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**CITY OF GOLDENDALE
PERSONNEL POLICY MANUAL**

ADOPTED January 6, 2003

RESOLUTION NO. 433

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DISCLAIMER OF LIABILITY

This manual is a publication of the City of Goldendale, Washington. This manual is a general information guide to the City's current employment policies and shall not be construed as a contract. These materials are not intended and should not be used as a substitute for specific legal advice or opinions regarding personnel policies and procedures. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. If any valid and effective collective bargaining contract does not have applicable language included in that contract, these personnel policies will apply to those employee even though they are covered by a collective bargaining contract. The City of Goldendale will not be responsible for liability due to the use of language contained in this document.

CHAPTER 1 PURPOSE AND SCOPE

1.1 INTRODUCTION

These policies are a general informational guide to the City's current employment policies and shall not be construed as a contract or to create a contractual obligation. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the City deems necessary and appropriate without advance notice.

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. The City also reserves the right to deviate from these policies in individual situations in order to achieve its primary mission of providing orderly and cost efficient services to its citizens. No supervisor or representative of the City 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 in writing, approved by the City Council and signed by the Mayor

1.3 SCOPE OF POLICIES

These personnel policies apply to all City employees: provided, however, where the application of these policies would conflict with applicable civil service rules and regulations or other laws, the provisions of the civil service rules or other laws shall govern. These policies shall not apply to elected officials and independent contractors. In addition, these policies will not apply to employees covered by a collective bargaining agreement, unless specifically incorporated into the collective bargaining agreement by reference.

1.4 CHANGING THE POLICIES

As the need arises, the City Council may modify these policies with written notice to the employees. Employees may suggest future specific changes to these policies by submitting suggestions to their department heads. Such requests from employees may be considered and adopted by the City Council in its discretion.

1.5 DEFINITIONS.

- A. Department Head: An employee who has responsibility for directing and controlling one or more departments within the City organization.
- B. Exempt Employee: An employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) and who

is excluded from the definition of employee in the Washington Minimum Wage Act.

- C. Immediate Family: An employees immediate family includes the employees spouse, child, parent, siblings, mothers and fathers-in-law, sons and daughters-in-law, grandparents, and step relatives of the same degree listed above
- D. Probationary Employee: Employees who have not yet completed their probationary period 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 probationary employees.
- E. Regular Full-time Employee: An employee who has successfully completed his/her probation period, who has been certified to regular employment status, and who regularly works a minimum of forty (40) hours a week on a continuing basis.
- F. Regular Part-time Employee: An employee who works less than forty (40) but at least twenty (20) hours a week on a continuing basis and may be eligible for pro-rated City benefits.
- G. Temporary/Seasonal Employee: An employee who holds a job of limited duration arising out of special projects, abnormal work loads or emergencies. Temporary/Seasonal employees are not eligible for City benefits.
- H. Work Week: A work week begins at 12:01 a.m. Sunday and ends at 12:00 midnight on Saturday.

CHAPTER 2 GENERAL POLICY AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and determines terms and conditions of employment for all employees and job applicants without discrimination based on sex, race, color, religion, national origin, pregnancy, age, marital status, disability, or disabled or Vietnam-era veterans status.

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Employees with life threatening illnesses, such as cancer, heart disease, or HIV/AIDS conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves 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 when substantial and unusual safety risk to fellow City employees or the public exists.

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2.2 HARASSMENT

- A. The City is committed to insuring that the practices and conduct of all its employees comply with the requirements of federal law and state laws against employment discrimination. To that end, the City expects all employees to work in a manner that respects the feelings and dignity of their co-workers. It is the policy of the City that all employees have the right to work in an environment free from harassment based upon their race, color, religion, gender, national origin, age, marital status, sexual orientation, any physical or mental disability, or any other protected status or characteristic. Any such harassment of employees by their co-workers or supervisors or by the city's vendors will not be tolerated by the City.
- B. For the purpose of this policy, "sexual harassment" is unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes (1) sexual advances and other verbal or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment decisions and (2) unwelcome verbal or physical conduct of a sexual nature that interferes with an employee's work or creates a hostile, intimidating, or offensive work environment. Some examples of sexual harassment include but are not limited to:

1. Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting ones arm around another, or any other similar physical contact considered unacceptable by another individual.
 2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
 3. Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
 4. Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.
- C. For the purpose of this policy, "other harassment" (non-sexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of such individual's protected statuses or characteristics such as his/her race, color, religion, gender, national origin, age, marital status, sexual orientation, and any physical or mental disability or that of his/her relatives, friends, or associates and that:
1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
 2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
 3. Otherwise adversely affects an individual's employment opportunities.

Examples of such harassment includes, but is not limited to: using epithets, slurs, or negative stereotypes; or threatening, intimidating, or engaging in hostile acts that relate to protected statuses or characteristics such as those referred to above (including purported jokes or pranks or placing on walls, bulletin boards, or elsewhere

on the work premises or circulating in the workplace written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic).

2.3 COMPLAINT PROCESS

- A. An employee who believes that he or she is being harassed in violation of this policy should report the incident promptly and *within 180 calendar days* after the cause has occurred or should have been discovered.
- B. A complaint can be made verbally or in writing to the employee's supervisor or the employee's Department Head. If the complaint concerns the employees supervisor or Department Head, as the employee may wish, the complaint may be brought to the attention of the City Administrator or the Mayor.
- C. The complaint form available from the Department Head or the City Administrator may be used to file a written complaint hereunder. A harassment complaint will be handled as follows:
 - 1. Every complaint is to be reported promptly to the Mayor or his/her designee either by the complainant or by the person receiving the complaint.
 - 2. The complaint will be immediately investigated. However, choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
 - 3. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the City's need to undertake a full investigation.
 - 4. There shall be no retaliation by the City, its officers, elected officials, supervisors, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint.
 - 5. Where the investigation confirms the allegations, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.

6. There may be instances in which an employee reporting harassment seeks only to discuss the matter informally and does not wish the City to undertake an investigation or to take further steps. The City will attempt to honor the wishes of the reporting individual. In such situations, the City may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment should be aware that the City may decide it must take action to address the harassment beyond informal means.
- D. The Mayor, or designee, shall be responsible for disseminating information on the City's Policy Against Sexual and Other Kinds of Harassment, for developing training programs and guidelines for preventing sexual or other forms of harassment, and for investigating and resolving allegations of harassment.
 - E. All department heads are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action where warranted. Department Heads must open and maintain channels of communication to permit employees to raise concerns of sexual or other harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A department head's failure to carry out these responsibilities may be reflected in the department head's performance review or salary adjustment or may result in discipline or termination.

2.4 EMPLOYEE PERSONNEL RECORDS.

- A. A personnel file for each employee is kept under the control of the City Administrator. Access to that personnel file is limited to the employee, the employee's immediate supervisor, the Department Head, Mayor and City Administrator, unless otherwise required by law. An employee's personnel file will include 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.
- B. An employee has the right to review his/her file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the immediate supervisor, Department Head, or City Administrator denies the employee's request to remove the

information, the employee may deliver a written rebuttal statement to be delivered to the Mayor to be placed in his/her file.

- C. Personnel files are kept confidential to the maximum extent permitted by law. Thus, generally speaking, except for routine verifications of employment and information subject to disclosure under the Washington Public Records Disclosure law, no information from an employees personnel file will be released to the public, including the press, without a written request or authorization from the employee for specific information.

2.5 REFERENCES

- A. The City does not give references, other than to confirm the dates of employment and last salary, without the express written consent of the employee, which consent shall include a written release of the City from all liability.
- B. Only the Mayor, City Administrator or the employees Department Head will provide employment references on current or former City employees

**CHAPTER 3
RECRUITING AND HIRING**

3.1 RECRUITING EMPLOYEES.

- A. It is the policy of the City of Goldendale that all vacant regular, full-time and part-time employment positions with the City of Goldendale will be filled only after advertising the position. Unless the position is filled through in-house promotion, advertisements shall be published no less than once per week for two (2) consecutive weeks in a newspaper or publication with general circulation in the Goldendale area. The City Administrator will ensure that all applications received for a position are kept for a period of two (2) years, however, an application is active and may be considered for an opening for only six months. Publication of an additional notification may not be needed if a similar position is being filled within a six (6) month time frame.
- B. Recruiting practices are conducted without discrimination as to race, color, religion, national origin, sex, marital status, pregnancy, disability, age, or disabled or Vietnam-era veterans status.
- C. 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.
- D. Any applicant supplying false or misleading information will be eliminated from consideration and is subject to immediate termination, if hired before the falsification is discovered.

3.2 HIRING EMPLOYEES.

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- A. 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 shall receive approval from the Mayor, or his/her designee, prior to filling the position. Current employees of the City shall have the first opportunity to apply for promotions, transfers or voluntary demotions prior to the posting or publicizing of any job vacancy (see Section 3.6 of these policies). The Mayor may waive the procedure for first taking applications of current employees if it is deemed to be in the best interest of the City.
 - B. Residency within the City shall not be a condition of employment; provided, however, an employees selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.
 - C. Applicants for positions in which the applicant 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 Drivers License with any necessary endorsements. Driving records of applicants will be checked. Applicants with poor driving records, as determined by the City, may be disqualified from employment with the City in positions requiring driving.
 - D. 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 competent agency or individual to prepare and/or administer examinations. 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.
 - E. After an 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 or psychological examination related to this position offered (which may include testing for alcohol and controlled substances).
 - F. A candidate may be disqualified from consideration if: (1) found to be physically or mentally unable to perform the duties of the position, and the individuals condition cannot reasonably be accommodated in the workplace; (2) the candidate refuses to submit to a pre-employment medical or psychological examination or to complete medical history forms; or, (3) if the pre-employment exam reveals use of alcohol and/or controlled substances.

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3.3 TEMPORARY/SEASONAL EMPLOYEES: NON-EXEMPT.

- A. With approval of the Mayor, or his/her designee, temporary/seasonal employees may be used during emergencies or other peak workload periods; or to temporarily replace regular employees absent due to disability, illness, vacation, or other approved leave; or to temporarily fill a vacancy until a regular employee is hired.
 - 1. Temporary/seasonal employees may be hired without competitive recruitment or examination.
 - 2. Temporary/seasonal employees may not work more than six (6) months in a calendar year.
- B. Temporary/seasonal employees are eligible for overtime pay as required by law. Temporary/seasonal employees do not normally receive retirement, vacation, sick leave, health insurance, holiday, or any other benefits during their employment.
- C. Employment of minors will only be allowed on a temporary, part-time basis, and only in accordance with Child Labor Laws.

