

CITY OF OMAK PERSONNEL POLICY

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CITY OF OMAK PERSONNEL POLICY

CHAPTER 1 PURPOSE AND SCOPE

1.1 INTRODUCTION

These personnel policies serve as a general guide to the City's current employment practices and procedures. As such, we hope they will help you better understand how the City operates and what is expected of you as an employee. These policies also describe what the City provides you in terms of compensation, benefits and other support.

The City places the highest value on our employees. The City wants to see that you are a productive worker, with the support necessary to achieve the objectives of your position. Only in this manner can your contribution to the City organization be the most productive.

It is our belief that when consistent personnel policies are known and communicated to all, the choices for greater job satisfaction increase. We encourage you to read these policies. If you have any questions, please ask your supervisor or department head. As you have ideas or suggestions for improvement, please do the same.

1.2 INTENT OF POLICIES

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will continue, we recognize that things may not always work out as hoped, and either of us may decide to terminate the employment relationship. Unless specific rights are granted to you in employment contracts, civil service rules, or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. Please understand that no supervisor, manager or representative of the City other than the Mayor, or his designated representative, has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing, unless otherwise stated in these policies.

1.3 SCOPE OF POLICIES

These personnel policies apply to all City employees. In cases where these policies conflict or differ with any City ordinance, Civil Service rules or regulations, the provisions of a collective bargaining agreement, state or federal law, the terms of that law or agreement prevail. In all other cases, these policies apply.

1.4 CHANGING THE POLICIES

The City Council, by ordinance, shall enact any changes in compensation or benefit levels. The Mayor may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the City's citizens. Employees may request specific changes to these policies by submitting suggestions to their department head.

1.5 DEFINITIONS

Department Head: An employee who is responsible for directing one or more departments.

Immediate Family: Includes the employee's parents, spouse, domestic partner, child, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, or other relative who lives in the employee's home.

Regular Full-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works a minimum of forty (40) hours a week.

Regular Part-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works less than forty (40) but at least twenty (20) hours a week.

Temporary Employee: Employees who hold jobs of limited duration due to special projects, abnormal workloads or emergencies. Temporary employees are not eligible for City benefits.

Trial Employee: Employees who have not yet completed their trial period (Section 3.4) in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include trial employees.

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CHAPTER 2 GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.

2.2 DISABILITY DISCRIMINATION PROHIBITED

The City will not discriminate against qualified applicants or employees with a sensory, physical or mental disability. The City will reasonably accommodate qualified individuals with disabilities provided the accommodation does not create an undue hardship for the City resources. To be qualified for employment with the City, a disabled person must be able to perform the essential job functions with or without reasonable accommodation. If an individual is unable to perform the essential job functions with or without reasonable accommodation, that individual is not a qualified individual for employment.

2.3 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 including regular daily attendance and the ability to perform the essential functions of the job 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 of employment, when a substantial and unusual safety risk to fellow City employees or the public exists.

2.4 ANTI-HARASSMENT POLICY

It is the City's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public

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relating to race, ethnic background, gender, religion, sexual orientation, age, or disability.

See Discrimination Complaint Procedure, Policy 2.6, for guidance on what to do if you experience harassment.

2.5 SEXUAL HARASSMENT PROHIBITED

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the City.

Sexual harassment is behavior of a sexual nature which is unwelcome. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering, and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

1. It is part of a manager's or supervisor's decision to hire or fire,
2. It is used to make other employment decisions like pay, promotion, or job assignments;
3. It creates an intimidating, hostile, or offensive work environment.

Employees engaging in improper harassment are subject to discipline, including termination. See Discrimination Complaint Procedure, Policy 2.6, for guidance on what to do if you experience sexual harassment.

2.6 DISCRIMINATION COMPLAINT PROCEDURE

Each member of management is responsible for creating an atmosphere free of discrimination and unlawful harassment, sexual or otherwise. 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 follow if you believe you have experienced harassment or discrimination on the job.

Should you believe that you have been harassed or are the victim of discrimination, you should try, if possible, to identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is either ineffective or impossible, you should discuss your concern immediately with the Mayor or a supervisor. No employee will suffer retaliation for reporting such concern. To the extent possible, complaints will be handled confidentially. If an investigation shows the accused employee did engage in improper harassment or discrimination, appropriate

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action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file or, an employee transfer, demotion, suspension or termination.

2.7 EMPLOYEE PERSONNEL RECORDS

A personnel file for each employee is kept in the City Clerk/Treasurer's office with the exception of the Police Department whose personnel files are kept in the Chief of Police's office. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

Employees have the right to review their file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, employees may file a written rebuttal statement to be placed in their file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information in conformance with the Public Records Act, RCW 42.17.

