

**TOWN OF WINTHROP
PERSONNEL POLICIES**

September 5, 2001

TABLE OF CONTENTS

RECEIPT OF PERSONNEL POLICIES	1
CHAPTER 1 PURPOSE AND SCOPE.....	2
1.1 INTRODUCTION.....	2
1.2 INTENT OF POLICIES	2
1.3 SCOPE OF POLICIES.....	2
1.4 CHANGING THE POLICIES	2
1.5 DEFINITIONS	3
CHAPTER 2 GENERAL POLICIES AND PRACTICES.....	4
2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY	4
2.2 DISABILITY DISCRIMINATION PROHIBITED.....	4
2.3 LIFE THREATENING/COMMUNICABLE DISEASES	4
2.4 ANTI-HARASSMENT POLICY	4
2.5 SEXUAL HARASSMENT PROHIBITED.....	5
2.6 DISCRIMINATION COMPLAINT PROCEDURE.....	5
2.7 EMPLOYEE PERSONNEL RECORDS	6
2.8 EMPLOYMENT REFERENCES	6
CHAPTER 3 RECRUITING AND HIRING.....	7
3.1 RECRUITING.....	7
3.2 HIRING.....	7
3.3 TEMPORARY EMPLOYEES	8
3.4 TRIAL PERIOD.....	8
3.5 EMPLOYMENT OF RELATIVES (NEPOTISM).....	9
3.6 PROMOTIONS.....	9
CHAPTER 4 HOURS AND ATTENDANCE.....	10
4.1 WORKING HOURS	10
4.2 HOURS OF WORK AND OVERTIME.....	10
4.3 COMPENSATORY TIME.....	10
4.4 ATTENDANCE.....	11
4.5 UNUSUAL WEATHER CONDITIONS	11

4.6	BREAKS AND MEAL PERIODS	11
4.7	CALL BACK.....	12
4.8	PAYROLL RECORDS	12
CHAPTER 5 COMPENSATION.....		13
5.1	SALARY CLASSIFICATION AND GRADES.....	13
5.2	EMPLOYEE PAY RATES	13
5.3	PAYDAYS	13
5.4	DEDUCTIONS.....	13
5.5	TRAVEL AWAY FROM THE CITY	14
5.6	TRAVEL EXPENSE REIMBURSEMENT	14
5.7	OTHER FOOD EXPENSES.....	15
5.8	COMPENSATION UPON TERMINATION	16
5.9	WELLNESS INCENTIVE PLAN	16
CHAPTER 6 PERFORMANCE EVALUATIONS AND TRAINING.....		17
6.1	PERFORMANCE EVALUATIONS	17
6.2	TRAINING POLICY.....	17
CHAPTER 7 BENEFITS		18
7.1	RETIREMENT BENEFITS.....	18
7.2	DISABILITY BENEFITS (WORKERS COMPENSATION).....	18
7.3	HEALTH INSURANCE BENEFITS	19
7.4	CONTINUATION OF INSURANCE COVERAGE.....	19
7.5	UNEMPLOYMENT COMPENSATION.....	19
CHAPTER 8 LEAVES.....		20
8.1	VACATION LEAVE.....	20
8.2	SICK LEAVE.....	21
8.3	LEAVE WITHOUT PAY.....	22
8.4	JURY AND WITNESS LEAVE	22
8.5	ADMINISTRATIVE LEAVE.....	22
8.6	MILITARY LEAVE.....	23
8.7	BEREAVEMENT LEAVE.....	23
8.8	SHARED LEAVE PROGRAM.....	23
8.9	HOLIDAYS	24
8.10	RELIGIOUS HOLIDAYS.....	24
8.11	BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES	25

