defined workweek is not required to be the same for all employees. (See Appendix A for Exempt/Non-exempt matrix.)

The City will not incur additional costs in order to permit employees to choose alternative work schedules. Therefore, non-exempt employees must select an alternative schedule that does not require more than 40 hours per workweek. This may require employees to agree to a different workweek designation.

The following are examples of alternative work schedules for non-exempt employees:

EXAMPLE # 1: Compressed Work Week 4/40
Workweek Start/End: Sunday midnight - Saturday 11:59 p.m.

Day	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Total
	off	7 to 6	7 to 6	7 to 6	7 to 6	off	off	
# Hours	Zero	10	10	10	10	Zero	Zero	40

EXAMPLE # 2: Compressed Work Week 9/80
Workweek Start/End: Friday noon - Friday 11:59 a.m.

Week 1

Day	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
Schedule	off	off	off	7 to 5	7 to 5	7 to 5	7 to 5	7 to 11
# Hours	Zero	Zero	Zero	9	9	9	9	4

Week 2

Day	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri
Schedule	12 to 4	off	off	7 to 5	7 to 5	7 to 5	7 to 5	off
# Hours	4	Zero	Zero	9	9	9	9	Zero

In this example, the employee has every other Friday off. This can be done because the workweek is defined as Friday noon to Friday at 11:59 a.m. If the employee works more than 40 hours in the defined workweek, the additional hours worked are paid at the overtime rate.

Human Resources will answer questions to determine compliance with FLSA requirements.

4.03 OVERTIME/COMPENSATORY TIME

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA) regulations. (See Appendix A for listing of exempt and non-exempt positions.)

Overtime for Non-Exempt Employees: Non-exempt (FLSA covered) employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than forty (40) hours in a seven (7) day work week. The employee's supervisor must authorize all overtime in advance.

Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked in excess of forty (40) hours in a workweek. When calculating time worked for purposes of overtime compensation, only time actually worked by an employee within the workweek will be considered. Thus, time paid for by the City but not actually worked by the employee (e.g., holidays, sick leave, used comp-time, and vacation time) will not count as hours worked.

Compensatory Time Off for Non-Exempt Employees: Upon request from a non-exempt (FLSA covered) employee, the City may grant compensatory time off (comp time), in lieu of overtime compensation, at the rate of 1-1/2 times the overtime hours worked. The City reserves the right to pay overtime or cash out compensatory time off at any time.

As compensatory time off represents an unfunded liability for the city, the maximum accrual of comp time shall not exceed eighty (80) hours. Employees should schedule the use of comp time with their supervisor within ninety (90) days of the date it is earned, unless granted an extension, in writing, by the City Manager. If an employee is unable to use accrued compensatory time within 90 days, or comp time exceeds the maximum accrual, overtime compensation will be paid at the current overtime rate. Every employee's compensatory time accrual will be reviewed at year-end to ensure that the maximum has not been exceeded.

Overtime for Exempt Employees: Exempt employees are not covered by the FLSA overtime provisions and do not receive overtime pay or compensatory time. An exempt employee is paid to perform a job that may not necessarily be completed in a normal 40-hour workweek. There will be no actual deduction in pay for absences of less than a full day for personal reasons, illness, or disability.

4.04 ATTENDANCE

Employees are expected to report for work on time and maintain good attendance. If an employee is unable to report to work on time, the employee should notify his/her supervisor before the work day begins or within thirty (30) minutes of the employee's scheduled start time. If an absence continues beyond one day, the employee must call in to his/her supervisor each day unless alternative

arrangements were made with the supervisor in advance. If the employee's supervisor is unavailable, the employee should leave a message on his/her supervisor's voice mail and also with the main receptionist.

4.05 ADVERSE WEATHER, EMERGENCIES, AND NATURAL DISASTERS

During periods of inclement weather, an emergency or a natural disaster, the City must continue to provide essential public services. Therefore, employees must make every reasonable effort to report to work if they can do so without endangering their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to: vacation, floating holiday, compensatory time, or leave without pay. Non-emergency employees who arrive within two hours of the start of their normal workday during a period of inclement weather, an emergency or a natural disaster will be paid for a full day's work. An employee who expects to arrive at work late shall advise the supervisor by phone.

During periods of inclement weather, emergency or a natural disaster, employees may be assigned emergency services work schedules other than their normal work assignments.

If, due to inclement weather, emergency or a natural disaster, the City determines either to send employees home before the conclusion of their workday or not to have employees come to work, the employees will be paid their normal rate of pay for their regularly scheduled hours for that day.

4.06 BREAKS AND MEAL PERIODS

Non-exempt employees may take one fifteen (15) minute paid rest break for every four hours worked and a sixty (60) minute unpaid meal break for every six hours worked. Meal periods shall be at least thirty (30) minutes but not more than sixty (60) minutes and shall commence no less than two hours nor more than five hours from the beginning of the shift. Where the nature of the work allows employees to take intermittent rest periods equivalent to 10 minutes for each four hours worked, scheduled rest periods are not required. All breaks should be arranged so they do not interfere with City business or service to the public. Breaks cannot be saved in order to extend any other break period or to leave early from work. Employees should have either a meal period or rest break at least every three hours. An employee who is not receiving rest breaks or meal periods should notify his/her supervisor.

4.07 CALL BACK

All employees are subject to call back in emergencies or to provide necessary services to the public. Non-exempt (FLSA covered) employees called back to duty will be paid at their regular rate, with the overtime rate paid for hours worked in excess of forty per workweek.

4.08 PERSONAL PHONE CALLS

Employees are not permitted to make personal long distance or cellular phone calls that are charged to the City. However, if City business creates an unforeseeable need for the employee to work late or the employee is traveling on City business, a brief, long distance or cellular personal call, for the purpose of notifying family members, is permitted. City phones, including cellular phones, may be used for emergency situations. However, employees driving and using hand held cell phones while on City business must pull over and reply to calls or make calls, or use a hands free device while driving. Washington State has a hands-free law which prohibits the use of a wireless device such as a cell phone being held to the ear while driving.

CHAPTER 5 BEGINS ON THE NEXT PAGE.

CHAPTER 5

COMPENSATION

5.01 SALARY PLAN

The City's salary plan is set by ordinance. The City Council approves an annual salary schedule proposed by the City Manager that establishes pay ranges for each job classification. Subsequent changes in the pay plan must be approved by the City Council.

5.02 SALARY POLICY

It is the intent of the City Council to attract and retain quality City employees. Within budget limitations, the City endeavors to pay salaries competitive with those of other employers in the applicable labor market. Salaries are reviewed on an annual basis and, resources permitting, a cost of living or market adjustment may be applied to salary ranges by the City Council.

5.03 GENERAL SALARY PRACTICES

Employee Pay Rates: Employees shall be paid within the appropriate salary range. The City Manager shall determine pay within the range. The City Manager may establish a temporary entry salary at a trainee rate that is not more than 10% below the entry-level salary for that position.

Starting Rate of Pay: New or promoted employees will normally start their employment at or near the beginning of the pay range for their classification. The City Manager, however, may approve compensation at a higher rate within the salary range when qualified applicants cannot be recruited or the department head determines that the applicant has experience and qualifications that warrant a higher salary. When the starting pay of a newly appointed employee exceeds mid-point of the applicable pay range, the City Manager will report the reasons to the City Council.

Merit Increases: If performing satisfactorily, as determined in the sole discretion of the City and subject to budget considerations, employees may be eligible for a four percent salary increase within the range for their position effective on their scheduled performance review date (usually their anniversary date).

Salary increases are contingent upon satisfactory performance by the employee and confirmation of such performance in the written employee's evaluation. If an employee's performance is unsatisfactory, the department head will recommend that the City Manager defer a scheduled pay increase for a specified period of time or until the employee's job performance is satisfactory. Successful completion of a written work plan for improvement, agreed to between the department head and employee, must occur before the employee is eligible to receive a deferred salary increase. No deferred salary increase shall be made retroactive. Cost of living adjustments approved by the City Council, if any, will not be tied to performance.

The City Manager may accelerate by up to three months the performance review dates and pay increases for employees with exceptional performance.

The Human Resources Manager is responsible for making sure performance evaluations are completed in a timely manner and that merit increases are forwarded to payroll.

5.04 PAYDAYS

Employees are paid twice monthly on the 5th and the 20th of each month for work performed between the 1st and the 15th and the 16th and the end of each month, respectively. If a regularly scheduled payday falls on Saturday or Sunday, paychecks will be distributed on Friday; if it falls on a holiday, paychecks will be distributed on the last regularly scheduled working day preceding the holiday. Certain employees, depending upon their work schedules, may be paid on alternate schedules.

Pay Deductions: The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions (e.g. health insurance premiums, flexible spending accounts, automatic deposits, health club membership dues, retirement, voluntary life or disability insurance, charitable or nonprofit organizations) authorized by the employee and approved by the City Manager.

Employees scheduled to be on leave or traveling on a payday are encouraged to arrange direct deposit while they are absent. Otherwise, the check will be held until the employee's return.

Payroll Records: Official payroll records are kept by the Finance Manager. Each department head shall submit a work record signed by each employee and supervisor on a twice-monthly basis noting hours or days worked; leave taken; and for non-exempt employees, overtime worked. The City Manager shall sign work records for department heads.

5.05 GARNISHMENT

The City will enforce garnishments and wage attachments as required by federal or state laws.

5.06 COMPENSATION UPON TERMINATION

Upon an employee's separation from City employment, the employee will receive the following compensation: regular wages for all worked hours that have not been paid; any overtime, compensatory time or holiday pay due; and payment of any accrued but unused vacation and sick leave authorized for payment, if applicable. Payment will be made at the next regular payday. (See sections 7.01 and 7.03).

CHAPTER 6

EMPLOYEE BENEFITS

6.01 RETIREMENT BENEFITS

The City does not participate in the federal social security program. In place of it, the City provides the following retirement programs for employees. All retirement benefits shall be a fringe benefit accruing to the employee by virtue of employment with the City and shall not be considered part of the employee's regular rate of pay.

Social Security Replacement Program: All employees eligible for participation in the Washington State Public Employees Retirement System utilize this system as a replacement for the federal social security program. Employees not eligible for PERS and other benefits will pay into social security.