3.4 PROBATIONARY PERIOD.

- A. All newly hired employees, or former employees who have been rehired, or employees promoted to a new classification, enter a probation period which is considered an integral part of the selection and evaluation process. During the probation period an employee is required to demonstrate suitability for the position through actual work performance.
- B. The normal probation period is six (6) months from the employees date of hire, rehire or promotion.
- C. An employees probation period may be extended for up to an additional six (6) months when needed due to circumstances such as extended illness or a need to continue to evaluate an employee's performance.
- D. New probationary employees accrue vacation and sick leave, but are not eligible to use vacation until after six (6) months. Current City employees transferring or being promoted to another City employment position shall transfer with accumulated benefits to this new position. New probationary employees who are dismissed, resign, or for any other reason leave the employ of the City during the probationary period shall not accrue or be paid for vacation leave.
- E. During the probation period, the employee may be terminated at any time, with or without cause.

- F. When a Department Head determines an employee has satisfactorily completed the probation period, the Department Head shall prepare a written performance evaluation and shall notify the City Administrator. If the probation period is satisfactorily completed, the employee shall be notified in writing of regular employment status and until so notified shall be a probationary employee.

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM).

- A. Employee's immediate family members and those living together as domestic partners will not be employed by the City under any of the following circumstances:
 - 1. Where one of the parties would have authority, or practical power, to supervise, appoint, remove, or discipline the other;
 - 2. Where one party would be responsible for auditing the work of the other; or,
 - 3. Where other circumstances exist which would place the parties in a situation of actual or reasonably foreseeable conflict between the interest of one or both parties and the best interests of the City.
- B. No relatives closer than fourth degree as defined in RCW 11.02.005(5) as now codified or hereafter amended, shall be employed within the same department of the City. Departments are defined as those approved by the City Council and as shown in the current organizational chart of the City.
- C. If two employees marry, become immediate family members or begin living together as domestic partners, and as a result, the circumstances prohibited by Section A or B exist, only one of the employees will be permitted to stay employed with the City. 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 immediate family members, or begin sharing living quarters with each other. If no decision has been made during this time, the most recently hired employee will be terminated.

3.6 PROMOTIONS AND TRANSFERS: NON-EXEMPT EMPLOYEES.

- A. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the Department Heads recommendation, work force requirements, performance evaluations, job descriptions and related City qualifications and requirements, and will be subject to approval by the Mayor, or his/her

designee and the City Council, where applicable.

- B. Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his/her probation period and possess the qualifications for the vacant position, unless the Mayor, or his/her designee, determines that it is in the best interest of the City to waive such requirements.
- C. After promotion to a new position, a new probation period of six (6) months must be completed, unless waived or reduced by the Department Head. The probation period for an entry level police officer is one (1) year. 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, if such position is vacant.

CHAPTER 4
HOURS OF WORK AND ATTENDANCE

4.1 HOURS OF WORK AND OVERTIME.

- A. The standard work week for the City is Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one hour unpaid lunch period. There may be deviations from this standard depending upon work location or department as determined by the Mayor, or designee.
- B. A normal working schedule for regular, full-time employees, except for those classified as exempt, consists of forty (40) hours each work week.
- C. Part-time and temporary/seasonal employees will work hours as specified by their Department Heads.
- D. All City positions are designated as either exempt or non-exempt in accordance with the Fair Labor Standards Act (FLSA) and Washington Minimum Wage Act (WMWA).
- E. Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum number of hours during a work period in accordance with the FLSA and WMWA.
- F. All overtime shall be pre-approved by the employees Department Head.
- G. When computing overtime, holidays, sick leave, vacation time, comp time and bereavement leave will be counted as hours worked. Overtime will take effect when the employee has worked in excess of forty (40) hours in one week or in excess of eight (8) hours in any eight (8) hour work day, or all work performed in excess of ten (10) hours in any ten (10) hour work day, if working a 4/10 shift, or has worked more than 172 hours, within the FLSA 28 day formula for law enforcement officers.
- H. Employees 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.
- I. Exempt employees are not covered by the FLSA and WMWA overtime provisions and do not receive overtime pay or compensatory time.

4.2 ATTENDANCE.

- A. Punctual and consistent attendance is a condition of employment. Each Department Head is responsible for maintaining an accurate attendance record of his/her employees.
- B. Employees unable to work or unable to report to work on time should notify their Department Head or their immediate supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employees usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the Department Head or administrative assistant is unavailable, the employee shall leave a message with the Mayor, City Administrator or his/her administrative assistant, stating the reason for being late or unable to report for work.
- C. Employees are expected to be at work during inclement weather. Department Heads may allow employees to be late or leave early during severe weather conditions. However, for non-exempt employees, non-attendance will be counted as absence from work and will be charged to accrued vacation time.
- D. An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

4.3 COMPENSATORY TIME

- A. Non-exempt employees eligible for overtime pay may request compensatory off instead of cash payment. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty (40) hours for regular employees.
- B. Employees may use compensatory time within a reasonable time period after making a request to their department head, unless doing so would unduly disrupt City operations. In view of the small number of employees of the City in each Department, compensatory time should normally be used for short-term absences from work during times mutually agreed to by the employee and his/her department head. Accumulation of compensatory time to be used as substitute for extended vacation time off is not normally permitted.
- C. On or about November 30 of each year (to coincide with the conclusion of the November pay period), the monetary value of compensatory time balances shall be paid to the respective employee, along with the regular pay for hours worked in November.

4.4 BREAKS AND MEAL PERIODS.

Employees shall be allowed to take one (1) fifteen-minute break for every four (4) 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 employees Department Head. The scheduling of meal periods may vary depending upon department workload.

4.5 CALL BACK.

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. ~~Employees called back to duty will be paid one and one-half (1.5) times their regular rate of pay for all hours worked; provided, however, the Employee shall receive not less than two (2) hours at the overtime rate.~~

Deleted: A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination

4.6 PAYROLL RECORDS.

The official payroll records are kept by the City Administrator. Each Department Head shall turn in on a bimonthly basis a signed timesheet for each employee within their department, noting hours worked, leave taken, and overtime hours worked. The Mayor, or his/her designee, shall sign timesheets 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, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular salary or salary range shown on the City's salary and wage matrix.

5.2 EMPLOYEE PAY RATES.

Employees are paid within the limits of the wage range to which their positions are assigned. Formatted: Bullets and Numbering

Usually, new employees will start their employment at the entry level step for their classification. However, a new employee may be employed at a higher step than the entry level when the employees experience, training, or proven capability warrant. Formatted: Bullets and Numbering

Salary adjustments may be granted, upon the recommendation of the Mayor and approval of the City Council. If an employees performance is consistently unsatisfactory, as based on the Job Performance Evaluation, the Department Head/City Administrator/Mayor may defer a scheduled classification pay increase for a stipulated period of time or until the employees job performance is satisfactory. Formatted: Bullets and Numbering

In the event an employee enters a higher classification by promotion, the employee's salary in the higher class shall be the minimum salary for that class unless that minimum is lower than or the same as the employee's salary at the time of the promotion; in that event the Mayor, or his/her designee, shall determine what salary the employee shall receive within the pay range of the higher class. Formatted: Bullets and Numbering

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. Formatted: Bullets and Numbering

5.3 LONGEVITY PAY.

A. Each regular full-time employee of the City of Goldendale shall, after reaching Step C of their designated range on the salary matrix, receive monthly longevity pay in accordance with the following table. The monthly longevity pay shall be in addition to the employee's regular monthly pay.

Months of Service Completed	Monthly Longevity Increase Amount	Total Monthly Increment Increase
12	20	\$20.00
24	20	\$40.00
36	20	\$60.00
48	20	\$80.00
60	25	\$105.00
72	25	\$130.00
84	25	\$155.00
96	25	\$180.00
108	30	\$210.00
120	30	\$240.00
132	30	\$270.00
144	30	\$300.00
156	30	\$330.00
168	35	\$365.00

Thereafter, on the employee's anniversary date, the employee's monthly longevity pay shall be increased by \$35.00.

5.4 PAYDAYS.

- A. City employees will be paid on a semi-monthly payroll system. Employee pay checks for the period between the first (1st) day of the month and the fifteen (15th), will be issued on or before the twentieth (20th) day of the month. Employee pay checks for the period between the sixteenth (16th) day of the month and the last day of the month, will be issued on or before the fifth (5th) day of the following month.

- B. If the twentieth (20th) or the fifth (5th) day of the month falls on either a Holiday, a Saturday or a Sunday, payroll checks will be available on the preceding Friday.

5.5 DEDUCTIONS.

Some regular deductions from the employees earnings are required by law; other deductions are specifically authorized by the employee. The City will withhold from the employees paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute. Voluntary deductions must be requested in writing by the employee to the Payroll Department.

5.6 COMPENSATION UPON TERMINATION.

When a regular employees employment with the City is terminated by retirement, dismissal or resignation, the employee will receive the following compensation:

- A. Upon termination of employment by retirement, dismissal or resignation, all regular employees shall be paid for accrued and unused vacation time, provided however, that the employee has successfully completed his/her probation period.
- B. At the date of retirement, dismissal or resignation, all regular employees shall be paid for 25% of accrued and unused sick time, provided however, that the employee has successfully completed his/her probation period. In order to be eligible to receive compensation for accrued sick leave, the employee must give at least two (2) weeks notice prior to the effective date of his/her retirement or resignation. This time limit may be waived upon approval of the City Council.
- C. In case of death of an employee, the designated beneficiary of the deceased will be paid for accrued and unused vacation time and 100% of accrued and unused sick leave.

CHAPTER 6
PERFORMANCE EVALUATIONS, TRAINING, AND TRAVEL POLICY

6.1 PERFORMANCE EVALUATIONS.

- A. To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts performance evaluations for all positions at least annually.
- B. The City Administrator is responsible for developing and maintaining the City's performance evaluation program.
- C. Employees are to be evaluated by their Department Heads every three (3) months during their probationary period and at least once every twelve (12) months thereafter.
- D. 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 whether the employee is promoted, transferred, demoted, laid off, or terminated.
- E. The employee is to be allowed a reply or rebuttal statement indicating his/her agreement or disagreement with the evaluation findings. The statement will be attached to the evaluation form and filed with the employee's personnel record.