2.8 EMPLOYMENT REFERENCES

Only the Mayor or department head will provide employment references on current or former City employees. Other employees shall refer requests for references to the appropriate department head or the Mayor. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release.

**CHAPTER 3
RECRUITING AND HIRING**

3.1 RECRUITING

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, physical handicap, disability or age.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application.

Any applicant supplying false or misleading information is subject to immediate termination, if hired.

3.2 HIRING

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the department head shall review the position, its job description and the need for such a position, the department head will prepare and submit a written request to fill the position to the Mayor. The position will be posted and/or advertised only after the Mayor has approved the request.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may also conduct certain background procedures as required by law. Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States and requiring applicants/employees who have unsupervised access to children or developmentally disabled adults to complete a disclosure statement.

Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. 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.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any agency or individual to prepare and/or administer examinations.

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After an offer of employment has been made and prior to commencement of employment, the City may require persons selected employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

After an offer of employment has been made and prior to commencement of employment, the City shall require all persons selected for employment within a job category to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. 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 perform the duties of the position and the individual's condition cannot reasonably be accommodated in the workplace; (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the exam reveals use of alcohol and or controlled substances.

3.3 TEMPORARY EMPLOYEES

Department Heads may use temporary employees to temporarily replace regular employees who are on vacation or other leave, to meet peak workload 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 over time 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.

Temporary employees pay contributions to the Social Security system, as does the City on their behalf. Temporary employees normally do not qualify for state PERS retirement system. Qualification of temporary employees for PERS retirement depends on the PERS eligibility criteria.

3.4 TRIAL PERIOD

Upon hire or appointment, all employees enter a trial period that is considered an integral part of the selection and evaluation process.

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The trial period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate. The normal trial period is six months from the employee's date of hire, re-hire or promotion with the exception of commissioned police officers who are covered by the police labor contract and public works employees who are covered by the public works labor contract whose normal trial period is twelve months from the employee's date of hire, re-hire or promotion. The Mayor may authorize the department director to extend the trial period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

Once the trial period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the trial period does not create an employment contract or guarantee employment with the City for a specified duration.

Use of Sick Leave/Vacation During Trial Period: Trial employees may use their accrued sick leave from the beginning of their employment, but may not use earned vacation until they have successfully completed their trial period.

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

The immediate family of current city employees and City Council members will not be employed by the City where:

1. One of the parties would have authority (or practical power) to 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 begin sharing living quarters with one another, 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 reasonable accommodations, as determined by the Mayor, 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 thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision is made during this time, the City reserves the right to terminate either employee.

3.6 PROMOTIONS

The City encourages promotion from within the organization whenever possible. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified. Before advertising a position to the public, the Mayor may choose to circulate a promotional opportunity within the City.

The City reserves the right to seek qualified applicants outside of the organization at its discretion.

All openings will be posted on the City bulletin board. To be considered for promotion, an employee must be employed in the position for at least six (6) months, and meet the qualifications for the vacant position.

New Trial Period: After promotion to a new position, a new trial period of six (6) months must be completed, unless waived or reduced by the department head. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee or terminated from employment with the City.

**CHAPTER 4
HOURS AND ATTENDANCE**

4.1 WORKING HOURS

The City's standard workweek is Sunday through Saturday with normal working days Monday through Friday 8:00 a.m. to 5:00 p.m. with a one hour unpaid lunch period. Due to the nature of the City's operations, longer hours may be necessary in some instances.

A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules, such as in the case of police, public works, and fire employees, may be established by the City to meet job assignments and provide necessary City services. Each employee's department head will advise the employee regarding his/her specific working hours.

Part-time and temporary employees will work hours as specified by their department heads.

4.2 HOURS OF WORK AND OVERTIME

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. You will be informed of your status by the City.

For most City employees, the established work period is forty (40) hours within a seven (7) day work week. Police Department work schedules may be established as in the Police Department collective bargaining unit labor contract, and public works department work schedules may be established as in the Public Works collective bargaining unit labor contract. All personnel are responsible for accurately reporting all hours worked on forms supplied by the City. Employees failing to accurately record time worked are subject to discipline.

Non-exempt employees are entitled to additional compensation in cash when they work more than normal workday of at least eight (8) hours or beyond the normal workweek of forty (40) hours. All overtime must be authorized in advance by the employee's department head. Overtime pay is calculated at one and one-half times the employee's normal rate of pay for all time worked beyond the established work period. When computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation time), is not counted as hours worked.

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Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. An exempt employee is paid to perform a job, which may not necessarily be completed in a normal workweek. In recognition of the extra time demands of certain exempt positions, informal paid leave may be taken, as mutually agreed upon by the employee and the Mayor. Exempt positions for the City of Omak are the Public Works Director, Assistant Public Works Director, Police Chief, Assistant Police Chief, Fire Chief, and the City Clerk/Treasurer.