CHAPTER 9 EMPLOYEE RESPONSIBILITIES AND CONDUCT.....	26
9.1 GENERAL CODE OF CONDUCT.....	26
9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST.....	26
9.3 REPORTING IMPROPER GOVERNMENTAL ACTION	27
9.4 POLITICAL ACTIVITIES.....	30
9.5 NO SMOKING POLICY.....	30
9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS.....	30
9.7 USE OF CITY VEHICLES AND EQUIPMENT.....	30
9.8 BULLETIN BOARDS	31
9.9 CONTACT WITH THE NEWS MEDIA.....	31
9.10 SEAT BELT POLICY.....	31
9.11 DRIVER'S LICENSE REQUIREMENTS	31
9.12 SOLICITATIONS	31
9.13 SAFETY	32
9.14 SUBSTANCE ABUSE	32
CHAPTER 10 DISCIPLINE AND TERMINATIONS	34
10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION.....	34
10.2 POSSIBLE DISCIPLINARY ACTIONS	36
10.3 PRE-TERMINATION HEARING.....	36
10.4 LAYOFF	37
10.5 RESIGNATION	37
CHAPTER 11 COMPLAINT PROCEDURES	38
11.1 COMPLAINT PROCEDURES	38

RECEIPT OF PERSONNEL POLICIES

All employees should read the following; then sign, date and return the form to the Town Clerk. The form will be placed in the employee's personnel file.

Enclosed are the Town of Winthrop's personnel policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and rules, and some organizational philosophy.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the Town 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 as hoped, and either of us may decide to terminate the employment relationship.

As the Town grows and changes, personnel policies may change. The Town, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor and/or Town Council. You will be notified of any such changes.

Please also understand that no department director, manager or representative of the Town other than the Mayor has the authority to make any written or verbal statements or representations which are inconsistent with these policies.

I hereby consent to deduction from my final paycheck of any amounts advanced to me that remain unearned when my employment with the Town ends.

If you have any questions about these policies or any other policies of the Town, please feel free to ask your department director, personnel administrator or the Mayor.

I have read and understand the statement above.

Employee Signature

Employee Printed Name

Date

CHAPTER 1 PURPOSE AND SCOPE

1.1 INTRODUCTION

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

The Town places the highest value on our employees and their well being. We want to see that you are a satisfied worker, with the support necessary to achieve the objectives of your position. Only in this manner can your contribution to the Town organization be the most productive.

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

1.2 INTENT OF POLICIES

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, we recognize that things may not always work out as hoped, and either of us may decide to terminate the employment relationship. Please understand that no department director, manager or representative of the Town other than the Mayor has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

1.3 SCOPE OF POLICIES

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

1.4 CHANGING THE POLICIES

As the need arises, the Mayor or Town Council may modify these policies, except that the Town Council shall enact any changes in compensation or benefit levels. The Mayor may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of

serving the Town's citizens. Employees may request specific changes to these policies by submitting suggestions to their department director.

1.5 DEFINITIONS

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

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

Regular Full-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works a minimum of thirty-two (32) hours a week.

Regular Part-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works less than thirty-two (32) but at least twenty (20) hours a week.

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

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

CHAPTER 2 GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

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

2.2 DISABILITY DISCRIMINATION PROHIBITED

The Town will not discriminate against qualified applicants or employees with a sensory, physical or mental disability, unless the disability cannot be reasonably accommodated and prevents proper performance of an essential element of the job. The Town will reasonably accommodate qualified individuals with disabilities.

2.3 LIFE THREATENING/COMMUNICABLE DISEASES

Employees with life threatening illnesses or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The Town will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions, including discharge, when a substantial and unusual safety risk to fellow Town employees or the public exists.

2.4 ANTI-HARASSMENT POLICY

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

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, physical appearance or disability.

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

2.5 SEXUAL HARASSMENT PROHIBITED

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

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

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

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

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

2.6 DISCRIMINATION COMPLAINT PROCEDURE

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. The following procedure outlines the steps to follow if you believe you have experienced harassment or discrimination on the job.

Should you believe that you have been harassed or are the victim of discrimination, you should try, if possible, to identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is either ineffective or impossible, you should discuss your concern immediately with the Mayor, a department director or the Town Council. No employee will suffer retaliation for reporting such concern. To the extent possible, complaints will be handled confidentially.

If an investigation shows the accused employee did engage in improper harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions

may include warnings, verbal and/or written reprimands, a letter to the employee's file or, an employee transfer, demotion, suspension or termination.

2.7 EMPLOYEE PERSONNEL RECORDS

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

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

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

2.8 EMPLOYMENT REFERENCES

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

CHAPTER 3 RECRUITING AND HIRING

3.1 RECRUITING

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

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

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

3.2 HIRING

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

The Town may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the Town. The Town may also conduct certain background procedures.