6.2 TRAINING POLICY.

- A. The City seeks, within the limits of available resources, to offer training to increase an employees skills, knowledge and abilities directly related to City employment, to obtain and 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 and workshops sponsored by other agencies or organizations.
- B. Subject to the prior written approval of the Mayor with respect to the course material and costs, the City may reimburse an employee's tuition and mileage costs if the employee attends and passes an educational course which would prove to be beneficial to the operation of the City and the employee's performance. The City shall pay for renewals of all required certifications needed for employment.

6.3 CIVIC ORGANIZATION REIMBURSEMENT

The Mayor may approve annually payment to the community or civic organizations for an exempt employees membership, if the exempt employee will be an active participant and the civic or service organization is an established one, such as the Chamber of Commerce, Rotary, Kiwanis or other organization found to have a benefit to the City.

6.4 TRAVEL POLICY.

A. GENERAL PROVISIONS:

1. **NEEDS OF THE CITY OR DEPARTMENT:** The need for travel is based on the requirements of a specific job or Department. While the convenience of the employee shall be considered, the City or Department needs shall be the more important factor. Any travel outside Washington or Oregon must be pre-approved by the Mayor, or his/her designee.
2. **COST REIMBURSEMENT BASIS:** Travel expenses to out-of-City locations shall be provided on a reasonable and prudent basis as approved by the Department Head or designee.
3. **SHARING OF COSTS:** Employees attending the same function should share transportation whenever possible. If not feasible due to different departure times or dates, the most cost effective method is to be used. If employees incur extra expenses for their own convenience, they will be required to pay for the additional costs.
4. **TRAVEL TO AND FROM HOME:** Travel to and from ones home to their regularly assigned work site is not a reimbursable travel expense.
5. **TRAVEL FUNDED BY ANOTHER AGENCY:** When an organization other than the City of Goldendale agrees to pay out-of-area travel expenses for City employees, reimbursement will be according to that organizations travel policies.
6. **AUTHORIZATION FOR TRAVEL:** Employees requesting authorization for travel will submit requests to their Department Head. Without approval by the Mayor, or his/her designee, no unauthorized travel companions are allowed in City vehicles.

B. TRAVEL EXPENSES:

1. **ADVANCE TRAVEL FUNDS:** Advance travel funds must be approved by the City Administrator prior to the issuance of an Advance Travel Check for the specific amount. The advance funds request must be

documented as to exact need and cost and approved by the Department Head prior to presentation to the City Administrator. All of the above mentioned should be accomplished in such a time frame to allow sufficient time for a check to be issued, preferably one (1) week prior to scheduled travel.

2. MILEAGE REIMBURSEMENT RATE: Whenever possible, a City vehicle should be used for travel for authorized City business. The Internal Revenue Service rate for mileage is used when City of Goldendale representatives or employees use their personal vehicles for authorized City business. The purpose of such reimbursement is to cover costs of gas, oil, maintenance, and insurance.
3. INSURANCE REQUIREMENTS: State law requires that owners of motorized vehicles carry an established amount of liability insurance. Employees who fail to do so while using their personal vehicle for City business may have travel expenses related to the use of their personal vehicle denied.
4. RECEIPTS FOR PUBLIC TRANSPORTATION: When using public transportation, receipts are required for reimbursement. Public transportation includes, but may not be limited to, airline, railroad, bus, taxi, and airport transportation service. Hotel transportation should be used whenever possible.
5. AIRLINE TRAVEL: When airline travel is required, the most economical ticket is to be purchased. It is acknowledged that air fares are frequently lower if a schedule is established to the convenience of the airline. Such schedules may result in an employee staying longer at the destination than the business trip requires. If savings can be substantiated as a result, meal and lodging expenses may be approved by the Department Head.
6. PARKING: Receipts for parking must be included with requests for reimbursement, when available.
7. USE OF CITY VEHICLES: Employees attending training, etc., outside the City of Goldendale will make every attempt to utilize City vehicles. When utilizing City vehicles, all receipts for expenses (i.e. gas, oil, etc.) will be required for reimbursement.

C. MEAL EXPENSES:

1. Meals will be reimbursed by presenting receipts and a completed Travel Expense Voucher to the Mayor, or his/her designee, within ten

(10) days of return. Meals may be charged on the room bill, however, meal receipts should be submitted with the hotel bill.

2. Unless otherwise approved by the Department Head, maximum meal rates for twenty-four (24) hours or greater should not exceed the per diem rates outlined in the Washington State Travel Rates prepared by the Office of Financial Management. If traveling less than a twenty-four (24) hour period the per meal subsistence guidelines attached hereto (and as the same shall be updated) should be used. Reimbursement may be made for meals in excess of the above limits when the meal is part of an official business function, i.e. conference banquets. Exceeding the above limits requires a written explanation to the City Administrator in order to be considered for reimbursement.
3. The reasonable cost of meals during, or in conjunction with, meetings directly related to City business, held either in Goldendale or at another location, are allowed.
4. Receipts are required for reimbursement.

D. LODGING EXPENSES:

Lodging in out-of-area locations will be reimbursed at cost. As a general rule, reasonable lodging should be sought (See the Washington State Travel Rates prepared by the Office of Financial Management). In a case where the City has a contract vendor in the area, then the employee must use the vendor. Lodging should be obtained at commercial or government rates whenever possible. Receipts for lodging must be turned in at the time of the request for reimbursement. A purchase order may also be used and the City will be billed directly. The per diem rates outlined in the Washington State Travel Rates prepared by the Office of Financial Management should be used as a guideline. Exceeding the above limits requires a written explanation to the City Administrator in order to be reimbursed.

E. REGISTRATION AND CONFERENCE FEES:

Required registration and conference fees may be handled in one of three ways:

1. Where time allows, the City pays the fee directly to the conference sponsor prior to the event;
2. A purchase order may be written to the conference sponsor and the City will be billed directly for the registration fee; or,

3. The employee personally pays the fee and is reimbursed as part of the reimbursement request. A copy of the employees canceled personal check or a receipt and a copy of the registration form must be submitted for reimbursement.

F. ALLOWABLE MISCELLANEOUS EXPENSES:

Other allowable expenses may include, but are not limited to: car rentals; rental of rooms to conduct official business; charges for photocopying or other clerical requirements; business telephone calls; personal phone calls incidental to City business (i.e. a call to let family know you arrived safely or will be late returning and the like, not to exceed five \$5.00 dollars per trip), ferry tolls; and the like. Itemized receipts must be submitted for reimbursement. When questions arise about appropriate expenditure or procedure, the State travel regulations should serve as a guide. If the State regulations do not cover the questions, the Mayor, or his/her designee, and/or the City Council has the authority to accept or reject claims for reimbursement.

G. UNREIMBURSABLE EXPENSES:

Certain travel expenses are considered as personal and are not essential to the transaction of official agency business and are not reimbursable. Such unallowable expenses include, but are not limited to: laundry or valet service; entertainment expenses, including the cost of alcoholic beverages; tobacco products; radio, television, movie or VCR rental; cost of transportation to and from places of entertainment; cost of personal trip insurance; lengthy personal use charges; cost of room service; cost of personal reading materials; barber or beauty parlor expenses; personal toilet articles; postage; medical or hospital expenses; theft, loss or damage to personal property; expenses for spouse, family or other persons not authorized to receive reimbursement; and the like.

CHAPTER 7 BENEFITS

Details of all insurance benefits are provided in separate summary plan descriptions provided to you when you become eligible to participate. The following is only a summary of current programs. The City of Goldendale intends to continue these programs indefinitely, but may modify or discontinue a program.

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.

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All regular uniformed employees in the Goldendale Police Department are covered by the Law Enforcement Officers and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.

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All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contributions rates are set by the State of Washington.

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Any employee intending to retire should notify his/her Department Head of his/her intent to retire at least three (3) months prior to the date of retirement.

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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.

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7.2 DISABILITY BENEFITS.

A. All employees, except those covered by LEOFF 1, are covered by the State Industrial Insurance Program (Workers Compensation). This type of insurance covers employees in case of on-the-job injuries. For qualifying cases, State Industrial Insurance will pay the employee for work days lost as a result of an on-the-job injury. All on-the-job job-related accidents shall be reported immediately to the immediate Supervisor or Department Head. The Department Head shall promptly file a corresponding report with the City Administrator.

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

- C. An employee receiving time loss from Worker's Compensation due to an on-the-job injury may use sick leave and then vacation leave, or if the employee submits to the City evidence of the amount of such time loss payments, the employee may request sick leave and then vacation leave to compensate for the difference between the time loss payments and full pay.
- D. When an employee is absent due to a job-related injury or illness, 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 essential duties and responsibilities of the position.

7.3 MEDICAL INSURANCE BENEFITS.

- A. Regular employees may participate in the City's medical insurance program. Coverage will begin on the first day of the month following the completion of the employee's initial thirty (30) day employment period. The program and criteria for eligibility will be explained at the time the employee is hired.
- B. Regular, part-time employees will receive benefits on a pro-rata basis, based on regularly scheduled hours at date of hire. Should a regular, part-time employee temporarily receive an increase in hours of work, i.e., up to two (2) work weeks, they shall continue to receive their regular pro-ration of benefits. Should hours increase for a period of greater than two (2) consecutive work weeks, benefit pro-ration shall be based on actual hours worked for said period.
- C. Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employees expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.
- D. If an employee is receiving Workers Compensation benefits and becomes ineligible to participate in the City's medical insurance program the employee may choose to use his/her COBRA rights and self-pay insurance premiums.
- E. Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA.

Subject to the pro-rata adjustment for regular part-time employees, the City pays the monthly medical/dental/vision insurance premiums for all regular employees, and their dependents, with the following limitations:

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1. Medical & Hospital Insurance:

The Employer provides medical and hospital insurance for the employee and 90% towards the cost of dependants medical and hospital insurance.

2. Dental Insurance:

The Employer provides a dental insurance plan for the employee and their dependents

3. Vision Insurance:

The Employer provides a vision insurance plan for all the employee and their dependents

7.4 UNEMPLOYMENT COMPENSATION.

City employees may qualify for Washington State Unemployment Compensation after termination from City employment subject to State guidelines.