4.4 ATTENDANCE

Punctual and consistent attendance is a condition of employment. Each department head is responsible for maintaining an accurate attendance record of his/her employees.

Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the supervisor is unavailable, the employee may leave a message with his/her designated representative, stating the reason for being late or unable to report for work.

An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

4.5 UNUSUAL WEATHER CONDITIONS

During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work 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, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

4.6 BREAKS AND MEAL PERIODS

Employees may take one (1) fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. Meal periods shall be scheduled by the employee's department head. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length.

4.7 CALL BACK

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked.

4.8 PAYROLL RECORDS

The official payroll records are kept by the City Clerk/Treasurer. Each department head may turn in on a weekly basis, or at a minimum on a monthly basis, a signed work record for each employee within their department, noting hours worked, leave taken and overtime worked. The Mayor shall sign work records for department heads.

**CHAPTER 5
COMPENSATION**

5.1 SALARY CLASSIFICATION AND GRADES

Each job title within the City is classified into one of the City's classifications for salary purposes. Each classification is designated a particular salary or salary range shown on the City's salary and wage schedule, which is approved annually by the City Council.

5.2 EMPLOYEE PAY RATES

Employees shall be paid within the limits of the wage range to which their positions are assigned. Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.

Pay increases are contingent on satisfactory performance. If an employee's performance is consistently unsatisfactory, the department head may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

The Mayor may propose and the City Council may grant an across-the-board pay adjustment (cost-of-living increase) from time to time, raising the salaries of all positions by a specified amount within a defined group of classifications. Such adjustments, if any, will not change an employee's pay anniversary date.

Any employee promoted to a position in a higher classification and salary range shall receive the next highest available pay step in the new range.

5.3 PAYDAYS

City employees are paid monthly on the 1st (1) business day of the month, for the preceding month. Full-time employees and regular part-time employees shall be paid a mid-month advance of approximately one half (1/2) of their monthly net pay based on their base pay. If a regularly scheduled payday falls on Saturday, paychecks will be distributed on Friday; if it falls on Sunday or a holiday, paychecks will be distributed on the next regularly scheduled working day.

5.4 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and deductions authorized by applicable union contract, or by statute.

5.5 TRAVEL AWAY FROM THE CITY

All travel away from the City on City business by a Department Head must be approved in advance by the Mayor and all travel away from the City on City business by other city employees must be approved in advance by their supervisor. All travel out of state on City business must be approved in advance by the City Council and the Mayor. City credit cards may be used for travel expenses only. If private automobiles are used, employees will be reimbursed at the current State of Washington travel reimbursement rate per mile.

5.6 TRAVEL EXPENSE REIMBURSEMENT

City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable. A city credit card may be used for travel expenses only.

Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the department head. There are no provisions for reimbursement based on a per diem rate but rather based strictly upon receipt of actual expenditures.

5.7 COMPENSATION UPON TERMINATION

When an employee's employment with the City is terminated, the employee will receive the following compensation on the next regularly scheduled payday:

1. Regular wages for all hours worked up to the time of termination, which has not already been paid.
2. Any overtime or holiday pay due.
3. A lump sum payment of any accrued but unused vacation. Annual leave earned during the trial period of employment shall not be paid out to an employee terminating prior to completion of their trial period.

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4. Unused, accrued sick leave shall be purchased from the employee at twenty-five (25%) of the current value; such accrual will not exceed one hundred twenty (120) days, upon termination of the employee for any reason other than dismissal for cause.

**CHAPTER 6
PERFORMANCE EVALUATIONS AND TRAINING**

6.1 PERFORMANCE EVALUATIONS

To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts periodic performance evaluations for all positions. The Mayor is responsible for developing and maintaining the City's performance evaluation program. Employees are to be evaluated by their department heads prior to completion of their trial period and usually once every 12 months thereafter.

The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

6.2 TRAINING POLICY

The City seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge and abilities directly related to City employment, to offer training to assist employees efforts to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to: on-the job training, in-house workshops, and seminars sponsored by other agencies or organizations.

**CHAPTER 7
BENEFITS**

7.1 RETIREMENT BENEFITS

The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.

All regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officer's and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington. All regular full-time and part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.

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

The City is a member of a deferred compensation plan, which allows employees to make deferred deposits up to certain dollar limits defined by the IRS.

7.2 DISABILITY BENEFITS (WORKERS COMPENSATION)

All employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the job injuries or job-related illnesses. All job-related accidents should be reported immediately to the supervisor.

When an employee is absent for one or more days due to an on-the job accident, he/she is required to file a claim for Workers' Compensation.