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

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the Town, may be disqualified for employment with the Town in positions requiring driving.

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

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

A candidate may be disqualified from consideration if: (1) found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace); (2) the candidate refuses to submit to a medical examination or to complete a medical history forms; or (3) if the exam reveals use of alcohol and or controlled substances.

3.3 TEMPORARY EMPLOYEES

Department directors may use temporary employees to temporarily replace regular employees who are on vacation or other leave, to meet peak work load needs, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees normally do not receive retirement, vacation, sick leave, health insurance, or paid holidays or any other benefits during their employment.

Temporary employees pay contributions to the Social Security system, as does the Town on their behalf. Temporary employees will normally not be enrolled in the state LEOFF retirement system, although there are a few exceptions depending on LEOFF eligibility criteria.

3.4 TRIAL PERIOD

Upon hire or appointment, all employees enter a trial period that is considered an integral part of the selection and evaluation process. The trial period is designed to give the employee time to learn the job and to give the department director time to evaluate whether the match between the employee and the job is appropriate.

The normal trial period is twelve (12) months from the employee's date of hire, rehire or promotion. The Mayor may authorize the department director to extend the trial period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

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

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

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

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

Change in Circumstances: If two employees marry, become related or begin sharing living quarters with one another, and in the Town's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the Town, unless reasonable accommodations, as determined by the Mayor can be made to eliminate the potential problem. The decision as to which employee will remain with the Town must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision is made during this time, the Town reserves the right to terminate either employee.

3.6 PROMOTIONS

The Town encourages promotion from within the organization whenever possible. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified.

Before advertising a position to the general public, the Mayor may choose to circulate a promotional opportunity within the Town. The Town reserves the right to seek qualified applicants outside of the organization at its discretion.

All openings will be posted on the Town bulletin board. To be considered for promotion, an employee must be employed in their position for at least twelve (12) months, and meet the qualifications for the vacant position.

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

CHAPTER 4 HOURS AND ATTENDANCE

4.1 WORKING HOURS

The Town's standard work week is Saturday through Friday.

A normal working schedule for regular, full-time employees consists of forty (40) hours each work week. Different work schedules may be established by the Town to meet job assignments and provide necessary Town services. Each employee's department director will advise the employee regarding his/her specific working hours.

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

4.2 HOURS OF WORK AND OVERTIME

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

For most Town employees, the established work period is forty (40) hours within a seven (7) day work week. All personnel are responsible for accurately reporting all hours worked on forms supplied by the Town. Employees failing to accurately record time worked are subject to discipline.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum numbers of hours during a work period. All overtime must be authorized in advance by the employee's department director. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period. When computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation time), is not counted as hours worked.

Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.

4.3 COMPENSATORY TIME

Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's department director. The Town is not required to grant comp time instead of overtime pay. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to eighty (80) hours for regular employees, After maximum accrual, overtime compensation shall be paid.

Employees may use compensatory time within a reasonable time period after making a request to their department director, unless doing so would unduly disrupt Town operations. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her department director. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

Employee comp time balances will be reviewed at least annually as part of the Town's budget process.

4.4 ATTENDANCE

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

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

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

4.5 UNUSUAL WEATHER CONDITIONS

During times of inclement weather or natural disaster, it is essential that the Town continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to: vacation, floating holiday, compensatory time, or leave without pay. The employee shall advise the department director by phone as in any other case of late arrival or absence.

4.6 BREAKS AND MEAL PERIODS

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

4.7 CALL BACK

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

4.8 PAYROLL RECORDS

The official payroll records are kept by the Town Clerk. Each department director shall turn in on a monthly basis a signed work record for each employee within their department, noting hours worked, leave taken and overtime worked. The Mayor shall sign work records for department directors.

CHAPTER 5 COMPENSATION

5.1 SALARY CLASSIFICATION AND GRADES

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

5.2 EMPLOYEE PAY RATES

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

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

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

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

5.3 PAYDAYS

Town employees are paid monthly on the 5th of each month for the previous month. Mid month draws will be given on the 20th of each month. If a regularly scheduled payday falls on Saturday, pay checks will be distributed on Friday; if it falls on Sunday or a holiday, pay checks will be distributed on the next regularly scheduled working day.