**CHAPTER 8
LEAVES OF ABSENCE AND TIME OFF**

8.1 LEAVES.

The City has ten (10) different types of leave:

- A. Vacation Leave;
- B. Sick Leave;
- C. Leave Without Pay;
- D. Jury and Witness Leave;
- E. Administrative Leave;
- F. Military Leave;
- Family Medical Leave;
- Emergency Leave;
- I. Holiday; and
- J. Religious Holiday;

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8.2 VACATION.

- A. Each regular full-time employee is entitled to vacation leave, with pay, at his/her regular wage as follows:

<u>Months of Completed Service Year</u>	<u>Monthly Accrual Rate In Hours</u>	<u>Yearly Rate in Hours Per</u>
DOH - 24	06.67	80
25- 60	08.00	96
61-108	10.00	120
109-168	12.00	144
169 and over	16.00	192

No vacation days will be accrued during a leave of absence without pay.

- B. New employees do not accrue vacation leave during the six (6) months of their probationary period, but upon completion of six months of service shall be credited with vacation leave for such service according to the above schedule. Regular, part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits.

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- C. Each department is responsible for scheduling its employees vacations without undue disruption of department operations. Vacation requests of three (3) days or longer normally shall be submitted at least one (1) weeks in advance of the requested time off.

Vacation schedules will be established by the Department Head and in so far as operating conditions and other needs permit, seniority will be considered in establishing such schedules and in resolving conflicting requests.

In the event of an unexpected personnel shortage or work overload, the City may cancel vacation, without the payment of overtime and reschedule the vacation at a mutually agreeable time. Employees that have made travel plans shall be accommodated if the cancellation of vacation will result in an economic loss.

- D. In cases where City operations have made it impractical for an employee to use vacation time, non-union employees may elect to take one-half (1/2) of their annual carryover balance of vacation leave in cash as opposed to taking the time off. The Salary Schedule will be used to determine an hourly rate and the employee will be paid that equivalent in cash. The employee may only exercise the option to buy back vacation hours once in a calendar year. The decision to exercise the option must be made prior to November 30. The buy/back payment, if chosen, will occur in December. The maximum hours that may be exercised for vacation buy-back is eighty (80) hours in any calendar year, on an hour for an hour basis.

- E. During the first month of employment, vacation hours will be earned as follows:

- Start date before the 15th of the month: full month accrual.

- Start date after the 15th of the month: one-half (1/2) month accrual.

During the last month of employment, vacation hours will be earned as follows:

- Last date of employment before the 15th of the month: one-half (1/2) month accrual.

accrual. Last date of employment after the 15th of the month: full month

8.3 SICK LEAVE.

- A. All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees may accrue sick leave benefits on a pro-rated basis based on regularly scheduled hours. Temporary employees do not earn sick leave benefits.

B. New employees do not accrue sick leave during the six (6) months of their probationary period, but upon completion of six months of service shall be credited with sick leave for such service according to the above schedule. Regular, part-time employees will receive sick leave on a pro-rate basis. Temporary employees are not eligible for any sick leave benefits.

C. Sick leave covers those situations in which an employee is absent from work due to:

1. Injury or illness to the employee;
2. The need to care for the employees immediate family members who are ill;
3. Medical or dental appointments for the employee, spouse, or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
4. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
5. Use of a prescription drug which impairs job performance or safety; and,
6. Actual periods of temporary disability associated with pregnancy or childbirth. Such employees may request additional time off beyond the actual period of disability, by using vacation leave, compensatory time, or leave without pay.

D. A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The City may also request an examination at its expense, performed by a physician of its choice, to determine if the employee can return to work and if he/she will be capable of performing the essential duties and responsibilities of the position.

E. Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with prior approval of the Mayor, or his/her designee, take leave without pay. At the employee's option, vacation leave may be used as sick leave.

F. During the first month of employment, sick hours will be earned as follows:

Start date before the 15th of the month: full month accrual.

Start date after the 15th of the month: one-half (1/2) month accrual.

During the last month of employment, sick hours will be earned as follows:

Last date of employment before the 15th of the month: one-half (1/2) month accrual.

Last date of employment after the 15th of the month: full month accrual.

Non-union employees may donate sick leave, in hour for hour increments, to another employee subject to the following conditions: Formatted: Bullets and Numbering

1. The employee receiving the donation must have exhausted all paid accrued leaves.
2. The employee(s) donating leave must maintain at a minimum eighty (80) hours of sick leave after donation.
3. No employee may donate more than forty (40) hours sick leave within a one (1) year period.

Sick leave can be accumulated to a total of nine-hundred sixty (960) hours, after which time, if not taken, it lapses month by month, which means at no time can an Employee have more than one hundred twenty (120) days of sick leave due. An Employee who accrues and maintains the total allowable sick leave entitlement (960 hours) shall be paid an additional \$25.00 per month for each month that the total entitlement is maintained. Formatted: Bullets and Numbering

8.4 LEAVE WITHOUT PAY.

- A. 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 as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) days per year.
- B. Full-time and part-time employees may be eligible for leave without pay subject to the following requirements:
 1. Leave may be granted to an employee for a period of up to ninety (90) days upon consultation with the Department Head and approval of the Mayor. Further extensions are at the sole discretion of the Mayor.

2. Accrued vacation leave and any unused compensatory time must be exhausted prior to taking any leave without pay.
3. An employees benefits are suspended during the period of unpaid leave until the employee returns to work, except as provided in Section 8.8. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay, except as identified in Section 8.4(B)(4).
4. In certain circumstances, self-payment of benefits may apply. See Section 7.3 on Insurance Benefits.
5. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned.
6. If the leave without pay is due to an illness, the City may require a doctors certificate stating that the employee is capable of returning to work and performing the essential work, duties and responsibilities, of the employees position.

8.5 JURY AND WITNESS LEAVE.

- A. Employees may be granted time off with pay, to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.
- B. An employee granted such leave must apply for and reimburse the City for pay received while serving as a juror, except for mileage and expense reimbursement.

8.6 ADMINISTRATIVE LEAVE.

On a case by case basis, the City may place an employee on administrative leave with pay for an indefinite period of time, as determined by the Mayor, or his/her designee. The finding by the Mayor must be that such action is in the best interests of the City during the pendency of an investigation or other administrative proceeding.

8.7 MILITARY LEAVE.

Employees who are members of the National Guard or Federal Reserve Military Units may be absent from their duties, with pay, for a period of up to fifteen (15) days per calendar year when they are performing ordered military training duty and while going to and from that duty.

8.8 FAMILY MEDICAL LEAVE

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As a public entity, the City is covered by the Federal Family and Medical Leave Act of 1993 (FMLA). However, so long as the City has less than 50 employees within the City or within a 75 mile radius of the City, no city employees are eligible for leave under the FMLA. The City does provide comparable family leave benefits for regular full-time and regular part-time employees who have been employed at least 12 months. Employees not eligible for family leave under this policy may be considered for a leave without pay. Family medical leaves of absence may be granted to employees who are recovering from illness or an accident that leaves them unable to perform their jobs, employees caring for a seriously ill spouse, child or parent, and for the birth, adoption or taking care of a foster child. Family leaves normally may not exceed 12 weeks. During family leave, the employee shall concurrently use previously accrued but unused sick pay and accrued but unused vacation benefits. Health insurance benefits will be continued on the same terms as if the employee had continued working. For leaves involving the illness of the employee or a family member, a doctor's certification indicating, that the medical condition qualifies under the City's family leave policy and the anticipated length of absence, must accompany the request for a leave. Family leave may be extended by the City, upon written request from the employee, when accompanied by an explanation from the employee's doctor of the need for an extension period. Even with an extension, however, family leave will not exceed 90 days.

Employees returning from a family leave of absence must provide a doctor's written certification of their ability to return to work. Employees returning from a family leave are entitled to return to the same position or a similar position of like pay and status. Normally, employees will not be entitled to more than 12 weeks of leave in a 12 month period for any covered reason.

Family leaves must be requested in writing, to the Mayor, at least 30 days in advance if the need for the leave is known, or as soon as possible in cases of unanticipated leave. Employees on leave must keep their supervisors informed of their status and intent to return to work on a periodic basis as directed by the supervisor.

8.9 EMERGENCY LEAVE.

All regular employees of the City shall receive paid emergency leave of three (3) work days for a death in the immediate family. This emergency leave is not deductible from the employee's accrued sick leave or vacation. Pay will be at his/her regular wage.

8.10 HOLIDAYS.

A. The following holidays are recognized by the City:

New Years Day	January 1
Martin Luther King, Jr. Birthday	3 rd Monday in January

Presidents Day	February	3 rd Monday in
Memorial Day	Monday in May	Last
4 th of July (Independence Day)	July 4	
Labor Day	Monday in September	1 st
Veterans Day	November 11	
Thanksgiving Day	November	4 th Thursday in
Day after Thanksgiving		4 th Friday in November
Christmas Day	December 25	
Floating Holiday	Employee's choice	

- B. Any holiday falling on Saturday will be celebrated on the preceding Friday; any holiday falling on Sunday will be celebrated on the following Monday, except that when New Years Day falls on a Saturday, it shall be observed on the following Monday.
- C. Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times his/her regular rate of pay for any time worked on the holiday. Such time must be pre-authorized and approved by the Department Head.
- D. Temporary employees will be paid at his/her regular, straight-time rate of pay for hours worked on a holiday.
- E. All new employees, except temporary employees, hired prior to July 1 will be entitled to a Floating Holiday for that calendar year. New employees hired after that date do not receive a Floating Holiday in the calendar year hired.

8.11 RELIGIOUS HOLIDAY.

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

**CHAPTER 9
EMPLOYEE RESPONSIBILITY AND CONDUCT**

9.1 GENERAL POLICY.

- A. 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 Department Head.

- B. Since the proper working relationship between employees and the City depends on each employees on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City 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.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST.

- A. Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, with the interests of the City or interfere with the employees 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;
 - 2. Is conducted during the employees work hours;
 - 3. Is employment with a firm which has contracts with or does business with the City;
 - 4. Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment; or
 - 5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

9.3 POLITICAL ACTIVITIES.

- A. 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 shall 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 for political activities.

