



PERSONNEL POLICY MANUAL

REVISED
September 1, 2005

ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICIES

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

Copies of the revised City of Walla Walla's personnel policy manual that was updated September 1st, 2005 are located in each department, division and administrative office. In addition, each bargaining unit has been provided a copy. It is your responsibility to read the manual, since it will acquaint you with the City's personnel practices and guidelines, and organizational.

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

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

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

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

Employee Name (Printed)

Employee Signature

Today's Date

Please return signed form to the Human Resources Office

PERSONNEL POLICY MANUAL

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INTRODUCTION

The purpose of this Personnel Policy Manual is to help establish and create a productive and harmonious work environment by clearly defining what is expected of each member of the City team. The ultimate purpose of all work in the City can be summed up in the words "Quality Service to Others".

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

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

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

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

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

Chapter 1

GENERAL

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

The Personnel Policy applies to all offices, positions, and employees in City service except the following:

- 1) Elected officials;
- 2) Appointed members of boards, commissions, and committees;
- 3) Contracted persons supplying expert, professional, or technical services;

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

1.02 Diversity Policy: The City of Walla Walla is committed to developing a diverse work force which reflects the diversity and composition of the community we serve, honors and respects the differences and abilities of all our employees and residents, and provides employees with the necessary opportunities, tools, and support to achieve their maximum potential.

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

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

1. We ensure that we do not discriminate in employment on the basis of race, color, religion, national origin, sex, age, disability, marital status, creed, ancestry, medical condition, political ideology or any other protected status.
2. Our recruiting efforts are designed to ensure that applicant pools are both capable and diverse.

3. We strive to make employment decisions based on job-related criteria and provide opportunities for entry and promotion to nontraditional jobs.
4. We ensure a workplace free of all forms of harassment.
5. We have developed a procedure for prompt, thorough and impartial investigations of discrimination or harassment complaints and will take appropriate measures to provide remedy or relief to individuals who have been victims of illegal discrimination or harassment.

Measures to ensure accountability for managing diversity will be incorporated into the performance management system for supervisors and managers. The City Manager will evaluate the effectiveness of our diversity policies and programs.

By creating a workplace where everyone can work toward their maximum potential, the City will retain quality, productive employees who will provide excellent services to our residents.

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

1.04 Authority of the City Manager: The City Manager, as appointing authority, has general control and supervision over the affairs of the City. The City Manager has the authority to establish such other policies, procedures, and guidelines necessary for the control and supervision of the affairs of the City. The City Manager has the authority to appoint employees of all City departments.

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

The City Manager and/or a designee has the authority to direct the City work force, including the right to hire, retire, discipline, suspend or discharge employees for just cause, to assign, combine, reassign jobs, to transfer employees within the City, to increase and decrease the work force, to establish standards, to determine work to be accomplished and the schedules and means of operations or handling are vested exclusively in the City, provided this shall not be used for the purpose of discrimination against any employee or to avoid any of the provisions of this

Personnel Policy Manual, collective bargaining agreement or Civil Service Rules and Regulations

The City Manager may discontinue any part of the operations, transfer work from any department and close down an operation, establish new jobs, eliminate or modify any job classification in accordance with the provisions of this Personnel Policy Manual or collective bargaining agreement, provided employees displaced from jobs, as a result of the City's exercise of such right, shall be laid off in accordance with the seniority provisions of City policy or labor contract, and adopt and enforce reasonable rules governing the conduct of the employees.

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

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

Department guidelines will be posted and employees put on notice of their existence and content.

Chapter 2

WORKPLACE EXPECTATIONS, EMPLOYEE ETHICS, STANDARDS OF CONDUCT, AND PERSONAL ACTIVITIES

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

2.02 Workplace Expectations

Employee workplace expectations reinforce the City's standard operating procedures and serve as a roadmap for employee behavior. Workplace expectations set the "norm" for the behavior/conduct that is expected of every employee in the workplace. The City can, and is responsible for, determining what "goes on" in the workplace, which includes determining how employees communicate and interact with each other.

An added benefit of employee workplace expectations is that it provides employees with a mechanism of mutual accountability, meaning an employee can refer to the workplace expectations when dealing with another employee's troublesome behavior. This helps the employee avoid making the exchange a personal battle about which employee is right and which is wrong. Workplace expectations help employees communicate problems in a non-confrontational or threatening manner.

Managers/supervisors shall hold employees who choose not to comply with the expectations accountable for their actions. The employee may become the subject of disciplinary action, i.e., counseling/reprimand if behaviors do not conform to the policy. Failure to comply with the workplace expectations can be included in the employee's performance evaluation.

1. Perform All Duties Effectively and Efficiently

- Employees shall report to work ready to perform their job effectively and efficiently. Make appropriate use of sick leave and other leave by being absent only when ill, when medical/dental appointments require their absence from work, or when they have been approved for scheduled leave.
- The employee is responsible for their job performance. Perform all job duties within the standards set forth for their position and notify the supervisor when backlogs or unexpected work may result in a delay in completing essential tasks.

2. Promoting a Respectful Workplace

- Employees shall treat all employees in the same manner in which they would want to be treated. The use of insulting, threatening, or offensive language is disrespectful to everyone in the workplace. Humor in the workplace is welcomed, but jokes that are directed toward an individual or would personally offend others are not acceptable. The “reasonable person” standard applies in all situations.
- Rumor and gossip sabotages the team’s ability to work together effectively. It is disrespectful, nonproductive, and a selfishly motivated act that impedes employees from performing their jobs. When seeking clarification about an issue, verify the accuracy of the information by asking the source of the information and/or the supervisor.

3. Handle Conflict Effectively and Appropriately

- An employee that has concerns about the actions or alleged actions of a coworker is to address the coworker directly about their concerns, rather than complaining to and/or discussing the concerns with other coworkers. Recognize that most conflicts can be resolved through good judgment, open and respectful communication, and a willingness to seek compromise. When approaching the coworker, be respectful and listen carefully to the other coworker’s perspective.
- Employees are expected to participate in seeking a resolution to a concern/conflict before the concern/conflict becomes a significant issue.

6. Teamwork

- Teamwork means employees expand their perspective from simply performing individual tasks to helping ensure the City’s and their departments’ overall mission is accomplished by giving assistance, encouragement and support to coworkers.

2.03 Standards of Conduct General Principles: Employees shall apply the following principles in determining whether their professional ethics and conduct is proper. Employees shall not engage in financial transactions using non-public City government information or allow the improper use of such information to further any personal or private interest.

1. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
2. Each employee shall respect and adhere to the principles of ethical conduct set forth in applicable laws, policies, and regulations.
3. Employees shall not, except as permitted by law, regulation, or policy solicit or accept gifts or other items of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the City, or whose interests may be substantially affected by the performance or

- nonperformance of the employee's duties (see 2.04.3 below).
4. Employees shall put forth honest effort in the performance of their duties.
 5. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the City government.
 6. Employees shall not use public office or their position for private gain or personal influence.
 7. Employees shall act impartially and not give preferential treatment to any private organization or individual.
 8. Employees shall protect and conserve City property and shall not use it for other than authorized activities.
 9. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official assigned City job duties and responsibilities.
 10. Employees shall disclose waste, fraud, abuse, and corruption to appropriate City authorities.
 11. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those — such as applicable Federal, State, or local taxes—that are imposed by law.
 12. Employees shall adhere to all laws and regulations that provide equal opportunity for all citizens and City employees regardless of race, color, religion, sex, national origin, age, marital status or disability.
 13. Employees shall endeavor to avoid any actions creating the appearance that they are violating these ethical standards.
 14. During an employee's workday, an employee devotes 100% of their time, attention, and efforts to the duties and responsibilities of the employee's position in City service.
 15. Employees have the right to work in an environment where mutual respect and consideration are shown among all employees and with the public. The City expects that employees shall conduct themselves in a respectful and professional manner in the work place and avoid any behavior that may be construed to be harassing, menacing, demeaning, and/or of a violent nature.

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

1. The use of City time, facilities, equipment, or supplies for private gain or advantage;
2. The use of the badge, uniform, prestige, or influence of an employee's position for private gain or advantage;

3. The direct or indirect solicitation or acceptance of any gratuities, loans, gifts, merchandise, meals, beverages, or any other thing of tangible value (\$20.00+) in connection with or resulting from an employee's official position. Nor will employees use their official position, badges, or identification cards to obtain privileges not otherwise available to them;

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

2.05 Off-Duty Employment: An employee may engage in off-duty employment that is not inconsistent, incompatible, or in conflict with the employee's duties in City service; and that will not negatively affect the performance of the employee while in City service.

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

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

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

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

2.08 Dress and Casual Dress Code Policy: The City considers it very important employees are well groomed, neat, and dress appropriately for their job function and, while we trust each employee's common sense and good judgment, a dress code must be followed that is appropriate

to the work environment. The City has adopted a casual business dress code but emphasizes some positions may call for dressier attire at times. Appropriate dress and hygiene are important in promoting a positive City image to our customers, both internally and externally. We want to stress a Casual Business Dress Code Policy is a benefit and must be adhered to in order to be retained. In a general office environment, the City observes a casual dress environment, there may be situations requiring more formal attire. If the employee is conducting or attending meetings, seminars, roundtables, etc. where they come in contact with other business professionals, the employee is expected to represent the City in a professional manner and dress appropriately for conducting such business. If the department or position requires uniforms or designated apparel be worn as part of the employee's work day, the City will reasonably provide the uniform clothing.

All non-uniformed personnel in City departments are permitted to wear casual clothing on Friday of each week and during the work week prior to major annual community events, including the Balloon Stampede, and Southeastern Washington Fair, or other periods approved by the City Manager. Casual clothing will include dress jeans, walking shorts, polo shirts, and special community event shirts.

General Guidelines for All City Personnel: The City wishes to provide a work environment that is free of safety hazards, offensive behavior and harassment of any kind. Therefore, the following clothing is NOT ACCEPTABLE: spandex; bare feet; pants, shorts, or skirts worn below the waistline; sexually provocative clothing including exposed or bare mid-sections of the body; clothing of promoting commercial products; hats in the professional office environment; clothing with profanity, nude or semi-nude pictures; sexually suggestive slogans, cartoons, or drawings; the observable lack of undergarments and exposed undergarments.

2.09 Employee Privacy:

Searches of Employees' Property: The City cannot assume responsibility for any theft or damage to the personal belongings of City employees. Therefore, the City encourages its employees to avoid bringing private articles or property to work. Employees are also advised that searches of employee property that is on the City's property may be conducted without advance notice and with probable cause. Employees may not use a personal lock on company property, unless authorized by management. The City retains a copy of the key or combination to all locks that are provided for use by employees in the work place. Employees who do not consent to the inspections described above may be disciplined up to and including immediate termination.

2.10 Computer Policy

1. Purpose: This policy establishes guidelines for City employees on the management of computing technologies, ensuring that use of these technologies by

employees of the City is consistent with City policies, all applicable laws, and the individual user's job responsibilities. Employees and their respective department director are jointly responsible to insure compliance with this policy. This policy applies to all employees when they are using computers or Internet connections supplied by the City of Walla Walla whether or not during work hours, and whether or not on the City of Walla Walla premises.

2. Email and Internet: Only those employees or officials who are duly authorized to communicate with the media and the general public on behalf of the City of Walla Walla may speak or write in the name of the City via e-mail, chat or news groups or other electronic means.

Employees should restrict their use of the Internet and e-mail to work-related matters during work hours. Employees should use those tools primarily for City business conserving bandwidth for City use. However de minimis personal use of these tools is permitted as long as it does not interfere with the employee's ability to perform assigned job responsibilities.

3. Privacy: Users of city computers, Internet connections, and e-mail have no right to expect privacy with respect to such usage. The City reserves the right, and users of city computers, Internet connections, and e-mail consent, to audit by the City at any time to ensure proper use of government resources.

The City provides computers and Internet connections to further its ability to conduct City business. The City has the right, but not the duty, to monitor all communications and downloads that pass through its facilities, at its sole discretion. The City's security systems are capable of recording each Internet website visit, each chat, newsgroup or e-mail message, and each file transfer into and out of our internal networks, and the City reserves the right to do so at any time.

E-mail leaves a record that is often retrievable even after the sender and recipient delete it. All e-mail messages using state government systems that are sent or received, that contain information about business activities, and that can function as evidence of business transactions are, regardless of recorded medium, part of the records of the agency and must be managed in accordance with the General Records Act and are subject to related legislation such as Public Disclosure.

Retention of E-mail correspondence is archived. Items deleted from individual mailboxes still exist. Email messages remain in the Archive permanently or as specified by the Global Retention Policy. All Internet site visits are monitored using an Internet security and filtering software and are subject to scrutiny when required.

4. Improper Activities: Employees may not disseminate or knowingly receive harassing, sexually explicit, threatening or illegal information through the use of the City

facilities, including offensive jokes or cartoons. Employees may not access web sites, chat rooms, groups, or messages of an adult or pornographic or terrorist nature at any time (unless directly related to your job responsibilities).

Employees may not use City facilities for personal or commercial gain, advertisements, solicitations, business promotions or gambling.

Employees may not consume excessive use of bandwidth by accessing sites which provide streaming video, audio (Internet radio), interactive downloading of screen savers (e.g. web shots) or other features (e.g. hot bar icons) that are not directly related to their job responsibilities.

No employee may use the City's Internet facilities to deliberately propagate any virus, worm, Trojan horse, or trap-door program code. No employee may use the City's Internet facilities knowingly to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

The City's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the United States or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction in any material way.

The City reserves the right to terminate access to e-mail or Internet for inappropriate use and will block access to any www site deemed to be inappropriate in nature. Use of any City resources for illegal, prejudicial, or immoral activity is grounds for dismissal, and the City will cooperate with any legitimate law enforcement activity to prosecute such activity.

5. Passwords: Employees will safeguard their accounts and passwords as these are the mechanism with which access to the City's network is achieved. Accounts and passwords are normally assigned to single users and are not to be shared with any other person without authorization. Users are expected to report any observations of attempted security violations. The Human Resources office will notify Technology Services upon employee termination so accounts can be disabled and access can be removed.

6. Software: Employees will not purchase or download any software from the Internet without permission from the Technology Services Division. The Technology Services Division will remove any unauthorized software upon detection. The Computer Usage Agreement will authorize the types of software which Technology Services will pre-load upon the City PC's. The Technology Services Division will be responsible for virus scanning software, and applying the most current upgrades or patches to standard software. To avoid potential conflicts with the City's current software strategy, the Technology Services Manager will co-sign the purchase for software purchases.

7. Hardware: The Technology Services Division will provide firewalls, switches,

servers and provide maintenance and security on all network hardware, as well as communications protocols and wireless technology. To prevent potential conflicts with the City's current LAN and WAN technology, the Technology Services Division will authorize and recommend for purchase all computer hardware, including peripherals such as PC's, printers scanners and PDA's (personal digital assistants) which access the City's network. The Technology Services Manager will co-sign the PO for any departmental purchases.

8. Data: All data is the property of the City and should be stored on the City's data server. Saving to the hard drive on an employees PC is not considered adequate backup. Sensitive employee, medical, or financial data should not be distributed without appropriate approval.

Chapter 3

CLASSIFICATION PLAN

3.01 Classification of Positions: All positions in City service are assigned to a classification. The classification may include a single position or a group of positions. These positions are sufficiently alike in duties, functions, and responsibilities such that the positions can be identified by the same classification title, use the same classification specification, and are assigned the same rates of pay.

3.02 Preparation and Maintenance: Classification specifications for each City position are prepared and maintained in such a manner that they accurately describe the duties and responsibilities of the positions and classifications. Classification titles are set by the City Manager. The Human Resource Manager has the authority and responsibility to research, study, and propose necessary changes to the City Manager. The City recognizes that duties evolve and change in a dynamic work force, and that the classification system needs periodic reviews.

Classification Plan Review: A periodic compensation review that reflects changes to external comparables will be performed by the Human Resources office. The Human Resources office will research the compensation data and a joint union-management committee will review the resulting recommended new compensation scale.

Classification Specification Review: Classification specifications will be reviewed annually as part of the employee's performance appraisal process with their supervisor to determine if an audit by the Human Resource office is warranted. An audit may also be initiated by an employee, supervisor or the union at any time when there has been a significant change in the employee's job responsibilities. A classification audit will be conducted no more often than once per year. If the audit request is supported by the supervisor, it will be forwarded through the department director to the Human Resources office. The department director shall apprise the City Manager of classification audit requests made to the Human Resources office. If the department director or supervisor does not support the audit request, the initiating party may appeal the decision.

3.03 Requests for Reclassification: As changes occur in the responsibilities of a position, it is appropriate to the classification review to determine whether changes in the classification of a position are justified. Such changes may result from gradual modifications and additions to the responsibilities of a position and/or from a departmental reorganization.

When the City determines that a new classification specification or reclassification of an existing classification is necessary, the Human Resources office with approval of the affected department will prepare a new/revised classification specification and recommended salary range. For

Union positions, the City will submit to the Union, in writing, the classification specification and proposed salary range prior to implementation. The Union will have ten (10) working days to request, in writing, to negotiate with the City regarding the proposed salary. Such meetings will take place within ten (10) working days of the receipt of the request.