All City employees contribute to the Medicare insurance portion of FICA.

State Retirement System (PERS): All regular full-time and eligible part-time employees are covered by the statewide retirement system, the Public Employees Retirement System (PERS). Benefit levels, contribution rates, and eligibility criteria are set by the State of Washington.

Money Purchase Plan: The City provides a mandatory money purchase 401(a) plan, in which the City contributes on behalf of the employee and the employee participates according to Appendix B of this manual and within dollar limits defined by the IRS.

Deferred Compensation Plan: The City provides a voluntary deferred compensation 457 plan for employees to contribute pre-tax dollars.

Retirement Health Savings Plan: The City provides a mandatory tax free retirement savings plan that is dedicated to health care costs upon retirement.

Roth IRA Plan: The City provides a voluntary Roth IRA plan through ICMA.

(See Appendix "B" for more details on retirement plan benefits and contributions.)

Employees should notify their department head of their intent to retire at least three months prior to the date of retirement.

6.02 DISABILITY BENEFITS (WORKERS COMPENSATION)

All employees are covered by the State Workers' Compensation (Industrial Insurance) Program. 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 should be reported immediately to the supervisor. The State Workers' Compensation Program may not cover activities

undertaken by employees outside their normal scope of work or workday. If an employee is absent for one or more days due to an on-the-job accident, the employee must 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 or other leaves) the employee's regular net salary pending receipt of Workers' Compensation benefits. Procedures under 7.03 (When Sick Leave is Exhausted) will be followed if the injured employee has no accrued leave.

Coordination of Benefits: When an employee receives Workers' Compensation benefits, the employee is required to repay to the City the amount covered by Workers' Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability as long as accrued sick or other leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account. Employees may supplement workers' compensation salary benefits by using accrued sick or other leaves to increase their workers' compensation disability payments up to an amount not to exceed their net pay if they were working their regular schedule.

Return to Work: In the event of an injury the City will coordinate with the attending medical care provider to return the injured employee to work as soon as is medically possible. The City will provide reasonable accommodation, including temporary reassignment to light duty tasks (if available), in consultation with the employee's medical care provider while the injured employee is recovering. Injured employees shall report to the Human Resources Manager for assignment while recovering from their work related injury.

The City may require an employee to submit to a City-paid medical examination performed by a physician selected by the City, to determine if an employee can return to work and whether the employee is or will be capable of performing the essential duties of the position.

The State Workers' Compensation program may cover citizens who volunteer to perform the equivalent of staff services at the City. Volunteers must submit in a timely manner, in writing, the hours volunteered to ensure L & I contributions are made on their behalf for the time worked. Advisory Boards and Committees are not covered under this provision.

6.03 BENEFIT ALLOWANCE

See the Biennial Budget for a detailed description of the Employee Health Care Plan. (See Appendix "B" for more details and plan names.)

6.04 HEALTH INSURANCE BENEFITS

Regular full-time and regular part-time employees, their spouses, domestic partners and their dependents are eligible to participate in the City's various

insurance programs beginning with the first full calendar month of employment with the City (example: to be eligible for coverage in March, the employee would need to start no later than the first workday in March). The programs and criteria for eligibility are explained upon hire. The City provides a monthly benefits allowance toward the cost of premiums in the amounts authorized by the City Council. The remainder of the premiums, if any or as described in the preceding section, shall be paid by the employee through payroll deduction. This health allowance shall be a fringe benefit accruing to the employee by virtue of employment with the City and shall not be considered part of the employee's regular rate of pay (except for IRS rules with reference to domestic partners). The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, without prior notice to affected employees. (See Appendix "B" for more details and plan benefits.) Represented employees should refer to their union contract for health insurance or other benefit information.

Temporary employees normally will not be eligible for insurance coverage.

6.05 LIFE INSURANCE

The City provides life, accidental death and dismemberment, survivor, and long-term disability insurance for regular full-time and regular part-time employees. This coverage is effective the first day of the month following the month in which the employee started employment with the City. (See Appendix "B" for more details and plan benefits.)

6.06 OTHER BENEFITS

The City provides an Employee Assistance Program and a Section 125 flexible spending account program to regular employees. Also, to reduce absenteeism and to promote employee health and productivity, the City encourages employee wellness through various City-sponsored, voluntary activities and programs. Subject to the annual budget, City funds may be budgeted to promote some in-house wellness programs. These benefits shall be a fringe benefit accruing to the employee by virtue of employment with the City and shall not be considered part of the employee's regular rate of pay.

6.07 CONTINUATION OF INSURANCE COVERAGE

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

Workers Compensation Leave: If an employee cannot work because of an on-the-job injury, the City will continue to pay for the employer's portion of health insurance premiums while an employee is receiving Workers Compensation benefits, provided that the employee continues to pay their share of premiums, if any. After six (6) months the employee's benefits shall cease, unless the City Manager makes an exception in an individual case. The employee may continue

health care benefits by self-paying insurance premiums for the remainder of the time the employee receives Workers Compensation benefits, subject to trust rules and COBRA regulations.

COBRA Rights: Upon the occurrence of a qualifying event, which can include an employee's termination from City employment, a reduction in hours, an unpaid leave of absence, a divorce, or a covered dependent being no longer eligible to be covered as a dependent, the employee, divorced spouse, or dependent may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations at their own expense. Continuation rights are not available if an employee is terminated for "gross misconduct." An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire or are on an approved leave of absence, the employee will be responsible for the health insurance premium immediately following the last month for which the City pays this premium.

6.08 UNEMPLOYMENT COMPENSATION

City employees may qualify for State Unemployment Compensation upon termination from City employment depending on the reason for termination and if certain qualifications are met.

6.09 RELOCATION BENEFITS

Relocation benefits may be offered to new employees subject to Council approval.

6.10 BENEFITS UPON HIRE/RETURN FROM LEAVE

Upon hire or return from an unpaid leave (other than FMLA), an employee's benefits—leave accruals and insurance coverage—will commence on the first of the month subsequent to the date of hire or return from leave.

6.11 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

Regular Part-Time Employees: All leaves, including holidays, and benefit allowances are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule of at least 20 hours per week and the regular full-time schedule of forty (40) hours per week is applied to the normal full-time benefit allocation.

Temporary Employees: Temporary employees normally are not eligible to receive benefits, including leaves, holidays and insurance. The City Manager, however, may make exceptions to this policy.

6.12 REFRESHMENTS

As authorized in the City's Biennial Budget, the City may furnish coffee, tea, soft drinks, or snacks for attendees of public meetings as a benefit of contribution to the public process, and for employees as a benefit of employment.

6.13 CAR ALLOWANCE

The City Manager may authorize a car allowance of up to \$150 per month for Department Heads and up to \$100 per month for Division Managers. If a Department Head or Division Manager authorized for this allowance is required to use his or her personal vehicle to travel outside the Puget Sound region (Bremerton to Snoqualmie Pass and Everett to Olympia), he/she will be reimbursed at the per-mile amount set by the IRS.

CHAPTER 7 BEGINS ON THE NEXT PAGE.

CHAPTER 7

LEAVES

7.01 VACATION

Each regular full-time employee is entitled to vacation leave as follows:

<i>Years of Employment</i>	<i>Vacation Hours Earned</i>
0 - 4 years	8 hours/month
5 - 9 years	10 hours/month
10 -14 years	12 hours/month
15 -19 years	14 hours/month
20+ years	15.3 hours/month

Vacation accrual begins on the first day of the first full month of employment. Vacation hours are credited at the completion of each pay period. Employees are eligible to use earned vacation after successful completion of their working test period, but no sooner than six (6) months of employment. Regular part-time employees earn vacation on a pro-rated basis. Temporary employees generally are not eligible for vacation leave. Vacation credit does not accrue during leave without pay or on overtime hours.

Department heads are responsible for scheduling employee vacations without disrupting department and City operations. To that end, employees must secure advance approval to use vacation. As a general guideline, leave requests of one week or more in duration should be submitted in writing thirty (30) days in advance.

Vacation Accrual Maximum: Employees are encouraged to use vacation in the year it is earned. The maximum vacation balance that an employee may accrue is 184 hours. Any hours earned above the maximum will not be accrued and will be lost to the employee. Where City operations make it impractical for an employee to use his/her vacation time, the City Manager may authorize additional accruals.

Previous Relevant Service: On recommendation of the City Manager, subject to the approval of the City Council, an employee's years of service for vacation accrual purposes may be calculated based on previous relevant service (up to 50% credit may be given for related career service). The maximum annual vacation accrual based on combined years of City service and previous relevant service may not exceed 23 days per year.

Minimum Vacation Use: Vacation may be used at a minimum rate of one (1) hour per day for non-exempt (FLSA covered) employees. Exempt employees (not covered by FLSA) are required to use vacation at a minimum rate of one (1) day.

Termination: Employees who successfully complete their working test period will be paid for accrued but unused vacation time upon separation from employment.

Employees who voluntarily or involuntarily terminate employment prior to the successful conclusion of the working test period will not be paid for accrued vacation leave.

Merit Vacation Days: The City Manager may, on recommendation from the department head, grant up to five vacation days per year, based on the employee's performance. Merit vacation days cannot be used during the working test period. Earned but unused merit vacation days cannot be cashed out during employment or upon separation of employment.

7.02 ADMINISTRATIVE LEAVE

The City Manager, with City Council approval, may grant up to one week per employee per year of additional paid leave to FLSA exempt employee(s) when, in his/her judgment, the employee(s) have expended exceptional effort during periods of seasonal or otherwise extraordinary workload.

7.03 SICK LEAVE

Regular full time and regular part time employees are eligible to accrue sick leave on the first day of the first full month of employment. Full time employees shall accrue sick leave at the rate of four (4) hours per pay period (eight hours per month); part time employees shall accrue on a pro-rata basis. Sick leave is available for use following its accrual. Sick leave is credited following completion of each pay period.

Temporary employees do not accrue sick leave. Employees do not accrue sick leave benefits during a leave without pay.