- B. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.
- C. Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment Rights.

9.4 NO TOBACCO USE POLICY.

For health and safety considerations, the City establishes the following policy: All City owned or leased buildings, vehicles and equipment are hereby designated as no tobacco use areas pursuant to RCW 70.160.030.

9.5 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, lockers, vehicles and personal belongings brought onto City premises, 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. Personal software may not be loaded on City computers. Software may not be duplicated contrary to any licensing agreement.

9.6 USE OF CITY VEHICLES AND EQUIPMENT.

City equipment, including vehicles, should be used by employees for City business only. Use of City telephones for local personal calls should be kept to a minimum; long distance personal use is prohibited. An employees misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action, including termination. Upon the approval of the Mayor or City Administrator and where it serves the interest of the city, an employee of the City may be allowed to use a city owned vehicle. The vehicle will be available to other city employees for city business purposes.

9.7 INTERNET USE.

- A. Internet access is provided to certain employees as a research and communication tool to help them conduct City business. Employees are trusted and expected to exercise good judgement in both duration and frequency of Internet use and to access Internet sites only for job related purposes. Employees should not access bulletin boards or chat rooms on City computers.
- B. When there is a clear business reason for downloading Internet software, the appropriated anti-virus detection program should be used to prevent infection.
- C. The City reserves the right to monitor Internet usage. Use of the Internet for purposes other than job related activities can result in disciplinary action, up to and including termination.

9.8 E-MAIL USE.

- A. While all e-mail may be considered writings, and all writings may be public records, the public does not have a right to examine every public record. RCW Chapter 42.17 exempts broad categories of records, while other statutes provide for confidentiality of specific records.
- B. Extra care must be exercised when communicating confidential or privileged information via e-mail, including but not limited to performance reviews, disciplinary actions, and attorney privileged information . All such information should be clearly labeled as confidential and/or privileged and should not be available for review or copying by persons without appropriate authorization.
- C. All office information technology resources, including e-mail systems, are the property of the City. Employees shall use e-mail for City business or otherwise to advance the City's best interests.
- D. Employees shall not use City provided e-mail media in a fashion that promotes discrimination on the basis of race, creed, color, gender, religion, marital status, sexual preference, physical or sensory or mental disability or Vietnam-era veterans status; sexual harassment; copyright infringement; an employees personal political beliefs or personal business interests; or any unlawful activity.
- E. Employees should be aware that messages may be forwarded to others by the recipient, printed in a location where individuals other than the intended recipient may view the message, or directed to the wrong recipient.

- F. Employees should be aware that messages cannot be protected from unauthorized access caused by the user failing to maintain password confidentiality or leaving the computer unattended when he/she has logged onto the system.
- G. The City may access data that is normally under an employees control without the consent of the individual employee when necessary to carry out normal business functions, or if there exists reasonable cause to believe the employee has used e-mail on City computers contrary to these policies. Use of the e-mail system contrary to these policies will result in disciplinary action, up to and including termination.

9.9 BULLETIN BOARDS.

Information of special interest to all employees is posted regularly on City bulletin boards.

9.10 CONTACT WITH NEWS MEDIA.

The Mayor, City Administrator or designated Department Heads shall be responsible for all official contacts with the news media. The Mayor, City Administrator or Department Head may designate specific employees to give out procedural, factual or historical information on particular subjects.

9.11 SEAT BELT POLICY.

Per Washington Law, anyone operating or riding in City vehicles and equipment, or operating their own vehicle on City business, must wear seat belts at all times.

9.12 DRIVERS LICENSE REQUIREMENTS.

- A. As part of the requirements for certain City positions, an employee may be required to hold a valid Washington State Drivers License.
- B. If an employees license is revoked, suspended or lost, or is in any other way not current, valid and in the employees 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.
- C. If an employee is not able to perform assigned duties without a license, he/she shall be suspended without pay until he/she obtains a valid Washington Drivers License.

- D. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

9.13 SAFETY.

- A. 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.
- B. In case of an accident involving a personal injury, an employee shall immediately notify his/her Department Head. The Department Head shall fill out an accident report and submit it to the Mayor, or his/her designee.
- C. Traffic laws must be obeyed at all times.

9.14 DRUG AND ALCOHOL POLICY AND TESTING PROCEDURE FOR ALL EMPLOYEES

- A. Purpose. The City has a strong commitment to provide a safe work environment for its employees and to establish programs promoting high standards of employee health and safety. Consistent with that commitment, this policy establishes prohibitions regarding alcohol and controlled substances and the right of the City to screen or test employees to determine the presence of alcohol and/or controlled substances.

This policy and procedure is supplemented by the City's Drug and Alcohol Testing Policy for employees who operate commercial vehicles and the City's Drug and Alcohol Testing Procedures for employees who operate commercial vehicles. To the extent this policy and procedure differs from the City's Drug and Alcohol Policy and Testing Procedures for employees who operate commercial vehicles, the provisions of the City's Drug and Alcohol Policy and Testing Procedures for employees who operate commercial vehicles shall control with respect to the employees who operate commercial vehicles and are subject to such policy and testing procedures.

- B. Prohibition Regarding Alcohol and/or Controlled Substances.
 - 1. The use, sale, transfer or possession of alcohol, drugs, controlled substances and/or "mood altering" substances (except the possession or use of prescribed medication, verifiable by a current,

properly issued prescription) during work hours (including meal and rest periods), on City property, in City vehicles, or in personal vehicles while conducting City business is prohibited. Violation of this section of the policy is just and sufficient cause for immediate discharge.

2. Reporting for work or becoming intoxicated during working hours through the use of alcohol, drugs (including prescribed medication), controlled substances and/or "mood altering" substances is prohibited. Violation of this section of the policy will result in disciplinary action which may include discharge.
3. An employee utilizing prescribed and/or "over-the-counter" medication(s) that could adversely affect job safety or performance must immediately report that fact to the employee's supervisor or Department Head. Knowledge of cautions and warnings printed on the medication container label are the sole responsibility of the employee. Consultation with the employee's attending physician, concerning the affects a substance may have on that employee, may be appropriate.

In the event the employee does notify his/her supervisor or Department Head immediately upon reporting to work of the fact that such medication is being or will be taken, but does not immediately submit a physician's release, the supervisor or Department Head may determine that the effects of any over-the-counter or prescribed medication may, under the circumstances, impair the employee's ability to safely, properly, and effectively perform duties and may decline to permit the employee to work until the effects of the medication subside to an acceptable level.

In cases where the employee is instructed by his/her supervisor or Department Head to remain off work due to the possible side-effects of over-the-counter or prescription medication, the employee may utilize earned, but unused, sick leave benefits in accordance with the sick leave policy.

Violation of this section of the policy will result in disciplinary action which may include discharge.

- C. Substance Abuse Testing. The applicable substance abuse testing policies and procedures in the City's Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles and the Drug and Alcohol Testing Procedures Manual (Attached as Appendix B and incorporated herein by reference) will be initiated if one of the following events occur:

1. Reasonable Suspicion Testing. A supervisor or Department Head has reasonable suspicion that an employee is under the influence or impaired by the use of alcohol, drugs and/or controlled substances based upon specific, contemporaneous, and articulated observations concerning the appearance, behavior, speech, smell of alcohol or bodily odors of an employee.

Where the City receives reliable information based upon personal knowledge of an individual, such as other employees of the City, the medical community, or law enforcement personnel of involvement by the employee with alcohol and/or controlled substances.

2. Post-Accident Testing. Where an employee is involved in any reportable accident with a City-owned vehicle or equipment due to the action, inaction or inattention of the employee;

- D. Should analysis of the specimens indicate a positive level of a substance in an employee's system, the City will take the following action:

(a) Provide the employee an opportunity to agree to a Last Chance Agreement. Included in the Last Chance Agreement, the employee will be evaluated by a qualified drug/alcohol counselor to determine the extent of the employee's chemical dependency. If, in the opinion of the counselor, the employee requires rehabilitation services, the employee will be placed on a non-paid leave-of-absence for a period not to exceed ninety (90) days and enroll and complete a certified alcohol and/or drug rehabilitation program. An employee may use accumulated sick leave or vacation during this ninety (90) day period. If the employee successfully enrolls and completes the program within ninety (90) days the employee will be reinstated to the employee's former position. The City and employee shall mutually agree upon the rehabilitation counselor, facility, and program content. Cost of the rehabilitation program will be paid by the employee or medical insurance provider within contractual limitation of the insurance policy. The employee will submit semi-weekly written progress reports from the employee's counselor during the entire treatment program. During the treatment program, the employee agrees to submit to random testing by the treatment provider. The employee will be reinstated to the employee's former position when the following conditions have been met:

1. The employee has successfully completed the treatment program; and
2. The attending counselor has formally released the employee to return to work; and
3. The employee agrees to submit to continued substance abuse testing.

During the next twelve (12) months following reinstatement, the employee consents to be tested for the presence of alcohol, drugs, and/or controlled substances at any time, with or without cause at any time. Any subsequent violation of this Policy will be grounds for immediate discharge; or

b. Discharge the employee, if the employee refuses or fails to agree to a Last Chance Agreement.

E. Pre-Employment Substance Abuse Testing. Employment applications will advise job applicants that a pre-employment substance abuse screening policy exists. The parties agree that pre-employment substance abuse testing is a City prerogative and may be performed in any manner as determined by the City, following a conditioned offer of employment.

9.15 COMPLAINT PROCEDURES.

The City recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with City rules and procedures. For this reason the City provides its employees with the following procedures for resolving complaints:

- A. Step 1: An employee should first try to resolve any problem or complaint with his/her immediate Supervisor.
- B. 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 and procedures, the employee should file a written complaint with his/her Department Head. The Department Head will meet with the employee within five (5) working days and respond to the employee in writing within five (5) working days after the meeting.
- C. Step 3: If the employee is not satisfied with the response from the Department Head, the employee may submit the issue, in writing, to the Mayor, or his/her designee. In the event the complaint is with the City Administrator the written complaint should be directed to the Mayor. The written complaint must contain, at a minimum, the following:
 - 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; and,
 - 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 became aware of the circumstances.

- D. The Mayor, or his/her designee, will meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) working days of the meeting. The Mayor's, or his/her designee's, response and decision shall be final.
- E. Certain employees may have more than one source of dispute resolution rights, i.e. the City's Civil Service Rules, a collective bargaining agreement, 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.