Because of the implications of a position reclassification, these basic guidelines are followed:

1. A request for classification review begins only when the department director can clearly identify the changes in responsibilities that have occurred as a result of reorganization, enhanced job duties, or changes in work complexity. The justification focuses on the content of the position which has changed.
2. Increases in work volume, outstanding performance, or admirable behavioral traits of the incumbent, although valued and important, are not relevant in a classification audit.
3. If an employee believes that their position is no longer properly classified, the employee may request through their department director that a classification audit be performed.
4. If the department director, in consultation with the Human Resources office, determines that the request meets the criteria and therefore has merit. The department director may elect to change the duties so that the employee is working within the current classification.
5. Position reclassifications have budgetary impacts. Therefore, requests for classification audits should normally be started and completed before the commencement of the annual budget process. Department directors shall plan their requests for position reclassifications so the audits can be completed no later than May 1 of each year for consideration in budget requests for the next fiscal year.
6. The reclassification of a position can be accomplished only upon the completion of a classification audit process, which follows the outline below:

Step 1 - Reclassification Request: Requests for reclassifications are submitted in writing to the Human Resource Manager through the employee's department director and the following information is included:

- 1) A copy of the most recently-approved position description;
- 2) A detailed listing of specific additions, deletions, or changes that have been made subsequent to the position's responsibilities;
- 3) Any additional background material that the department director considers appropriate to document the change in the position regarding its complexity, skills, or accountability;

- 4) If being requested by an employee, a completed Position Classification Questionnaire available from the Human Resources Office.

Step 2 - Classification Audit Process: Upon receipt of the department director's written request, the Human Resource Manager conducts a classification audit involving the following steps:

- 1) Review of classification specification changes and incorporation of changes into a revised position description outlining basic functions, examples of work, required knowledge and skills, basic qualifications, and desirable training and experience. The Human Resource Manager reviews the revised position description with the employee and the employee's immediate supervisor;
- 2) The Human Resource Manager reviews the revised position description and identifies what changes in responsibilities would or would not justify the need to place the position in a higher or lower classification;
- 3) If appropriate, the Human Resource Manager will value the classification as appropriate;
- 4) The Human Resource Manager then forwards the information and recommendation to the City Manager, the affected department director, and employee;
- 5) The City Manager receives and considers the recommendations and determines the proper action.

7. Timeline: Classification audits are accomplished in a timely fashion. The audit and the response explaining the recommended action are delivered to the appropriate parties within a reasonable time, generally within sixty (60) working days of receiving the request.

3.04 Reclassification Procedure: Upon approval of a reclassification by the City Manager, the position is assigned to the appropriate classification range. In the event a classification is reclassified, then,

1. The incumbent employees in the existing classification, if qualified, will be placed directly into the new classification. If not qualified, the incumbents will be allowed one (1) year to become qualified.
2. If the new classification has a higher pay range, the employee will be paid at the nearest step in the new range which provides a minimum increase of 5%. Reclassified employees will receive a new step date commencing at the date of reclassification.
3. If the new classification has a lower pay range lower, the employee will be paid at the nearest step of the new range of their current salary, whichever is higher. In the event the current salary is higher, the salary will be frozen until such time as the new range

exceeds the frozen salary, excluding cost of living increases, at which time the rate will conform to the top step of the new range.

Appeal Process: The Human Resources office will review the appeal and make a recommendation to the department director. The department director will approve or disapprove the Human Resources office recommendation. A joint committee comprised of an equal number of union and management employees, including the Support Service Director, will review the department director's decision and forward their recommendation to the City Manager for final approval.

3.05 Establishment of a New Classification Specification: Requests for new classification titles, classification specifications, and position descriptions are submitted through the department director to the Human Resource Manager for consideration. Upon the City Manager's approval, the Human Resource Manager provides a new classification title, new classification specifications, or a new position description. Appropriate bargaining unit review will also be conducted. The City Manager also directs the assignment of a proper classification range. An employee may be retained in the classification title provided by the assignment of a new class title following the guidelines set forth in Section 3.04 (Reclassification Procedure).

3.06 Request for a New Classification: A department director, when requesting that a new position or classification be created, will provide the Human Resource Manager with the following information:

1. A full description of the duties, functions, and responsibilities of the position with an organizational chart showing its relationship to existing positions and classifications;
2. Suggested qualifications and title;
3. A statement explaining the impact and relationship of the new position or classification upon existing positions and classifications; and
4. Other information that would justify the need for the new position or classification.

3.07 Classification of Temporary Employees: For a temporary position, the department director may request a temporary title for the efficient operation of the department without a proper working classification title. The request is submitted to the Human Resource Manager and City Manager and includes appropriate justifications, classification specifications, a position description, a recommended classification range, and a recommended rate of pay. Upon approval by the City Manager, the department director may immediately fill the temporary position.

3.08 Classification of Emergency Employees: Under emergency conditions that jeopardize public safety, the use of additional personnel not otherwise budgeted may be required. A department director, or the department director's designated representative, may employ the services of an emergency employee(s), with the prior approval of the City Manager or the City Manager's designated representative. An emergency employee is placed in a proper classification range and is provided with benefits as approved by the City Manager.

Chapter 4

HOURS OF WORK

4.01 Established Workdays and Workweeks: The standard workday for employees may range between eight (8) hours and ten (10) hours. The standard workweek is forty (40) hours within a fixed period of 168 hours - seven consecutive 24 hour periods - which is established by the employer for each employee. (Fire and Police Department personnel shall refer to their respective collective bargaining agreement for the workweek definition.)

Lunch/Rest Periods: On a regular 8 or 10 hour assignment, a lunch period does not exceed one (1) hour and cannot be less than thirty (30) minutes. At least two (2) rest periods not exceeding fifteen (15) minutes are afforded each employee during a standard eight- or ten-hour workday and are to be taken at an approximate mid-point of the first half of the work shift and of the second half of the work shift. Flexibility of rest periods is prearranged between the employee and the immediate supervisor.

4.02 Exceptions to Established Work Hours: A department director may change an employee's work period with at least five (5) work days notice, except in an emergency, in order to be consistent with the needs of the City.

4.03 Attendance: Employees report for their work assignments at the times and places set by their supervisors. Each department prepares attendance records of all employees. Regular attendance reports are provided by each department to the Finance Division on the form approved by the City Manager.

4.04 Pay Periods: The City is on a monthly payroll system. Disbursement of paychecks occurs by the 3rd work day of each month by a method established by the City Manager. Employees have the option of having their paychecks deposited directly into any bank or credit union via an electronic fund transfer.

Mid-Month Draws: A regular employee may choose to receive up to fifty percent (50%) of the employee's regular monthly net salary in the form of a mid-month draw. The draw is disbursed on or about the fifteenth (15th) day of the month. Employees may change their draw at the end of January and June each year to be effective in February and July. Employees may also elect to only have a mid-month draw in December. Notice will be provided to employees of this option in the November paycheck distribution.

Emergency Draws: An emergency draw may be granted upon approval of the Support Services Director or City Manager for a critical and completely unexpected, non-recurring

expense. The amount of the emergency draw and the employee's mid-month draw (if applicable) may not exceed fifty percent (50%) of the employee's regular net monthly salary.

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

1. Deductions required by law and contracts, which include Federal withholding tax, Social Security tax, State retirement systems, recognized employee organization dues, and health care insurance co-payments.
2. Deductions can be arranged for the Walla Walla Valley Federal Credit Union, United Way, deferred compensation, recognized employee organizations, and other deductions as approved by the City Manager. These types of deductions are arranged only upon receipt of the written authorization from an employee.

4.06 Overtime Policy: [This section does not apply to Fair Labor Standards Act (FLSA)-exempt employees.] It is the policy of the City to avoid the need for overtime work in order to minimize the financial liability caused by accumulated overtime. Overtime may be necessary for the protection of the lives or property of the residents of Walla Walla or the efficient operation of City departments. Authorized overtime is to be kept to a minimum.

Prior Approval: An employee needs their immediate supervisor's, department directors, or division managers/supervisors prior approval to work overtime. Overtime work required to meet an emergency situation does not require advance approval.

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

FLSA-Mandated Overtime: The City, according to the Fair Labor Standards Act as amended, pays FLSA non-exempt employees for authorized overtime as follows:

1. Overtime shall apply to all paid hours in excess of forty (40) hours per week.
2. Overtime is paid at the rate of one and one-half (1½) times (hourly rate of base salary plus all FLSA defined premiums (annual salary + annualized FLSA defined premiums ÷ 2080 hours) the employee's regular hourly rate of pay for all hours worked beyond forty (40) hours in a week.
3. When it is necessary to direct employees to report for emergency overtime work, the minimum payment for each call-out is two (2) hours pay at one and one-half (1½) times the employees' regular hourly of base salary plus all FLSA defined premiums

(annual salary + annualized FLSA defined premiums ÷ 2080 hours).

4.07 Compensatory Time: Upon approval of the department director or the department director's appointed representative, an FLSA non-exempt employee may choose to receive compensatory time at one and one-half (1½) hours for each hour worked in excess of forty (40) hours per week. The maximum accrual of compensatory time shall not exceed thirty-two (32) hours at any given time. The accumulation and use of compensatory time by an employee is documented on the employee's monthly timesheet.

Leave Recordkeeping: For reasons of public accountability, records of all employees' use of leave are maintained in accordance with State records retention schedules.

4.08 Stand-by: Stand-by time is defined as a period of off-duty time during which an employee shall be assigned by a supervisor to be available to work if and when summoned. Employees on stand-by may engage in any normal off-duty activities provided that 1) they are able to be contacted by pager, cell phone, etc. and the communication device is carried on their person at all times; 2) the employee remains within fifteen (15) minutes travel time of their normal work site; and 3) the employee keep themselves in a condition to be able to report to duty as defined in the drug and alcohol Article.

FLSA non-exempt employee's assigned stand-by status shall be paid twelve (12) hours of straight time for each consecutive seven (7) day period of stand-by time in which they are available. If a holiday falls within the seven (7) day period, employees on stand-by will receive an additional six (6) hours straight time for such holiday. Stand-by employees that are FLSA non-exempt and are summoned to work shall be paid one-and one-half (1½) times their regular hourly rate of pay for the actual hours worked.

4.09 Exempt Employee Administrative Leave: FLSA-exempt employees are generally expected to work a minimum forty (40) hour work week although many times the employee may work fifty (50) plus hours per week as an example depending on workloads and the demands of the position. FLSA exempt job classifications and the resulting compensation classifications for these positions are adjusted accordingly to acknowledge the prescribed FLSA designation by the City and the exemption from receiving overtime compensation. It is expected that FLSA exempt employees will actively work to maintain a harmonious balance between their professional work life and their private/family life time. FLSA-exempt employees may be authorized administrative leave or time off with pay if unusual demands require excessive hours of work beyond the normal workweek. Exempt employees are not paid overtime or given compensatory time off. Requests for a full workday of administrative leave will be submitted in writing and cite the nature and extent of excessive hours worked. Requests for administrative leave must be approved by the City Manager.

4.10 Paid Holidays:

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

New Year's Day	Labor Day
Martin Luther King Day	Thanksgiving Day
President's Day	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Five floating holidays (40 hrs)

When a day recognized as a holiday by the City falls on Sunday, the following Monday is observed as the holiday. When a day recognized as a holiday by the City falls on Saturday, the preceding Friday is observed as the holiday.

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

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

Floating Holiday: Advance approval from the employee's immediate supervisor must be received. Floating holidays are used during the calendar year and may be used in increments of fifteen (15) minutes. New full-time employees working less than twelve (12) months shall be granted 1/12 of a full year's floating holiday for each month of service. Floating holidays are not considered as part of separation pay if they have not been used at the time of termination.

4.11 Employees Required to Work on Holidays: Any covered employee normally eligible for holiday benefits who must work on a day designated as a holiday under the provisions of this Personnel Policy, or such other day as authorized by the City, is paid at one and one-half (1½) times the employee's hourly rate of base salary plus all FLSA defined premiums (annual salary + annualized FLSA defined premiums ÷ 2080 hours for the hours worked). In addition, full-time employees receive eight (8) hours of holiday pay and part-time employees receive prorated hours of pay.

When a day designated as a holiday under the provisions of this Personnel Policy, or such other day as authorized by the City, falls on an eligible covered employee's normally-assigned day off, the employee receives either additional pay equal to instead of time off for the holiday or an additional work day off to be taken later.

4.12 Alternative Work Schedules:

Alternative work schedules may be implemented in work units based on the following provisions. Under the direction of the City Manager, the City is exclusively responsible for establishing work standards, determining work to be accomplished and the schedules and means of operations or handling are vested exclusively in the City. Alternative work schedule programs can vary from 4/10 schedules to 9/80 work schedules, as examples. An alternative work schedule is defined as follows:

1. Department director recommendation and approval by the City Manager or his/her designee.
2. All sections of the Personnel Policy Manual apply to the alternative schedule except as noted.
3. Notification of alternative work schedule and shift schedule changes will be made in accordance with Chapter 4.02 Exceptions to Established Work Hours.
4. The alternative schedule may be proposed by either the supervisor or department director and shall include the proposed hours of work, the duration, days off, and affected classification.
5. The City will strive to accommodate employees' requests for three (3) consecutive days off if at all possible and will ensure at a minimum that at least two (2) of the three (3) days off are consecutive.
6. FLSA non-exempt employees: If the employee is scheduled to work a holiday, the employee will be compensated at the time and one-half (1½) rate for hours worked in addition to receiving the ten (10) hours holiday pay factored as part of their base salary. If alternative work schedule employee has the holiday off, they will be compensated ten (10) hours for the holiday. If employees take an alternate day off for the holiday, they will be compensated ten (10) hours for the alternate day off. Substitute holidays shall be taken by the end of the next pay period.

During the approved alternative work schedule period, overtime shall apply to all paid hours in excess of the regular number of scheduled work hours per week for full-time employees or forty (40) hours, except in the exceptions noted. Overtime pay shall be at the rate of one and one-half (1½) times the regular hourly rate of base salary plus all FLSA defined premiums (annual salary + annualized FLSA defined premiums ÷ 2080 hour). Compensatory time may be offered by the department director in lieu of overtime pay.

Chapter 5

EMPLOYMENT

5.01 Purpose of Policy: The City is obligated to its customers to recruit and hire the most talented and qualified employees. The City recruits, as widely as practicable, for each position, and informs and encourages its employees to apply for City vacancies, and to develop continually their own skill base to enhance their competence and competitiveness.

5.02 Citizenship: Natural or legal citizens of the United States are provided an equal employment opportunity with the City of Walla Walla. Non-citizens shall meet Federal and State employment eligibility requirements before being accepted as an employee of the City.

5.03 Application: All internal and external candidates for employment must file an approved employment application form with the Human Resources office. The form and its contents are established by the City Manager. Additional information such as a resume, cover letter, supplemental questionnaire, transcripts, copies of applicable licenses/certifications, and/or proof of good driving record may be requested of applicants.

5.04 Selection Process: The selection process may consist of recognized testing techniques such as achievement tests, aptitude tests, and performance through personal interviews, examination of work samples, physical ability/skills tests, written tests, and investigations of personal background and references. The selection process is guided by the City's Diversity Policy (Section 1.02).

Selection techniques are fair and impartial and relate to those areas that, in the opinion of those involved in the selection process, fairly show the candidate's qualifications and abilities to execute the duties and responsibilities of the position to which the candidate seeks appointment.

Upon completion of an impartial selection process, based on the results of testing and other relative considerations, the City Manager makes an appointment from the final candidates. An appointment is usually made upon the recommendation of the department director of the department in which the new appointee is assigned. An appointment becomes effective only after all necessary documents have been signed by the proper City officials.

Pre-Employment Testing: Prior to their appointment, the City shall require a conditionally selected candidate for appointment to a commercial drivers license (CDL) required position or public safety sensitive budgeted position for City service to undergo and pass a pre-employment drug and/or alcohol screening examination at City expense. The City may also require a candidate to pass a physical examination and/or psychological examination after a conditional

offer of employment has been made and prior to the candidate's appointment. Negative information obtained from a background investigation may be cause for rejection of an applicant. Effective July 24, 2005, RCW 43.101.080 requires that candidates for police officer positions successfully pass and undergo a polygraph (or similar assessment procedure) and psychological test.

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

1. Lack of any of the requirements established for the examination or position for which the candidate applied;
2. A physical or mental disability that makes the applicant unable to perform the essential functions of the position to which appointment is sought with or without reasonable accommodation;
3. The misuse of intoxicating beverages;
4. The misuse of prescription drugs or use of illegal drugs and/or controlled substances;
5. Conviction of a felony;
6. Dismissal from any position for any cause that may be deemed cause for dismissal by the City;
7. Resignation from any position to avoid dismissal;
8. Deception or fraud in completing the position application;
9. The applicant's request to withdraw from consideration;
10. Failure to reply within a reasonable time, as specified by the City Manager, about the candidate's availability for employment;
11. Disqualification or unsuitability for employment as specified in any City or departmental rule.
12. Failing the applicable required pre-employment drug and/or alcohol screening test.
13. Having a poor driving record as defined by the City's liability insurance carrier if

the position that the candidate is being considered for requires the operation of a City vehicle.

5.06 Method for Filling Vacancies: All vacancies in City service filled by transfer, demotion, promotion, or appointment follow the recruitment process outlined in the Personnel Procedures Manual. A temporary appointment may be made under the provisions of this Policy if there are no eligible applicants. Departments may also utilize the provisions of a personal services contract of a temporary employment firm to backfill a position on a short-term basis (usually for periods of a few days up to a few weeks).

5.07 Classes of Appointments: Employment in the City is divided into the classes of Regular Full-Time, Regular Part-Time, Temporary, and Emergency, as defined in Chapter 25, Definitions.

5.08 Temporary Appointments: Whenever a City department requires help because of a special project, a temporary increase in work load, or the absence of a regular full-time employee or regular part-time employee on leave with or without pay, or extended sick or vacation leave, temporary appointments may be made for the duration of such work. The period of this service is not counted as part of the trial service period if the employee is later appointed to another position, unless such time served is acceptable to the department director concerned.