Reasons for Sick Leave: Sick leave covers those situations in which an employee is absent from work due to:

- (1) Physical injury or illness of the employee;
- (2) The need to care for immediate family members who are ill or recovering from a temporary disability or childbirth;
- (3) Medical or dental appointments for the employee, spouse, or dependent child. Employees should try their best to schedule such appointments outside of normal work hours or at times that least interfere with the workday;
- (4) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- (5) Use of prescription or non-prescription medication that impairs job performance or safety;
- (6) Periods of temporary disability directly associated with pregnancy or childbirth;

- (7) Additional leave beyond bereavement leave may be authorized by the City Manager if a death occurs within an employee's immediate family.

Doctor's Documentation: A doctor's certificate may be required when an employee is absent for a period of three (3) or more consecutive days or in other situations as deemed appropriate by the City. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition that impairs the employee's ability to perform the essential functions of the job. The City may terminate employees who are habitually absent due to illness or disability if their disability cannot be reasonably accommodated or when the employee's absenteeism prevents the orderly and efficient provision of services to citizens. Reasonable accommodation may include consideration by the City of retraining or reassignment.

The City may require a doctor's certificate indicating that the employee is able to return to work or perform job duties.

Minimum Sick Leave Use: Sick leave may be used at a minimum rate of one-quarter (1/4) hour per day for non-exempt (FLSA non-exempt) employees. Exempt employees (not covered by FLSA) are required to use sick leave at a minimum rate of one (1) day.

When Sick Leave is Exhausted: Employees who use all their accumulated sick leave and require more time off due to illness or injury may, with their department head's prior approval, use vacation, compensatory time, floating holidays or, as a last resort, take leave without pay.

Payment of Accrued Sick Leave: Any employee in good standing with at least five (5) years of regular employment with the city may cash out up to 40 hours per year of sick leave for 50% of its value at the employee's current hourly wage if their remaining sick leave balance is over 100 hours.

For the purposes of sick leave payout, hourly wage will be calculated by dividing the current monthly wage by 173.3333.

Example: Employee X hired on 1/1/2004 has a balance of 140 hours of sick leave on 1/1/2009 and is currently paid \$25.00 per hour. That employee could cash out 40 hours at 50% of their current hourly wage receiving \$500.00 taxable income and would retain a balance of 100 hours of sick leave.

Employees in good standing with seven (7) or more years of regular employment with the city may cash out up to 80 hours for 75% of its value at their current hourly wage as long as their sick leave balance remains over 100 hours.

Donated leave will not be eligible for use in this provision.

Payment for Sick Leave upon Termination: Employees who have worked for the City for two (2) or more years and terminate employment in good standing are eligible to be paid for twenty-five percent (25%) of accrued and unused sick leave up to a maximum of 120 days at termination. Included in termination for these purposes are voluntary resignation, retirement, layoff or death. If sick leave hours are cashed out while still employed with the City according to the above "Payment of Accrued Sick Leave" provision, that employee shall be ineligible for payment of any remaining hours if the employee leaves the City's employ for any reason in the same year they took the accrued sick leave payment.

7.04 FAMILY AND MEDICAL LEAVE

Recognizing the importance of family and out of concern for the well being of its employees, the City of University Place's leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This family and medical leave policy shall apply to regular employees who have been employed by the City at least 12 months and have worked at least 1,250 hours in the preceding 12 months and shall be administered in accordance with the Federal Family and Medical Leave Act (FMLA) and the State Family Leave Act.

No benefits such as vacation or sick leave are earned when the employee is on unpaid leave. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment.

A qualifying regular employee may request leave for up to twelve (12) weeks of FMLA leave per "leave year." The City defines leave year as the twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave may be used for the following reasons:

- (1) To care for the employee's newborn, newly adopted child, or newly placed foster child.
- (2) To care for the employee's spouse, child or parent who has a serious health condition.
- (3) To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position.
- (4) To care for a Covered Service Member, as defined herein. This leave is available to a spouse, son, daughter, parent, or next of kin of the Covered Service Member. Up to 26 weeks of leave in a single 12 month-period is provided under FMLA. The employee is entitled only to a *combined* total of 26 weeks of Service member and FMLA leave during a single 12 month period. This form of FMLA leave is available on a per-Covered Service Member, per-injury basis; as a result, once an employee exhausts the leave entitlement caring for a particular family member and injury, no additional leave is available for the same purpose in future leave years.
- (5) For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member who is on active duty, or has been notified of an impending call to active duty in support of a contingency operation. Covered military members are

members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of birth or placement. If both parents work for the City, they are entitled to a combined total of 12 weeks of leave in any 12-month period where leave is taken to care for a new child.

In some cases (where medically necessary or where needed due to a qualifying exigency), leave may be taken on an intermittent or reduced schedule basis.

Serious Health Condition: A serious health condition is an illness, injury, impairment or 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 consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (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 full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

Continuation of Pay and Benefits: FMLA leave is unpaid leave. However, employees are generally required to use any accrued vacation and sick leave available to them as part of their 12 weeks of FMLA leave (or up to 26 weeks for service member family leave). Determination of applicability of accrued leave time or leave without pay to be used during a leave of absence will be made by the Human Resources Manager and communicated to the employee as soon as possible following receipt of the leave request.

During all leaves under this family and medical leave policy, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the City for the employer

APPENDIX A
At Will/For Cause, FLSA Exempt/Non-Exempt Matrix
City of University Place

		AT WILL	FOR CAUSE
FLSA Exempt	Executive /Manager	City Manager City Attorney City Engineer Deputy City Manager Development Services Director Economic Development Director Finance Director Parks and Public Works Director	
FLSA Exempt	Administrative /Professional	Assistant Finance Director Comm. & Technology Director Project Director Sr. Project Engineer/Project Eng Building Official Principal Planner/ Senior Planner Deputy Parks & PW Director Sr. Parks Project Manager City Clerk Senior Analyst/Analyst Managers Assistant to City Manager Supervisors	
FLSA Non-Exempt	Technical/Para-Professional	Intern	Administrative Assist./Project Asst. Deputy City Clerk/Asst. City Clerk Paralegal Office Assistants/Office Specialists Finance Specialist/Sr. Fin. Specialist Coordinators (Rec., Network, etc.) Code Enforcemt./Animal Control Off. Bldg. Inspector/Plans Examiner Associate/Assistant Planner Engineering Tech./Sr. Eng. Tech./Network Maintenance Worker I, II, III, Lead Building Inspector/Sr. Bldg. Inspector Permits Tech./Permits Specialist Permits Expeditor Technicians I, II
FLSA Non-Exempt	Casual /Seasonal	Office Aide General Worker Recreation Assistant Sports Official Summer Hires	
N/A	Contract Professional	Attorney Prosecutor Defender Engineer Planner Consultants	

portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave.

Notification, Medical Certification and Return to Work: A leave of absence shall be requested in writing and submitted to the department head 30 days prior to the date on which the employee wishes to begin the leave; or as soon as the need for such leave is known. Depending on the reason for the leave, the employee may be required to provide medical certification from a health care provider; Human Resources will provide a form for this purpose, if required, and may in certain cases seek a second or third opinion from health care providers. The employee should also provide the supervisor with their intended date of return. In addition, employees may be required to provide periodic reports during family-medical leave regarding the employee's or family member's health status and the employee's intent to return to work.

Upon return from family and medical leave, an employee shall be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

Additional Medical Leave During Disability Due to Pregnancy or Childbirth And To Care For Newborn: In addition to the FMLA leave described above, any employee is entitled to leave for the period during which she is temporarily disabled due to pregnancy or childbirth. This pregnancy/childbirth disability leave is unpaid and health benefits are not automatically continued; however, accrued leave may be used and the employee may continue insurance coverages at her expense. Certification from the employee's health care provider may be required. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave. However, the FLA leave does not run concurrently with any leave taken for pregnancy/childbirth disability; this affords an employee time off to care for her newborn once she has recovered from the disability.

For Guidance: For more information on any of these leave policies, or if you think you may need to take a Family and Medical Leave, contact the Human Resources Manager. The leave laws, particularly those applicable to pregnancy and childbirth, can be confusing. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

7.05 DOMESTIC VIOLENCE LEAVE

The City is committed to working with employees who are victims of domestic violence, sexual assault or stalking, to prevent abuse and harassment from occurring in the workplace. RCW 49.76 allows victims of domestic violence, sexual assault, or stalking to take reasonable leave including leave on intermittent or reduced schedule basis or intermittent leave from work to engage in remedial activities related to the abuse including: participating in legal proceedings; seeking medical treatment or mental health counseling; obtaining social services; or taking other actions to increase the safety of the employee and her/his family members. Family members may also take reasonable or intermittent leave to help a victim obtain needed treatment or services. Per RCW 49.76.020 (5) a family member is defined as any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

An employee must give notice that they will be taking this leave in advance, when possible. When advance notice cannot be given because of an emergency or unforeseen circumstance due to domestic violence, sexual assault, or stalking, the employee or his or her designee must give notice to the employer no later than the end of the first day that the employee takes such leave.

Verification for leave will be required by the City. An employee may provide one or more of the following: a police report indicating the employee or employee's family member was a victim; a court order providing protection to the victim; documentation from a healthcare provider, advocate, clergy, or attorney; an employee's written statement that the employee or employee's family member is a victim and needs assistance. Family relationship may be determined by birth certificate, court document, other similar record, or an employee's written statement.

An employee who utilizes leave under this policy may elect to use sick leave, accrued vacation leave or unpaid leave.

During leave under this policy, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the City for the employer portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave.

Upon return from domestic violence leave, an employee shall be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment.

7.06 BEREAVEMENT LEAVE

Any regular employee who suffers a death in the immediate family shall receive up to three (3) days leave with pay. If additional time is needed, the City Manager may authorize use of accrued sick leave, vacation leave or compensatory time for up to five (5) days. (See the Definitions section for a definition of "immediate family.")

7.07 SHARED LEAVE PROGRAM

The City Manager may authorize employees to donate their accrued vacation or sick leave to another City employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition that has caused or is likely to cause the employee to take leave without pay. The following conditions apply:

1. To be eligible to donate either vacation or sick leave an employee must have at least eleven (11) days of accrued vacation or sick leave. In no event shall a leave donation result in the donor reducing a vacation or sick leave balance to less than ten (10) days. Transfer of leave will be in increments of one day. Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient. All donations of leave are strictly voluntary and confidential.
2. For an employee to receive donated leave, the employee must first exhaust all of the employee's own accumulated compensatory time and sick leave and have a vacation leave balance not greater than eighty (80) hours. An employee may receive donated leave and still retain up to eighty (80) hours of accrued vacation leave.
3. An employee using shared leave will continue to receive the same salary and benefits as an employee using vacation or sick leave. Unused donated leave shall be given back to the donor(s).