**CHAPTER 10
DISCIPLINE AND TERMINATION**

10.1 DISCIPLINE.

- A. All employees are expected to exercise good judgement, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.
- B. Acts, errors, or omissions, which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- C. The Mayor, City Administrator, supervisor, and/or Department Head, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case. The degree of disciplinary action, up to and including discharge, will depend on the severity of the infraction.
- D. The following are examples of the types of conduct which may result in discipline:
 - 1. Consumption or possession of alcohol on the job or arriving at work under the influence of alcohol; being under the influence of any drug or controlled substance when it affects the employees ability to perform the assigned job; or, the possession of illegal drugs or other illegal controlled substance;
 - 2. Violation of lawful duty;
 - 3. Insubordination;
 - 4. Absence from work without first notifying and securing permission from the Supervisor;
 - 5. Habitual absence or tardiness for any reason;
 - 6. Unsatisfactory job performance, as determined by the City;
 - 7. Conviction of a felony or a misdemeanor involving moral turpitude;
 - 8. Acceptance of fees, gratuities or other valuable items in the performance of the employees official duties for the City;

Deleted: ; provided, that the authority of supervisors to impose discipline shall be limited to oral warnings and the authority of Department Heads to impose discipline shall be limited to oral warnings and written reprimands.

9. Inability, refusal or failure to perform the duties of the assigned job; and,
10. Violation of duties or rules imposed by these policies, or by any other City rule, regulation or administrative order.

This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other misconduct not stated above.

E. The following types of disciplinary actions may be used, depending on the particular situation:

1. Oral Reprimand. An oral reprimand is a counseling session between the employees Supervisor and/or Department Head and the employee on the subject of the employees conduct and performance, or his/her failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employees efficiency and value to the City by changing the employees conduct, attitude, habits, or work methods. Following the counseling session, the Supervisor and/or Department Head should document the oral reprimand which should then be placed in the employee's personnel file. Removal of an oral reprimand from an employee's personnel file can occur as outline in the following paragraph.
2. Written Reprimand. A reprimand is a formal written disciplinary action between the employee's department head and the employee for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employees personnel file for a period of twelve (12) months from the date of the last infraction. At the annual review the Employee may request that the written reprimand be removed from their personnel file. If there exists another disciplinary action as a result of a similar or substantially similar form of misconduct, then and in that event, both references to oral and/or written reprimand shall remain in the personnel file for twelve (12) months from the date of the last infraction; and,
3. Suspension. A suspension is a temporary (3 to 10 days), unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employees permanent record. A suspension without pay, may be utilized by a department head, with approval of the Mayor, or his/her designee, provided that, in accordance with the Goldendale Municipal Code, the Police Chief has authority to suspend without pay.

4. Termination (See Section 10.2)

- F. Suspensions with pay, where the employee is placed on administrative leave, may be utilized by a Department Head, with approval of the Mayor, or his designee, pending the results of an investigation or disciplinary action where the Department Head determines that factors such as public confidence, the safety of the employee, or the efficient functioning of the City call for such a suspension. Should the Mayor, or his/her designee, not be available for prior approval authority, the department head may suspend with pay. Request for approval of such action should be made on the first business day following the action.

10.2 TERMINATION.

- A. An employee may be terminated from City employment for any of the reasons listed below:
1. During or at the end of the employees probationary period, with or without cause;
 2. As a result of disciplinary action;
 3. Due to loss of skills, certifications or other conditions which would make the employee unfit for service;
 4. When the City Council has made a determination that a lack of work or funding exists with respect to the employees position. The City Council has sole discretion to make determinations of lack of work or lack of funding; or,
 5. If the employee has a physical or mental impairment that prevents him/her from performing the required duties of the employees position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence which establishes that the individual is unable to perform bona fide job requirements. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such a request may result in termination.
- B. No employee will be disciplined or terminated for a discriminatory or otherwise illegal reason.

10.3 PRE-DISCIPLINARY MEETING.

Prior to the suspension without pay or termination of an employee other than probationary employees and appointed officers or employees as designated herein, the Mayor or his/her designee will conduct a pre-disciplinary meeting. The pre-disciplinary meeting serves as an opportunity for the employee to respond to and give the employee's perspective on allegations that may result in the suspension without pay or termination of the employee. The employee may have a representative of the employee's choice at such meeting, provided that the attendance of the representative does not unreasonably delay the scheduling of the meeting. Following the meeting, the Mayor or his/her designee will notify the employee of the disciplinary action, if any, to be taken by the City.

- 10.4** The Clerk/Treasurer, City Administrator, Police Chief and Public Works Director are appointed and removed by the Mayor subject to confirmation of such action by the City Council as provided by ordinance. Such appointed officers or employees may be removed without cause, and without regard for the reasons stated in subsection 10.2A and without the need for a pre-disciplinary meeting as provided in Section 10.3.

In the event of removal of the an appointed employee in accordance with this section, the City agrees to pay the Employee a lump sum cash payment equal to three (3) months salary.

10.5 LAYOFF.

- A. The Department Head, Mayor, or his/her designee, may layoff employees for lack of work, budgetary restrictions or other changes that have taken place.
- B. Temporary employees or employees who have not completed their probationary period will be laid off before regular employees are affected.
- C. In determining who is to be laid off, considerations will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
- D. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

10.6 RESIGNATION.

- A. An employee should provide two (2) weeks written notice of resignation.

- B. Before receiving their final check, resigning employees should be interviewed by the Mayor or his/her designee, if practicable, to determine the reasons for resignation.

10.7 DEATH.

Upon the death of an employee, all compensation due shall be paid to the designated beneficiary of the employee.

CHAPTER 11 WHISTLEBLOWER POLICY

11.1 PURPOSE OF POLICY

It is the policy of the City of Goldendale to encourage its employees to report improper governmental action taken by City officers or employees. It is also the policy to protect City employees, who in accordance with City policies and procedures have reported improper governmental actions, from retaliatory action. This policy is intended to satisfy the requirements of RCW 42.41 and shall be interpreted to carry out the purposes and intent of that act.

11.2 DEFINITIONS

Improper Governmental Action: Any action by a City officer or employee that is undertaken during the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment, and does the following:

- A. Violates any federal, state, or local law or rule;
- B. Abuses authority;
- C. Is of substantial and specific danger to public health or safety;
- D. Is a gross waste of public funds.

Improper Governmental Action does not include personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.

Retaliatory Action: Any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or (b) hostile actions by another employee towards an employee that were encouraged by a supervisor or senior manager or official.

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

11.3 REPORTING PROCEDURES

An employee who becomes aware of an improper governmental action shall first raise the issue with the employee's immediate supervisor. If the supervisor requests, the employee shall submit a written report to the supervisor, or to a person designated by the supervisor. The written report should state in detail the basis for the employee's belief that an improper governmental action has occurred. When an employee believes that the action involves the immediate supervisor, the employee should raise the issue with the employee's Department Head, the City Administrator or the Mayor.

The employee may report the improper action directly to the governmental agency responsible for investigating improper governmental actions when an employee believes that an emergency exists.

The immediate supervisor, Department Head, City Administrator or Mayor shall take prompt action in assisting the City to properly investigate the report of improper action. The City (to the extent possible under law) shall keep the identity of the reporting employee(s) confidential, unless the employee authorizes, in writing, the disclosure of their identity.

After an investigation has been completed, the employee reporting the improper governmental action shall be given a summary of the results of the investigation. However, personnel actions taken as a result of the investigation shall be kept confidential.

If an employee believes the City's investigation of the improper action is inadequate, the employee may report the action directly to the governmental agency responsible for investigating improper actions. An employee may also turn to the governmental agency if the employee believes the City's action against the improper action is insufficient or believes that the improper action is likely to reoccur.

If an employee *fails to make a good faith attempt to follow the City's procedures* in reporting an improper governmental action, the employee will not receive the protection provided by the City in this policy.

11.4 PROTECTION FROM RETALIATORY ACTIONS

Employees are prohibited from taking retaliatory action against an employee who, in good faith and accordance with this policy, reports an improper governmental action.

An employee who believes that he/she has been retaliated against shall advise the employee's immediate supervisor, Department Head, City Administrator or Mayor. The supervisor, Department Head, City Administrator or Mayor shall take appropriate action to investigate and address complaints of retaliation.

If an employee's immediate supervisor, Department Head, City Administrator or Mayor, does not satisfactorily resolve an employee's complaint concerning retaliation, the employee may obtain protection under this policy and in accordance with state law by providing a written notice to the City Council. The notice must specify the alleged retaliatory action and the relief requested.

An employee shall provide a copy of their written charge to the City Council, with a copy to the Mayor, no later than thirty (30) calendar days after the occurrence of the alleged retaliatory action. After receiving the charge of retaliatory action, the City Council shall respond within thirty (30) calendar days.

Hearing: After receiving the response from the City Council or thirty (30) calendar days after the delivery of the charge to the City Council, 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 shall deliver the request for a hearing to the Mayor within the earlier of these dates: Either fifteen (15) calendar days after the delivery of the City Council's response to the charge to the employee or forty-five (45) calendar days after the charge was delivered to the City Council for response.

Hearing Procedure: Upon receiving a request for a hearing, the Mayor, within five (5) working days, shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
PO Box 42488, 4224 Sixth S.E.
Row Six, Building 1
Lacey, WA 98504-2488
(360) 459-6353

The employee, as the initiating party, must prove his or her claim by a preponderance of the evidence. The administrative law judge shall issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than forty-five days after the date the request for hearing was delivered to the local government. The administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party upon a showing of good cause, or upon his or her own motion.

Relief that may be granted by the administrative law judge consists of reinstatement, with or without back pay, and such injunctive relief as may be found to be necessary in order to return the employee to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action. The administrative law judge may award costs and reasonable attorneys' fees to the prevailing party.

If a determination is made that retaliatory action has been taken against the employee, the administrative law judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator of up to three thousand dollars payable by each person found to have retaliated against the employee and recommend to the City that any person found to have retaliated against the employee be suspended with or without pay or dismissed.