5.09 Temporary Re-Assignments: During an emergency or period of unusual workloads, the City Manager or a department director may temporarily reassign City personnel within the department director's department for a period not to exceed six (6) months. City personnel may be temporarily reassigned from one department to another within the City. Interdepartmental reassignments are administered as follows:

1. Requests for personnel are approved by both the department director for the department to which the employee had been assigned before the reassignment and the department director to which the employee is reassigned.
2. Interdepartmental charges are not made for employees so assigned.
3. An employee who has been temporarily reassigned receives their normal rate of pay and benefits, unless assigned to a higher classification for a period in excess of one work week after which they are paid at that classification's range and step, similar to the employee's current step; or alternately the department director may recommend the temporarily reassigned employee receive either five (5) or ten (10) % out-of-position pay depending on the duration of the assignment and FLSA status. Should the employee be unavailable to perform the higher level duties for three or more consecutive days at a time during the temporary reassignment period due to planned or unplanned leave, the

employee shall be compensated at their regular position's classification pay range/step for those days.

4. Department directors control and coordinate programs for training City employees to assure the maximum use of employees during periods of temporary reassignment.

5.10 Detail Assignments: Employees may request via cover letter of interest and resume or City application and may be selected and assigned by a department director for a professional development and growth opportunity detail assignment of sixty (60) to one hundred and eighty (180) days. Depending on the detail assignment and classification of the position being assigned to, the department director shall have the discretion to assign a premium of 5 – 10% of the employee's base hourly salary for all hours worked during the detail assignment.

5.11 Employment of Relatives: The following applies to the employment of relatives of City employees and City officials. For the purposes of this section, "relatives" include spouse, children (biological, step-, adopted or foster), brothers, sisters, half-brothers and sisters, step-brothers and sisters, parents, step-parents, aunts, uncles, nephews, nieces, first cousins, grandparents, grandchildren, and the spouses of the above.

1. Employees will not be appointed, transferred, promoted, demoted, or work in any position where a relative would be a supervisor of the employee, responsible for auditing or monitoring work of the employee, or where other circumstances place the employee and relative in a situation of actual or possible conflict of interest.

2. If employees marry and the marriage creates a violation of the above paragraph, every effort will be made to transfer either employee to a position so no violation will exist. If no suitable position is available and a transfer is not possible, one of the two spouses may be terminated. The decision as to which employee may be terminated is left to the employees involved, unless business necessity requires the City to decide.

5.12 Continued Employment: Continued employment with the City of Walla Walla is subject, where applicable, to the at will condition, in addition to satisfactory work performance, the need for the work performed, the availability of funds, and the continued provision of services by the City work force.

5.13 Reappointment: Any regular employee or regular part-time employee who has resigned from City service in good standing may be considered for reappointment to a vacant position in a comparable or lesser classification without competitive recruitment providing the employee meets the current minimum qualifications. All such employees will serve the required trial service period. A written request for consideration must be submitted. The employee may

be considered within one (1) year of the employee's termination. A reappointment may be made without benefit of a new recruitment. In no way is it mandatory for any appointment authority to reappoint a former employee should the appointment authority desire not to do so. The City Manager may waive the twelve month time limit for employees who have kept their skills current or who possess extraordinary skills or abilities needed by the City.

An employee so reappointed is considered a new appointee. The employee has no vested interest in or is entitled to any benefits accrued during any previous employment with the City, except for the following:

1. Retirement System Benefits - The reappointed employee will be subject to the requirements of the proper retirement system of which the employee was previously an active member.
2. Vacation - An employee rehired within twelve months of separation receives full credit for prior years of service for purposes of determining the rate of vacation accrual.
3. Sick Leave - No prior credit is allowed subject to City Manager consideration.
4. Seniority - No credit for past service is allowed.

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

A regular employee or a regular part-time employee may be transferred from one department to another department with consent of the employee and approval of the affected department directors. The City Manager may order the transfer for purposes of economy and efficiency.

Return to Former Position: If the performance of an employee so transferred is unsatisfactory in the new position, or if the new position is eliminated and the employee's performance in the original position had been satisfactory, the employee may be transferred back to their original position or a similar position. This return transfer is allowed only within a reasonable amount of time, generally within six (6) months of the effective date of transfer.

The transfer of an employee will not be used to effect a promotion, demotion, advancement, or reduction. Each may be accomplished only as provided in this Personnel Policy.

5.15 Promotion: It is the policy of the City of Walla Walla to encourage the advancement and development of personnel within City service. Promotional selection for vacancies is conducted as the needs of the City require. Regular employees, who meet the requirements of

the classification for which a recruitment/examination is to be held, are considered eligible to compete in a process. An employee selected for promotion shall receive a minimum five percent (5%) pay increase moving to the next highest step in the new salary range. If the promotion is to a new grade level that does not allow a minimum five percent (5%) compensation advancement (e.g., promotion from grade 90, step F to grade 92, step F, the employee shall be placed at the next closest step in the new grade level to meeting the five percent (5%) expectation.

A promoted employee may voluntarily revert to their former position within their six (6) months trial service period due to the promotion. A promoted employee contemplating such action must communicate their interest in this regard to the Department Director as soon as possible in order to coordinate the timing of the necessary administrative actions.

5.16 Demotion: The City Manager may demote an employee for any of the following reasons or conditions:

1. The ability to perform the employee's required duties falls below commonly accepted standards;
2. Disciplinary reasons as set forth in Section 16.02 (Causes for Disciplinary Action);
3. An employee's position is eliminated;
4. An employee requests such demotion;
5. A departmental reorganization that affects employee positions;
6. Any other reasonable grounds as approved by the City Manager.

No employee is demoted to a classification for which the employee does not have the minimum qualifications. Written notice is given an employee at least fifteen (15) working days before the effective date of the demotion.

5.17 Exit Interviews: A termination interview is generally conducted with all employees separating from City service for any reason by a representative from the Human Resources office.

Chapter 6

TERMINATION OF EMPLOYMENT

6.01 At Will Employment: Unless specifically provided additional rights in a written contract or pursuant to Civil Service rules, the employment relationship may be terminated at any time by either the City or the employee. Generally, the City will follow its progressive discipline process, as outlined in Chapter 16, Discipline. However, the City reserves the right to forego that process when, in the discretion of the City Manager, progressive discipline is not merited. The decision to use progressive discipline in a given case is an attempt to improve the performance or behavior, but does not change the at will nature of the employment relationship.

6.02 Resignation Process: A regular employee must submit a written notice of resignation to the employee's department director at least ten (10) working days before the effective date of the resignation. The department director and the City Manager may authorize the resignation of an employee with fewer than ten (10) days notice if there are sufficient reasons to waive the requirements of this section.

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

Separation Date: The separation date is the last workday of an employee's employment. Employees will be eligible for holidays up to the date of separation. No vacation or sick leave is accrued from the date of resignation forward. Accumulated leave may not be used to extend the effective date of termination.

6.03 Lack of Work or Funds: Employees may be laid off by the City Manager because of a change in duties or organization, elimination of a position, shortage of work funds, contracting out City services, or completion of work for which employment was created.

Layoff Order: The order of layoff of regular employees is based on the recommendation of the department director. In preparing a recommended order of layoff, the department director should consider the length of service and the job performances of the employees involved. Employees within the classifications involved will be laid off in the following order: emergency employees, temporary employees, trial service period employees, regular part-time employees, and regular full-time employees.

Notification: In cases involving a regular or regular part-time employee, notice of such termination is given to the employee within a reasonable time, generally at least ten (10) working

days before the effective date of termination. Employees so notified may be allowed to use reasonable amounts of work time during that period to seek other employment. These terminations are not subject to appeal.

Reinstatement from Layoff: The names of regular full- and part-time employees are placed on the official layoff reinstatement list for a period of eighteen (18) months. Employees on a layoff reinstatement list are eligible for reinstatement to the same classification if a position comes open. Employees on the layoff list may also be considered for any open position for which they meet the minimum qualifications. Laid-off employees are recalled in the inverse order to the layoff with consideration given to qualifications.

6.04 Disciplinary Action: An employee may also be terminated at any time as a form of disciplinary action as provided in Chapter 16 - Discipline.

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

6.06 Requirements: An employee who becomes unable to meet the physical, licensing or certification requirements of the employee's position may be terminated from City employment as of the date the employee is unable to meet the requirements of their position. The recommendation of termination will be made by the department director to the City Manager.

Chapter 7

DISABILITY DISCRIMINATION, ACCESSIBILITY AND REASONABLE ACCOMMODATION

7.01 Federal Requirements Of Accessibility: The Americans with Disabilities Act (ADA), enacted on July 26, 1990, provides comprehensive rights and protections to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications. The goal of the ADA is to assure equality of opportunity, full participation, independent living and economic self-sufficiency. The ADA prohibits all state and local governments and most private businesses from discriminating on the basis of disability.

The ADA provides a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.

The Act is a historic, significant and far-reaching piece of Federal legislation that will have a tremendous impact on local government programs, services and facilities.

The ADA covers individuals with physical or mental impairments that substantially limit a major life activity, persons with a record of such impairment, and persons regarded or perceived as having such impairment.

The City shall ensure that all public notices and publications contain information on how individuals with disabilities may contact the City, obtain information on City services, and request reasonable accommodation for accessing facilities, services, programs or employment opportunities.

7.02 ADA Sections: The Act contains five sections:

Title I of the ADA prohibits employment discrimination against otherwise qualified individuals with disabilities.

Title II of the ADA prohibits discrimination in services (including employment to the extent not already covered by Title I) provided by the state and local government entities.

Title III prohibits discrimination in places of public accommodation, commercial facilities, and transportation.

Title IV mandates that telecommunication devices be in place for the hearing impaired.

Title V cites miscellaneous provisions.

The Americans with Disabilities Act (ADA) and, if the City receives Federal funding, the Rehabilitation Act of 1973, generally require that the local government provide qualified individuals with disabilities equal access to their programs, services, or activities unless doing so would fundamentally alter the nature of their programs, services, or activities or would impose an undue burden. Local government must adhere to the provisions specified in Title II of the ADA that apply to all Services, Activities and Programs (SAPs), including employment. The City of Walla Walla will periodically review their SAPs as required by law and make modifications as necessary. The City of Walla Walla policy statement on accessibility and disability discrimination shall be prominently displayed for employee and public awareness in all facilities.

There are three major activities covered by Title II:

1. Those involving general public contact as part of the ongoing operations of the entity. Activities in this category include communication with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the entities' facilities.
2. Those directly administered by the entities for program beneficiaries and participants. Activities in the second category include programs that provide State or local government services or benefits.
3. Employment.

Each public entity is required to complete a self evaluation of its current SAP as the first step toward ADA compliance, determining what services are accessible and those that require modifications to meet the needs of the disabled. This self-evaluation form will be kept on file with the City Human Resources office for at least three years and be made available on request for public inspection.

7.03 Prohibition Against Disability Discrimination Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability, by a management employee or coworker is not condoned and will not be tolerated. This policy applies to the job application process and all terms and conditions of employment including but not limited to recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, termination, and also in the provision of City programs and services.

All complaints of discrimination on the basis of disability will be promptly and objectively investigated. Corrective or disciplinary action up to and including termination will be instituted for behavior prohibited by this policy. Any retaliation against a person filing or participating in a discrimination charge or making a discrimination complaint is prohibited.

Discrimination on the basis of disability means:

- to limit, segregate, or classify a job applicant or employee in a way that may adversely affect opportunities or status because of the applicant's or employee's disability;
- to participate in a contract which could subject an applicant or employee with a disability to discrimination;
- to use any standards, criteria or method of administration which could have the effect of discriminating on the basis of disability;
- to deny equal jobs or benefits because of a disability;
- to fail to make reasonable accommodations for known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue hardship;
- to use selection criteria which exclude disabled persons unless the criteria are job related and consistent with business necessity; and,
- to fail to use employment tests in a manner that ensures that the test results accurately reflect the applicants or employee's skills or aptitude for a particular job.

1. **Policy Implementation:** Each department head is responsible for ensuring that there is no discrimination against individuals based on disability by: 1) ensuring that all employees under their direction are informed of this City policy; 2) ensuring that any instances or allegations of discrimination are immediately reported to the department ADA coordinator, the department head or the City Human Resource Manager; and 3) posting this policy in conspicuous locations within the workplace.

2. **Complaint Resolution:** The Human Resource Manager (or person designated by the City Manager) will investigate and attempt resolution of complaints filed in accordance with the City's Personnel Policy Manual and Personnel Procedures Manual. Individuals are encouraged to immediately report any act of disability discrimination to the supervisor, department head, or the City Human Resource Manager. Persons receiving complaints should fully inform the individual of their rights, take appropriate steps to timely investigate, and when merited take prompt and effective remedial action.

7.04 Commitment: The City of Walla Walla provides high quality municipal services to protect, preserve, and enhance the City for present and future generations. Our vision is to be a high-performing, inclusive government, which partners with our community to create and preserve a safe, clean, and vibrant City.

The City, as a recipient of federal assistance, has continually strived to eliminate barriers that may prevent persons with disabilities from enjoying employment, access to City facilities and services or other benefits. The success of our efforts will require innovation, creativity, and the dedication of additional resources to ensure access to all of our citizens.

7.05 Reasonable Accommodation Policy

It is the policy of the City of Walla Walla to not discriminate on the basis of disability against any qualified person and expeditiously consider and provide, as appropriate, reasonable accommodation to assist a qualified disabled individual to perform the essential functions of their position classification. All decisions relating to employment including, but not limited to recruitment, selection, training, assignment, promotion, compensation, transfer, benefits, and education, will be determined by the employee's ability with consideration of any requested reasonable accommodation. This policy is applicable to all employment policies and practices. The City also provides reasonable accommodation in connection with the provision of City services, programs and activities to the public.

The Washington Law Against Discrimination (WLAD) and the Americans with Disabilities Act (ADA) require that the City as the employer must reasonably accommodate a known disability of a qualified individual with a disability (satisfies the requisite skill, experience, education, and other job-related requirements of the position, and can perform the essential functions with or without a reasonable accommodation) unless the accommodations would result in undue hardship to the City. The WLAD and the ADA differ on some elements of reasonable accommodation as noted below.

1. Definition of reasonable accommodation:

a.. WLAD: Reasonable accommodation enables equal opportunity in the application process; enable the proper performance of the particular job held or desired; enable the enjoyment of equal benefits, privileges, or terms and conditions of employment.

Examples of Reasonable Accommodations may include: Reasonable alterations, adjustments, or changes made by the appointing authority in the job, workplace and/or term or condition of employment which will enable an otherwise qualified person of disability or disabled veteran to perform a particular job successfully, as determined on a case-by-case basis. (WAC 162-22-065; WAC 356-05-333)

b. ADA: The term reasonable accommodation means:

Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position such qualified applicant desires; or

Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential functions of that position; or

Modifications or adjustments that enable a covered entity's employee with a disability to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without disabilities.

Reasonable accommodation may include but is not limited to:

Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

Job restructuring; part-time or modified work schedules; reassignment to a vacant position; acquisition or modifications of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for individuals with disabilities. (29 C.F.R. § 1630.2 (o))

2. What is “reasonable?”

The WLAD and the ADA have somewhat different definitions of what constitutes ‘reasonable’ in terms of an accommodation.

ADA: A reasonable accommodation is one that “seems reasonable on its face, i.e. ordinarily or in the run of cases. The City has a duty to provide an accommodation that is effective (remove the work place barriers to allow the employee to perform the essential functions), not necessarily the accommodation the individual most wants or the “best” accommodation. (Appendix to 29 C.F.R. § 1630.9)

An employee may choose not to accept the accommodation, however if he or she cannot perform the job without it, he or she will not be considered qualified pursuant to the ADA. (29 CFR 1630.9(d))

WLAD: In order to be “reasonable”, an accommodation must be medically necessary. If an employee fails to provide a medical nexus between a disability and a need for accommodation, such accommodation is not medically necessary and unreasonable.

The Washington State Supreme Court has provided the following explanation of how “medically necessary” might be satisfied:

- An employee needs competent evidence establishing a nexus between the disability and the need for an accommodation. Evidence of the disability will vary depending on how obvious or subtle the symptoms are.
- For an obvious condition, such as a broken leg, medical necessity burden is met upon notice to the City, while in the case of depression or post-traumatic stress syndrome (PTSD), a doctor’s note may be necessary to show some accommodation is medically necessary.
- “Medical nexus does not mean “therapeutically necessary,” just that a connection exists between the condition and the need for accommodation.”

The court has further stated that a medical necessity requirement “prevents employees from requesting accommodations based upon their own perception of a need for

accommodation where there is no medical confirmation that such need exists.”

The Washington State Supreme Court and Washington State Appeals courts have consistently held that a the City is not required to offer the precise accommodation the employee requests; the City has the ultimate discretion to choose between accommodations which would enable the employee to perform his or her job.

3. Use of ‘Unpaid Leave’ as a Reasonable Accommodation

The ADA and the WLAD both provide that leave may be a possible accommodation. Whether or not the timing or length of the leave is reasonable depends on multiple factual issues such as job duties, the nature of the job, and the disability. Each situation must be assessed on a case-by-case basis by the City to determine the whether leave is reasonable and what amount is reasonable. The City does not have to provide paid leave beyond that which is provided to similarly-situated employees. The City will allow an employee with a disability to exhaust accrued paid leave first and then provide unpaid leave. The EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship, October 2002 states that “leave” may be granted as a reasonable accommodation for reasons included but not limited to:

- Obtaining medical treatment (e.g. surgery, psychotherapy, substance abuse treatment, or dialysis); rehabilitation services; or physical or occupational therapy;
- Recuperating from an illness or an episodic manifestation of the disability;
- Obtaining repairs on a wheelchair, accessible van, or prosthetic device;
- Avoiding temporary or adverse conditions in the work environment (e.g. air conditioning break-down causing unusually warm temperatures that could seriously harm an employee with multiple sclerosis);
- Training a service animal;
- Receiving training in the use of Braille or to learn sign language.