7.08 LEAVE WITHOUT PAY

The City Manager may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of absences that may qualify include, but are not limited to: a prolonged illness or medical condition, parenting, caring for an ill relative, or fulfilling a military obligation in excess of fifteen (15) days per year.

An employee may be required to use any accrued paid leaves before a leave without pay begins. If an employee is on unpaid status for more than thirty (30) days, the employee's anniversary date and time in service will be changed to reflect the period of absence.

7.09 JURY AND WITNESS LEAVE

Employees may be granted time off with pay to serve on a jury or as a job-related court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty. It is expected that employees will report to work if there is a break during jury duty where the employee is not required to report to the courts.

An employee on jury or witness leave will continue to receive regular wages but shall sign over to the City any compensation for jury duty or witness services exclusive of expense payments.

7.10 MILITARY LEAVE

Military Training Leave: Employees who are members of the National Guard or federal reserve military units are entitled to paid leave for a period of up to twenty-one (21) workdays per year, or any greater period required by law, for performing ordered active duty training. If the active duty exceeds twenty-one (21) workdays, the employee may take accrued compensatory time, available vacation, or leave without pay. For purposes of this policy, the year runs from October 1 to September 30.

Leave for Active Duty Military Service: Employees who are called to or volunteer for active duty military service in excess of twenty-one (21) workdays will be placed on an indefinite unpaid leave of absence during the time the employee is in an active duty status with any branch of the United States Armed Forces or state militia. The employee may choose to use accrued vacation leave prior to moving to an unpaid status. Any unused leave accruals remaining when the unpaid leave begins will be held until the employee returns to active employment with the City. During the unpaid leave the employee will neither earn additional vacation or sick leave nor be entitled to health insurance benefits except as may be provided for under COBRA or other applicable law. Reinstatement following active duty will be in compliance with state and federal laws at the time of the return to work. Employees should notify their supervisor as soon as they receive notice of the need to report for military training or active duty, and provide the supervisor with a copy of the military orders.

Military Spousal Leave: During times of military conflict declared by the President or Congress, an employee, working 20 hours per week or more, whose spouse is a member of the United States Armed Forces, National Guard, or Reserves who has been notified of an impending call or order to active duty, or who has been deployed, or when the military spouse is on leave from deployment, is eligible for a total of fifteen (15) days of unpaid leave per deployment.

The employee must give notice of intention to take leave within five (5) days of the soldier/spouse receiving official notice of the order to active duty, or official notice of receiving leave from active duty.

This leave is unpaid leave. However, employees may substitute accrued vacation, compensatory time or sick leave for any part of their spousal military leave.

During leave under this policy, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the City for the employer portion of the health insurance premiums.

Upon return from military spousal leave, an employee shall be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment.

7.11 HOLIDAYS

The following are recognized as paid holidays for all regular employees:

New Year's Day	January 1
Martin Luther King Jr.'s Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
One Floating Holiday	As scheduled by employee/supervisor

The employee must be on paid status on the day before and after a holiday to qualify for a paid holiday. A holiday falling on a Saturday will be observed on the preceding Friday. A holiday falling on a Sunday will be observed on the following Monday.

Part-time and Temporary Employees: Holidays will be pro-rated for regular part-time employees. Temporary and other non-regular employees usually do not receive holidays, though exceptions may be made by the City Manager as part of an individual's benefit package.

Floating Holiday: Each regular full time employee is entitled to one floating holiday per calendar year. Regular part-time employees shall receive pro-rated floating holiday leave in proportion to the number of hours in their normal work schedule. Temporary employees are not eligible for this holiday. Floating holidays are awarded at the beginning of each calendar year for regular employees and upon successful completion of the working test period for new employees. Employees cannot receive or use the floating holiday during their working test period, and the floating holiday may not be granted retroactively.

- The floating holiday shall be scheduled by agreement between the employee and his/her supervisor.

- The holiday must be used by the end of the calendar year and cannot be carried over into the next year. Unused floating holidays are not compensated upon termination.
- Employees hired after the first of the year may be granted a pro-rated portion by the City Manager.

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

Holidays Worked: Non-exempt employees who work on a holiday will be paid for eight (8) hours pay at the regular rate of pay and will also be paid for all hours actually worked on the holiday at one-half (1/2) times the regular rate of pay, provided that the total hourly rate shall not exceed one and one-half (1-1/2) times the regular rate of pay. Such work time must be pre-authorized by the supervisor. Employees who are called out during stand-by duty shall receive holiday pay plus call out pay as described in Section 4.07 of this manual.

7.12 CONTINUATION OF BENEFITS DURING LEAVE

Employees on paid leave shall continue to receive benefits they were entitled to prior to the start of their leave including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless noted otherwise in these policies, an employee's benefits, including health insurance, are suspended during the period of unpaid leave, including leave accruals. In certain circumstances, self-payment of insurance premiums may apply (see Section 6.07, Continuation of Insurance Coverage).

CHAPTER 8

PERFORMANCE REVIEWS AND TRAINING

8.01 PERFORMANCE REVIEWS

To ensure that employees perform their jobs to the best of their abilities, it is important that employees and supervisors communicate regularly, openly and frequently about job expectations, job performance, and employee concerns. The City has established a performance review process to ensure that this dialog occurs and to document employee performance.

The primary purpose of annual performance reviews is to ensure that employees understand what is required of them to successfully perform their jobs. Additionally, performance evaluations are used as a factor in pay increase decisions, performance improvement counseling efforts, career growth and determination of training needs.

Working Test Period: During the working test period, the supervisor and the employee will meet to discuss the employee's progress. Also see 3.06 Working Test Period.

Scheduled Reviews: An annual written performance review is required for all employees. Employees receive performance reviews each year on their performance review date. Normally reviews occur 12 months after the last scheduled review. An employee's performance review date may be delayed or accelerated by the City Manager based on the employee's performance. Supervisors and employees are expected to discuss on an ongoing basis the performance issues and goals that are identified and established annually during written performance evaluations.

8.02 TRAINING POLICY

The City seeks, within the limits of available resources, to develop staff by offering training opportunities that will increase employee job knowledge and skills. Opportunities may include, but are not limited to, on-the-job training, in-house workshops, seminars sponsored by other agencies or organizations, and programmed learning courses. Training assigned by the City usually occurs during employee work time and is usually paid for by the City.

As part of the performance review process, an employee and supervisor may set training goals that should be completed prior to the next scheduled performance review. This training should be job related and within budget allocations.

8.03 TUITION REIMBURSEMENT PROGRAM

To promote continued education, professional growth, and the personal development of City employees, a voluntary tuition reimbursement benefit program is available to regular employees with twelve (12) months of City service. Participation in the tuition reimbursement program is entirely voluntary. Participation is limited to employees who wish to avail themselves of educational opportunities that will advance personal career development goals. Any time spent by employees associated with attending courses for which the City provides tuition reimbursement must be outside of regular work hours, on the employee's own time and not compensable by the City. Occasionally employees pursuing further education outside of work to meet their own goals for career development choose to complete coursework that may incidentally benefit their performance in their current City positions. Through the tuition reimbursement program, an employee choosing to pursue such coursework may have tuition costs for a job-related course reimbursed by the City, all or in part, following successful completion of the course.

The following criteria apply:

- Reimbursement is for tuition or the cost of the course only; no reimbursement is made for books, lab fees or travel costs.

- Reimbursement is limited to a maximum amount per employee that is set each year by the City Manager and is subject to the funding level set annually by the City Council.
- To qualify for reimbursement, the employee must submit a tuition reimbursement application and receive prior approval from the department head and City Manager. In addition, the employee must complete each course with a minimum grade of "pass" or "C".
- In the case where limited funds prevent the City from reimbursing all eligible employees, the following criteria will be considered in determining which applicants shall receive reimbursement:
 - (1) Length of service with the City;
 - (2) The benefit to the City received by the particular knowledge, skill or training associated with a particular course; and
 - (3) How the course work relates to the employees' current job or a future promotional position.

The City's commitment shall be established in advance, in writing, using the following guidelines:

- Courses directly benefiting current duties and assignments but not considered training - 100%.
- Courses in a degree path directly benefiting future promotional opportunities with the City - 50%.
- Courses of a personal development nature or in a degree path indirectly benefiting the City or future promotional opportunities with the City - 0%. However, the City will attempt to make some accommodation to employee work schedules, if possible, to allow employees to participate in educational opportunities.

The percentage paid shall be at the maximum for comparable courses at a state university within the State of Washington. Notwithstanding the above guidelines, reimbursement shall be limited to \$1,500 per employee per calendar year.

Education is on the employee's time and is not training as such. An employee must reimburse the city for any tuition reimbursement made by the City within the preceding 24 months if that employee voluntarily leaves City service. By participating in the tuition reimbursement program, employees agree to payroll deductions for any reimbursement owed to the City pursuant to these policies.

CHAPTER 9 BEINGS ON THE NEXT PAGE.

CHAPTER 9

EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.01 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

The primary job for all regular City employees is the position they hold with the City. Due to the high performance and emergency service expectations of City employees, any outside employment must be approved in advance by the City Manager.

Outside Employment: Employees may engage in another job outside their City employment if the outside job does not conflict with the interests of the City or interfere with the employee's ability to perform the City job. Specifically, outside activities should not:

- (1) Interfere with City job responsibilities;
- (2) Be conducted during the employee's work hours;
- (3) Utilize City telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) Be employment with a firm that contracts with or does business with the City;
- (5) Involve service in a decision-making or policy-formulating capacity with a public, private, or non-profit agency that receives funds from the City and where the employee has a role in the City to influence such actions; or
- (6) Be reasonably perceived as a conflict of interest, or raise a reasonable appearance of a conflict of interest issue, or otherwise discredit the employee's public service.

Conflicts of Interest: No employee of the City of University Place shall use employment with the City for personal gain other than legal remuneration. All employees shall avoid conflicts of interest and the appearance of conflicts of interest.