5.4 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The Town will withhold from the employee's paycheck those

deductions required by law and any voluntary deductions authorized by the employee, by applicable union contract, or by statute.

5.5 TRAVEL AWAY FROM THE TOWN

All travel away from the Town must be approved in advance by the Mayor or department director. If private automobiles are used, employees will be reimbursed at the rate of 30¢ per mile.

5.6 TRAVEL EXPENSE REIMBURSEMENT

Town employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Town.

Non-Overnight Trips: Employees will be reimbursed for reasonable cost of meals, excluding any expenses for alcoholic beverages, and business expenses. Tips, not to exceed 15%, are reimbursable. The Town credit card should be used whenever possible.

Overnight Trips: Employees will be reimbursed for reasonable lodging and travel expenses while away. The Town credit card should be used for lodging expenses whenever possible.

Meal costs will be reimbursed on a per diem basis of \$30.00 per day. Partial days will be reimbursed at \$7.00 per breakfast, \$8.00 per lunch and \$15.00 per dinner. Employees who leave before 7 am and return after 6 pm in the same day will be reimbursed for one full day. Tips, not to exceed 15%, for taxis, or baggage handling are reimbursable. Meal allowance will not be paid for meals that are included in the registration of any meeting, conference or convention, whether or not the employee partakes of the meal.

Requests for reimbursement, including receipts, shall be submitted on a travel expense report form signed by the employee. Meal receipts for overnight trips do not need to be submitted.

5.7 OTHER FOOD EXPENSES

The reasonable cost of food items related to the situations listed below are allowable expenses:

- (1) Costs for meals of interviewers and staff involved in assessment centers or day-long interviews. Costs of transportation and lodging for out-of-town interviewers or assessors.
- (2) Costs of Council, Board and Commission members and related staff at official and other town business related meetings.
- (3) Cost of coffee and other refreshments at training sessions or staff meetings for town employees, including employees of other jurisdictions.
- (4) Cost of refreshments at appropriate ceremonies such as facility openings, swearing-in ceremonies, commendations and the like.
- (5) Cost of meals provided to town employees during emergency situations (e.g. major fire, water main break, natural disaster).
- (6) Cost of working lunches at town facilities such as with citizen committees, county officials and the like.
- (7) Cost of meals and/or refreshments at employee recognition programs.

The following documentation must be submitted with the claim voucher requesting payment:

- (1) The date and a description of the activity for which food was necessary,
- (2) Receipts/invoices for all expenditures.

5.8 COMPENSATION UPON TERMINATION

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

- (1) Regular wages for all hours worked up to the time of termination which have not already been paid.
- (2) Any overtime pay due.
- (3) A lump sum payment of any accrued but unused vacation and compensatory time.
- (4) A lump sum payment of any accrued sick leave, provided that the employee has been employed with the Town a total of twenty (20) years. Employee will be paid at the rate of three (3) hours of Sick Leave to one (1) hour of the employees regular hourly rate of pay.

5.9 WELLNESS INCENTIVE PLAN

To be eligible to participate in the Wellness Incentive Plan, an employee must first have established a minimum base balance of 480 hours of accrued Sick Leave. Once this has been established, the employee may:

- (1) Elect on an annual basis, in December, to convert the excess hours (over 480) of Sick Leave accrued in the previous calendar year to Annual Leave at the rate of three (3) hours of Sick Leave to one (1) hour of Annual Leave. This option can only be used if the employee has not reached the maximum Annual Leave accrual limits.
- (2) Elect on an annual basis, in December, to be paid for the excess hours (over 480) of Sick Leave accrued in the previous calendar year at the rate of three (3) hours of excess Sick Leave to one (1) hour of the employees regular hourly rate of pay. If this option is chosen, employee will be paid at the next regularly scheduled pay date.

CHAPTER 6 PERFORMANCE EVALUATIONS AND TRAINING

6.1 PERFORMANCE EVALUATIONS

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

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

6.2 TRAINING POLICY

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

CHAPTER 7 BENEFITS

7.1 RETIREMENT BENEFITS

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

All regular uniformed employees in the police department are covered by the Law Enforcement Officer's and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.

Employees intending to retire should notify their department director of their intent to retire at least six (6) months prior to the date of retirement.