Note: The City is **NOT** required to grant leave when an alternative, effective accommodation is available.

4. Interaction with Family Medical Leave Act (FMLA)

The FMLA requires the City to provide up to 12 weeks unpaid leave to eligible employees who need time off in certain circumstances, including dealing with their own serious medical condition (see Chapter 12, Family Medical Leave Policy). The ADA and the WLAD do not require the City as the employer to grant leave as a reasonable accommodation, rather as noted above; it’s decided on a case-by-case basis. However, if an employee has requested leave and is eligible under the FMLA, the City must grant the employee’s request even though other forms of effective reasonable accommodations may be available.

Providing leave to an employee who is unable to provide a fixed date of return is a form of reasonable accommodation. However, if the City is able to show that the lack of a fixed return date causes an undue hardship, then it may deny the leave (EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship, October 2002 at question 44). For example, disruption to the operations of the City that occurs because the City cannot plan for the employee's return or permanently fill the position may cause undue hardship.

If the City determines that it can grant leave without a fixed date of return, the City has the right to require, as part of the interactive process, that the employee provide periodic updates on his/her condition and possible date of return. After receiving these updates, the City may reevaluate whether continued leave constitutes an undue hardship.

The City may be required to hold an employee's job open for the duration of his/her leave unless doing so would constitute an undue hardship. If holding the employee's position open for the duration of his/her leave would constitute an undue hardship, the City must determine whether it has an open position (that the individual is qualified for) that it can place the individual into for the duration of the leave. At the conclusion of the leave, the employee must be returned to the same or an equivalent position for which he/she is qualified absent undue hardship.

Undue hardship: The City cannot claim undue hardship solely because the employee can provide only an approximate date of return. In certain situations, an employee may be able to provide only an approximate date of return based on medical uncertainties. In these situations, or in situations in which a return date must be postponed because of unforeseen medical developments, employees must stay in regular communication with their supervisor to inform them of their progress and discuss, if necessary, the need for continued leave beyond what might have been granted originally.

Extended leave may be an undue hardship depending on the amount of leave sought, City business necessities and job duties.

5. Job Restructuring as a Reasonable Accommodation

Based on guidance from the ADA and WLAD, the City may consider job restructuring as a reasonable accommodation (42 U.S.C. § 12111(9)(B); 29 C.F.R. § 1630.2(o)(2)(ii)). This includes modifications such as:

- Reallocating or redistributing marginal job functions that an employee is unable to perform because of a disability.
- Altering when and/or how a function, essential or marginal, is performed.

Although job restructuring may be an effective reasonable accommodation, the City is never required to hire or have another employee perform the essential functions of a disabled employee's job, however it is required to provide a qualified reader, interpreter,

or other assistant so that the employee can perform his or her job. Accordingly, the City is not required to create a job for a disabled employee. The City's duty to accommodate an employee through job restructuring is limited to those steps medically necessary to enable the employee to perform the essential functions of his or her job.

The City is not required to provide a new supervisor as a reasonable however, a reassignment may constitute as an accommodation. Reassignment will be considered when the employee cannot be accommodated in his/her current job, or if both the City and the employee agree that reassignment is desired. (EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship, October 2002 at question 33)

The City has an obligation to affirmatively assist the employee to find a vacant position that is equivalent in terms of pay and status in which he/she is qualified (satisfies the requisite skill, experience, education, and other job-related requirements of the position, and can perform the essential functions with or without a reasonable accommodation). Also, the employee does not need to be the best qualified individual for the position in order to obtain it as reassignment. If reassignment to an equivalent position is unavailable, the City must consider reassigning the employee to a vacant position at a lower-paying level. If such a position does not exist or the employee is not qualified for the position, reassignment is not required.

Although the City is required to assist the qualified employee in finding a vacant position as a reasonable accommodation, the City does not need to assign the qualified employee to a position that is already occupied, create a new position, alter the fundamental nature of the job, or eliminate or reassign essential job functions. The duty to inform a qualified individual of other jobs is limited to existing, vacant positions that are not promotions and for which the employee is qualified.

6. Modified or Part-Time Work Schedules as a Reasonable Accommodation

The City must provide a modified or part-time schedule when required as a reasonable accommodation, absent undue hardship, even if it does not provide such schedules for other employees. ([WAC 162-22-065](#); [29 C.F.R. § 1630.2 \(o\)](#))

7. Conduct Standards for Employees with Reasonable Accommodation Same as Other Employees

A reasonable accommodation does not include rescinding discipline even if the conduct resulting in the discipline was the result of a disability. The City may discipline an employee with a disability for engaging in misconduct if it would impose the same discipline on an employee without a disability. (EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship, October 2002 at question 35)

Chapter 8

TRIAL SERVICE PERIOD

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

8.02 Length of Trial Service Period: All original and promotional appointments are conditional and subject to a trial service period from the time of appointment. The trial service period is for a minimum of six (6) consecutive months of actual service. The City Manager, upon written request from a department director, may grant an extension of the trial service period up to a maximum of six (6) additional months. The successful completion of trial service means that the employee has been appraised and found capable of meeting the performance expectations of the position during the trial service period and is therefore eligible to receive a merit step increase within their classification range. If trial service is not successfully completed, the employee shall not be eligible to receive a step increase until such time as the trial service period has been successfully completed. The performance appraisal confirming successful completion of the trial service period must be submitted to effectuate the merit step increase.

8.03 Trial Service Employee Status: During the trial service period, a trial service employee may be suspended, demoted, or terminated at any time without cause by the City Manager. The employee's department director gives a copy of the trial service employee's performance report(s) to the City Manager. The department director gives the City Manager a written appraisal of the employee's performance as well as any written recommendation for the employee's suspension, demotion, or rejection. A copy of the notification of suspension, demotion, or rejection is given to the trial service employee. Rejection of a trial service employee becomes effective only after approved by the City Manager. An employee rejection is not subject to appeal. An exit interview is conducted with a rejected trial service employee by a representative of the Human Resources office.

The trial service period of a new employee may be extended if there are justifiable circumstances for recommending this action to the City Manager. No step increase shall occur until the trial service period has been successfully completed.

Trial Service Due to Promotion: A promoted employee may voluntarily revert to their former position within their six (6) months trial service period due to the promotion. A

promoted employee contemplating such action must communicate their interest in this regard to the Department Director as soon as possible in order to coordinate the timing of the necessary administrative actions.

8.04 Employee Performance Appraisals:

Trial Service Period: The performance of a trial service employee is appraised at the end of each three (3) months of service (six (6) months for commissioned uniform Police and Fire personnel). More frequent appraisals may be conducted if deemed necessary by the employee's immediate supervisor or the department director. A performance appraisal will be done prior to the employee completing trial service, and at least annually from that date forward.

Process: The original written appraisal of an employee's performance is sent to the Human Resources office and approved by the Human Resource Manager and placed in the employee's personnel file. A copy of the employee's performance appraisal is distributed to the employee. The Human Resources office shall apprise the City Manager on a regular basis of the timeliness of appraisals being completed in all City departments.

Annual Performance Appraisal: The performance of each regular employee and regular part-time employee is evaluated at least annually by the employee's immediate supervisor and reviewed by the employee's department director. Performance appraisals are due annually to the Human Resources office on the employee's anniversary date. The approved City-wide performance appraisal system shall be utilized by all departments for employee performance evaluations. This evaluation may occur at a more frequent interval if deemed necessary by the immediate supervisor or the department director.

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

Chapter 9

SICK LEAVE

9.01 Use of Sick Leave: Sick leave may be requested in the case of personal sickness, disability or medical/dental treatment. Sick leave or other appropriate paid time off may be used to care for (a) a child of the employee with a health condition that requires treatment or supervision; or (b) a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or an emergency condition. An employee may not take advance leave until it has been earned.

Definitions for the purpose of this policy are:

- (1) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis who is: (a) Under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability.
- (2) "Grandparent" means a parent of a parent of an employee.
- (3) "Parent" means a biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.
- (4) "Parent-in-law" means a parent of the spouse of an employee.
- (5) "Serious health condition" as defined by the U.S. Department of Labor means an illness, injury, impairment, or physical or mental condition that involves (a) inpatient care in a hospital, hospice, or residential medical care facility; or (b) continuing treatment by a health care provider.
- (6) "Sick leave" means time allowed to an employee for illness. Other paid time off (i.e., vacation, compensatory and personal holidays) can be substituted for sick leave if the employee chooses.
- (7) "Spouse" means a husband or wife, as the case may be.

Chapter 12 - Family and Medical Leave Policy states other conditions under which sick leave may be requested.

Request: An employee requesting sick leave must inform their immediate supervisor or department director no later than fifteen (15) minutes after (sooner if possible) the employee is scheduled to begin work if the leave is unplanned, and if possible, ten (10) days in advance if the leave is scheduled. Advance notice is essential in cases where replacement employees or

rescheduling is necessary as a result of planned absences. The employee's immediate supervisor approves the sick leave on the timesheet and/or applicable leave requesting form. Sick leave with pay is not allowed unless the employee has met and complied with the provisions of this Personnel Policy.

Activities Incompatible with Sick Leave: Any employee who is absent after requesting sick leave or who is on leave as provided by this Chapter or Chapter 11 (Other Leaves of Absence) may not engage in work or other activities that are in conflict with the reasons given by the employee for being on sick leave. While on sick leave, an employee must not engage in any activity which would hamper their ability to return to work.

Abuse of Sick Leave: The abuse of sick leave privileges may be considered just cause for disciplinary action against an employee.

Physician's Statement: If the employee is absent three (3) or more days, the employee's immediate supervisor, department director, or the City Manager may require a written statement from the employee's attending physician that identifies the employee's condition. The statement must also give the doctor's opinion as to when the employee may return to work and be released to perform all of the duties required by their position. Such a statement may also be required from a second or alternate physician designated by the City Manager.

9.02 Eligibility: Regular, regular part-time, and trial service employees are eligible to accrue and use sick leave. Temporary and emergency employees are not eligible to accrue sick leave.

9.03 Accrual: Regular employees accrue sick leave at the rate of eight (8) hours for each full calendar month of service beginning with the date of employment. Regular part-time employees accrue sick leave in proportion to the number of hours worked per week. Sick leave accruals during months when an employee works less than the standard workweek are prorated based on the number of hours actually worked. Sick leave may be used after the first month of employment and is based on an employee's current balance of accumulated sick leave hours.

9.04 Accumulation and Sick Leave Benefit Upon Separation: Upon resignation after completing at least ten (10) years of continuous service, death or retirement, an employee shall be paid for 25% of their accumulated sick leave not to exceed 240 hours.

9.05 Sick Leave Conversion Employees shall have the option to increase their monthly accrual of vacation accrual in exchange for reducing their monthly sick leave accrual as follows:

Employees who have accumulated 480 hours of sick leave may elect through appropriate

notification to payroll to participate in a leave conversion program that provides for an automatic conversion of additionally earned sick leave to vacation leave at the rate of 1.33 hours per month;

Employees who have accumulated 720 hours of sick leave may elect through appropriate notification to payroll to participate in a leave conversion program that provides for an automatic conversion of additionally earned sick leave to vacation leave at the rate of 2.67 hours per month;

Employees who have accumulated 960 hours of sick leave may elect through appropriate notification to payroll to participate in a leave conversion program that provides for an automatic conversion of additionally earned sick leave to vacation leave at the rate of 4.00 hours per month.

As of December 31st of each year employees who have accumulated 960 hours of sick leave shall annually receive a cashout of twenty-five percent (25%) of any sick leave in excess of that amount whether or not they elect to convert a portion to vacation leave.

9.06 Sick Leave Usage: Sick leave may be used as approved by the employee's immediate supervisor, department director, or the City Manager. Sick leave may be used in as little as fifteen (15) minute intervals. Pay for approved sick leave is authorized until an employee's accumulated total of sick leave hours has been exhausted. Sick leave may be used by an employee for an absence due to a personal illness of the employee or the employee's child, a spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition as defined above; an emergency medical condition such as a sudden, unexpected and life threatening situation that arises or an illness requiring hospital confinement; or while on a Family and Medical Leave Act leave as outlined in Chapter 12.

Sick leave will not be granted for an employee where a disability arises from any sickness or injury related to employment other than with the City of Walla Walla and where that other employment provides coverage for job-related illness or injury.

9.07 Workers' Compensation and Disability Payments: An employee injured on the job must report the injury and determine, in conjunction with the supervisor, if immediate medical attention is required. If so determined, a worker's compensation claim is requested from the worker's compensation administrator so potential authorized medical treatment and potential payment for any lost wages of the injured employee can be processed.

Time Loss Payments: Time loss payments are calculated using a State formula and do not equal 100% of lost wages. The employee may choose to supplement their time loss payments by using accumulated sick leave, vacation, and compensatory hours. The employee's total compensation including workers' compensation insurance may not exceed the compensation the employee

would have received in regular compensation. An employee who chooses to supplement their time loss payments must use accrued leave in a continuous block and may not use intermittent leave in order to extend pay and/or benefits.

An employee who is absent due to an on-the-job injury will continue to accrue proportional vacation leave and sick leave while on paid status with the City.

Employee's Leave Buy-Back Requirement: If the employee's claim is accepted by Labor and Industries and the employee has chosen to use accumulated leave, the employee must "buy back" all the leave that the time loss check will afford. The number of leave hours to be reinstated and returned to the employee is determined by dividing the amount of the employee's time loss check by the employee's current regular hourly rate of pay. The calculation will be reflected in the employee's next regular pay check which will reduce the regular payroll check by the same amount of the time loss check.

Chapter 10

VACATION LEAVE

10.01 Eligibility: Regular employees and regular part-time employees are eligible to use accumulated vacation leave from the initial date of hire. Use of these accrued and accumulated vacation hours are subject to approval by the employee's immediate supervisor. An employee's vacation may not exceed the amount of vacation time the employee has actually accrued and accumulated.

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

10.02 Vacation Accrual: Vacation leave is accrued starting on the employee's first day of employment.

First three (3) years (1-36 months) of continuous service: 8 hours per month (12 days per year).

Through fifth (5th) year (37-72 months) of continuous service: 10 hours per month (15 days per year).

Through ninth (9th) year (73-108 months) of continuous service: 12 hours per month (18 days per year).

Through fifteenth (15th) year (109-180 months) of continuous service: 13.3 hours per month (20 days per year).

After completion of fifteenth (15th) year and beyond (181+ months) of continuous service: 16.67 hours per month (25 days per year).

Vacation leave for a regular part-time employee is accrued from their employment date at a prorated amount.

Department Directors: Department directors accrue vacation leave at a rate of 20 days per year from the first date of employment. Upon completion of 15 years (181+ months) of continuous service, vacation leave accrues at a rate of 25 days per year.

10.03 Use of Vacation:

Scheduling: The dates and length of time an employee uses accrued and accumulated vacation leave requires prior approval by the employee's immediate supervisor. Employees are expected

to plan as far in advance as is practical their request for and use of vacation time and communicate those requests to their supervisor. In scheduling vacation, the supervisor shall take into account the wishes of the employee and the needs of the City. However, the employee is required to take the equivalent of at least one (1) week of actual vacation/rest time each calendar year. Vacation leave may be used in as little as fifteen (15) minute intervals.

Maximum Hours: Vacation leave may be used as accumulated. Vacation leave is however, not available for use until earned and posted to the employee's accrued vacation leave following the end of the current pay period. As of December 31 of each year, no employee will be permitted to have an accumulated amount of accrued vacation leave in excess of two hundred forty (240) hours. Any accrued vacation leave in excess of 240 hours will be forfeited. Employees are expected to responsibly manage their vacation leave balance to avoid shortfalls and excesses.

10.04 Vacation Payoff at Termination: A terminating employee is paid for accrued and accumulated vacation leave at the rate of pay in effect at the time of separation.

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

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

10.06 Vacation Cash-Out and Required Vacation: An employee may, once each calendar year, request and receive payment in exchange for accrued vacation leave. The maximum number of vacation hours that may be exchanged is forty (40) hours. An employee who requests a cash payment for up to forty (40) hours of vacation leave does not need to provide justification.

Chapter 11

OTHER LEAVES OF ABSENCE

11.01 Authorized Leave of Absence Without Pay: A leave of absence is a privilege. Leaves of absence, other than those that qualify as family or medical leave (see Chapter 12), may be granted without pay in cases of emergency and when a leave of absence would not be contrary to the best interests of the City. A leave of absence is granted only upon written request by an employee who presents the reason for the leave. Approval will be made in writing according to the following provisions:

1. A request for a leave of absence without pay for one (1) week or less may be granted by the department director, depending on the merit of the individual case.
2. A request for a leave of absence without pay in excess of one (1) week may be granted by a department director with the approval of the City Manager, depending on the merit of the individual case.
3. Leaves of absence without pay longer than one week requires that accrued vacation leave be used first. A leave of absence may not exceed twelve (12) consecutive months. Failure to return at the end of the agreed-upon length of leave may be considered abandonment of one's position and grounds for termination.

11.02 Bereavement Leave: Bereavement leave may be granted up to 40 hours per occurrence for the death of immediate family members of the employee (the following is the definition for immediate family of the employee or spouse of the employee: Parent, parent-in-law, child, spouse, brother, sister, son-in-law, daughter-in-law, grandparent, grandchild, and equivalent step relatives); up to 24 hours per occurrence for other extended family members (i.e., aunts, uncles, nieces, nephews or cousins) where out of town that includes overnight travel is required; up to 4 hours per occurrence for close friends and acquaintances that may have resided within the normal commute area of the employees residence. Employees may make written request to their respective department directors asking for exceptions to these guidelines which describe the justification for a request to deviate from the bereavement time off.