9.02 POLITICAL ACTIVITIES

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

Employees may not campaign on City time, in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public while performing that employee's regular duties may not wear or display any button, badge, sticker or other advertisement about any candidate or ballot issue during working hours. Employees shall not solicit contributions for a partisan political cause on City property or City time.

An employee shall not hold an appointed or elected public office of the City when the holding of such office is incompatible with or substantially interferes with the official duties of the employee's job.

9.03 REPORTING IMPROPER GOVERNMENTAL ACTION (Whistleblower Protection Act)

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, it is the policy of the City:

- (1) To encourage reporting by its employees of improper governmental action taken by City officers or employees and;
- (2) To protect City employees who have reported improper governmental actions in accordance with the City's policies and procedures.

Key Definitions:

"Improper Governmental Action" is any action by a City officer or employee that is:

undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the officer's or employee's employment, and

- (a) in violation of any federal, state or local law or rule;
- (b) an abuse of authority;
- (c) of substantial and specific danger to the public health or safety; or
- (d) a gross waste of public funds.

"Improper governmental action" does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

"Retaliatory Action" means any adverse change in the terms and conditions of a City employee's employment, or hostile actions by another employee towards a City employee that are encouraged by a supervisor or senior manager or official.

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

Procedure for Reporting Improper Government Action: Employees who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee's supervisor, the employee may raise the issue directly with the City Manager, a Deputy City Manager, or such other person as may be designated by the City Manager to receive reports of improper governmental action. This should be done as soon as the employee becomes aware of the improper action.

In 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 supervisor, the City Manager or the City Manager's designee, as the case may be, shall take prompt action to assist the City in properly investigating the report of improper governmental action. 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 in writing the disclosure of the employee's identity. 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 (to the extent permitted by law).

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:

- (1) An adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred;
- (2) Insufficient action was taken by the City to address the improper action, or
- (3) For other reasons the improper action is likely to recur.

(See Appendix "C" for listing of County, State and Federal enforcement agencies.)

Employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protection provided by the City in these procedures.

Protection Against Retaliatory Actions: Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe they have been retaliated against for reporting an improper governmental action should advise their supervisor, the City Manager, a Deputy City Manager, or other designee of the City Manager. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation.

If the employee's supervisor, the City Manager, a Deputy City Manager, or other designee of the City Manager, does not satisfactorily resolve an employee's complaint that the employee has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City Council that specifies the alleged retaliatory action and specifies the relief requested.

Employees shall provide a copy of their written charge to the City Manager no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City shall respond within thirty (30) days to the charge of retaliatory action.

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

Upon receipt of the request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. The City will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

Protection Against Intimidation or Coercion: Officials and employees are prohibited from using their official authority or influence, directly or indirectly, to threaten, intimidate, or coerce an employee for the purposes of interfering with that employee's right to disclose information concerning an improper governmental action in accordance with these policies and procedures.

Nothing in this section authorizes an employee to disclose information prohibited by law.

Responsibilities: The City Manager is responsible for implementing City policies and procedures, for reporting improper governmental action and for protecting

employees against retaliatory actions. This includes ensuring that this policy and these procedures are:

- (1) Permanently posted where employees will have reasonable access to them;
- (2) Made available to any employee upon request, and;
- (3) Provided to all newly hired employees.

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 discharge.

9.04 NO SMOKING POLICY

The City prohibits smoking by employees in all City-owned buildings and vehicles as well as offices or other facilities rented or leased by the City. Employees shall not smoke within 25 feet of entrances to or exits from City facilities, windows that open or vent intakes which serve an enclosed "non-smoking" area.

9.05 USE OF CITY EQUIPMENT AND VEHICLES

See 4.08 regarding use of City phones, including cellular phones. Employees are subject to the provisions of the Information - Communication Systems - Reporting Policy under Chapter 6 of the City's Policies.

Furthermore, employees are subject to the provisions of the City's Fleet Risk Management Policy 03.06.002.

Other City equipment, including vehicles, should be used by employees for City business only. Any misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action up to and including termination.

9.06 SAFETY/SECURITY

The safety of each employee, co-workers and the public is a primary responsibility of each employee. 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 the employee's supervisor. The City will make every effort to remedy problems as quickly as possible.

Endangerment of other employees or the public may result in immediate suspension or other disciplinary action up to and including termination.

Employees who are provided safety clothing or equipment for their personal protection are required to wear or utilize it. Failure to do so may result in disciplinary action up to and including termination.

When an employee is injured while on the job, no matter how minor, employees shall immediately notify the supervisor, department head or Human Resources Manager about the injury.

The City's Safety Committee functions in accordance with state and federal laws. The Safety Committee maintains communication with management about all aspects of safety including employee and supervisory safety training programs and an anonymous safety suggestion program.

The City retains the right to inspect employees' lockers, work areas, desks, packages, computers and other work equipment and tools when there is a concern for the safety or security of City employees and members of the public. City employees have no expectation of privacy in furnishings or equipment provided to employees by the City including but not limited to desks, lockers, work areas, computers, equipment and tools.

9.07 SUBSTANCE ABUSE

The City is committed to providing and maintaining a safe and productive work environment that is free from the effects of drugs, alcohol and other job impairing substances. The City is primarily concerned with the well being of employees and the public it serves. The City encourages employees who are concerned about personal alcohol or drug use to seek counseling, treatment and rehabilitation. All City employees are subject to the policies stated in this section. However, employees of the City who are required to have and maintain a Commercial Driver's License to perform the duties of their job are also subject to the "Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles" in Appendix D of this manual. If there are any conflicts between Appendix D and this section, Appendix D controls.

City Resources Available: Although the decision to seek diagnosis and accept treatment may be voluntary, the City helps employees overcome substance abuse. In some cases, treatment expenses may be covered under the City's benefit program and job leave may be available. The Human Resources Manager can provide more information on available benefits. In recognition of the sensitive nature of the topic, discussions about substance abuse will be kept confidential. Employees who seek advice or treatment for substance abuse will not be subject to retaliation or discrimination. However, work-related misconduct will remain subject to disciplinary action, regardless of whether the misconduct is attributable to substance abuse. Accordingly, an employee with a substance abuse problem should seek treatment before the problem adversely affects his or her employment.

Use of Medication: An employee taking prescription or non-prescription medication that may affect the employee's ability to work or the safety of the employee, co-workers or the public is required to notify his/her supervisor prior to commencement of work. The supervisor will make a determination whether it is in the best interests of the employee and the City that the employee work, not work, or be reassigned during the period medication is used.

When Job Performance is Affected: Although the City emphasizes rehabilitation, disciplinary action may be taken when an employee demonstrates

problems in job performance associated with substance abuse or uses, or is under the influence of drugs or alcohol, while on the job. The City may discipline or immediately terminate any employee possessing, consuming, manufacturing, selling or using alcohol, drugs or other controlled substances during work hours, or who reports for duty under the influence of drugs or alcohol. The City may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, 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 themselves or others.

Drug-Free Workplace: To comply with the requirements of the Federal Drug-Free Workplace Act, the City adopts the following policies:

- The manufacturing, distribution, dispensation, possession, use and reporting for duty under the influence of unlawful drugs or alcohol on City premises or during work hours by City employees is strictly prohibited.
- Employees must notify the City within five (5) days of any conviction for a drug violation in the workplace.
- Violation of this policy can result in disciplinary action up to and including discharge. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

Drug Testing: The City may require an employee to undergo testing for drugs and alcohol: (1) when it has a reasonable suspicion that an employee may be in violation of the City's drug-free workplace policy, and/or (2) the employee has been involved in a vehicle accident while driving a City vehicle and where the employee received a moving violation. The definition of "Accident" found in Appendix D shall apply here.

9.08 COMPLAINT PROCEDURE/PROBLEM SOLVING PROCESS

The City recognizes that an employee may feel that she or he has been treated either unfairly or not in accordance with City policies. For this reason, a number of steps are outlined below to address employee problems and complaints. Represented employees should use the grievance procedure in their collective bargaining agreement for complaints regarding terms and conditions of employment.

A "complaint" is defined as an action by an employee alleging a violation of the personnel or other administrative policies of the City.

This complaint procedure does not apply to claims of discrimination, sexual harassment, or reports of improper governmental action. Separate procedures apply to these types of complaints -- see Harassment/Discrimination Complaint Procedure, Section 2.06 and Reporting Improper Governmental Action, Section 9.03.

No punitive action shall be carried out against the employee for using this procedure.

Complaint Procedure:

- (1) Discuss your problem or complaint with your supervisor within two (2) weeks of the occurrence that gave rise to your complaint. The supervisor will give you a reply within ten (10) working days, unless it is mutually agreed that additional time is needed.
- (2) If you feel the problem is not resolved to your satisfaction with your supervisor, or you disagree with how City policies have been applied, you should discuss the matter with your department head within two (2) weeks of your supervisor's reply (or lack thereof). The department head will respond to your complaint within ten (10) working days after receiving the complaint unless additional time is needed.
- (3) If you remain dissatisfied with the response from the department head, you can submit the problem, in writing, to the City Manager. The written complaint submitted to the City Manager should include a description of the problem and the remedy you seek. It should be filed within thirty (30) working days of the occurrence leading to your complaint, or ten (10) working days after an unsatisfactory response from a Department head, whichever event occurs last.

The City Manager may meet with the parties involved and will prepare a written response within twenty (20) working days of the meeting unless it is mutually agreed that additional time is needed. The City Manager may delegate the matter to a Deputy City Manager or may bring in a third party from outside the City to help resolve the problem. The City Manager's or designee's response and decision shall be final and binding.

9.09 BULLETIN BOARDS

The City maintains bulletin boards for posting information as required by federal and state law as well as to provide information to its employees. Unless designated otherwise, bulletin boards are provided for City-authorized notices only.

9.10 SOLICITATION

To avoid coercion or the appearance thereof, direct solicitation by employees for the collecting of money, goods or gifts for other than City-sponsored events is prohibited during work hours. This includes but is not limited to solicitations for service, community, religious or charitable groups. Solicitation for political organizations is explained in section 9.02. All solicitation by City employees must be in conformance with State law.

No City funds or resources may be utilized for outside solicitations.

Except for authorized City programs and with prior approval from the City Manager, individuals not employed by the City are not permitted to enter City premises at any time to solicit, survey, petition, or distribute literature. This restriction includes charity solicitors, salespersons, questionnaire surveys, union organizers or any form of solicitation or distribution.

