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Chapter 1 - Introduction

The City of Bellevue is strongly committed to excellence in the delivery of municipal services. As a member of the work team, it is important to understand this commitment and the objective of City goals, policies and work practices.

1.1 Intent of this Manual

This manual outlines the policies, procedures and work practices of the City. It is intended to be useful, to all employees, when making assessments regarding how rules and procedures relate to individual work performance.

In general, the terms and conditions of employment for every City employee are determined by ordinance; nothing in this manual is intended to be implemented in contradiction to City ordinances. These policies are also not intended to be a contract, expressed or implied. The City recognizes that employment relationships do not always work out as hoped, and that either the employee or the City may terminate the relationship.

1.2 Scope of Policy and Procedure

All policies, procedures and work practices described in this manual apply to all regular full-time and regular part-time unrepresented employees. Hourly workers and PERS-eligible hourly workers are not covered, except where specifically identified.

1.3 Changes to Policy and Procedure

The City Manager may modify policies, compensation, or benefits as necessary to achieve the mission and goals of the City.

The City retains all rights to manage City operations and affairs in accordance with the powers and authority that an employer possesses including but not limited to the right to make work assignments, to determine the number of personnel assigned at any time to any function, to make reductions in force as determined necessary or appropriate; to develop workplace rules that promote efficiency and productivity in the workplace; and to promote City services to the community.

NOTE: This manual supersedes any prior handbooks or policy statements regarding the procedures and policies described. Because the City's employment practices and procedures are continually evolving, the policies contained in this manual are subject to change without advance notice. Efforts will be made to share with employees any revision or changes as they are made. Terms and conditions of employment for all employees of the City of Bellevue are determined by ordinance. No act or promise made by any manager or supervisor in contravention of any ordinance shall modify the terms or conditions of employment.

Chapter 2 - Definitions

A - B

Abandonment of a Position: unauthorized absence from work for a period of three consecutive days.

Acting Status: the performance of the full duties of a position in the absence of the incumbent for a minimum of 30 consecutive days when assigned to do so by the appointing authority.

Administrative Leave: Paid leave of absence during disciplinary investigation or where it is determined, to be in the best interest of the operation of the City by the City Manager or his/her designee.

Adjusted Base Salary Rate: (applicable only to employees covered in the "G" or the "M" pay plans) an employee's current base salary rate of pay plus a prorated share of any merit increase to which the employee may be entitled.

Alternative Work Schedule: (Follow link to section 5.15)

Appointing Authority: City Manager or his/her designee.

At-will Employee: An employee in the E or M Pay Plan; a trial employee; an hourly or hourly PERS-eligible worker; and any other employee who serves at the pleasure of the appointing authority. At-will employees may or may not serve in regular positions. At-will employees may be terminated with or without cause.

Base Hourly Rate: hourly rate as shown under "Hourly" on each pay plan or base monthly salary times 12 and divided by 2,080; as required by the Fair Labor Standards Act.

C - D

Calendar Month of Service: the minimum number of hours in a calendar month (e.g., January, February, etc.) for which a regular status employee must be in paid status (time worked, compensated leave or sick leave) in order to earn and accrue sick leave and/or vacation credit for that month. A full-time regular status employee must be in paid status for at least 90 hours in a calendar month to earn service credit; a part-time regular employee must be in paid status for at least 75 percent of his/her regular work schedule in a calendar month to earn service credit.

Call-Out Duty Pay: Call-out duty pay may be granted by the Department Director and Human Resources Director to non-exempt employees in specific job classifications who may be required to be available and subject to call outside of scheduled working hours. (Formerly Standby Pay - change effective 3/15/00)

Cause for Disciplinary Action: acts or omissions of an employee warranting discipline up to, and including, termination from employment. Examples of acts or omission for which an employee may be disciplined are listed in **§7.4 Disciplinary Process** of this manual.

Classification: a systematic means for grouping similar positions and evaluating the relative compensation of a position in relation to other positions within the City and the external market.