11.03 Military Leave of Absence: Military leave is granted according to the provisions of Federal and State law which provide for unpaid leave for employees required to fill an obligation as a member of the Armed Forces Reserves. Whenever possible, the employee making a request for a military leave of absence will notify an immediate supervisor of the request ten (10) working days before the beginning date of the leave of absence. Any regular full-time employee who is absent from work to serve on an active military reserve unit shall be granted a leave of

absence with pay for a total period not to exceed fifteen (15) days per calendar year as established by Section 38.40.060 of the Revised Code of Washington and applicable Federal Law. Currently the calendar defined by statute is October 1 to September 30. Employees called up for extended military duty through their reserve unit shall have their position held for their return to regular City service.

11.04 Maternity Leave of Absence: Maternity leave is leave granted an employee for the period of disability related to pregnancy and childbirth. The time taken as maternity leave is considered an off-the-job disability until the employee's physician releases her for work. Maternity leave is in addition to the provisions of leave as outlined in Chapter 12 - Family and Medical Leave.

Paid Leave: Maternity leave may be charged to the employee's accrued sick leave, vacation, and compensatory leave. The City will continue its contribution towards the employee's health care insurance as long as the employee remains in paid status. When an employee is on a leave of absence without pay, the employee is responsible for both the City and employee's portion of the health care premiums, except if the employee is on Family and Medical Leave in which case the City will pay its portion of the insurance premium for a maximum of 12 weeks (3 months).

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

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

11.06 Jury Duty: A regular employee required to report for jury duty during the employee's workday is granted leave with pay. The employee receives full pay from the City for the time served on the jury up to a maximum of two (2) weeks, provided the employee remits to the City all fees for jury duty as soon as the duty fees are received. Compensation for mileage when the employee uses their own vehicle and the subsistence allowance is not to be considered as fees and are retained by the employee. When the employee is traveling in a City-owned vehicle, the employee remits all mileage fees to the City.

Notice: Before a regular employee can be granted leave with pay for jury duty, the

employee must give their immediate supervisor a copy of the summons to serve on a jury.

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

11.07 Unauthorized Leave of Absence: Unauthorized leave of absence consists of those workdays, or portions of a workday, when an employee was scheduled to work but did not actually work. The employee's pay is deducted by an amount equivalent to the time the employee was absent during the workday. An unauthorized leave of absence may be cause for disciplinary action, up to and including termination of employment.

11.08 Administrative Leave

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

The length of administrative leave is solely at the discretion of the City, except that the length of the leave shall not exceed the length of the situation for which the leave is approved.

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

Leave may also be approved for employees in positions exempt from the Fair Labor Standards Act to compensate for unusual, non-customary work demands.

11.09 Leave Without Pay (LWOP) and Absence Without Leave (AWOL)

1. Leave without pay (LWOP) is a short-term, temporary non-pay status and absence from duty which may be granted by the supervisor at the employee's request. Even though the employee will not be paid during their LWOP absence, it should not be assumed that LWOP will be approved in all cases. Just like other types of leave, LWOP must be requested in advance, whenever possible, so that adequate arrangements can be made for completion of the employees work while out on LWOP. The permissive nature of LWOP distinguishes it from absence without leave (AWOL), an unauthorized absence which is considered a serious conduct matter and can lead to disciplinary action.

While an employee has a right to use LWOP in certain circumstances, e.g., situations are

covered under the Family and Medical Act (FMLA); the employees' supervisor must nevertheless consider the impact of the requested absence on the work unit and organization. When making a decision on a request for leave without pay that which is not covered by the FMLA, the supervisor in consultation with the department director must consider what if any the benefit to the City may be.

2. LWOP and AWOL are treated much the same way since no pay is received in either case. There is however a significant difference. LWOP is an approved absence, i.e., a non-pay status which the employee has requested and has been approved by the supervisor. Being charged with AWOL (absent without leave) means that the employees' absence is not authorized even though they may have requested leave. AWOL is considered a serious conduct matter and can be the grounds for disciplinary action, up to and including termination of employment.

3. Minimum and Maximum Amounts of LWOP: Similar to vacation and sick leave, the minimum charge for LWOP is 15 minutes.

4. LWOP of up to twenty-four (24) consecutive hours may be approved by the department director. LWOP for more than twenty-four (24) consecutive hours may be approved by the City Manager.

5. It is important to note that LWOP and AWOL will affect certain employee benefits.

A. Leave Accruals: When an employee is in a non-pay status for any part of the pay period, the prorated amount of vacation or sick leave for the pay period shall be accrued for those hours only that the employee was in a paid status.

B. Insurances: Except when the LWOP period is associated with an FMLA eligible period, the City portion of health care and life insurance benefit premiums shall only be paid for those hours that the employee was in a paid status during the pay period. All remaining premiums shall be the employees' responsibility payable to the City within forty-five (45) days of the end of the pay period in which LWOP or AWOL hours were accumulated.

C. Holidays: Employees must be in paid status on both the workday before and the workday after a legal holiday to be eligible to receive holiday pay. Employees who are on an extended period of leave without pay may not be returned to duty for the sole reason of being paid for a holiday.

Chapter 12

FAMILY AND MEDICAL LEAVE POLICY

12.01 Purpose of Policy: In accordance with the Federal Family and Medical Leave Act (FMLA), the City grants job-protected, unpaid family and medical leave to eligible employees for up to twelve (12) weeks per year for any of the following reasons:

1. The birth of and care for a newborn child, or the placement of a child with an employee in the case of adoption or foster care. Leave for these reasons will expire at the end of the 12 month period beginning on the date of such birth or placement.
2. In order to care for an immediate family member (spouse, child, or parent) if that family member has a serious health condition.
3. An employee's own serious health condition that makes the employee unable to perform the essential function(s) of their position.

12.02 Definitions:

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

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

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

Serious Health Condition: An illness, injury, impairment, or a physical or mental condition involving inpatient care or continuing treatment by a health provider. Continuing treatment involves:

1. A period of incapacity of more than three (3) consecutive calendar days (not

working days) and subsequent treatment including either two visits to a health care provider or one visit followed by continuing treatment under the health care provider's supervision;

2. A period of incapacity due to pregnancy or for prenatal care;
3. Treatment for chronic serious health conditions which requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider; (2) occurs over an extended period of time (including recurring episodes of a single underlying condition); and (3) is episodic rather than a continuing period of incapacity; and
4. Treatments for serious conditions such as cancer that may not be incapacitating but without treatments would result in a period of incapacity of more than three (3) consecutive days.

Health Care Provider: Any health care provider that is recognized by the City or accepted by the City's group health plan. This may include physicians, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners, nurse midwives and clinical social workers.

12.03 Eligibility for Leave: To be eligible for family and medical leave, an employee must have been employed by the City for at least twelve (12) months. Employees must have worked 1,250 hours during the 12 months prior to the commencement of leave. Vacation, personal leave, sick leave or unpaid leave is not included in the 1,250 hour calculation.

12.04 Intermittent or Reduced Leave: An employee may take FMLA leave on an intermittent (a few days or few hours at a time) or on a reduced leave schedule as a result of the birth of a child and for the placement of a child for adoption or foster care if the City and the employee agree to such a schedule.

Leave for a serious health condition may also be taken intermittently or on a reduced leave schedule when medically necessary. A "medically necessary" leave is one that involves a medical need for the leave and that can best treat the need through an intermittent or reduced leave schedule. The City may request certification from the health care provider of the employee or family member of the medical necessity of the intermittent leave schedule and the expected duration. Employees are required to schedule intermittent leave that is foreseeable so as not to unduly disrupt the City's operations and so the City can assign employees temporarily to alternative positions with equivalent pay and benefits that better accommodate such recurring periods of intermittent leave.

For regular part-time employees and employees who work variable hours, the FMLA entitlement will be calculated on a prorated basis. A weekly average of the employee's hours worked over

the twelve-week period before the beginning of the family and medical leave will be used for calculating the employee's normal workweek.

12.05 Substitution of Paid Leave: An employee may elect to substitute any of the employee's accrued paid vacation leave for the birth of a child, for the placement of a child for adoption or foster care, or to care for the employee's spouse, child, or parent with a serious health condition. The employee may elect to substitute any accrued paid vacation leave or sick leave for FMLA leave taken for the serious health condition of an immediate family member or for the employee's own serious health condition.

When an employee on FMLA leave has exhausted their accumulated vacation leave or sick leave, the remainder of the FMLA leave will be unpaid leave so that the total of paid and unpaid leave equals twelve (12) weeks.

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

The FMLA Act does not allow for the substitution of compensatory time for unpaid FMLA leave.

12.06 Designating Leave as FMLA Leave: The City has the authority to designate before leave starts, whether any paid leave to be taken counts towards an employee's FMLA leave entitlement, and will notify the employee immediately upon learning that it qualifies as FMLA leave. The initial notification to the employee may be oral, but will be confirmed in writing by the next regular payday. The City's designation is based upon information obtained from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc. if the employee is incapacitated). The employee must provide enough information to enable the City to make a determination. If not, the City may make a tentative designation until further inquiry is made to obtain the additional information.

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

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

which confirms that the leave either is or is not for an FMLA reason, the preliminary designation must either be withdrawn or be made final.

12.07 Employee Notice Requirements: An employee must provide the City with at least thirty (30) days advance notice before FMLA leave is to begin if the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition. Failure to provide the notice will give the City the right to delay the taking of leave until at least thirty (30) days after the date the employee provides notice to the City of the need for FMLA leave. If thirty (30) days notice cannot be provided, notice must be given as soon as practicable. Verbal notification should be provided within one or two business days of when the need for leave becomes known to the employee. When planning medical treatment, the employee will consult with the City and make a reasonable effort to schedule the leave so as not to "unduly disrupt the City's operations, subject to the approval of the health care provider."

Medical Certification: If the employee's leave is to care for the employee's seriously ill spouse, child, or parent or due to the employee's own serious health condition, the request must be supported by a certification issued by the health care provider of the employee or the employee's ill family member. When the leave is foreseeable and at least 30 days notice has been provided, the medical certification should be provided before the leave begins. The City will allow at least 15 calendar days for the employee to comply with the request for medical certification. Medical certification forms will be made available by the Human Resources office.

Second Opinion: The City may require a second medical opinion (at the City's expense). Pending receipt of the second opinion, the employee is provisionally granted leave. The City may also request periodic reports on the employee's status and intent to return to work, or a fitness-for-duty report from the employee's attending physician advising when the employee can return to work.

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

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

12.08 Payment of Group Health Insurance Premiums: The City will maintain (including the continuation of paying the City's share of the premiums) the group health insurance coverage for an employee's FMLA leave period whenever such insurance was provided before the leave was

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

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

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

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

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

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

Early Return: Since an employee may only be required to take FMLA leave for reasons that qualify and may not be required to take more leave than necessary, the employee may be promptly restored if the employee requests reinstatement earlier than originally scheduled, but should where foreseeable, give the City reasonable advance notice, generally at least two working days.

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

Failure to Return to Work: An employee who does not (or is unable to) return to work after exhausting the 12 weeks is no longer protected by FMLA. If the employee is able to return at some time after the 12 week FMLA leave has expired, the employee may be reinstated to the employee's same or similar position, if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

Chapter 13

SHARED LEAVE POLICY

13.01 Purpose of Policy: The purpose of shared leave is to permit City employees to come to the aid of a fellow City employee who is suffering from or has an immediate family member suffering from an extraordinary medical emergency. The severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Shared leave may be donated to an employee who is taking FMLA leave to enable the employee out on FMLA leave to continue to be paid during their absence. Application of shared leave will not affect the duration of that employee's 12-week entitlement.

13.02 Eligibility Criteria: The Human Resource Manager, with the City Manager's approval, permits an employee to receive shared leave if:

1. The employee suffers, or has an immediate family member suffering from, an illness, injury, impairment, physical or mental condition which is of an extraordinary or severe nature and which would otherwise cause, or be likely to cause, the employee to go on a leave without pay or terminate employment with the City.
2. The employee has or shortly will have exhausted all vacation leave, sick leave, personal leave, compensatory time, and holiday compensatory time.
3. Prior to the use of shared leave the employee has abided by the City's sick leave policy.
4. The employee has diligently pursued and is found to be ineligible for worker's compensation insurance benefits.
5. The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.
6. The employee provides appropriate medical justification and documentation both of the necessity for the leave and the length of time which the employee reasonably can be expected to be absent due to the condition.

13.03 Amount of Leave Received: The Human Resource Manager, with the City Manager's concurrence, verifies the amount of shared leave, if any, the employee needs to receive per the guidelines below.

1. An employee may not receive more than six (6) months of shared leave per occurrence.
2. To the extent possible, shared leave is to be used in a consecutive and continuous basis.

13.04 Transfer Process: Employees may request the Human Resource Manager to approve the transfer of a specified amount of vacation leave or compensatory time to an employee who is authorized to receive shared leave as provided therein.

1. To be eligible to donate vacation leave, an employee must have a minimum accrued balance of eight (8) hours of vacation leave. Accrued compensatory time may also be donated. All transferred leave will be in increments of one (1) hours and is voluntary.
2. While on shared leave, an employee continues to be classified as a City employee and is eligible for all compensation (salary and benefits) they would be otherwise receiving if using paid leave.
3. The employee's total compensation, including self-insured workers compensation insurance, may not exceed the compensation the employee would have received while in regular paid status.
4. For those employees who prefer to donate or receive shared leave in confidence, every effort will be made to respect the individual's privacy.

13.05 "Value" of Leave: Shared leave will be transferred on an hour-for-hour basis.

1. Shared leave will be converted to sick leave for the recipient.
2. The Finance Division is responsible for transferring the donated hours to the leave balances of shared leave recipients. Records will be maintained in the event any unused leave time is returned at a later date.
3. Unused leave will be returned to donating employees on an equal basis. The Human Resources office determines when shared leave is no longer needed.

13.06 Monitoring: The Human Resources office will monitor the use of shared leave to ensure equal treatment of all City employees. Inappropriate use may result in the cancellation of donated or unused shared leave.

1. An employee currently receiving shared leave who leaves City service is not paid for the remaining balances of any donated and unused shared leave. The remaining balance of any unused donated shared leave hours shall be returned prorated to the donors.

Chapter 14

WORK-RELATED TRAVEL

14.01 General: Employees required to travel on business for the City are paid a sufficient amount to cover expenses accrued in a reasonable manner. The following guidelines result from FLSA legal interpretations:

14.02 Definitions:

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

"Extraordinary" Travel Time To and From Work: In contrast, however, if an employee is given a special one-day work assignment in another city, this travel time is not regarded as ordinary home-to-work travel and would qualify as working time. For example, an employee who works in Walla Walla, with regular working hours from 8:00 a.m. to 5:00 p.m., may be given a special assignment in Pasco with instructions to leave Walla Walla at 7:00 a.m. The employee arrives in Pasco at 8:00 a.m., the special assignment is completed at 5:00 p.m. and the employee arrives back in Walla Walla at 6:00 p.m. This travel is not regarded as ordinary home-to-work travel because it is performed for the employer's benefit and at the employer's special request to meet the needs of the particular and unusual assignment. However, not all the travel time involved must be counted as working time. Since, except for the special assignment, the employee would have had to report to their regular work site, the amount of time it would take the employee to travel between their home and the normal work site need not be counted as hours worked.

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

In contrast, time spent in travel away from the home but outside of regular working hours need not be counted as hours worked if the employee is a passenger, e.g., traveling by airplane, bus, car, or train. If the employee is designated as FLSA non-exempt and a driver of a vehicle, all time spent driving in the vehicle to and from the assignment is regarded as working hours, except that if public transportation would have required less time, the City may count as hours worked the less time-consuming method of transportation. The employee is expected to choose the most economical and expedient mode of transportation in terms of time and cost.

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

14.03 Travel Pay: Employees will be paid by an approved appropriation in a departmental budget. The appropriation will be in the best interest of the City and will be approved by the department director.

Expenses: Travel will be accomplished at the least cost to the City. When authorized, private vehicle use shall be reimbursed at the rate established by the Internal Revenue Service. The reimbursement rate will pay for all vehicle expenses including gasoline, operation and maintenance, depreciation, and automobile insurance coverage. The City's insurance program does not provide primary liability coverage for the use of personal vehicles for City business. Except in exceptional circumstances approved by the department director, an employee shall use the most economical mode of transportation available. The total reimbursement for the use of a private vehicle shall not exceed economy class airfare plus car rental, if required, to the same location. Mileage will be computed according to the point-to-point distance, plus local business-related travel. Additional pleasure travel shall not be reimbursed. When traveling by automobile on City business, a private vehicle shall be used when an employee is accompanied by a non-City person.

Registration Fees, Overnight Accommodations and Meals: The full cost of approved seminars, workshops, or conference registration shall be paid. Payment for lodging expense shall be the single-occupancy rate, unless shared with another City employee. When a spouse or other family member accompanies an employee requiring double occupancy, the employee shall pay any difference. In circumstances when meals are not included in the seminar, workshop, or conference registration fee, the City shall allow a per diem payment as established by the City Manager. No receipts shall be required if the per diem is used. If, due to extraordinary circumstances, the per diem is not sufficient to cover meal costs, an additional amount may be requested in advance. Receipts for all higher cost meals are required and are to be submitted upon the employee's return within five (5) working days.

Credit card receipts are attached to the completed Travel Requests. Receipts are required for all expenditures other than per diem meals (i.e. parking, taxicabs, etc.).

Chapter 15

GRIEVANCE PROCEDURE

15.01 Purpose of Policy: The purpose of this procedure is:

1. To promote full communication between the City and employees in City service by providing a reasonable method for resolving disputes regarding terms and conditions of employment between the City and an employee and/or a City-recognized employee organization.
2. To assure an employee of a prompt and fair discussion and resolution of the issue involved.
3. To provide that grievances will be settled as near to the point of origin as possible.
4. To provide that grievances will be heard and settled informally.
5. To enable employees to make their grievances known in an orderly process.