9.11 ACCEPTANCE OF GIFTS

No City employee shall solicit or receive a gift, loan, favor, entertainment, or other item or service of monetary value if it is or appears to be solicited, received, or given with the intent to give or obtain special consideration or influence any job-related action of the employee. However, this policy shall not prohibit:

1. Attendance at a hosted meal provided in conjunction with a seminar, conference, or banquet which relates directly to City business, or which is attended as a staff representative.
2. An award publicly presented in recognition of public service.
3. An occasional non-money gift (such as fruits and candy given to the City) having a monetary value of \$50.00 or less when the gift is offered without obligation or the appearance of obligation. Such a gift may be accepted if made available to employees and the public alike.
4. Any gift that would have been offered or given to the employee regardless of City employment.

9.12 PROFESSIONAL, SERVICE AND CIVIC ASSOCIATIONS

It is the intent of the City Council that the City staff actively represent the City in civic and service organizations whose activities may benefit or otherwise affect the citizens of University Place. The City Manager may authorize City employees to actively participate in such organizations. Where specific University Place clubs do not exist, the City Manager may authorize membership in clubs or organizations that serve the University Place area. When possible, the City itself shall be the designated member of the organization, extending the ability to designate various attendees as necessary.

Benefits to the City from such memberships include:

- a. providing information about the City and City programs to organizations through membership in committees and attendance at meetings;
- b. identifying opportunities to advance city programs or goals through partnerships with civic and service organizations;
- c. furthering other mutual benefits to the City and the organization which may arise from association, such as cooperation in organizing and supporting community events.

Employees holding such memberships are prohibited from:

- a. exerting influence on other City employees to provide financial contributions or other support to the civic or service organization;
- b. using the civic or service organization as a forum to lobby in support of or opposition to political or legislative actions, or the promotion of

endeavors in which the officers or employee may have a direct or indirect financial interest or may acquire a personal benefit or gain.

Department Heads shall request permission from the City Manager for membership in a civic or service organization with an explanation of the benefits to the City that are derived from that membership. The City Manager may authorize membership and expenses subject to the City's travel and meals reimbursement policies. Memberships shall be annually reviewed; are subject to the City's budget process; and shall not exceed \$500 per year unless otherwise approved by the City Council. The City will pay for membership and participation expenses but will not pay for charitable or personal contributions of time, money or goods.

Professional associations are also encouraged, and membership is subject to budget and City Manager or Department Head approval.

9.13 UNIFORMS, SPECIAL EQUIPMENT AND CLOTHING

The City may require uniforms, special clothing and use of special equipment. When such requirements exist, the City will pay for the uniform, special clothing and special equipment. The employee is required to wear uniforms, clothing or utilize special equipment in accordance with City policy and practice. Failure to wear uniforms or special clothing or utilize special equipment may result in disciplinary action up to and including discharge.

PAGE 10 BEGINS ON THE NEXT PAGE.

CHAPTER 10

DISCIPLINE AND TERMINATION

10.01 GUIDELINES FOR APPROPRIATE CONDUCT

Public employees are responsible to the public and are held to a high standard of performance to maintain public trust. In pursuing University Place's goal of excellence in City service, the City Council expects excellence from each employee. Each employee was selected to work for the City on the belief that he or she will be able to fulfill that expectation.

The following are examples of types of inappropriate work behavior that may result in discipline up to and including termination:

- (1) Being on the job under the influence alcohol or controlled substances.
- (2) Possessing or distributing alcohol, controlled substances, or prescribed medications for which the employee does not have a prescription at work or in any city facility or vehicle.
- (3) Violation of a lawful duty, falsification of records or making a false claim on City funds;
- (4) Insubordination or other disrespectful conduct;
- (5) Sexual harassment or other unlawful harassment of another employee, member of the public, vendors or contractors;
- (6) Excessive or unexcused absence or tardiness for any reason;
- (7) Fighting or threatening violence in the workplace;
- (8) Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City;
- (9) Violation of duties or rules in these personnel policies, or any other City rule or administrative order;
- (10) Theft or inappropriate removal of property;
- (11) Boisterous or disruptive activity in the workplace;
- (12) Negligence or improper conduct leading to injury or damage of property;
- (13) Violation of safety rules or endangering the safety of the employee, co-workers or the public;
- (14) Possession of dangerous or unauthorized materials in the workplace;
- (15) Dishonesty;
- (16) Failure to perform assigned duties, or performance of duties in an unsatisfactory manner;
- (17) Unauthorized disclosure of confidential information.

This list contains examples only and is not exhaustive. The City may discipline or terminate employees for reasons other than those stated above. Some offenses require immediate action including termination to ensure the public trust and safety.

The City reserves the right to depart from its standard disciplinary procedures when, in its discretion, such a departure is deemed warranted.

10.02 SUSPENSION DURING INVESTIGATION

The City Manager may place an employee on paid or unpaid suspension pending the outcome of an investigation. Based on the findings of the investigation, further action may or may not be taken by the City.

10.03 DISCIPLINE PROCEDURE

The City's discipline procedure is intended to give regular employees advance notice, if possible, of problems with their conduct or performance so that employees have an opportunity to improve. Based on the seriousness of the conduct for which discipline is imposed, however, discipline may begin at any level, may skip steps or disciplinary steps may be repeated. The City may determine that immediate termination is the necessary and only step to be taken. The City determines which step is appropriate. At-will employees, including working test period employees, are not guaranteed the use of this discipline procedure. Granting an at-will employee use of this discipline procedure does not eliminate an employee's at-will employment status.

(1) Verbal Counseling. With the exception of offenses requiring more stringent action, the supervisor will discuss behavior and performance problems with the employee on an informal basis or through verbal discussions. This gives the employee the opportunity to make changes and avoid proceeding to the formal discipline steps below. Repeated counseling may result in a written warning.

(2) Written Warning. This is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written warnings are placed in the employee's personnel file. The written warning shall include the nature of the infraction and what the employee needs to do to correct the conduct or improve performance, and will also make clear what further disciplinary action will follow if the incident happens again or improvement does not occur within a specified time period.

(3) Suspension. A temporary, unpaid or paid absence from duty that may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action that is made part of the employee's permanent record. Unpaid suspensions for exempt employees shall be in increments of one workweek.

(4) Discharge. An employee may be terminated from City employment for a serious offense, when the progressive steps above do not result in corrected behavior or improved work performance, or when the offense is such that the City determines immediate termination to be appropriate.

Pre-Discharge Meeting. In the event a department head or the City Manager makes a preliminary determination to impose an unpaid suspension, demotion or termination with respect to an employee who has for cause status, the employee will be provided a pre-disciplinary meeting to afford the employee an opportunity to provide any additional information that the employee wants the City to consider before any disciplinary decision is finalized. In certain limited cases, at the City's

sole discretion, an at-will employee will be offered a pre-termination meeting before a termination decision is finalized. In such cases, the City will provide the employee with advance written notice regarding the date and time of the meeting, the City's intended disciplinary action, and the reasons for the intended action. The meeting will be presided over by the City Manager, a Deputy City Manager or a designated representative. The employee may bring one person to the meeting as an observer who may not interfere with the orderly process of the meeting. At-will employees, including working test period employees, shall not generally be entitled to a pre-discharge meeting and, as explained above, may be terminated at any time without cause or notice.

At the meeting, the employee shall be given an opportunity to respond, either orally or in writing, and to explain why the City should not go ahead with the discharge. Within three (3) working days of the meeting, the City Manager will issue a written decision determining whether the discharge will proceed, or some alternative disciplinary action imposed. A longer review period may be required in more complex situations.

Working Test Period Employees: Employees in their working test period may be terminated with or without cause at any time without following the above discipline procedure. Likewise, the employee may resign in good standing during the working test period without discredit to their work record. Regular at-will employees continue to serve in an at-will capacity even after completion of the working test period.

10.04 TERMINATION

Termination from employment with the City may be for a number of reasons including:

Resignation: Employment termination initiated by the employee who chooses to leave the City voluntarily.

Layoff: Involuntary employment termination initiated by the City for non-disciplinary reasons due to lack of work, reduction in force, limited funds, organization change or needs of the City.

Medical: Employment termination initiated by either the employee or the City when an employee is unable for health reasons to continue to perform the essential job functions.

Retirement: Voluntary retirement from active employment status initiated by the employee.

Discharge: Employment termination initiated by the City. It may be for cause or without cause depending on the employment status of the employee.

Prior to termination of employment, the employee will participate in an exit interview normally conducted by the Human Resources Manager during which the

employee's benefits, rights and responsibilities following termination are explained. At the exit interview, employees are expected to return all City property.

10.05 RESIGNATION

The City expects employees to provide at least two (2) weeks prior notice of resignation. Four weeks advance notice is preferable. Absent emergency circumstances, failure to provide at least two weeks prior notice may result in ineligibility for re-hire and a resignation not in good standing. In certain circumstances, a resignation may be accepted and implemented immediately upon receipt.

10.06 LAYOFF

The City Manager may lay off employees, including employees with for-cause status, for lack of work, a reduction in force, reorganization, budgetary restrictions or other factors that the City Manager finds to be in accordance with the needs of the City.

In determining which employees are to be laid off, the City Manager may consider the following factors. These factors are not listed in any particular order:

- Positions that are needed to achieve City Council goals, essential City services, emergency responsibilities, or service levels as set by the City;
- Individual Performance or qualifications;
- Seniority when need, qualifications, and performance are equal;
- Any other factors that the City Manager deems relevant.

Employees who are laid off may be placed on a re-employment list for up to six (6) months. Persons on this list will be considered along with other internal or external candidates if they are qualified for any City position. Laid off employees who are offered re-employment during this six-month period but decline the City's offer may be removed from this re-employment list.

10.07 MEDICAL

If an employee has a physical or mental impairment that prevents the employee from performing the essential functions of a position and the employee cannot be reasonably accommodated, either the employee or the City may institute termination of employment for medical reasons.