11.5 WHISTLEBLOWER RESPONSIBILITIES

The Mayor is responsible for implementing the City's policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. The Mayor's responsibilities include ensuring that this policy is permanently posted where all employees have reasonable access to it. The Mayor is also responsible to ensure that this policy is made available to an employee upon request, and that this policy is provided to all newly appointed employees.

Supervisors and Department Heads are responsible for ensuring that the policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including termination.

A list of agencies who are responsible for enforcing federal, state, and local laws, and for investigating other issues involving improper governmental action is attached in Appendix A of these Personnel Policies. Employees having questions about these agencies or the procedure for reporting improper governmental action are encouraged to contact the Mayor.

ACKNOWLEDGEMENT

Please read the following and then sign, date and return to the City Administrator or your Department Head. One copy of this acknowledgement will be placed in your personnel file and one copy will be provided with your copy of these personnel policies. It is your responsibility to read the personnel policy and any amendments adopted thereafter. By signing below, you acknowledge that you have received a copy of the City's personnel policy and that you have had a full opportunity to read and review it.

A copy of the City's personnel policy is also kept in the office of the City Clerk and by your Department Head. You may review the City Clerk or your Department Head's copy of the policy should you need to reacquaint yourself with any provisions of the personnel policies.

These personnel policies are a general informational guide to the City's current employment policies and shall not be construed as a contract or to create any contractual obligation. The City reserves the right to amend, delete, supplement, or extend any of the provisions of these policies as the City deems necessary and appropriate without advance notice. You will be given written notification of any such changes.

These policies are not intended to be a contract, expressed 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 be long term, we recognize that things may not always work out as hoped, and either of us may decide to terminate the employment relationship.

No supervisor or representative of the City, has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments regarding employment for a specific period of time. Only the City Council has the authority to authorize employment agreements for a specified term.

The City also reserves the right to deviate from these policies in individual situations in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.

By signing below, you acknowledge that you have received a copy of the City's personnel policies and have had a full opportunity to read and review such policies.

Employee Name (Printed)

Date

Employee Signature _____

Appendix A
KLICKITAT COUNTY

Klickitat County Prosecutor
Klickitat County Courthouse
205 S. Columbus Ave., Room 106, MS-CH-18
Goldendale, WA 98620
(509) 773-5838

Klickitat County Sheriff
Klickitat County Courthouse
205 S. Columbus, Rm. 108, MS CH-7
Goldendale, WA 98620
(509) 773-4455

Klickitat County Health Department
228 West Main, MS-CH-14
Goldendale, WA 98620
509-773-4565

STATE OF WASHINGTON

Attorney General
Yakima Office
120 S. Third Street
Yakima, WA 98901
575-2468

Washington State Auditor
Legislative Building
P.O. Box 40021
Olympia, WA 98504-0021
360-902-0370

Department of Ecology
Central Regional Office
15 W. Yakima Avenue, Suite 100
Yakima, WA 98902
575-2490

Human Rights Commission
Local Office
32 N. Third Street
Yakima, WA 98902
575-2772

Department of Health
Industries
Health Consumer Assistance
Suite 100
800-525-0127

Department of Labor &
15 W. Yakima Avenue,
Yakima, WA 98902
454-3700

Liquor Control Board
Department
1222 S. First Street
Yakima, WA 98901
575-2763

Natural Resources
800-527-3305

UNITED STATES

Department of Agriculture
Office of Inspector General
915 Second Avenue
Seattle, WA 98901
Supervising Auditor
206-553-8290

Supervisor Special Agent
206-553-8286

General Accounting Office
Commission
Fraud Hot Line 800-424-5454

Environmental Protection Agency
Commission
Criminal Investigations 1200 Sixth Avenue
Suite 500
Seattle, WA 98901
206-553-8306

General Service Administration
915 Second Avenue
Seattle, WA 98901

Food & Drug Administration
Urban Development
22201 23rd Drive, SE
Bothell, WA
Audits: 206-553-0452
Investigations: 206-553-0229

Fish & Wildlife Service
Division of Law Enforcement
Administration
121 107th NE
Bellevue, WA
206-553-5543

Occupational Safety & Health (OSHA)
1111 Third Avenue, Suite 715

Alcohol Tobacco & Firearms
Criminal Enforcement
915 Second Avenue
Seattle, WA 98901
206-553-4485

US Attorney
800 Fifth Avenue
Seattle, WA 98901
206-553-0801

Consumer Product Safety
800-638-2772

Equal Employment Opportunity
2815 Second Avenue,
Seattle, WA 98901
206-553-0968

Office of Inspector General
Audits: 206-931-7650
Investigations: 206-931-7654
Law Enforcement: 206-553-0290

Department of Housing &
1321 Second Avenue
Seattle, WA 98901
206-553-4976
Audits: 206-553-0270
Investigations: 206-553-0272

Department of Justice
Drug Enforcement
220 W. Mercer, Suite 300
Seattle, WA
206-553-5443

Office of Inspector General
1111 Third Avenue, Suite 780

Seattle, WA 98101-3212
206-553-5930

Seattle, WA 98101-3212

Appendix A

CITY OF GOLDENDALE

Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles

I. PURPOSE

The purpose of this policy is to establish compliance with the 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 GOLDENDALE** alcohol and drug testing program and the testing and reporting requirements as required by those regulations.

This policy is written to comply with the Federal Highway Administration regulations.

II. APPLICATION

This policy applies to all employees of the City who are required to have and maintain a Commercial Driver's License in order to perform the duties of the 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.

This policy applies only to employees subject to the Federal Highway Administration rules.

III. POLICY

The City has a significant interest in the health and safety of its employees and the citizens of the City of Goldendale. In furtherance of that interest, it is the policy of the City to take those steps necessary to ensure that its 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 through the Employee Assistance Program. 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 associated with the driving of commercial vehicles.

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

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 use 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 using 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**

An employee may not report for duty or remain on duty which requires driving a commercial vehicle when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely 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) may have been or is presently 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 sanctions for refusal to test as provided in this policy.

D. Random Testing

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

E. Return to Duty Testing

Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the discipline policy are 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.

F. Follow-up Testing

An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional and the City, but will not be less than six tests in the first 12 months following the employee's return to duty.

G. 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.

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

Employers are required to obtain the information listed above in items a and b by the federal regulations. Employers may elect to obtain additional information; however, it would not be authorized by the federal regulations.

The City will make a good faith effort to obtain and review the information from prior employers within 14 days of the person performing safety sensitive duties for the first time.

If the information obtained from 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 an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.

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

An employee will be subject to appropriate disciplinary action as specified in the union contract/personnel manual up to and including termination from employment if:

- a. the employee tests positive for a drug or drugs;
- b. results from an alcohol test indicate a breath alcohol level of 0.02 or greater; and/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.

The following provisions apply to those employees who are not terminated for their policy violations:

B. Positive Test Result and/or Engaging in Prohibited Conduct.

If an employee tests positive for drugs or has an alcohol test that indicates a breath alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in Section V, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:

1. has been evaluated by a qualified Substance Abuse Professional; and,
2. if recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed; and,
3. has a verified negative result on a return-to-duty alcohol (<0.02) and/or drug test.

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

C. 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.

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 and to utilize the Employee Assistance Program. 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.

CITY OF GOLDENDALE
DRUG AND ALCOHOL TESTING PROCEDURES MANUAL

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I. INTRODUCTION

A. Requirement to Participate in Drug and Alcohol Testing Program

The City of Goldendale is required by Federal regulation to administer a testing program for drug and alcohol use for employees who are required to have and maintain a Commercial Driver's License to perform their job duties.

B. Covered Employees

The following groups of employees are required by law to participate in the drug and alcohol testing program:

1. Regular employees who are required to operate a commercial vehicle as part of their routine job duties;
2. Temporary employees who are required to operate a commercial vehicle as part of their routine job duties;
3. Any employee who possesses a Commercial Driver's License who may at any time operate a commercial vehicle on an on-call, emergency or unscheduled bases (including supervisory employees who may be called upon at any time to operate a commercial motor vehicle);
4. Current employees who transfer or promote to a position requiring operation of a commercial vehicle and possession of a Commercial Driver's License;
5. A pre-employment drug test is required of all persons given a conditional job offer for a position that meets the description outlined above.

C. Designated Contact

The following individual(s) have been designated by the City to answer questions about the program and program materials and may provide employees with resource materials or referral assistance:

Mark Sigrinius, Mayor, 773-3771
Larry Bellamy, City Administrator 773-3771

D. Employee Assistance Program

The City offers an Employee Assistance Program (EAP) designed to assist employees and their families who are experiencing personal or job-related problems. The EAP is available to employees who need assistance in dealing with a substance abuse problem. Employees are encouraged to contact the EAP for assistance in early detection of substance abuse problems and referral for treatment programs. All EAP services are confidential and at no cost to the employee. Employees who would like information on benefits of the Employee Assistance Program should contact Larry Bellamy, City Administrator.

The individual to contact for EAP services is: Larry Bellamy 509-773-3771

E. Testing, Evaluation and Referral Services

The City has joined the Association of Washington Cities (AWC) Drug and Alcohol Testing Consortium for much of the administration of this program. The AWC consortium has contracted with Virginia Mason to conduct the random testing services, provide the testing laboratory facilities, arrange the testing collection sites, and provide the Medical Review Officer (MRO) functions. The services of a Substance Abuse Professional (SAP) are also available for employees with positive test results.

Drug and Alcohol Testing Collection Site:

Family Practice Clinic, 711 E. Collins, Goldendale, WA. 98620

Testing Laboratory:

Drug Proof
Nordstrom Medical Tower
P.O. Box 14950
Seattle WA 98114
(206) 386-2454

Medical Review Officers

Samuel Strauss, DO, MPH, FACPM
Virginia Mason Occupational Medicine
6720 Fort Dent Way.
Suite 150
Tukwila WA 98188
(206) 223-7501

Substance Abuse Professional

APS HealthCare
18631 Alderwood Mall Parkway, Suite 210
Lynnwood WA 98037
1-800-624-5357

APS HealthCare will refer caller to a Substance Abuse Professional in the local area.

II. TESTING PROCEDURES

A. Pre-Employment Testing

Following a conditional offer of employment, prospective employees will be tested for the presence of drugs as part of the pre-employment physical examination.

Current employees who are transferring from a position that does not require a Commercial Driver's License to a position that does require one, will be tested for the presence of drugs prior to performing duties that require driving or operating a commercial vehicle.