7.2 DISABILITY BENEFITS (WORKERS COMPENSATION)

All employees, other than police and fire employees in the LEOFF I retirement system, are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the department director.

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

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the Town the amount covered by Workers' Compensation and previously advanced by the Town. This policy is to ensure that employee will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.

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

7.3 HEALTH INSURANCE BENEFITS

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

Part Time and/or Temporary employees will not be eligible for insurance coverage.

7.4 CONTINUATION OF INSURANCE COVERAGE

Workers Compensation Leave: An employee receiving Workers Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The Town also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the Mayor makes an exception based on the criteria stated in Section 1.4 of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers Compensation benefits.

COBRA Rights: Upon an employee's termination from Town employment or upon an unpaid leave of absence, at the employer's option and expense, the employee may be eligible to continue Town health insurance benefits to the extent provided under the federal COBRA regulations. An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire or are on an approved leave of absence, the Town will pay the premium for the month the employee is leaving, provided the employee is on paid status for the first ten (10) days of the month.

7.5 UNEMPLOYMENT COMPENSATION

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

CHAPTER 8 LEAVES

8.1 VACATION LEAVE

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

<u>Years of Employment</u>	<u>Vacation Hours Earned</u>
1 -7 years	7 hours/month
8-15 years	10 hours/month
16-20 years	13 hours/month
20 + years	16 hours/month

Regular part-time employees will receive vacation on a pro-rata basis.

Employees accrue vacation benefits during their trial periods. Employees are not eligible to use or be compensated for vacation benefits during their first year of employment. Vacation leave benefits can be used after one year of continuous employment.

Temporary employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted at least two weeks prior to taking vacation leave.

The maximum number of vacation hours which may be carried over from one calendar year to the next is 40 hours. The maximum number of vacation hours which may be accumulated from succeeding years cannot exceed 240 hours. In cases where Town operations have made it impractical for an employee to use vacation time, the department director with the approval of the Mayor may authorize additional carryover. Employees will be paid for unused vacation time upon termination of employment.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire or are on an approved leave of absence, the employee will accrue vacation leave for the month the employee is leaving, provided the employee is on paid status for the first fifteen (15) days of the month.

8.2 SICK LEAVE

All full-time regular employees, except LEOFF I employees, accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees may accrue sick leave benefits on a pro-rata basis according to hours worked.

Employees accrue sick leave benefits during their trial periods. Employees are not eligible to use or be compensated for sick leave benefits during the first six months of employment. Sick leave benefits can be used after six months of continuous employment.

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

Allowable Uses of Sick Leave: Sick leave covers those situations in which an employee is absent from work due to:

- (1) Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);
- (2) The need to care for the employee's immediate family. Proof of need may be required.
- (3) Medical or dental appointments for the employee or immediate family, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- (4) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- (5) Use of a prescription drug which impairs job performance or safety;
- (6) Additional leave beyond bereavement leave for a death in the immediate family, to be authorized by the Mayor.

A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The Town may also request the opinion of a second doctor at the Town's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the Town.

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with their department directors prior approval, request a leave without pay. (See Leave Without Pay Policy.)

Employees will be paid at a rate of three (3) to one (1), as specified in Section 5.8, for any unused sick leave upon leaving Town service if the employee has been employed for the Town for at least twenty (20) years. No more than four hundred eighty (480) hours of sick leave may be accumulated.

8.3 LEAVE WITHOUT PAY

The Mayor may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such a prolonged illness, parenting, caring for an ill relative, or pursuing an education.

8.4 JURY AND WITNESS LEAVE

Jury Duty. The Town provides all employees leave for the full period of jury duty service. Regular full-time and part-time employees who have completed their trial period receive paid jury duty leave of up to two weeks each time they are called for jury service. In general, if jury duty extends beyond two weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided. Payment provided by the courts during periods of paid jury duty leave must be turned over to the Town, excluding expense reimbursements, such as mileage. You must provide your department director with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your department director with proof of jury service.