Any employee injured on the job and receiving sick leave pay, who is eligible for time loss payments under the Workman's Compensation Law shall, for the duration of such payment receive only that portion of the employee's regular salary which together with said payments, will equal the employees regular salary. In order not to work an undue hardship on the employee caused by the time lag involved in time loss payments, the employee shall be paid sick leave accrued to equal full salary and upon receipt of time loss payments shall endorse said payments to the City. Said employee shall be charged with sick leave only for that portion the employee's regular salary for which the City is not reimbursed by the Workman's Compensation endorsed to the City. Sick leave pay shall be integrated with any health and welfare plan, income benefit or State Workman's Temporary Disability.

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Compensation, schedule of benefits so that the sum of the daily sick leave allowance hereunder, and the aforesaid health and welfare plan, and accident and sickness income benefit or state disability benefits, shall not exceed one hundred percent (100%) of the regular daily rate of pay for any one day.

An employee on leave without pay shall not accrue vacation, sick leave, holidays, or be eligible for Employer paid health and welfare benefits, except as mandated by law.

The City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the duties of the position.

7.3 HEALTH INSURANCE BENEFITS

Regular full-time and regular part-time employees working 20 hours or more, and their dependents, are eligible to participate in the City's various insurance programs on the first day of the month following employment. The programs and criteria for eligibility will be explained upon hire. The City contributes toward the cost of premiums in the amounts authorized by the City Council. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees.

Temporary employees will normally not be eligible for insurance coverage.

7.4 CONTINUATION OF INSURANCE COVERAGE

COBRA Rights: Upon an employee's termination from City employment or upon an unpaid leave of absence, the employee may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations. An administrative handling fee over and above the cost of the insurance premium may be charged to 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 City will pay the premium for the month the employee is leaving, provided the employee is on paid status for the first ten (10) days of the month.

7.5 UNEMPLOYMENT COMPENSATION

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

**CHAPTER 8
LEAVES**

8.1 VACATION LEAVE

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

<u>Years of Employment</u>	<u>Vacation Hours Earned</u>
First (1st) year	3.33 hours/month
Second (2nd) through Fourth (4th)	6.67 hours/month
Fifth (5th) year	10.00 hours/month
Sixth (6th) year	10.67 hours/month
Seventh (7th) year	11.33 hours/month
Eighth (8th) year	12.00 hours/month
Ninth (9th) year	12.67 hours/month
Tenth (10th) year	13.33 hours/month
Eleventh (11th) year	14.00 hours/month
Twelfth (12th) year	14.67 hours/month
Thirteenth (13th) year	15.33 hours/month
Fourteenth (14th) year	16.00 hours/month
Fifteenth (15th) year	16.67 hours/month

All new employees must satisfactorily complete their trial period to be entitled to the accrual and use of vacation leave. Employees that are promoted are subject to the provisions of Section 3.6 regarding promotions and are allowed to use accrued vacation leave. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted at least two weeks prior to taking vacation leave. The two-week advance notice may be waived at the Department Heads discretion.

The maximum number of vacation hours, which may be carried over from one calendar year to the next, is 200 hours. Employees will be paid for unused vacation time upon termination of employment.

8.2 SICK LEAVE¹

- a. Eligible employees are entitled to one (1) day of sick leave for each month of employment and may accumulate sick leave to a maximum of one hundred and twenty days. Unused, accrued sick leave shall be purchased from the employee at twenty five percent (25%) of the current value, such accrual not to exceed one

¹ Section 8.2 amended by Resolution No. 2-2001 adopted on February 5, 2001

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hundred twenty (120) days, upon termination of the employee from the City of Omak for any reason other than dismissal for cause.

- b. Regular part time employees shall earn eight (8) hours sick leave for every one hundred seventy three (173) hours scheduled work, to be accumulated to a maximum of thirty (30) working days.
- c. Employees shall be eligible for sick leave after thirty (30) days service with the employer.
- d. A deduction of one (1) working day of sick leave shall be made for each absence due to illness, injury, or medical treatment related to pregnancy. The rate of sick leave shall be the same per day as that paid the employee per working day.
- e. Sick leave shall be deducted on the basis of one (1) hour increments.
- f. If an employee is on vacation and becomes sick or disabled, the employee may charge such absence to his accumulated sick leave account by satisfactory notice to his Employer. The scheduled time off shall be deferred to a later time except in the event that the employee is out of sick leave in which case the absence shall be charged to his accumulated vacation leave.
- g. Any illness requiring time off must be reported to the immediate supervisor on or before the first day of the absence, and the employee shall keep the immediate supervisor apprised of each subsequent day(s) of absence. Upon returning to work, the employee is required to submit a written statement explaining the nature of the illness. If such illness exceeds two (2) or more consecutive workdays, the immediate supervisor may require a doctor's certificate. Sick leave is subject to the approval of the immediate supervisor.
- h. Any employee found to have abused the provisions of a sick leave privilege by falsification or misrepresentation may be subject to disciplinary action.