A positive drug test result for an employment candidate will result in rescinding the conditional offer of employment by the City of Goldendale. The individual will only

be eligible to re-apply for a position covered by these procedures after six months. A positive drug test result for an employee seeking to transfer to a position requiring the driving of a commercial vehicle will result in denial of the transfer and the employee will be subject to discipline as described in the Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles.

B. Random Testing

The names and social security numbers for employees covered by these procedures at the City have been included in the AWC Drug and Alcohol Testing Consortium pool. This pool contains all eligible individuals from all of the consortium members. The pool database is managed by Virginia Mason and is updated monthly as changes in personnel occur.

The annual random testing rate required under federal regulations is 50% of the pool for drug testing and 10% of the pool for alcohol testing. This means that if the pool contains 1,000 members, there will be at least 500 random drug tests and at least 100 random alcohol tests conducted throughout the year.

Virginia Mason uses a software program called HEIDI to randomly select individuals for random testing on a monthly basis. Some individuals will be selected for drug testing and others will be selected for both drug and alcohol testing.

Each month, Virginia Mason will send the names of individuals selected for random testing to the appropriate consortium member contacts. If City of Goldendale has any employees selected for testing, the names will be sent to the designated contact.

Employees selected for random testing will be scheduled for a test by the designated contact at some time during the month that the name was selected. Employees selected for alcohol testing may only be tested just before, during or after driving a commercial vehicle. Employees will not be notified until just prior to the testing.

Upon notification of selection for random testing, the employee will receive an *Employee Notification of Scheduled Drug and/or Alcohol Test* letter from the designated contact. The employee will be asked to sign this letter and a *Testing Consent* form. The employee must present the *Employee Notification of Scheduled Drug and/or Alcohol Test* letter at the collection site along with picture identification at the time of testing. A copy of all of the forms will be retained by the City.

After notification, the employee must proceed directly to the collection site for testing accompanied by a supervisor or other designee.

The collection and testing procedures are outlined in Attachment B .

If an employee scheduled for an alcohol test receives a confirmed test result with a breath alcohol level of 0.02 or above and is unaccompanied at the collection site, a supervisor will be called to the site to transport the employee.

Refusing to submit to a test will be considered the same as a positive test result and will subject the employee to the same consequences as receiving a positive test result.

C. Reasonable Suspicion Testing

According to the federal regulations, reasonable suspicion testing is to be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee." Only supervisors who have been trained in detecting the symptoms of alcohol misuse or drug use and who have directly observed behaviors, appearance or physical symptoms can subject an employee to reasonable suspicion testing. Supervisors should complete a *Impaired Behavior Incident Report Form* and if possible have the form signed by a witness.

If a supervisor has reasonable suspicion to believe that an employee who is on duty, about to go on duty or just completed duty is under any influence of drugs or alcohol, the supervisor will remove the employee from duty immediately. The employee will be advised of the reasons for reasonable suspicion and will be transported to the collection site by the supervisor for testing.

Reasonable suspicion alcohol testing may only occur just before, during or after an employee drives a commercial vehicle. If a reasonable suspicion alcohol test is not conducted within two hours of determination that it is necessary, the supervisor will prepare and maintain documentation of the reasons why it did not occur.

D. Post-Accident Testing

All employees covered by these procedures will be subject to post-accident testing if they are involved in an accident with a commercial vehicle on a public road which results in:

1. A fatality OR
2. The driver receives a citation under state or local law for a moving violation AND
 - a. there is bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene OR
 - b. one or more motor vehicles incurs disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

After an accident, employees are responsible for contacting the immediate supervisor or other management personnel. If the above conditions are met, the employee must make themselves available for post-accident testing as soon as possible. Post-accident testing for alcohol should occur within two hours if possible, but may not exceed eight hours. Testing for drugs should occur within 32 hours.

Employees subject to post-accident testing are prohibited from consuming alcohol for eight hours following the accident, or until the employee has completed the alcohol test, whichever comes first. An employee who does not comply with the post-accident testing will be considered to have refused testing and will be subject to disciplinary action. An employee in a post-accident situation should cooperate with law enforcement personnel investigating the scene.

Supervisors are responsible for determining if the accident qualifies the driver for post-accident testing and should escort the employee to the collection site if possible. If an employee is unable to provide consent to testing due to their medical condition, the supervisor will document the reasons why the employee was not

tested. If testing is not completed within the required time following an accident, the supervisor will document in writing why the tests were not administered.

E. Return to Duty and Follow-Up Testing

All employees who have engaged in prohibited conduct as defined in the Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles, including those who have tested positive for drugs or alcohol, are subject to return to duty and may be subject to follow-up testing.

1. Return to Duty Testing

After engaging in prohibited conduct regarding alcohol or drug use, an employee is required to undergo a return to duty alcohol and/or drug test prior to returning to a duty which requires driving a commercial vehicle. A return to duty alcohol test must result in a breath alcohol concentration of 0.02 or less. A return to duty drug test must result in a verified negative result.

2. Follow Up Testing

An employee who returns to work after evaluation by a Substance Abuse Professional (SAP) determining that the employee is in need of assistance in resolving problems associated with alcohol misuse or drug abuse is subject to unannounced follow up alcohol and/or drug testing as directed by the SAP and the City, but no less frequent than six times in the first year following the return to work. The follow up testing period may not exceed 60 months for each incident.

F. After Hours Testing

If the need for testing occurs outside of the normal hours of operation of the designated collection site, a supervisor or manager will be responsible for following the procedures established by Virginia Mason for such occurrences.

III. TESTING COSTS AND COMPENSATION

A. Testing Costs

1. The City will pay for the following alcohol and or initial drug tests:
 - a. Random testing
 - b. Reasonable suspicion testing
 - c. Post-accident testing
 - d. Pre-employment
 - e. Follow-up testing
 - f. Return to duty testing

2. Employees are responsible for the costs associated with the following tests:
 - a. Split sample re-tests made at the employee's request

If a split sample re-test returns a negative result, the City will reimburse the employee for the cost of the test.

3. Substance Abuse Professional and rehabilitation costs will be the responsibility of the employee.

B. Pay Status

1. For Time Spent Testing

Employees will be compensated for time spent to report to the testing facility and be tested for the following alcohol and/or initial drug tests:

- a. Random testing
- b. Reasonable suspicion testing
- c. Post-accident testing
- d. Return to duty testing
- e. Follow-up testing

Employees are responsible for taking the following tests on their own time:

- a. Split-sample re-tests made at the employee's request

2. Waiting for Results

Employees who have been asked to submit to a reasonable suspicion drug test will be placed on unpaid leave pending the outcome of the test results. Such employees are eligible to use accrued vacation or sick leave during this time. If the test result is negative, the time will be paid and any sick or vacation leave used will be credited.

3. Alcohol Concentration of 0.02 but less than 0.04

If an employee receives an alcohol test result of at least 0.02 but less than 0.04, the employee must be removed from duty which requires driving a commercial motor vehicle for at least 24 hours following the administration of the test. The employee may use accrued vacation or sick leave during this absence.

4. Positive Drug Test or Alcohol Test Result of 0.04 or Higher

An employee who receives a positive drug test or who tests 0.04 or greater on an alcohol test is not allowed to return to work until all of the applicable requirements are met as outlined in the Policy (see Consequences of Engaging in Prohibited Conduct and Positive Drug or Alcohol Test). Such employees may use accrued vacation or sick leave during this absence.

IV. TESTING METHODS

A. Drug Testing

The drug testing requires candidates to provide a urine specimen of at least 45 ml to be tested for the presence of amphetamines, cocaine, marijuana (THC), opiates, and phencyclidine (PCP). The specimen will be sent to Drug Proof, a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMSHA) to conduct screening and confirmation tests according to the protocols identified in the Department of Transportation Rules. All test results will be reviewed by the Medical Review Officer (MRO). Specific collection procedures and analytical procedures are covered in Attachment B.

B. Alcohol Testing

Alcohol testing will be conducted using an approved evidential breath testing (EBT) device operated by a trained breath alcohol technician (BAT) at the collection site. The first test performed will be a screening test. If the screening test results in an alcohol concentration of less than 0.02, it will be considered a negative test. If the screening test results in an alcohol concentration of 0.02 or greater, a second, or confirmation test is performed within 15 to 20 minutes. Specific alcohol testing procedures are covered in Attachment B.

V. TRAINING AND EDUCATION

The City will provide all affected employees with copies of these procedures and the Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles and other information as may be required by the federal regulations. Each driver must sign a receipt upon having been provided the above referenced information.

Managers and supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo alcohol or drug testing will receive at least 60 minutes of training on alcohol and 60 additional minutes of training on drug abuse. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

LODGING RATE COMPARISON: 2001 and 2002

STATE	LOCATION	2001 Lodging Rate	2001 Seasonal Type	2002 Lodging Rate	2002 Seasonal Type
WA	ANACORTES		\$59 Non-Seasonal	\$64	Non-Seasonal
WA	BREMERTON		\$61 Non-Seasonal	\$61	Non-Seasonal
WA	EVERETT		\$59 Non-Seasonal	\$59	Non-Seasonal
WA	FRIDAY HARBOR		\$95 Seasonal-Peak	\$95	Seasonal-Peak
WA	FRIDAY HARBOR		\$65 Seasonal-Off	\$65	Seasonal-Off
WA	LYNNWOOD		\$89 Non-Seasonal	\$89	Non-Seasonal
WA	OCEAN SHORES		\$82 Seasonal-Peak	\$82	Seasonal-Peak
WA	OCEAN SHORES		\$55 Seasonal-Off	\$55	Seasonal-Off
WA	OLYMPIA/TUMWATER		\$58 Non-Seasonal	\$58	Non-Seasonal
WA	PORT ANGELES		\$65 Non-Seasonal	\$65	Non-Seasonal
WA	PORT TOWNSEND		\$78 Non-Seasonal	\$79	Non-Seasonal
WA	SEATTLE		\$109 Non-Seasonal	\$109	Non-Seasonal
WA	SEQUIM		\$60 Non-Seasonal	\$62	Seasonal-Peak
WA	SEQUIM		\$60 Non-Seasonal	\$55	Seasonal-Off
WA	SPOKANE		\$63 Non-Seasonal	\$63	Non-Seasonal