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

8.5 ADMINISTRATIVE LEAVE

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

8.6 MILITARY LEAVE

We provide all employees leave while performing military service in accordance with federal and state law. Regular full-time and part-time employees receive paid military leave of up to 15 working days per year for military service. In general, if military service extends beyond 15 working days, the additional leave will be unpaid. Exempt salaried employees who serve longer than two weeks should contact the

Mayor to discuss whether further paid leave will be provided. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Military service includes active military duty and Reserve or National Guard training. You are required to provide your department director with copies of your military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

8.7 BEREAVEMENT LEAVE

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

8.8 SHARED LEAVE PROGRAM

The Mayor may authorize employees to donate their accrued vacation leave or sick leave to another Town employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment. The following conditions apply:

- To be eligible to donate vacation leave or sick leave, the employee who donates leave must have at least ten (10) days of accrued leave. In no event shall a leave transfer result in the donor employee reducing his/her vacation leave balance to less than ten (10) days. Transfer of leave will be in increments of one day of leave. All donations of leave are strictly voluntary.
- The employee receiving donated leave shall have exhausted all his/her accumulated vacation and sick leave.
- While an employee is using shared leave, he or she will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.

8.9 HOLIDAY LEAVE

The following holidays are recognized by the Town:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Floating Holiday	Optional

All regular full-time employees will receive eight (8) hours of holiday leave for observance of recognized holidays. Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

Employees unable to observe the holiday on the recognized day shall be entitled to accrue eight (8) hours of holiday leave for use at another time, with prior approval of the department director. No more than forty (40) hours of holiday leave may be accumulated at any time and no more than sixteen (16) hours of holiday leave may be carried over from one calendar year to the next.

Part Time and temporary employees do not receive holiday leave and will be paid at their regular straight-time rate for hours worked on a holiday.

Employees will not be paid for any unused holiday leave upon leaving Town service for any reason.

8.10 RELIGIOUS HOLIDAYS

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

8.11 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

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

Regular Part-Time Employees: All leaves and insurance premiums are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and thirty-two (32) hours per week.

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

CHAPTER 9 EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.1 GENERAL CODE OF CONDUCT

All Town employees are expected to represent the Town to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department director.

Since the proper working relationship between employees and the Town depends on each employee's on-going job performance, professional conduct and behavior, the Town has established certain minimum standards of personal conduct. Among the Town's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to Town policies, procedures, safety rules and safe work practices; compliance with directions from department directors; preserving and protecting the Town's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

The Town is a relatively small organization. To function as efficiently as possible, we may ask you to perform seemingly "menial" duties outside your regular assignments. It is no reflection on your worth to the Town, but a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the Town also reserves the right to change your work conditions and the duties originally assigned. If these arrangements become necessary, we expect your best cooperation.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

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

9.3 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy:

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

Key Definitions:

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

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

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

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

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

- (1) Bring the matter to the attention of his/her department director, if non-involved, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- (2) Where the employee believes the improper action involves the department director, the employee may raise the issue directly with the Mayor.
- (3) The Mayor or their designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

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

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the Town to determine whether an improper government action occurred, or that insufficient action was taken by the Town to address the improper action or that for other reasons the improper action is likely to recur.

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

Procedure for Seeking Relief Against Retaliation:

- (1) Employees must provide a written complaint to the department director within thirty (30) days of the occurrence of the alleged retaliatory action. If the department director is involved, the notice should go to the Mayor . The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) The Mayor, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- (3) After receiving the Town's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the Town's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Mayor for response.
- (4) Within five (5) working days of receipt of a request for hearing the Town shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation: The Mayor (or designee) is responsible for implementing these policies and procedures. This includes making the policy available to any employee upon request and providing the policy to all newly hired employees. Officers, managers and department directors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

9.4 POLITICAL ACTIVITIES

Town employees may participate in political or partisan activities of their choosing provided that Town resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on Town property or Town time, for a contribution for a partisan political cause.

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

9.5 NO SMOKING POLICY

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

9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS

The Town does not assume responsibility for any theft or damage to the personal belongings of employees.

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

9.7 USE OF TOWN VEHICLES AND EQUIPMENT

Use of Town phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited, unless employee uses a personal calling card or logs and reimburses the Town for all calls. Other Town equipment, including vehicles, should be used by employees for Town business only.