8.3 LEAVE WITHOUT PAY

The Mayor 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 situations for which leave without pay may be granted include time off work for personal reasons, such a prolonged illness, parenting, caring for an ill relative, or pursuing an education.

8.4 JURY AND WITNESS LEAVE

Jury Duty. The City provides all employees leave for the full period of jury duty service. Regular full-time and part-time employees who have completed their training period receive paid jury duty leave of up to two weeks each time they are called for jury service. In general, if jury duty extends beyond two weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided.

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Payment provided by the courts during periods of paid jury duty leave must be paid over to the City, excluding expense reimbursements, such as mileage. You must provide your supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your supervisor with proof of jury service.

Witness Duty. All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless you are a witness in a case involving the City. For exempt salaried employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit.

8.5 ADMINISTRATIVE LEAVE

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

8.6 MILITARY LEAVE

We provide all employees leave while performing military service in accordance with federal and state law. Regular full-time and part-time employees receive paid military leave of up to 15 working days per year for military service. In general, if military service extends beyond 15 working days, the additional leave will be unpaid. Exempt salaried employees who serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Military service includes active military duty and Reserve or National Guard training. You are required to provide your supervisor with copies of your military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

8.7 FAMILY AND MEDICAL LEAVE:²

The City complies with the federal Family and Medical Leave Act of 1993 (the FMLA) and all applicable state laws related to family and medical leave. This means that in cases where the law grants you more leave than our leave policies provide, we will give you the leave required by law.

Family Leave Eligibility: The FMLA provides up to 12 weeks of unpaid, job protected leave every 12 months to eligible male and female employees for certain family and

² Chapter 8.7 Family and Medical Leave amended by Resolution No. 02-2001, dated February 5, 2001

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medical reasons. To be eligible you must have worked for us for at least one year, and for 1,250 hours over the previous 12 months.

Reasons for Taking Leave: Under the terms of The Family and Medical Leave Act of 1993 (FMLA), TITLE 29, PART 825 of Code of Regulations, employees may request leave without pay under the following conditions:

- (a) For the birth of a son or daughter, and to care for the newborn child;
- (b) For placement with the employee of a son or daughter for adoption or foster care;
- (c) To care for the employee's spouse, son, daughter, or parent with a serious health condition, and,
- (d) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

Consistent with FMLA and adopted regulations, employees are entitled to request leave without pay for up to twelve (12) weeks within a twelve (12) month period.

The twelve (12) month period shall be defined as a calendar year, commencing January 1.

The Employer will require the employee to first use and exhaust all paid leave available to the employee as part of any Family and Medical leave. All requests for leave any other notices regarding Family medical Leave shall be in writing.

The Article shall be consistent with the FMLA and adopted regulations, and is not intended to expand upon the rights set forth in said Act or regulations.

Application & Authorization³

- (a) Any request for a leave of absence shall be answered promptly. Requests for immediate leave (for example, family sickness or death) shall be answered before the end of the shift on which the request is submitted.
- (b) In the event of sickness, disability, or death in the employee's immediate family (spouse, parents, children, brother, sister, grandparents, father-in-law, mother-in-law, brother-in-law, sister-in-law) the employee shall be granted sick leave with pay.

Advance Notice and Medical Condition: We require that you provide us with advance leave notice, with medical certification, of the need for a leave related to a health condition, and with medical certification of your fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

³ Chapter 8.7 Family & Medical Leave – Application & Authorization – amended by Resolution No. 33-2002, dated October 7, 2002

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You must give at least 30 days advance notice of your request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 days notice is not practicable, you must give us notice as soon as practicable, usually within one or two business days advance notice, and if the need for the leave and the approximate date of the leave were clearly foreseeable by you, we may deny your request for leave until at least 30 days after the date you give us notice

We require that you provide a medical certification to support a request for leave because of a serious health condition (your own or your child's spouse's or parents) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part time leave. We may require second or third opinions, at our opinion, at our expense.

We require that you provide a medical certification of your fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days, that involves a mental disability or substance abuse, or where the medical condition your job are such that we believe you may present a serious risk of injury to yourself or others if you are not fit to return to work.

Periodic Reporting: If you take leave for more than two weeks, we require that you report to us at least every two weeks on your status and intent to return to work.

Health Insurance: If you are covered by our group health plan (medical, dental or vision), we will continue to provide paid health insurance during FMLA leave on the same basis as during regular employment. But if you don't return to work after the leave, you will be required to pay us back for our portion of the insurance premium unless your failure to return was beyond your control.