15.02 Grievance: A grievance is a written statement of dissatisfaction regarding the administration of this Personnel Policy.

15.03 Grievance Submission: In the grievance procedure, the complainant will present grievances in writing.

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

Process at Department Level:

1. When a grievance, as defined in this Personnel Policy, arises, it is brought to the attention of the employee's immediate supervisor as soon as possible. If an employee fails to bring the grievance to the attention of the immediate supervisor within seven (7) calendar days from the date of the action or incident causing the grievance, an employee has waived the right to submit the grievance.
2. The employee's immediate supervisor takes action on the grievance and notifies the complainant of their action or decision within a reasonable time, generally seven (7) calendar days from the date the grievance was submitted to the supervisor.

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

3. If the matter cannot be resolved by the immediate supervisor within a reasonable time, generally seven (7) calendar days from the date of submission to the supervisor, the employee may submit the grievance to their department director. The employee may also submit the grievance to the department director if the employee is still dissatisfied after the supervisor's decision. The grievance will be submitted to the department director within ten (10) calendar days from the date of the immediate supervisor's decision, or the grievance will be terminated.

The department director confers with the complainant, the immediate supervisor, and such other persons as necessary, to gather all the facts. The department director takes action to resolve the grievance and notify the complainant of the department director's action or decision within a reasonable time, generally seven (7) calendar days from the date the grievance was submitted to the department director.

Review by Human Resource Manager: If the issue is not resolved at the departmental level, the Human Resource Manager confers with the complainant, the immediate supervisor, and such other persons as necessary, to gather all the facts. The Human Resource Manager makes a recommendation to resolve the grievance and notifies the complainant of the Human Resource Manager's recommendation within a reasonable time, generally seven (7) calendar days from the date the grievance was submitted to the Human Resource Manager.

15.05 Review by City Manager: If the complainant is not satisfied after informal discussion(s) regarding the department director's decision or the Human Resource Manager's recommendation, the complainant may, within ten (10) calendar days from the date of the Human Resource Manager's recommendation, submit a written request to the City Manager. Failure by the complainant to submit a written request to the City Manager within the ten-day period terminates the grievance.

Process at the City Manager's Level:

1. Upon receiving the written request, the City Manager within a reasonable time, generally seven (7) calendar days, discusses the grievance with the complainant, the complainant's representative, if any and all principals involved for the purpose of resolving the grievance. The City Manager conducts any inquiry, investigation, or compilation of facts deemed necessary to assist in reaching a decision.

2. The City Manager renders a decision in writing to the complainant within a reasonable time, generally fourteen (14) calendar days from the date the City Manager receives the complainant's written request. The City Manager also gives copies of the decision to the complainant's immediate supervisor and department director. The decision of the City Manager is final.

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

15.07 No Retaliation: Use of this procedure will not reflect unfavorably on the employee, the employee's immediate supervisor, the department director, or the general management of the City. Retaliatory or discriminatory action against an employee for using this procedure or discrimination in the application of this Personnel Policy may constitute a violation of City policy.

Chapter 16

DISCIPLINE

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

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

16.02 Causes for Disciplinary Action: Causes for disciplinary action against an employee may include, but are not limited to, the following:

1. Fraud or dishonesty in securing appointment;
2. Incompetence, inefficiency, or neglect of duty;
3. Insubordination (unwillingness to submit to authority) or willful disobedience;
4. Dishonesty;
5. Being under the influence/possession of or consuming any alcoholic beverage while on duty (refer to Chapter 19 -- Physical Examinations and Substance Abuse Policy), except for authorized undercover police officers;
6. Unlawfully possessing, selling, using, or being under the influence of any drug, except as authorized by a physician (refer to Chapter 19, Physical Examinations and Substance Abuse Policy);
7. Unauthorized leave of absence, continued tardiness, or abuse of sick leave or other leaves;
8. Conviction of a felony or conviction of a misdemeanor involving integrity;
9. Discourteous behavior or treatment of the public or other employees that violates City or departmental conduct standards;

10. Unlawful use of City resources for political activity (refer to Section 2.07 -- Political Activities of Public Employees);
11. Misuse or abuse of City property, time, equipment, or supplies, or the appropriation of such for personal use;
12. Violation of any of the provisions of this Personnel Policy or departmental guidelines;
13. Unlawful workplace harassment (refer to Chapter 20 -- Anti-Harassment Policy);
14. Possession of unauthorized firearms or other weapons while on duty (with the exception of commissioned police personnel and the watershed attendant);
15. Off-duty employment that negatively affects the City and/or performance of the employee while in City service;
16. Solicitation or acceptance of gifts or gratuity for performing duties that are expected during an employee's work period or workday;
17. Engagement in any off-duty activity which may later be subject to review, inspection, or enforcement by that employee in the exercise of their City duties;
18. Smoking in a City-owned facility, automobile, or common area.
19. Failure to meet documented employee and supervisor agreed upon performance standards for the position appointed to.
20. Other conduct deemed by City administration to be detrimental to the interests of the City or the public.

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

1. **Counseling:** Initial action may include the supervisor's decision to counsel the employee during which time deficiencies are described, goals are set, and the employee has the opportunity to respond. A notice and written record of counseling should be retained by the supervisor in the supervisor's working file.
2. **Oral Reprimand:** An oral reprimand shall be recorded and placed in the employee's personnel file. At the request of the employee, if there is no recurrence of the event prompting discipline, the record of an oral reprimand may be requested to be removed from the employee's personnel file after a one (1) year period.

3. Written Reprimand: A written reprimand is recorded and placed in an employee's personnel file and may be followed within a reasonable time, generally within sixty (60) days, by a written evaluation of the employee's performance, if deemed helpful to improve performance. If after twelve (12) months there is no recurrence of the event(s) prompting the discipline, the records of a written reprimand may be requested to be removed from the employee's personnel file, depending on the overall performance/conduct of the employee.

4. Disciplinary Probation: An employee placed on disciplinary probation accrues vacation leave and sick leave. The employee does not accrue time for compensation review or promotion while on disciplinary probation. The employee is not allowed to compete in promotional examinations or recruitment during the disciplinary probation period.

Duration: Disciplinary probation shall not be less than three (3) months nor more than six (6) months in duration. An employee placed on disciplinary probation may be discharged for failure to meet performance requirements.

5. Suspension: An employee may be suspended by the City Manager at any time, pending the results of disciplinary investigation and/or action. The employee is suspended with pay pending the results of the investigation.

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

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

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

7. Discharge: An employee who has been discharged from City service is paid their compensation accumulated to the effective separation date, any accumulated compensatory time, and accrued vacation leave.

16.04 Authority to Take Disciplinary Action: The City Manager, an employee's department director, division manager/supervisor, or an employee's immediate supervisor may take disciplinary action against an employee under their control for one or more of the causes for discipline specified above in Section 16.02-Causes for Disciplinary Action, or for such other causes as may be deemed necessary in the given situation.

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

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

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

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

Department directors may suspend an employee under their supervision for not more than three (3) working days at any one time without the approval of the City Manager. Written notice of suspension is given an employee within three (3) working days and preferably earlier after a suspension. An employee may appeal a suspension in the manner provided in Section 16.08 - Appeal Procedure.

16.05 Notice of Disciplinary Actions Greater than Written Reprimand Before deciding to execute an official reprimand that is a greater than a written reprimand, the employee's immediate supervisor or department director shall advise the employee in writing of the alleged behavior by factually describing what the reporting supervisor understood to have happened, when it happened, where it happened, who was involved, how it happened, and that disciplinary action is being contemplated for any disciplinary action/recommendation above a written reprimand (i.e., suspension or greater). A meeting (referred to as a Loudermill hearing) between the investigating supervisor and employee shall be scheduled as soon as possible following the event and issuance of written notice of contemplation of disciplinary action. The management official may permit the employee to have a representative present if the employee desires.

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

Disciplinary action is valid only if written notice is delivered to the employee and filed with the City Manager as soon as reasonably possible, generally no later than three (3) working days after the date of the disciplinary action. This notice is delivered to the employee either personally or

by certified mail and includes the following:

1. A written report of the nature of the disciplinary action;
2. The effective date of the disciplinary action;
3. The policy or procedure violated and/or the deficient performance;
4. Feedback given to the employee during any monitoring period;
5. The acts or conducts upon which the disciplinary action is based;
6. The conditions/goals/measures or future actions to be set and/or taken.
7. Notice of employee grievance appeal rights per Chapter 15, Grievance Procedure.

Allegations are confidential unless an employee, through the employee's own action, allows the allegations to become public information.

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

Disciplinary action is valid only if written notice is delivered to the employee and filed with the City Manager as soon as reasonably possible, generally no later than three (3) working days after the date of the disciplinary action. This notice is delivered to the employee either personally or by certified mail and includes the following:

1. A written report of the nature of the disciplinary action and the summary details of the Loudermill hearing;
2. The effective date of the disciplinary action;
3. The policy or procedure violated and/or the deficient performance;
4. Feedback given to the employee during any monitoring period;
5. The acts or conducts upon which the disciplinary action is based;
6. The conditions/goals/measures or future actions to be set and/or taken.

Allegations are confidential unless an employee, through the employee's own action, allows the allegations to become public information.

16.06 Disciplinary Probation/Disciplinary Demotion/Termination Process

Disciplinary probation, demotion and termination are actions that can be taken only by the City Manager. A department director may submit a written recommendation for a disciplinary probation, demotion or termination of an employee to the City Manager. The recommendation includes the specific allegations and the basis of the recommendation. A copy is provided to the employee. The City Manager advises the employee in writing if there is to be a pre-disciplinary probation, pre-demotion or pre-termination hearing. The employee is notified in writing of the basis of the recommendation for disciplinary probation, demotion or termination and is advised when to meet with the City Manager to discuss the proposed disciplinary probation, demotion, or termination.

16.07 City Manager Level Pre-Disciplinary Meeting: If a pre-disciplinary meeting is to be held by the City Manager, it is held at a reasonable time, generally no sooner than three (3) days after the written notification to the employee of the proposed action. In responding to the charges, the employee may present any appropriate information.

The City Manager conducts the hearing informally. The basis for the recommendation of termination or demotion is not made public unless by the employee. Criminal misconduct is potentially subject to disclosure under the Public Records Act. The City Manager, upon reviewing the information provided by the department director and the employee, makes a decision whether to place the employee on disciplinary probation, to demote the employee, to terminate the employee or to consider other disciplinary action. If the employee is placed on disciplinary probation, demoted or terminated, the employee is given written notice of and the basis for, the disciplinary probation, demotion or termination.

16.08 Appeal Procedure: Regular employees have the right to appeal to the City Manager concerning any disciplinary action taken by the employee's immediate supervisor or department director. The appeal is filed with the City Manager, with a copy given to the department director, within seven (7) working days after receipt of the written notice of a disciplinary action. The appeal specifically states the facts upon which the appeal is based.

The City Manager renders a decision on the matter, generally within fourteen (14) working days after receipt of the appeal. The decision of the City Manager is the final step.

Chapter 17

RECORDS, REPORTS AND NOTICES

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

1. To demonstrate that legal, regulatory, and procedural requirements for all personnel actions have been satisfied;
2. To provide a basis for making decisions involved in personnel actions;
3. To provide a basis for reports on personnel activities;
4. To document the attainment of employees' educational, development and training goals.
5. To the degree possible, security of information will be respected and maintained.

17.02 Notice of Employee Change of Status: Every appointment, transfer, promotion, demotion, change in compensation, resignation, suspension, vacancy, leave of absence, official reprimand, commendation, address change, name change, reclassification, and all other temporary or permanent changes in status of employment is reported to the City Manager and the Human Resources Office on a proper form (PM-8) with original documents attached. The effective date and a record of the change will be maintained and kept by the Human Resources office.

Change of Personal Information: Employees are responsible for keeping their personnel records up to date by notifying the Human Resources office through their department/division administrative, in writing of any personal information changes to the following information: name, address, telephone number, marital status (for benefits and tax withholding purposes only), addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only), beneficiary designations for any of the City's insurance, disability, retirement, and deferred compensation plans, and persons to be notified in case of emergency. Failure to do so may delay or have an adverse effect on the timely receipt of correspondence being mailed, insurance coverage, and/or accurate assessment of premium rates for the City. The City will not be responsible for an employee's error or omission in this regard.

17.03 Personnel Files:

Human Resources Office: The Human Resources office maintains complete personnel files for employee's showing each employee's name, address, classification title, position, compensation, assigned department, changes in pay rates, employment status, performance

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appraisals, commendations, official disciplinary actions and other pertinent information. The division also maintains records for each employee's vacation leave, sick leave, floating holidays, personal leave, compensatory time, and compensation schedules. The City Manager determines the form and manner in which this information will be maintained.

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

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

The exemption of City personnel records from public disclosure is governed by applicable statutes. Refer to RCW 42.17.310. However, case law has concluded that some personnel records are not private, particularly records of employee misconduct.

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

Chapter 18

EMPLOYEE TRAINING, DEVELOPMENT AND EDUCATIONAL PROGRAMS

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

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

18.02 Detail Assignments: Temporary detail assignments provide opportunities for employees to be exposed to new and different types of projects, work assignments and classifications to enhance professional development and experience. Employees may request consideration for a temporary detail assignment to a department director by submitting a cover letter of interest and resume or completed City application form. The Department Director shall have authority to make selections of a City employee interested in a temporary detail assignment so long as there is budgetary approval and they have gained the approval of the department director where the employee is regularly assigned. Assignments may be up to one hundred and eighty (180) days in length. Depending on the temporary detail assignment and classification of the position being assigned, the department director shall have the discretion to assign a premium of 5 – 10% of the employee's base hourly salary for all hours worked during the detail assignment.

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

Tuition Reimbursement Plan: In order for a regular employee or regular part-time employee to be eligible for the reimbursement of tuition, registration, and books for approved courses taken when the employee is off duty, the employee completes the Prior Approval for Tuition/Course Reimbursement form PM-16. To the degree possible, the form is submitted to the employee's immediate supervisor during the budgeting process.

The City offers financial support for approved courses. The funds for reimbursement of tuition, registration, and books are budgeted within departmental and divisional budgets. An employee needs approval of the department director and the City Manager before registering for a course.

Employees should be aware that, due to budgeting restraints, the City is under no obligation to approve all or any employee requests. Funds allocated to departmental budgets for

reimbursement of tuition, registration, and books are divided in a fair and equitable manner among those employees making the tuition reimbursement requests.

Eligible Courses: Courses taken at any accredited and recognized educational or training institution are generally approved when courses are related to the employee's present position in City service and potential development within City service; are part of a program leading to a degree related to the employee's present position or potential for development; or are required to obtain a high school diploma.

Employee's Responsibility: To be eligible to receive reimbursement for tuition, registration, and books, an employee submits a copy of all receipts; and completes and passes the course with a grade of "B" or better. In the case of a pass/fail course, the employee must achieve a passing grade.

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

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

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

Chapter 19

PHYSICAL EXAMINATION AND SUBSTANCE ABUSE POLICY

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

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

This chapter has been developed in compliance with the Federal Drug-Free Workplace Act of 1988, regulations of the U.S. Department of Transportation ("DOT"), the Federal Transit Administration ("FTA"), and other relevant authorities. It also incorporated the City's Drug Free Work Place Policy initially adopted in 1989.

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

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

19.04 Provisions:

1. **Controlled Substances:**
 - A. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol in the workplace is prohibited. Reporting to work under the influence of a controlled substance or alcohol is prohibited.
 - B. As a condition of employment, all employees must notify their Department Director of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such a conviction.
2. **Prescription or Over-the-Counter Drug Use:** The use of prescription and over-the-counter drugs which compromise the safety in the workplace is prohibited. It is the employee's responsibility to check with their physician as to whether or not a prescription drug will impair safe performance. Under this chapter employees are specifically required to notify their immediate supervisors when they are taking medications with warning labels that may affect their ability to remain alert or operate equipment. The City will make a form available to employees to assist them in reporting such medically authorized drug use. This form will be maintained in a separate confidential file in the Human Resources office.
3. **Drug Use Away from the Workplace:** The use of a controlled substance off the work site by an employee may be grounds for disciplinary action.
4. **Employee Sanctions:** It is the responsibility of every employee to be aware of the above provisions and to abide by them. Failure to observe these provisions will result in immediate discipline of the employee, up to and including termination. The employee may be required to participate satisfactorily in an alcohol or drug abuse assistance or rehabilitative program.
5. **Employee Assistance Program:** The City is committed to supporting employees undergoing treatment and rehabilitation for alcohol or other chemical dependency. The City will provide information to employees on available drug counseling and rehabilitation programs.
6. **Drug Abuse Education Program:** The City will utilize available resources, to educate employees as to the dangers of drug abuse.
7. **Confidentiality:** The confidentiality of all complaints and reported violations of the provisions of this directive will be strictly maintained, except as required by public disclosure laws or court order.

19.05 Drug and Alcohol Testing

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

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

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

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

Types of Testing

1. **Pre-Employment Drug Testing:** All individuals employed in CDL required positions and public safety-sensitive positions must pass a drug test as a post-offer condition of employment.
2. **Reasonable Suspicion Testing:** Employees shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy may have been or is presently being violated. A referral for testing will be based on current, clearly described observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use, confirmed by a second trained supervisor. Prior to beginning a discussion with the employee about the

observed behavior, the supervisor will inform the employee of their right to have applicable representation present during the meeting. Employee's requests for representation will be honored to the extent that honoring the request does not unreasonably delay testing. When reasonable suspicion exists, the affected employee will be questioned and observed. A decision to request a specimen will be based upon eye witness reports, facts of the event and observed physical and behavioral characteristics of the affected employee. The employee will be interviewed in a private area.