An employees' misuse of Town services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

9.8 BULLETIN BOARDS

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

9.9 CONTACT WITH THE NEWS MEDIA

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

9.10 SEAT BELT POLICY

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

9.11 DRIVER'S LICENSE REQUIREMENTS

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

9.12 SOLICITATIONS

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

- (1) Persons not employed by the Town may not solicit, survey, petition, or distribute literature on our premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or

distributor. Exceptions to this rule may be made in special circumstances where the Town determines that an exception would serve the best interests of the organization and our employees.

- (2) Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas. The employee lunchroom is considered a non-work area under this policy.

9.13 SAFETY

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

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

Since being exposed to a bloodborne pathogen may lead to sicknesses such as hepatitis, AIDS, or malaria, and since the Town wants to assure our employees as safe and health work environment as possible, it is the policy of the Town to comply with all statutory obligations for the prevention of exposure to bloodborne pathogens. Employees should familiarize themselves with the Town's Exposure Control Plan and follow it at all times. Failure to comply with this Plan will result in discipline up to and including termination.

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

9.14 SUBSTANCE ABUSE

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

Availability of Rehabilitation or Treatment: As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment and

rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the Town is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the Town's benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination.

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

Substance Abuse Policy for Operators of Commercial Motor Vehicles: Town employees who hold commercial driver's licenses ("CDLs") and who operate commercial motor vehicles while employed by the Town are subject to additional rules and regulations imposed by the federal government. These regulations require urine drug testing and alcohol breath testing in the following circumstances:

- (1) pre-employment;
- (2) reasonable suspicion;
- (3) post-accident;
- (4) return to duty testing;
- (5) random testing.

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the Town's Drug and Alcohol Testing Policy and Procedures for the additional details concerning these rules.

Drug-Free Workplace: Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on Town premises or during work hours by Town employees is strictly prohibited. Employees also must notify the Town within five (5) days of any conviction for a drug violation in the workplace. Violation of this policy can result in

disciplinary action, including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

CHAPTER 10 DISCIPLINE AND TERMINATIONS

10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

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

- (1) Misrepresentation or withholding of pertinent facts in securing employment.
- (2) Unauthorized use or possession of the Town facilities/property. Unauthorized use of position with the district for personal gain or advantage. Accepting unlawful gratuities or bribes. Lying.
- (3) Smoking in any unauthorized posted area or creating of fire hazards in any area.
- (4) Violation of dress and/or grooming standards. Violation of the Town's telephone use policy.
- (5) Failure to report an occurrence causing damage to Town, customer, or public property. Failure to properly secure the Town facilities or property.
- (6) Loitering after completing day's work which results in the disruption of the Town's business or the work effort of other employees. Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the department director.
- (7) Unauthorized operation or using machines, tools, or equipment to which the employee has not been specifically assigned.
- (8) Unauthorized recording of another employee's time record. Both employees can be subject to disciplinary action.
- (9) Habitual lateness for work. Absence without proper notification to immediate department director, excessive absenteeism, or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation.

- (10) Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the Town or our employees, on or off premises. Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.
- (11) Intentional falsification of records/paperwork required in the transaction of the Town business.
- (12) Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work. Concealing defective work.
- (13) Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in injury to others. Failure to wear required safety clothing and equipment.
- (14) Failure to promptly report to your immediate department director an on-the-job injury or accident involving an employee, equipment, property, or visitor.
- (15) Dishonesty or theft, including deliberate destruction, damage, or removal of the Town's or other's property from the premises, or any job site.
- (16) Possession, use, sale, or being under the influence of alcohol and controlled substances while on the Town business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her department director prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.
- (17) Possession of explosives or weapons on the premises or at any job site unless authorized or required by duties.
- (18) Conviction of a gross misdemeanor or felony.

10.2 POSSIBLE DISCIPLINARY ACTIONS

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

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

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

10.3 PRE-TERMINATION HEARING

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

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

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

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

10.4 LAYOFF

The Mayor may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place, subject to two weeks prior notice.

Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected. In determining who is to be laid off, consideration will usually be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, as determined by the Town. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

10.5 RESIGNATION

An employee should provide two (2) weeks notice of resignation. This time limit may be waived by the employee's department director or the Mayor.

CHAPTER 11 COMPLAINT PROCEDURES

11.1 COMPLAINT PROCEDURES

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

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

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

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

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

The written complaint must be filed within twenty (20) working days of the occurrence leading to the complaint, or twenty (20) working days after the employee becomes aware of the circumstances.

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

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