10.08 DISCHARGE

An employee may be discharged from City employment for any of the reasons listed below:

- (1) During or at the end of the employee's working test period with or without cause or reason provided;

- (2) At-will employees may be discharged without cause or reason provided;
- (3) For cause employees may be discharged:
 - As a result of disciplinary action;
 - For unsatisfactory job performance;
 - Inappropriate conduct as outlined in, but not limited to, Section 10.01;
 - Due to loss of skills, job certifications, or other circumstances that result in the employee being unable to perform satisfactorily the essential functions of the job or otherwise being unfit for service.

10.09 BENEFITS AT TERMINATION

Employee and dependent benefits normally cease the day following the date of termination. However, based on contracts with benefit providers, some benefits may continue until the end of the month during which the employee terminates. Employees may be able to convert some group benefits to individual policies following termination. The Human Resources Manager will explain benefits at termination during the exit interview.

10.10 RETURN OF CITY PROPERTY

Immediately upon termination of employment, the employee will be required to return to the City all property in his/her possession or assigned to him/her including but not limited to:

- ◆ Credit cards
- ◆ Telephone calling cards
- ◆ Equipment and tools
- ◆ Identification badges and security passes
- ◆ Business cards
- ◆ Keys
- ◆ Manuals and written or electronic materials/computer access codes
- ◆ Protective equipment and uniforms
- ◆ Vehicles

The value of property not returned or lost and any tuition reimbursements owed to the City may be deducted from the employee's final pay check and/or appropriate legal action will be taken to reclaim the property.

APPENDIX A
At Will/For Cause, FLSA Exempt/Non-Exempt Matrix
City of University Place

		AT WILL	FOR CAUSE
FLSA Exempt	Executive /Manager	City Manager City Attorney City Engineer Deputy City Manager Development Services Director Economic Development Director Finance Director Parks and Public Works Director	
FLSA Exempt	Administrative /Professional	Assistant Finance Director Comm. & Technology Director Project Director Sr. Project Engineer/Project Eng Building Official Principal Planner/ Senior Planner Deputy Parks & PW Director Sr. Parks Project Manager City Clerk Senior Analyst/Analyst Managers Assistant to City Manager Supervisors	
FLSA Non-Exempt	Technical/Para-Professional	Intern	Administrative Assist./Project Asst. Deputy City Clerk/Asst. City Clerk Paralegal Office Assistants/Office Specialists Finance Specialist/Sr. Fin. Specialist Coordinators (Rec., Network, etc.) Code Enforcemt./Animal Control Off. Bldg. Inspector/Plans Examiner Associate/Assistant Planner Engineering Tech./Sr. Eng. Tech./Network Maintenance Worker I, II, III, Lead Building Inspector/Sr. Bldg. Inspector Permits Tech./Permits Specialist Permits Expeditor Technicians I, II
FLSA Non-Exempt	Casual /Seasonal	Office Aide General Worker Recreation Assistant Sports Official Summer Hires	
N/A	Contract Professional	Attorney Prosecutor Defender Engineer Planner Consultants	

APPENDIX B

Summary of Employee Insurance Benefits

The following is a listing of insurance plans currently available to City of University Place employees (subject to change):

Medical Plan: Association of Washington Cities Employee Benefits Trust, PPO Plan (underwritten by Washington Physicians Service) or an HMO.

Dental Plan: Association of Washington Cities Employee Benefits Trust, Plan F and Orthodontia Rider Plan IV (underwritten by Washington Dental Service) or Willamette Dental, \$10 Copay Plan.

Vision Plan: Association of Washington Cities Employee Benefits Trust, Full Family - \$25 Deductible, Second Pair Option (underwritten by Vision Service Plan).

Long Term Disability Insurance: 60% of Salary; 90-day Elimination Period; Maximum Monthly Benefit of \$6,000; Minimum Monthly Benefit of \$100 (through R.L. Evans Company, provided by Unum Insurance).

Life and Accidental Death and Dismemberment Insurance: \$25,000 per employee (through R.L. Evans Company, provided by Unum Insurance).

Survivor Life Insurance: Spouse or Children - 30% to a \$900 monthly maximum benefit; Spouse and Children - 60% to a \$1,800 monthly maximum benefit (through R.L. Evans Company, provided by Unum Insurance).

Other Insurance: The City also may offer voluntary group life, short-term disability or other optional insurance programs paid for by the employee via payroll deductions.

Additional Benefit Information: For regular employees, the City of University Place does not contribute to Social Security. PERS is the Social Security replacement for regular employees, and a 7.5% Deferred Compensation contribution, in lieu of Social Security, is made for Council members. In addition, for regular employees, the employee is required to contribute at least 6.0% of their monthly earnings into a 401(a) Defined Contribution Plan matched by a City contribution of 6.2% of the employee's monthly earnings into the 401(a) plan. Subject to Federal rules, employees may voluntarily contribute to the 401(a) plan at higher percentages. These voluntary employee percentage rates are 8%, 10.5%, 13%, 15.5%, and 18%. Federal one-time election rules, contribution limits, and other regulations will apply. Vesting for the City share of the 401(a) plan is 33.3% after one year, 66.7% after two years, and 100% after three years of being employed with the City.

The City of University Place employees belong to PERS. The Washington State Department of Retirement Systems establishes the employer and employee contributions to PERS.

City of University Place
Personnel Policies & Procedures – Exhibit B

APPENDIX C
County, State and Federal Enforcement Agencies

PIERCE COUNTY AGENCIES

Pierce County Council

www.piercecountywa.org/pc/abtus/ourorg/council/default.htm

(General Complaints)

930 Tacoma Ave. South, Number 1046

Tacoma, WA 98402

(253) 798-7777

Pierce County Environmental Health

www.tpchd.org

3629 South D Street

Tacoma, WA 98418

(253) 798-6500

Pierce County Department of Planning and Land Services

www.co.pierce.wa.us/pc/services/home/property/pals/palsmain.htm

2401 South 35th

Tacoma, WA 98409

(253) 798-7210

Pierce County Prosecuting Attorney

www.co.pierce.wa.us/text/abtus/ourorg/pa/abtuspa.htm

946 Tacoma Avenue S

Tacoma, WA 98409

Civil Division: (253) 798-7400

Criminal Division: (253) 591-7400

Fraud Division: (253) 591-7400

Puget Sound Air Pollution Control Agency

www.pscleanair.org

1904 Third Avenue, Suite 105

Seattle, WA 98101

(206) 343-8800

WASHINGTON STATE AGENCIES

Attorney General's Office

www.atg.wa.gov

Consumer Protection Division

2000 Bank of California Center

900 Fourth Avenue, Suite 2000

Seattle, WA 98164-1012

(206) 464-7744

State Auditor's Office

www.sao.wa.gov

Legislative Building

P.O. Box 40021

Olympia, WA 98504-0021

(360) 902-0370

Department of Ecology

www.ecy.wa.gov

3190 160th SE

Bellevue, WA 98008-5452

(425) 649-7000

Human Rights Commission

www.hum.wa.gov

1511 Third Avenue

Seattle, WA 98101

1-800-233-3247 or

(206) 464-6500

Department of Health

www.doh.wa.gov

Health Consumer Assistance

P.O. Box 47890

Olympia, WA 98504-7890

800-525-0127

Department of Labor & Industries

www.lni.wa.gov

950 Broadway, Suite 200

Tacoma, WA 98402-4453

(253) 596-3800

Liquor Control Board

www.liq.wa.gov

Enforcement Office

Roberson Building

6240 Tacoma Mall Boulevard

Tacoma, WA 98409-6819

(253) 471-5200

Department of Natural Resources

www.dnr.wa.gov

950 Farman Avenue N

Enumclaw, WA 98022-0068

(360) 825-1631

Puget Sound Water Quality Authority

www.psp.wa.gov

P.O. Box 40900

Olympia, WA 98504-0900

(360) 725-5444

Department of Social and Health Services

www.dshs.wa.gov

Community Services Office

1949 South State Street, 1st Floor

Tacoma, WA 98405-9943

(253) 983-6700

FEDERAL AGENCIES**Department of Agriculture**

www.usda.gov

Office of Inspector General

1000 Second Avenue

Seattle, WA 98104

Supervisor Special Agent Investigation

(206) 553-8286

Hotline: (800) 424-9121

Department of Commerce

www.commerce.gov

Office of Inspector General

915 Second Avenue

Seattle, WA 98174

(206) 220-7970

Hotline: (800)424-5197

Consumer Product Safety Commission

www.cpsc.gov

Hot line: 800-638-2772

Customs and Border Protection

www.cbp.gov

Field Operations Office

1000 Second Avenue, Suite 2200

Seattle, WA 98104-1049

(206) 553-6944

Suspicious Activity Tip Line: (800) 232-5378

Department of Education

www.ed.gov

915 Second Avenue

Seattle, WA 98174-1099

(206) 220-7800

Office of Inspector General

Hotline: (800) 647-8733

Environmental Protection Agency

www.epa.gov

1200 Sixth Avenue, Suite 900

Seattle, WA 98101

(206) 553-1200

Office of Inspector General

Hotline: (888) 546-8740

Equal Employment Opportunity Commission

www.eeoc.gov

909 First Avenue, Suite 400

Seattle, WA 98104-1061

(800) 669-4000

Office of Inspector General

Hotline: (800) 849-4230

Federal Emergency Management Agency

www.fema.gov

130 228th Street SW

Bothell, WA 98021-8627

(425) 487-4600

Office of Inspector General

Hotline: (800) 323-8603

Federal Trade Commission

www.ftc.gov

915 Second Avenue

Seattle, WA 98174

(206) 220-6363

Office of Inspector General

Hotline: (202) 326-2800

General Services Administration

www.gsa.gov

400 15th Street SW

Auburn, WA 98001

(253) 931-7000

Office of Inspector General

Hotline: (800) 424-5210

Department of Health & Human Services

www.dhhs.gov

2201 Sixth Avenue

Bothell, WA 98121

(206) 615-2010

Office of Inspector General

Hotline: (800) 447-8477

Department of Housing and Urban Development

www.hud.gov

909 First Avenue, Suite 200

Seattle, WA 98104-1000

(206) 220-5101

Department of Interior

www.doi.gov

Office of Inspector General

Hotline: (800) 424-5081

U.S. Fish & Wildlife Services

510 Desmond Drive SE, Suite 102

Lacey, WA 98503

(360) 753-9440

Department of Justice

www.usdoj.gov

Alcohol Tobacco & Firearms

www.atf.gov

915 Second Avenue

Seattle, WA 98174-1093

(206) 389-5800

Drug Enforcement Administration

www.dea.gov

400 Second Avenue W

Seattle, WA 98119

(206) 553-5443

US Attorney's Office

www.usdoj.gov/usao

700 Stewart Street, Suite 5220

Seattle, WA 98101-1271

(206) 553-7970

Office of Inspector General

Hotline: (800) 869-4499

Department of Labor

www.dol.gov

Occupational Safety & Health (OSHA)