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

B. Relief of Duty: The employee will be placed on leave until the results of the drug and/or alcohol test are complete and verified. If the test results are negative, the employee will be compensated during the waiting period for all work time lost. If the test results are positive employees will be allowed to use vacation, floating holiday, or compensatory time, at their discretion or sick leave if entitled or applicable during the period of absence to eliminate any loss of income. Personal leave is not authorized for this purpose. If an employee chooses to use paid leave during the period of absence they must notify the City which type of paid leave will be use during the period of absence. The City shall have five (5) working days after positive test results, to notify the employee of disciplinary actions in accordance with Chapter 16.

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

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

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

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

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

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

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

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

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

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

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

10. Refusal to Take an Alcohol or Drug Test: No employee shall refuse to submit to an alcohol or drug test as directed under this chapter. A refusal to submit shall include,

but is not limited to:

- A. A failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with the procedures manual;
- B. Failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing in accordance with the procedures manual;
- C. Engaging in conduct that obstructs the testing process.

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

19.06 Definitions:

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

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

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

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

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

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

Substance Abuse Professional (SAP) - A Substance Abuse Professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse

Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.

19.07 Prohibited Conduct

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

1. **Alcohol Concentration:** An employee may not report for or remain on duty, for the performance of duties covered under this chapter while having an alcohol concentration of 0.04 or greater.
2. **Alcohol Possession and On Duty Use of Alcohol:** An employee may not possess or use alcohol while on-duty or while operating a commercial vehicle.
3. **Pre-Duty Use of Alcohol:** An employee may not report for duty or operate a commercial vehicle within four hours after using alcohol. An on-call employee who consumes alcohol within four (4) hours of being called in must acknowledge the use of alcohol and may not report for duty.
4. **Alcohol Use Following an Accident -** An employee required to take a post-accident alcohol test may not use alcohol for eight (8) hours following the accident, or until a post-accident alcohol test is given, whichever comes first.
5. **Use of Drugs:** An employee may not report for duty, remain on duty, or drive a commercial vehicle when the employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform their duties or operate a commercial vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely should provide written notice from their physician with respect to the effect of such substances. The City will make a form available to employees to assist them in reporting such authorized drug use. This form will be maintained in a separate confidential file in the Human Resources Department.
6. **Refusal to Submit to a Required Test:** An employee may not refuse to submit to a post-accident, reasonable suspicion, or follow-up alcohol and drug test as directed by this chapter. In addition, employees required to have and maintain a CDL may not refuse to submit to random testing as directed by this chapter.
7. **Positive Drug Test:** An employee may not report for duty or remain on duty, if the employee tests positive for drugs or alcohol.
8. **Tampering with a required test:** An employee may not tamper with, adulterate,

alter, substitute or otherwise obstruct any testing process required under this chapter.

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

19.08 Securing Information from Previous Employers:

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

1. Positive alcohol and drug tests;
2. Refusal to be tested.

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

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

19.09 Confidentiality and Record Retention:

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

19.10 Consequences of Engaging in Prohibited Conduct or Positive Drug or Alcohol Tests:

Discipline and Rehabilitation: An employee will be subject to appropriate disciplinary action up to and including termination from employment if:

1. The employee tests positive for a drug or drugs;
2. Results from an alcohol test indicate a blood alcohol level of 0.04 or greater; and/or,
3. The employee has engaged in prohibited conduct as outlined above.

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

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

The following sections of this policy apply to those employees who are not terminated for their violations.

19.11 Positive Test Results and/or Engaging in Prohibited Conduct:

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

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

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

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

Employee Assistance Program/Voluntary Referral: The parties support 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 an employee with any other illness.

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

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

An employee, who successfully completes a treatment or rehabilitation program, shall be returned to their regular duty assignment, or an equivalent position

Chapter 20

WORKPLACE VIOLENCE PREVENTION POLICY

20.01 Purpose of Policy: To establish a policy and procedure for the City of Walla Walla protecting employees and the general public from acts of Workplace Violence.

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

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

It is not the intent of this policy to infringe upon or negate any constitutional rights afforded any United States citizen.

20.03 Definitions:

Workplace Violence means a violent act or threatening behavior that is directed at an employee or member of the public at a work location. Workplace violence does not include the use of reasonable force in self-defense or the defense of others.

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

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

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

Prohibited Activities includes any workplace violence; destruction of property belonging to the City of Walla Walla or its employees; the possession or use of unauthorized weapons in or on

any City premise or vehicles; frightening or annoying behaviors in the workplace including stalking or continuous unwelcome contact, in any form, by an employee towards another and bizarre or offensive comments regarding violent threats or events.

20.04 Procedures:

1. City employees shall:
 - A. Not engage in workplace violence.
 - B. Not bring unauthorized weapons to their work location unless required or authorized by their positions, e.g., commissioned police officers. For purposes of this restriction, City owned parking lots adjacent to City buildings shall constitute a work location.
 - C. If they are involved in prohibited activities or witness workplace violence:

protect themselves or others based on their best judgment under the circumstances; and

call 9-1-1 (on some City telephone sets, callers may need to dial 9-9-1-1 or 9-9-9-1-1) for police assistance if necessary in light of the circumstances.

After being involved in a prohibited activity or witnessing workplace violence, immediately report the incident to your supervisor who in turn shall inform the department director.
 - D. Immediately provide a copy of court issued protective or restraining orders (either temporary or permanent) that list any City of Walla Walla's work areas/locations as protected areas to their supervisor.
 - E. Participate in periodic training sponsored by the City on identifying and defusing workplace problems or conflicts that could potentially lead to workplace violence.

For the safety of co-workers, employees should give serious consideration to making their supervisor aware of potential threatening or violent situations occurring in their personal life that may become problematic for the safety and security of the workplace. The purpose for this notification is to heighten the supervisor's awareness of any possible dangerous and preventable violent situations that may occur in the workplace.

2. All supervisors and managers shall:
 - A. When work place violence occurs, take every reasonable effort to ensure

that persons involved are safe.

B. Notify police if necessary, if this has not already been done.

C. Immediately provide verbal notification of incidents of prohibited activities and workplace violence to their department director and confirm the incident in writing as soon as reasonably possible.

D. Provide a copy of any court issued protective/restraining order that list any City of Walla Walla's work areas/locations as protected areas to the department director.

E. Take appropriate steps to diffuse workplace violence that they witness, if they can do so without endangering themselves or others.

F. Advise employees within the affected work unit and others, as necessary and as soon as possible, as the supervisor becomes aware of a situation that could lead to possible workplace violence. Supervisors should consult with the Human Resource Manager and department director regarding this communication.

3. Department directors shall:

A. Immediately upon observing or receiving a report of an incident of prohibited activity or workplace violence:

1. take every reasonable effort to ensure that persons involved are safe;

2. notify the police, if necessary;

3. notify the City Manager;

4. ensure the incident is appropriately documented;

5. contact the Human Resource Manager to jointly initiate an investigation.

B. Take appropriate corrective action against any employee who engages in a prohibited activity or workplace violence up to and including termination. Factors such as the nature of conduct, past disciplinary action and work history of the employee, and other mitigating or aggravating circumstances may be considered in the disciplinary process.

C. Notify both Human Resource Manager and the police department of any court issued protective/restraining order that lists any City of Walla Walla's work areas/locations as protected areas. Other department/division management staff in the location where the individual works should also be notified. In the case there

is a violation of the order, those in positions of responsibility will be aware of the issue and can take the action of notifying the police and asking the person who violated the order to leave.

D. Where appropriate and in consultation with law enforcement in the City, take steps to provide security measures at work locations where violence is anticipated or threatened.

4. The Human Resource Manager shall:

A. Review, monitor, and recommend necessary modifications to this policy to ensure its effectiveness and compliance with employment trends and laws.

B. Design and implement periodic workplace violence prevention/awareness training for City personnel.

C. Assist department directors, division managers and supervisors in investigating incidents involving prohibited activities and workplace violence.

D. Review job applications and references in the applicant recruitment/screening process of prospective employees for any indications of workplace violence in prior employment.

E. Ensure a quality employee assistance program (EAP) is available for all City employees and immediate family members as a resource to assist with anger management, stress, conflict management, and/or alternative dispute resolution.

Chapter 21

ANTI-HARASSMENT POLICY

21.01 Purpose of Policy: As an employer, the City of Walla Walla values the dignity of all employees and is committed to providing a respectful workplace, one that is harassment free and in which all individuals are treated with respect. The expectation is that managers, supervisors and employees will create and maintain a work environment that is respectful of all persons in it.

21.02 Application: This policy applies to all workplaces and employees of the City of Walla Walla, volunteers working on behalf of the City and individuals under contract to the City of Walla Walla.

21.03 Roles and Responsibilities: Harassment is a concern for everyone and maintaining a harassment and hostile free workplace is everyone's responsibility. The City has a responsibility and a legal obligation to ensure employees are not exposed to harassment in the workplace and for the implementation of this policy. Supervisors and managers are responsible for ensuring a harassment free workplace and adherence to the policy. This includes taking appropriate preventive or corrective action and stopping any harassment of which they are aware. Supervisors and managers should ensure that all employees' rights are protected and should support employees in the conflict resolution process.

Employees have a responsibility to create and support a workplace that is free of harassment by complying with this policy and by ensuring their behavior meets acceptable standards. Employees must refrain from discriminatory or harassing behavior. Employees who feel they have been harassed should make their objections known to the alleged harasser or other appropriate person and document incidents of harassment. Employees witnessing harassment are encouraged to take action to bring the incident to the attention of an appropriate City official.

21.04 Policy: Harassment in the workplace will not be tolerated. The abuse of one's authority or position to intimidate, coerce or harass is forbidden and is considered absolutely intolerable in the City workplace. Harassment constitutes a disciplinary infraction that shall be dealt with through the appropriate measures up to and including termination.

This policy does not limit or constrain the City's right, as the employer to manage the workplace. For example, work assignments, operational reviews, performance reviews, coaching, work evaluation and disciplinary measures taken by a manager or supervisor, in good faith for valid reasons, do not constitute harassment in the workplace. These supervisory and management actions must remain respectful of the individual. This policy will not, under any circumstances, be used to impede the supervisory relationship, nor is it intended to inhibit normal and acceptable day-to-day social interaction in the workplace.

21.05 Definitions:

Discrimination: Discrimination is defined in civil rights law as unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class because of race, sex, color, religion, national origin, age, disability, or sexual orientation. Reprisal for opposition to discriminatory practices or participation in the EEO process is also prohibited by law. Federal EEO laws prohibit an employer from discriminating against persons in all aspects of employment, including recruitment, selection, evaluation, promotion, training, compensation, discipline, retention and working conditions, because of their protected status. Discrimination can be intentional or unintentional, direct or indirect.

Discrimination in City employment is prohibited on the basis of race, creed, religion, color, sex, sexual orientation, marital status, disability, age, or national origin.

Harassment: Harassment is a form of discrimination. This policy defines harassment any objectionable conduct, comment or display by a person that:

1. Is unwelcome;
2. Is made on the basis of race, creed, religion, color, sex, sexual orientation, marital status, disability, or national origin; and
3. Creates a hostile or offensive working environment.

Examples of Harassment

Harassment can include, but is not limited to, the following examples:

unwelcome remarks, jokes, innuendoes or taunts causing embarrassment or offense;
displaying objectionable materials, graffiti or pictures;
insulting gestures, jokes, disparaging written materials;
unwelcome sexual advances, propositions or inquiries and/or comments about a person's sex life;
unwanted contact or attention (may be one time only or persistent);
inappropriate touching;
shunning and ostracizing
threats, bullying, coercion, isolation;
actual or threatened physical assault;
verbal assault;
malicious gestures or actions; and
stalking.

Harassment may or may not be intentional. The impact on the recipient and the workplace is a measure of whether or not harassment has occurred.

Workplace: For the purposes of this policy, the workplace includes, but is not limited to, the physical work site, break rooms, training sessions, business travel, field locations, conferences, work related social gatherings or any other place where the employee is required to be in service to the employer.

21.06 Unfair Treatment versus Unlawful Discrimination: Unfair treatment is not necessarily unlawful discrimination. Treating a person unfavorably in comparison to others may violate EEO laws only when that person's protected status is a factor in the treatment.

Employment decisions should be based only on job-related merit factors. All employees should avoid conduct which undermines fair and equal treatment. Although all unfair treatment may not be discriminatory, it is poor personnel management and should be avoided.

21.07 Confidentiality: The City will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint or taking corrective action with respect to the complaint or required by law. All information relating to verbal and written complaints shall be kept confidential consistent with the need to investigate.

21.08 Complaint Procedure: If you feel that you or other employees have been subjected to harassment of any kind, you are encouraged to immediately identify the offensive behavior to the harasser and request that it stop.

If you are uncomfortable in addressing the matter directly with the harasser, or if you do so and the behavior does not stop, then discuss the matter immediately with the Human Resource Manager, your supervisor, the City's Employee Assistance Program, or any supervisor with whom you feel comfortable. You should report the matter regardless of whether or not you have confronted the harasser.

You should also report any harassment by members of the public, customers, suppliers, or other persons whom you encounter at work. Your concerns will be promptly investigated by the City and you will not suffer retaliation for reporting your concerns.

Any supervisor or manager who becomes aware of any alleged incident of harassment should immediately refer the matter to the Human Resource Manager for investigation. If the Human Resource Manager is the subject of the complaint, the matter should be referred to the City Manager for investigation.

21.09 Investigation Process: The complaint is promptly investigated and may be assigned to an independent third party/contractor. The investigation includes interviews with the individuals involved and any witnesses who are available. Confidentiality during the investigation process is maintained to the degree possible.

Any action or conduct found to violate this policy may result in disciplinary action, up to and including discharge. Failure to maintain confidentiality may also result in disciplinary action.

Chapter 22

NO SMOKING POLICY

22.01 Purpose of Policy: The object of this policy is to provide a healthy and productive work environment for all City employees. The policy responds to the growing medical and scientific evidence showing the detrimental effects of smoking on personal health and work performance. The policy also responds to public laws related to smoking in public facilities and to the strong desire of many City employees to work in a smoke-free environment. This policy intends to provide a smoke-free work environment for all employees. It does not intend to infringe upon the personal right and decision of an employee to smoke.

22.02 Definitions:

Smoking or To Smoke: Inhaling, exhaling, or carrying any burning tobacco or other plant matter. This includes, but is not limited to, cigarettes, cigars, or pipes.

Enclosed Work Area: An area enclosed by a roof and walls with at least one opening for ingress and egress. The area is owned, leased, or rented by the City with intended use by officers and employees of the City.

Common Area: Includes, but is not limited to, employee lounges, lunch rooms, conference rooms, stairways, elevators, hallways, and rest rooms.

Smoking Debris: Includes, but is not limited to, smoke, ash, or any other residue resulting from smoking. "Smoking debris" also includes cigarette or cigar butts, cigarette paper, or products packaging tobacco.

City Facility: An enclosed facility, including any automobile, that is owned, leased, or operated by the City and that is frequented by the public or represents the work station of an employee.

Automobile: Any car, truck, pickup, or other equipment or vehicle.

22.03 Uniform Smoking Policy: Smoking is prohibited twenty-four (24) hours of the day, every day, in all enclosed work and common areas, facilities, and automobiles.

Smoking is permitted in outdoor areas unless the smoke could be drawn into a workplace or common area. All employees who elect to smoke in outdoor areas are responsible for the proper maintenance and/or removal of all smoking debris.

The City-wide smoking policy applies to all City work and common areas, whether in an

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individual or shared office space, or an automobile. The policy also applies to all persons who visit enclosed work and common areas during all hours and days of the year. These persons include all officers, employees, contractors, and members of the general public.

22.04 Violations: Discipline may be imposed, in accordance with the Personnel Policy, on any employee who violates the City smoking policy. The primary objective of discipline is to correct the behavior in violation of the policy, not to punish employees who smoke.

Chapter 23

WHISTLEBLOWER POLICY

23.01 Purpose of Policy: It is the policy of the City of Walla Walla 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.

23.02 Definitions:

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

1. Violates any Federal, State, or local law or rule;
2. Abuses authority;
3. Is of substantial and specific danger to public health or safety;
4. Is a gross waste of public funds.

This does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands.

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

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

23.03 Reporting Procedures: An employee who becomes aware of an improper governmental action raises the issue first with the employee's immediate supervisor. If the supervisor requests it, the employee will submit a written report to the supervisor or to a person designated by the supervisor. The written report will 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 may raise the issue with the department director, City Manager, or any such person whom the City Manager designates to receive reports of improper governmental action.

The employee may report the improper action directly to the governmental agency responsible for investigating improper governmental actions when an employee believes that damage to persons or properties may result if immediate action is not taken.

The immediate supervisor, department director, City Manager, or City Manager's designated representative takes prompt action in assisting the City to properly investigate the report of improper action. Employees involved in the investigation (to the extent possible under law), must keep the identity of the reporting employees confidential, unless an employee authorizes, in writing, the disclosure of their identity.

After an investigation has been completed, the employee reporting the improper governmental action is given a summary of the results of the investigation. However, personnel actions taken as a result of the investigation may 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 government agency responsible for investigating improper actions. An employee may also turn to the government agency if they believe the City's action against the improper action is insufficient or believes that the improper action is likely to recur.

If an employee **fails to make a sincere attempt to follow the City procedures** in reporting an improper governmental action, the employee will not receive the protection provided by the City in these procedures.

23.04 Protection from Retaliatory Actions: Employees are prohibited from taking retaliatory action against an employee who, in good faith and accordance with the proper procedures, has reported an improper governmental action.