Other Insurance: If you are covered by other insurance plans through us, such as life or disability insurance, those coverage's will continue during paid leave on the same basis as during regular employment. If you take unpaid FMLA leave, you will be responsible during leave for the premiums you normally pay plus the premiums we normally pay for you. If you don't pay these premiums, we may choose to pay them for you, to keep your coverage from lapsing, but you will be responsible for repaying us whether or not you return to work.

Couples Employed by Us: If both you and your spouse work for us and you request leave for birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent, the total annual FMLA LEAVE available to you as a couple for those purposes is 12 weeks.

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Determining Leave Availability: FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the “12 month” period is defined as a calendar year commencing January 1 as the date you use any FMLA leave.

Leave Related to Pregnancy: If you take leave for the disability phase of pregnancy or childbirth while you are physically unable to work, this time is counted against your annual 12 week FMLA leave allowance. For example, if you take six weeks of FMLA leave for childbirth to recover from childbirth, you are entitled to only six weeks of FMLA LEAVE after that to care for your new child.

8.8 BEREAVEMENT LEAVE

We provide regular, full-time and part-time employees with paid leave for up to three (3) days in the event of the death of an immediate family member.

8.9 ANNUAL LEAVE SHARING:

The purpose of annual leave sharing program is to permit employees to provide annual leave to a fellow employee who is suffering from a severe or extraordinary illness, injury, or other impairment, is out of sick leave, vacation time, floating holidays, and who will imminently go on leave without pay or terminate City employment. It is understood and agreed to as follows:

General:

1. An employee may receive the donated annual leave benefit from another employee conversely; an employee may donate to another employee. All reference to donated/shared leave shall be annual leave.
2. All leave donated under the leave sharing arrangement shall be day for day. A day shall be considered eight (8) hours. No differentiation will be made between the salary level of the donor and the recipient.
3. There shall be no retroactive applications for donated leave.
4. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave.
5. Donations to the leave-sharing program shall be confidential except to the extent disclosure is required by law.

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Eligibility to Receive Leave:

1. A employee may receive leave if the employee suffers from a severe or extraordinary illness, severe or extraordinary non job-related injury, or severe or extraordinary impairment which has caused or is likely to cause, the employee to leave without pay or which may cause the employee to be terminated from City employment.
2. An employee receiving a leave sharing benefit must have exhausted all sick leave, annual time and floating holidays.
3. An employee receiving a leave sharing benefit must have abided by the City's policies respecting sick leave.
4. An employee receiving the leave sharing benefit shall receive no more than a total of one hundred twenty (120) days of such leave during the course of his or her employment with the City of Omak.
5. The employee receiving the leave sharing benefit must be in a position which annual and sick leave can be accrued and used.
6. The employee must not be receiving time-loss payment as a result of an on-the job injury.

Donating Leave/Leave-Sharing Bank:

1. A leave-sharing bank is hereby created; Employees with more than thirteen (13) days of accumulated annual leave may donate the excess to the leave-sharing bank. Donations of annual time may not bring the donor's annual time balance below thirteen (13) days.
2. The total of any one employee's donations to the bank may not exceed five (5) days in any calendar year. All donations shall be in full days.
3. Only employees who have been approved to receive shared leave and who have exhausted their recipient-specific leave may, with the approval of the City, draw leave from the leave sharing bank. The amount of leave so drawn from the bank shall be: (a) the amount needed to cover the balance of their illness; (b) the amount needed to make up their lifetime maximum of 120 days; (c) half the number of days in the leave sharing bank; or (d) thirty (30) days.
4. All donations shall be strictly voluntary and shall be done on the Donation of Annual leave form. The donor may designate the recipient.

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5. While an employee is using shared leave, he or she will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.

8.10 HOLIDAYS

The following are recognized as paid holidays for all regular full-time and part-time employees:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
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 (1) Floating Holiday	

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the department head.

Temporary employees will be paid at their regular straight-time rate for hours worked on a holiday.

8.11 RELIGIOUS HOLIDAYS

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

8.12 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, are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week. Insurance for regular part-time employees will be paid by the City for the employee only. In order to be eligible for insurance as a regular part-time employee, you must work 20 hours or more per week.

Temporary Employees: Temporary employees normally are not eligible to receive benefits, including leaves, holidays and insurance.

**CHAPTER 9
EMPLOYEE RESPONSIBILITIES
AND CONDUCT**

9.1 GENERAL CODE OF CONDUCT

All City employees are expected to represent the City to the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct.

Among the City's expectations are: basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

The City is a relatively small organization. To function as efficiently as possible, we may ask you to perform seemingly "menial" duties outside your regular assignments. It is no reflection on your worth to the City, but a necessary arrangement for most small organizations. To make the most efficient use of personnel, the City also reserves the right to change your work conditions and the duties originally assigned. If these arrangements become necessary, we expect your best cooperation.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:

1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
2. Is conducted during the employee's work hours;
3. Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
4. Is with any person or business which has contracts with or does business with the City; or
5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

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An employee who chooses to have an additional job, contractual commitment or self-employment, may do so only after obtaining prior approval from his/her immediate supervisor.