www.osha.gov

1111 Third Avenue, Suite 715

Seattle, WA 98101-3212

(206) 553-5930

Office of Inspector General

Hotline: (202) 693-6999 or (800) 347-3756

Office of Women's Bureau

(206) 553-1534

National Transportation Safety Board

www.nts.gov

19518 Pacific Highway S, Suite 201

Seattle, WA 98188

(206) 870-2200

Nuclear Regulatory Commission

www.nrc.gov

Office of the Inspector General

Hotline: (800) 233-3497

Securities and Exchange Commission

www.sec.gov

44 Montgomery Street, Suite 2600

San Francisco, CA 94104

(415) 705-2500

Office of the Inspector General

Hotline: (877) 442-0854

Department of Transportation

www.dot.gov

Office of Inspector General

Hotline: (800) 424-9071

915 Second Avenue

Seattle, WA 98174

(206) 220-7754

Department of Veterans Affairs

www.va.gov

915 Second Avenue

Seattle, WA 98174

(800) 827-1000

Office of Inspector General

Hotline: (800) 488-8244

APPENDIX D

City of University Place, WA

Drug and Alcohol Testing Policy For Employees who Operate Commercial Vehicles

I. PURPOSE

The purpose of this policy is to comply with Federal Highway Administration regulations requiring drug and alcohol testing for Commercial Driver's License holders. Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees in safety-sensitive positions, including those who are required to hold a Commercial Driver's License. This policy sets forth the City of University Place alcohol and drug testing program and the testing and reporting requirements established in those regulations.

II. APPLICATION

This policy applies to all employees of the City who are required to have and maintain a Commercial Driver's License to perform the duties of their job. Contractors performing functions for the City 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.

III. POLICY

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

IV. DEFINITIONS

ACCIDENT - Accident means an occurrence involving a commercial vehicle on a public road which results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (3) 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.

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 - For the purposes of this policy, 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 - For purposes of this policy, these are positions that involve driving 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.

V. PROHIBITED CONDUCT

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

A. ALCOHOL CONCENTRATION

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

B. ALCOHOL POSSESSION AND ON DUTY USE OF ALCOHOL

An employee may not possess or consume alcohol while on duty or while operating a commercial vehicle.

C. PRE-DUTY USE OF ALCOHOL

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

D. ALCOHOL USE FOLLOWING AN ACCIDENT

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

E. USE OF DRUGS

If an employee has used a drug or drugs, the employee may neither report for nor remain on duty for a job that requires driving a commercial vehicle unless a physician has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively should provide written notice from their physician or pharmacist with respect to the effects of such substances.

F. REFUSAL TO SUBMIT TO A REQUIRED TEST

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

G. POSITIVE DRUG TEST

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

H. TAMPERING WITH A REQUIRED TEST

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

I. POSSESSION, TRANSFER OR SALE

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

VI. TESTING

A. Pre-employment Drug Testing

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

B. Reasonable Suspicion Testing

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

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

- 1) an alcohol test is administered and the driver's breath alcohol concentration measures less than 0.02; or
- 2) 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.

C. Post-Accident Testing

Following an accident (as defined above) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing.

A driver 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. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to discipline for refusal to test as provided for in this policy.

D. Random Testing

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

E. Re-tests

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer.

F. Return to Duty Testing

Employees having a breath alcohol concentration of at least 0.02 but less than 0.04 and who under the discipline policy may be allowed to return to work must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02. Employees having a breath alcohol concentration of 0.04 or more are not eligible for return to duty testing.

VII. REFUSAL TO TAKE AN ALCOHOL OR DRUG TEST

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

- 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 the same as a positive test result.

VIII. SECURING INFORMATION FROM PREVIOUS EMPLOYERS

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

- a. Positive alcohol or drug tests
- b. Refusal to be tested

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

IX. CONFIDENTIALITY AND RECORD RETENTION

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

X. CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT OR POSITIVE DRUG OR ALCOHOL TESTS

A. Discipline

The City maintains a zero tolerance, immediate termination policy towards positive drug and alcohol test results for employees covered by this policy.

An employee will be subject to the zero tolerance termination action if:

- a. the employee tests positive for a drug or drugs;
- b. results from an alcohol test indicate a blood alcohol level of 0.04 or greater; or
- c. the employee has engaged in prohibited conduct as outlined in Section V.

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.

B. 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. In addition, appropriate discipline measures will take place.

XI. 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. Any employee who comes forth and notifies the City of alcohol or drug abuse problems will be given the assistance extended to employees 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 himself/herself 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 policy or other policies of the City.

Sick leave, vacation leave or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. 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.

APPENDIX E

City of University Place, WA

Volunteer Policies

I. Purpose:

The City recognizes the advantages of utilizing the rich skills and talents of the community and the Community's desire to enhance their way of life. Our objective is to utilize these individuals and organizations to benefit the community. Projects and services, which would not usually be available due to excessive costs, can be provided in a professional manner through the use of volunteers. It is also our objective to provide these projects and services without adding undue or unnecessary liability to the citizens of the City. This policy creates a framework under which citizens and citizen groups can contribute to the City by volunteering their skills and talents to any of a number of City programs.

All volunteers and organizations volunteering on behalf of the City must conduct themselves in a safe, appropriate and legal manner and act in accordance with City policies as well as the procedures outlined below.

II. Scope of Volunteer Service: A scope of volunteer service description will be provided to volunteers and/or organizations. The scope of service will identify the policies and procedures for each project and will include the following:

- a. Duties of the work assigned,
- b. Supervision responsibilities and requirements,
- c. Any necessary training and orientation,
- d. Personal protective equipment (to be provided),
- e. Contact information for responsible City staff member, and
- f. Any other relevant information

Liability Coverage: The City is self-insured through the Washington Cities Insurance Authority (WCIA) for comprehensive liability coverage. Volunteers working within the scope and on behalf of the City have liability coverage as provided under the WCIA Coverage Document. Liability insurance is not medical insurance.

All organizations performing volunteer services shall provide proof of Commercial General Liability coverage or an equivalent in an amount of not less than \$1,000,000 per occurrence, naming the City as an additional named insured. All organizations must sign a waiver holding the City harmless for any injuries and claims of any kind resulting from their actions, and provide necessary supervision for the project.

Personal Injuries: Except for one-day project volunteers and City Council-appointed commission or committee members, all volunteers must submit semi-monthly time sheets. Failure to do so will result in separation from volunteer service with the City. One-day volunteers are not required to submit time sheets; nevertheless, each month, the designated supervising staff member must estimate and report the one-day volunteer hours to the Finance Division. Department supervisor and the Finance Division must record all volunteer worker hours.

The City provides State Labor and Industries (Workers' Compensation) coverage for volunteer workers. Workers' Compensation covers medical injuries incurred by the volunteer when the injury occurs while the volunteer is working for the City. It does not cover any time lost if the volunteer cannot work their regular job due to an injury from volunteering for the City, nor will it cover any permanent injuries.

Age of Volunteer: Youth under 14 years old may be permitted to volunteer for certain community projects at the discretion of the City Manager or designee, depending on the scope of the volunteer activities. Volunteers under 14 years old must be accompanied by a parent or guardian during volunteer activities or must have submitted a signed parental consent and hold harmless agreement to the City for participation in the volunteer activities.

Supervision: Appropriate supervision shall be provided by the City as necessary when individual volunteers are utilized. When organizations volunteer services, the organization shall provide adequate supervision of their members and the City shall provide overall supervision of the project.

The City shall provide training and informational brochures to leaders of volunteer groups on safety procedures, including proper handling of potentially hazardous materials.

Personal Protection: The City shall provide, and volunteers are required to use, personal protective equipment as appropriate for the scope of work and identified by the Washington Industrial Safety and Health Act and WAC 296.24. All volunteers requiring personal protective equipment shall be provided adequate training in its proper use and care. The staff member performing this training shall provide documentation to the Human Resources Manager. At no time shall a volunteer be allowed to operate City owned heavy equipment, power tools, or other potentially hazardous equipment or work in a hazardous area.

Use of City Vehicles: Volunteers may not drive City vehicles. Unless specifically authorized in writing and in advance, volunteer duties do not include the commute to, from, or between job sites.

Termination of Volunteer Service: The City and/or the volunteer may terminate volunteer service at any time without cause.

Background Checks: As required in RCW 43.43.834 all persons potentially having regularly scheduled unsupervised contact with children or the handicapped will have to complete a background check for history of abusive and/or sexually deviant behavior or other crimes of violence. In addition, if volunteers are performing court ordered community service, the volunteer is required to disclose the nature of the infraction or offense for which they are serving. The City reserves the right to check references for any or all potential volunteers.

Documentation of Training: The City shall provide volunteers with adequate instruction and/or training, and training records identifying specific training provided, instructor, and any testing results. Attendance sheets will be maintained for a minimum of three years. These records will be provided to the Human Resources Manager upon completion of training.

Waivers: Organizations providing volunteer service should sign "Agreement Regarding Organizational Service with the City," including agreement to defend, indemnify and hold the City harmless for any claims or lawsuits that arise out of their activities. All organizational volunteer service agreements must be reviewed and approved by the City Attorney.

Individual volunteers should sign "Agreement Regarding Individual Volunteer Service with the City." Short-term volunteers should sign the "Volunteer Release" form or the "hold harmless" paragraph in the volunteer application.

Adopt-a-Street/Park Volunteers: Volunteer groups may "adopt" a section of a City street or park, and agree to improve it through litter pick-up, maintenance, painting, and other manual labor. Adopt-a-Street/Park volunteers must comply with all policies and procedures set forth in this Chapter. In addition, all participants must sign a waiver and release form. The volunteer organization must sign an Adopt-a-Street/Park Agreement approved by the City Attorney.