An employee who believes that they have been retaliated against shall advise the employee's immediate supervisor, department director, the City Manager, or the City Manager's designated representative. Supervisors and department directors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's immediate supervisor, department director, the City Manager, or the City Manager's designated representative 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 City Manager, 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 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 delivers the request for a hearing to the City Manager within the earlier of these dates: either fifteen (15) calendar days after the delivery of the City Council's response to the charge or forty-five (45) calendar days after the charge was given to the City Council for response.

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

Office of Administrative Hearings
PO Box 42488
Olympia, WA 98504-2488
(360) 664-8717
(360) 664-8721 (FAX)

The City shall consider any recommendation that the retaliator be suspended, with or without pay. As provided by the administrative law judge, the City shall also consider that the retaliator be discharged.

23.05 Whistleblower Responsibilities:

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

Department directors and supervisors are responsible for ensuring that the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including discharge.

A list of agencies which are responsible for enforcing Federal, State, and local laws and for investigating other issues involving improper governmental action is attached as Appendix A of this Manual. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the City Manager.

Chapter 24

AMENDMENTS

24.01 Amendments to the Personnel Policy: The City Manager may amend, change, and revise this Personnel Policy. The City Manager will provide written notice to each of the union presidents of any proposed amendments, changes or revisions to the Personnel Policy Manual. The union presidents will have sixty (60) days to respond in writing what, if any, comments they may have.

Employee Advisory Committee Recommendations: The Employee Advisory Committee, upon authorization of the City Manager, may review and recommend revisions to this Personnel Policy for the purpose of enabling employees to propose suggestions for revisions.

Employee Recommendations: Any employee may suggest an amendment, change, or revision by submitting suggestions in writing to the City Manager.

The City Manager retains final authority to approve or disapprove proposed revisions made by an employee or by the Employee Advisory Committee.

All amendments, changes, and revisions are made available to all City employees in the manner and form approved by the City Manager.

24.02 Saving Clause: If any section, subsection, paragraph, sentence, or phrase is found by a court to be invalid or unconstitutional, such findings shall not affect the remainder of this Personnel Policy.

Chapter 25

DEFINITIONS

The following terms, whenever used in the Personnel Policy, are defined as follows:

Accrued Vacation Leave: The hours/shifts an employee has earned from their anniversary date to a particular month that have not yet been added to the employee's records.

Accumulated Vacation Leave: The hours/shifts an employee has in their records and that are added on a monthly basis.

Administrative Leave: Leave that is authorized by the City Manager with or without pay for an employee during the time a fact finding investigation or other administrative proceeding is pending completion.

For employees in positions exempt from the Fair Labor Standards Act, administrative leave may also be approved to compensate for unusual, non-customary work demands.

Advancement: A salary increase within the limits of the pay range established for a classification.

Allocation: The official assignment of an individual position to the proper classification according to the duties performed and authority exercised.

Anniversary Date: The initial date of regular employment in a budgeted City position and the date from which vacation leave, sick leave, and longevity will be computed.

Appeal Procedure: The established procedure to follow when an employee files an appeal because of action taken against that employee.

Appeal Rights: The right of an employee to appeal for a hearing as a result of action taken against the employee.

Appointing Authority: The City Manager, or the City Manager's designated representative who has the authority to make appointments to fill positions.

Appointment: The offer to and acceptance by a person for a position according to this Policy.

Appointment Date: The date that a newly hired employee (temporary or trial service) begins work for the City.

Armed Forces: Includes the Army, Navy, Marine Corps, Coast Guard, Air Force and their

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auxiliaries.

At-Will Employment: The employment relationship for all employees not covered by a collective bargaining agreement or Civil Service rules and regulations may be terminated at any time by either party with or without cause or notice.

Bereavement: The death of a member of the employee's immediate family and/or the death of a loved one which may require the presence of the employee. The following is the definition for immediate family of the employee or spouse of the employee: Parent, parent-in-law, child, spouse, brother, sister, son-in-law, daughter-in-law, grandparent, grandchild, and equivalent step relatives); for other extended family members, the definition is aunts, uncles, nieces, nephews or cousins.

Budgeted Position: A position that is funded in the City's annual budget.

Candidate: An applicant who is participating in the recruitment for a position.

Child: Biological or adopted child, or a stepchild, who is financially dependent on and/or living with an employee.

City: The City of Walla Walla, Washington.

City Council: The City Council of the City of Walla Walla.

City Department: A major functional subdivision of City government that is accountable through the department director to the City Manager.

City Service: The performance of official duties and responsibilities for the City.

Civil Service Commission: A City Council appointed commission that meets regularly on a monthly basis to administer the established City of Walla Walla Civil Service Rules and Regulations for civil service covered Police and uniform Fire personnel. These Rules and Regulations have been enacted under the provisions of the State of Washington RCW 41.08, RCW 41.14 and City of Walla Walla Municipal Code, Chapter 2.33.

Classification: A group of positions with similar or equal duties, responsibilities, and pay ranges.

Classification Title: A name assigned to a position that indicates a particular level of rank and specific duties and responsibilities.

Compensation: The salary/wage, and all other forms of valuable consideration earned by, or paid to, any employee in remuneration for services in any position.

Covered Employee: A person in a position covered by the overtime provisions of the Fair Labor

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Standards Act, also referred to as a "non-exempt" employee.

Demotion: A reassignment to a position or classification with a lower pay range. Demotions may be involuntary if associated with a disciplinary action, or voluntary which includes changes by employee preference (location, hours, environment, etc.) and demotion to avoid layoff. In either case, the demotion shall be approved only if the employee is qualified to assume the duties of the new position/classification.

Department Director: The professional employee who administers the operation of a City department and is directly responsible to the City Manager.

Department Guidelines: Guidelines issued by a department director and approved by the City Manager designed for specific types of activities within a department's operation.

Disabled War Veteran: A disabled person who has served in active duty of the Armed Forces of the United States during any recognized period of war and who has been discharged or released under other than dishonorable conditions. A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, and the period beginning on the date of any future declaration of war by the U.S. Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of Congress. (RCW 41.04.005)

Discharge: A disciplinary termination of employment.

Disciplinary Action: There are several types of disciplinary action that may include, either individually or in combination, an official reprimand (verbal or written), disciplinary probation, suspension, reduction in salary, demotion, or termination.

Disciplinary Probation: A form of disciplinary action for a period that generally will not exceed six (6) months.

Diversity Management: The policy of the City that seeks equality in employment opportunities and access to services and programs for all applicants and employees regardless of race, religious creed, ancestry, sex, age, marital status, physical or mental disability, national origin, or any other protected status, and that honors and supports cultural and other work force differences as an enhancement to productivity and service.

Division: A major unit of a department within the City organization.

Division Manager/Supervisor: An employee who administers a major unit within a City department and who is directly responsible to a department director.

Eligibility: A candidate whose name is recorded on an eligibility or reinstatement list.

Eligibility List: A record of the names of persons who have been found qualified through suitable examination for employment in a specific position or classification.

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Emergency: As it relates to City operations, an unforeseen circumstance beyond the control of the municipality that either: (a) present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.

Employee or Incumbent: A person legally occupying a position in the City service. Such persons include, but are not limited to, the following:

1. Regular Full-Time Employee: Employee's who work forty (40) hours (or the designated work week for fire-shift personnel) per week in a budgeted position. This person has successfully completed the trial service period and has been retained according to the Personnel Policy provisions.
2. Regular Part-time Employee: Employee's working in a budgeted position whose normal work schedule is less than forty (40) hours per week. This person has successfully completed the trial service period and has been retained according to the Personnel Policy provisions. Regular part-time employees are paid at the equivalent hourly rate of the range and step in the classification to which they are appointed and receive benefits on a pro-rated basis commensurate with their budgeted part-time hours.
3. Trial Service Employee: An employee working in a six- to twelve-month test period in which employee must prove their ability to perform the duties of the appointed position before they can become a regular full-time or regular part-time employee.
4. Temporary Employee: A person appointed to a temporary position or temporarily appointed to a regular position. A temporary position means a position budgeted for a set period of time on an hourly, daily, weekly, seasonal, or call-in basis. This period of time will normally not exceed six (6) consecutive months of continuous employment.
5. Emergency Employee: A person employed to meet unexpected operational emergencies for a temporary period in a position not specifically authorized or funded in the budget.

Employment Date: See Anniversary Date.

Exempt Employee: A person in a budgeted position exempt from the overtime provisions of the Fair Labor Standards Act as an executive, administrative, or professional employee.

Fair Labor Standards Act (FLSA): A Federal law, enacted by the United States Congress in 1938, which sets minimum wage, overtime pay, equal pay, recordkeeping, and child labor standards for employees who are covered by the Act.

Family Medical Leave Act (FMLA): A law enacted on February 5, 1993, which entitles qualified employees to up to 12 weeks of unpaid leave year per for the birth, adoption or

placement for foster care of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition.

Final Earned Rating: The final percentage score attained by a candidate in a Civil Service covered examination for a budgeted position, computed by adding the percentages earned in each part of the examination.

Grievance: A written statement of dissatisfaction about the administration of the Personnel Policy of the City of Walla Walla as it affects an individual employee or group of employees.

Interview Panel: An interviewing panel composed of persons who are experienced either in the field of work for which the examination is being conducted or in the technique of evaluating and rating candidates.

Lay-Off: The separation of a regular or regular part-time employee from City service without fault or delinquency on the employee's part. Reorganization, privatization, the lack of work, or the lack of funds may result in the placement of the employee's name on a layoff list.

Lay-Off List: An eligibility list of names of persons arranged in order by seniority who have had regular employment and have been separated from City service.

May: As used in this Personnel Policy, "may" is permissive.

Military Duty: Training and service performed by an inductee, enlistee, reservist, or any entrant into any of the Armed Forces of the United States and their auxiliaries.

Non-Exempt Employee: See Covered Employee.

Non-Represented Employees: All employees appointed to budgeted positions who are not covered by collective bargaining agreements.

Official Reprimand: An oral or written notice to an employee informing the employee of an action or course of conduct on their part that is cause for disciplinary action.

Open Examination: An examination open to all qualified persons including City employees.

Parent: Biological or adoptive parent, or a step-parent.

Performance Appraisal: An appraisal of the quality, quantity, effectiveness, and efficiency of work performed. The appraisal is to communicate with the employee about performance, expectations, departmental standards, provide positive feedback, define specific areas needing improvement, and to develop a specific growth plan to address learning needs. At minimum, informal appraisals are encouraged frequently; formal appraisals are made annually.

Personnel: All persons employed in City service.

Personnel Management: The process of defining and proposing policies for managing City staff and the implementation of those policies in collaboration with responsible managers and supervisors.

Policy: An approved course of action established by the City Manager or other appropriate authority.

Position: The official rank within a given classification and held by an employee with a descriptive title.

Position Classification and Compensation Plan: The City's official plan that classifies budgeted positions and sets compensation rates.

Position Description: A complete and detailed statement about the general responsibilities, essential functions, specific duties, and minimum qualifications of a specific position within a given classification, as well as decision-making responsibilities, level of supervision received and exercised, working conditions, and equipment operated.

Promotion: A change in the employment status of an employee to a position in a higher classification with a higher rate of pay and increased responsibility.

Promotional Examination: An examination for an unfilled budgeted position open only to active employees of the City.

Promotional List: A list of employees who have been successfully tested for promotion to a more responsible position or positions.

Range: The distance between the minimum and maximum rates of pay within a given classification.

Rate of Pay: See Compensation.

Reclassification: The process of reassigning a position to a different classification as a result of a position audit.

Recognized Employee Organization: A collective bargaining unit.

Recruitment: Activity intended to attract, inform, evaluate, and appoint persons to City service under the provisions of this Personnel Policy.

Regular Employee: See Employee.

Reinstatement List: See Lay-off List.

Rejection: The separation from employment during the employee's trial service period.

Relative: Any person related to the employee including spouses, children, brothers, sisters, half-brothers and sisters, step-brothers and sisters, parents, step-parents, aunts, uncles, nephews, nieces, first cousins, grandparents, grandchildren, and the spouses of the above.

Represented Employees: All employees appointed to budgeted positions who are covered by collective bargaining agreements.

Retirement: Official retirement from a budgeted position and City service that is available when the requirements of the employee's retirement system are met.

Salary Date: The date on which an employee's rate of pay becomes effective and on which advancements within the pay plan are based.

Separation Date: The last day of an employee's work in City service, after which no vacation or sick leave is accrued or used.

Shall: As used in this Personnel Policy "shall" is mandatory, and is reserved generally for policies governed by Federal or State laws.

Step Date: The date in which the employee moves within their assigned classification pay range to the next higher pay step. An employee's step date is established by the following personnel actions:

Initial appointment - upon successful completion of the non-represented employees trial service period, the initial step date shall be established; the step date for represented employees will be one year following their appointment date;

Promotion - the promotion of the employee through a competitive recruitment process shall dictate a new step date commencing on the effective date of promotion;

Demotion - the demotion (voluntary or involuntary) of the employee shall maintain their prior step date for the purpose of any future step increases;

Reclassification - an employee whose classification is changed shall receive a new step date commencing at the effective date of reclassification.

Stand-by Status: An employee required during impending need to be available by a pager or telephone number known to the employee's immediate supervisor and/or the Police Department. Such an employee is prepared to report for duty within thirty (30) minutes and is considered to be on stand-by duty until relieved by the employee's supervisor.

Supervisor/Manager: An employee hired and/or appointed by the City Manager at the recommendation of the director of the employee's department to assign/direct and evaluate the work of other employees within designated work unit or division of the same department.

Suspension: The temporary separation of an employee from their position, with or without loss of pay, for pending disciplinary action, disciplinary action, or for another reason as determined necessary by the employee's supervisor, and for a defined period of time.

Tenure: Status granted to an employee, after a trial service period indicating that the position or employment is regular.

Termination: The separation of an employee from City service. Termination may be by discharge, death, lay-off, resignation, retirement, work completion, contracting out City services, or lack of work or funds. The termination date is the last day of an employee's work in City service. No vacation or sick leave is accrued or used from that date forward.

Training, Education, and Development: The training and educational programs as established or budgeted by department directors or the City Manager for personnel in City service. Training and educational programs give opportunities for employees and volunteers to gain knowledge, skills, and abilities to perform more effectively in City service.

Transfer: A reassignment of an employee from one position to another position in the same classification or another classification having the same pay range, involving the performance of similar duties, and requiring substantially the same basic qualifications.

Trial Service Period: A working test or orientation period during which an employee demonstrates, by actual performance, the employee's suitability for the duties of the position to which the employee has been appointed. The trial service period is for a minimum of six (6) months unless otherwise designated by a collective bargaining agreement.

Unauthorized Leave of Absence: Failure of an employee to notify and receive permission from their immediate supervisor in advance of absence or failure of an employee to report for work at the beginning of their next regularly-scheduled work period. An unauthorized leave of absence includes all or any portion of a work day for which notice and approval have not been provided. An unauthorized leave of absence may be grounds for disciplinary action up to and including termination.

War Veteran: Any person who has received the Armed Forces, Marine Corps, or Navy expeditionary medal for opposed action on foreign soil. This person may belong to any branch of the Armed Forces of the United States. A "period of war" includes World War I, World War II, the Korean conflict, the Vietnam era, Gulf War and the period beginning on the date of any future declaration of war by the U.S. Congress and ending on the date prescribed by Presidential proclamation or concurrent resolution of Congress. (RCW 41.04.005)

Weight: The fixed numerical value given to each part of a recruitment examination for an unfilled budgeted position. Such a value sets the relative worth of each part and is used in computing a general average.

Workday: An employee's scheduled daily hours of employment.

Workweek: An employee's schedule of work hours within an appointed week.

Y-rating: The act of "freezing" the salary of an employee when the employee moves to a new range and is currently paid above that range's maximum. The salary is frozen without any increases (including cost of living adjustments) for as long as it takes the employee's new salary range to catch up to the employee's current pay level.

APPENDIX A

CITY OF WALLA WALLA

Walla Walla City Attorney
P.O. Box 478
Walla Walla, WA 99362
(509) 52522-2843

Walla Walla Police Department
c/o City of Walla Walla
P.O. Box 478
Walla Walla, WA 99362
(509) 527-4434

WALLA WALLA COUNTY

Walla Walla County Prosecutor
240 West Alder #201
Walla Walla, WA 99362
(509) 527-3232

Walla Walla County-City Health Dept
310 West Poplar Street
Walla Walla, WA 99362
(509) 527-3290

Walla Walla County Sheriff's Department
204 West Alder #101
Walla Walla, WA 99362
(509) 527-3268

STATE OF WASHINGTON

Attorney General's Office
1125 Washington St. SE
PO Box 40100
Olympia, WA. 98504-0100
(360) 753-6200

State Auditor's Office
Assistant Attorney General
State Attorney General's Office
PO Box 40108
Olympia, WA 98504-0108
(360) 586-9667

State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
(360) 407-6000

Human Rights Commission
402 Evergreen Plaza Building FJ-41
711 South Capitol Way
Olympia, WA 98504-2490
(206) 753-6770

Department of Labor & Industries
Walla Walla Field Office
1815 Portland Avenue, Suite 2
Walla Walla, WA 99362
(509) 527-4437

UNITED STATES FEDERAL GOVERNMENT

City of Walla Walla
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USDA, Office of Inspector General
75 Hawthorne Street
Suite 200 San Francisco, CA 94105-3920
(415) 744-2851
Fax (415) 744-2871

General Accounting Office
Fraud Hot Line 800-424-5454

Consumer Product Safety Commission
Hot line 800-638-2772

Environmental Protection Agency
Criminal Investigations
1200 Sixth Avenue
Seattle, WA 98101
(206) 553-1200 or (800) 424-4EPA

Equal Employment Opportunity Commission
909 First Ave, Suite 400
Seattle, WA 98102-1061
(206) 220-6883

Department of Labor
Occupational Safety & Health (OSHA)
200 Constitution Avenue
Washington, D.C. 20210
1-800-321-OSHA (6742)