9.3 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by city officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Key Definitions:

Improper Governmental Action: Any action by a city officer or employee that is:

1. Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
2. In violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
3. "Improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, reassignment, for example). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

Retaliatory Action: Any material adverse change in the terms and conditions of an employee's employment.

Emergency: A circumstance that, if not immediately changed, may cause damage to persons or property.

Procedure for Reporting Improper Government Action: City employees who become aware of improper governmental action should follow this procedure:

1. Bring the matter to the attention of his/her supervisor, non-involved, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
2. Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Mayor.

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3. The Mayor or his/her designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

Employees may report information about improper governmental action directly to an outside agency, such as the prosecuting attorney's office, if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper government action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to occur.

Protection Against Retaliation: It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow this procedure:

Procedure for Seeking Relief Against Retaliation:

1. Employees must provide a written complaint to the supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor. The written charge shall specify the alleged retaliatory action and the relief requested.
2. The Mayor, or supervisor, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
3. After receiving the City's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Mayor or department head for response.

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4. Within five (5) working days of receipt of a request for hearing, the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation: The Mayor is responsible for implementing these policies and procedures. This includes posting the policy on the City bulletin board, making the policy available to any employee upon request, and providing the policy 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 dismissal.

9.4 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 or 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.

No City employee who, as part of his or her daily assigned duties meets with and represents the City to the public shall wear or display any button, badge or sticker relating to any candidate or ballot issue during working hours, nor shall such employee use a uniform or vehicle provided by the City during any campaign activities. The display of stickers or other campaign material on City owned vehicles, and the use of any City facility or equipment such as copy machines, stamps, envelopes or other resources funded with public tax moneys to promote or oppose any political issue or candidate, is prohibited.

Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment rights.

9.5 NO SMOKING POLICY

For health and safety considerations, the City prohibits smoking by employees in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices.

9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS

The City furnishes desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. We do not, however, assume responsibility for any theft or damage to the personal belongings of employees, and we reserve the right to search employee desks and lockers if necessary.

The City also furnishes computers for use in conducting City business. Because the computers are for City business, the City reserves the right to review the contents of any files or documents on the computer, including contents of any electronic mail. City computers are not for personal use.⁴

9.7 USE OF CITY VEHICLES AND EQUIPMENT

Use of City phones for local personal phone calls should be kept to a minimum, long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

9.8 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the respective department head.

9.9 CONTACT WITH THE NEWS MEDIA

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

9.10 SEAT BELT POLICY

Per Washington law, anyone operating or riding in City vehicles, must wear seat belts at all times.

9.11 DRIVER'S LICENSE REQUIREMENTS

⁴ City of Omak adopted Resolution No.16-00, June 6, 2000, setting forth a comprehensive computer policy.

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As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her department head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department head. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

9.12 SOLICITATIONS

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of City or employee property. The following limitations apply:

1. Persons not employed by us may not solicit, survey, petition, or distribute literature on our premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. Exceptions to this rule may be made in special circumstances where the City determines that an exception would serve the best interests of the organization and our employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.
2. Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas. The employee lunchroom is considered a non-work area under this policy.

9.13 SAFETY

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

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their department head.

Since being exposed to a blood borne pathogen may lead to sicknesses such as hepatitis, AIDS, or malaria, and since the City wants to assure our employees as safe

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and healthy a work environment as possible, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to blood borne pathogens. Employees should familiarize themselves with the City's Exposure Control Plan and follow it at all times. Failure to comply with this Plan will result in discipline up to and including termination.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons.

9.14 SUBSTANCE ABUSE

The City's philosophy on substance abuse has two focuses: (1) a concern for the well-being of the employee and (2) a concern for the safety of other employees and members of the public.

Availability of Rehabilitation or Treatment: The City encourages employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to helping employees, who voluntarily come forward, overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the City's benefit program. Please contact the appropriate department head for more information. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination. This section shall not apply to employees who have been tested positive as part of a City drug test prior to the disclosure of a substance abuse problem.

When Job Performance is Affected: Although the City is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. The City may discipline or terminate an employee possessing, consuming, selling or using alcohol, or controlled substances (other than legally prescribed) during work hours. The City may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. An employee may be required to submit to alcohol or controlled substance testing when the City has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

Substance Abuse Policy for Operators of Commercial Motor Vehicles: City employees who hold commercial driver's licenses ("CDLs") and who operate commercial motor vehicles while employed by the City are subject to additional rules and regulations

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imposed by the federal government. These regulations require urine drug testing and alcohol breath testing in the following circumstances:

1. Pre-employment;
2. Reasonable suspicion;
3. Post-accident;
4. Return to duty testing;
5. Random testing.

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the City's CDL policy entitled "Fitness for Duty Policy" for the additional details concerning these rules.

Drug-Free Workplace: Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees is strictly prohibited. Employees also 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, including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

**CHAPTER 10
DISCIPLINE AND TERMINATION**

10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

Our success in providing excellent service to our citizens and maintaining good relationships with the community depends on our employees. We have therefore provided for your guidance certain conduct, which, if engaged in, would be detrimental to our objective and could lead to disciplinary action including discharge. The following specified conduct is illustrative and not comprehensive.

1. Misrepresentation or withholding of pertinent facts in securing employment.
2. Unauthorized use or possession of the city facilities/property. Unauthorized use of position with the city for personal gain or advantage. Accepting unlawful gratuities or bribes. Lying.
3. Smoking in any unauthorized posted area or creating of fire hazards in any area.
4. Violation of dress standards. Violation of the City's telephone use policy.
5. Failure to report an occurrence causing damage to the City, customer, or public property.
6. Failure to properly secure the City facilities or property.
7. Loitering after completing day's work, which results in the disruption of the City's business or the work effort of other employees. Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the supervisor.
8. Unauthorized operation or using machines, tools, or equipment to which the employee has not been specifically assigned.
9. Unauthorized recording of another employee's time record. Both employees can be subject to disciplinary action.
10. Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism, or insufficient reasons for absenteeism.
11. Loitering, goofing off, failing to assist others in a work situation.
12. Making malicious, false, or derogatory statements while on duty that are intended or could reasonably be expected to damage the integrity or reputation of the City or our employees, on or off premises. Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.
13. Intentional falsification of records/paperwork required in the transaction of the City business.
14. Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work. Concealing defective work.

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15. Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in injury to others. Failure to wear required safety clothing and equipment.
16. Failure to promptly report to your immediate supervisor an on-the job injury or accident involving an employee, equipment, property, or visitor.
17. Dishonesty or theft, including deliberate destruction, damage, or removal of the City or other's property from the premises' or any job site.
18. Possession, use, sale, or being under the influence of alcohol and controlled substances while on the City business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.
19. Possession of explosives or weapons on the premises or at any job site.
20. Conviction of a gross misdemeanor or felony.

10.2 POSSIBLE DISCIPLINARY ACTIONS

In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:

1. Oral Warning
2. Written Reprimand.
3. Suspension.
4. Demotion.
5. Termination.

The choice of what discipline to apply in any particular case is solely the City's. Employees who are exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full work week, unless the infraction involves violation of safety rules of major significance.

10.3 PRE-TERMINATION HEARING

In the case of termination of an employee, other than trial employees, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a termination decision is finalized.

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

CITY OF OMAK PERSONNEL POLICY

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

Usually within two (2) working days after the pre-termination hearing, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support termination. A longer review period may be required in more complex situations.

10.4 LAYOFF

The Mayor may lay off employees for lack of work, budgetary restrictions, reorganization or other reason as determined by the Mayor.

Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected. In determining who is to be laid off, consideration will usually be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, as determined by the City. Employees may be re-employed for a period of up to one (1) year from the date of lay off if a vacancy occurs in a position for which they are qualified. To be eligible for re-employment, the former employee must maintain a current address and phone number with the City and a statement they desire to be considered for re-employment.

10.5 RESIGNATION

An employee should provide four (4) weeks notice of resignation. This time limit may be waived by the employee's department head or the Mayor.

COMPLAINT PROCEDURES

11.1 COMPLAINT PROCEDURES

The City recognizes that sometimes situations arise in which employees feel that they have not been treated fairly or in accordance with City policies. For this reason the City provides its employees with procedures for resolving complaints.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor.

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies procedures, the employee should attempt to resolve the problem with his/her department head. The department head will usually respond to the employee in writing within five (5) days after meeting with him/her, if possible.

Step 3: If the employee is not satisfied with the response from the department head, the employee may submit the problem, in writing, to the Mayor. The written complaint must contain, at a minimum:

1. A description of the problem;
2. A specific policy or procedure which the employee believes has been violated or misapplied;
3. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
4. The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee becomes aware of the circumstances.

The Mayor may meet with the parties, either individually or together, and will usually respond in writing to the aggrieved employee within ten (10) days of the meeting. The Mayor's response and decision shall be final and binding.

Certain employees may have more than one source of dispute resolution rights, i.e. the City's Civil Service rules, a collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under Civil Service rules should follow grievance procedures set out in their respective labor contracts or Civil Service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.