Compensatory Time (Comp Time): hours accumulated by nonexempt employees in lieu of overtime pay calculated at the rate of 1.5 times the overtime hours worked.

Continuous Length of Service: the length of time since an employee's most recent hire date as a regular status employee.

Demotion: the movement of an employee from one classification level or pay grade to a lower classification level or pay grade as a result of reclassification, reorganization, voluntary change, or disciplinary action.

E - F

Exempt Employee: an employee who is exempt from FLSA overtime because he/she acts in a bona fide executive, administrative or professional capacity as defined under the Fair Labor Standards Act (FLSA) and as designated by the classification and pay system.

G - H

Harassment: Harassment is defined as follows (see §8.5 Complaint Procedure for Reporting Illegal Harassment or Discrimination of this manual for further information):

Physical Harassment - unwelcome hitting, touching, impeding or blocking movement, physical interference with normal work or movement when directed at an individual based on race, color, creed, religion, gender, age, national origin, citizenship, marital status, or the presence of any sensory, physical or mental disability. This could be conduct in the form of pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

Sexual Harassment - unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.

Verbal Harassment - unwelcome epithets, derogatory comments or slurs on the basis of race, color, creed, religion, gender, age, national origin, citizenship, marital status, or the presence of any sensory, physical or mental disability.

Visual Harassment - unwelcome derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, color, creed, religion, gender, age, national origin, citizenship, marital status, or the presence of any sensory, physical or mental disability.

Hourly Worker: a non-regular status at-will worker who is employed by the City for an indefinite, fluctuating or intermittent work schedule not to exceed 69 hours in a calendar month for 5 or more calendar months in any 12 month period. Hourly workers are employed at the pleasure of the department director and employment may be terminated for any reason and at any time. Hourly workers will be placed in non-regular positions, and shall receive no other compensation or benefits than the designated base hourly rate for hours of actual work performed except as specifically authorized by ordinance. Hourly workers are required to participate in the City's MEBT II program. Hourly workers are not eligible for membership in any of the State of Washington Department of Retirement Systems plans, and no employee or employer contributions will be made to any of these PERS plans.

Hourly Worker - PERS eligible: a non-regular status at-will worker who is employed by the City for an indefinite, fluctuating or intermittent work schedule which exceeds 69 hours in a calendar month for more than five calendar months in any 12-month period. Hourly workers are employed at the pleasure of the department director and employment may be terminated for any reason and at any time. Hourly workers will be placed in non-regular positions, and shall receive no other compensation or benefits than the designated hourly rate for hours of actual work performed except as specifically authorized by ordinance. Employer and employee contributions to PERS will be made from the date of hire.

I - J

Immediate Family: a regular status employee's parents (natural, step, adopted, foster, or an individual who stood in loco parentis to an employee when the employee was a son or daughter), sister, brother, spouse, children (natural, adopted, step, foster, legal wards, or a child of a person standing in loco parentis), mother/father-in-law, daughter/son-in-law, grandparents, great-grandparents, grandchildren and great-grandchildren.

Internal Applicants: (Follow link to section 3.1.1)

Job Share: two regular employees with the same job classification, sharing one budgeted FTE position in the same department within the City. Medical and dental benefits will be on a shared cost basis, with both employees paying a prorated share based on their FTE. Such employees **are required to participate in PERS, and are MEBT eligible** under **existing MEBT Plan Document** definitions. Job share agreements are made at the discretion of management and require a **50/50** time split between the two employees involved in the agreement. (revised 5-5-00)

K - L

Layoff: the separation from City service of an employee who has completed his/her applicable trial service period because of reorganization, a change in the duties of a position, lack of work, changing needs of the organization, insufficient funding or operational analysis.

M - N

Market Premium: an amount of money temporarily added to the base salary rate paid to all regular positions within an affected job classification in order to make compensation competitive with that offered in the relevant job market. Market premium will not be added to an employee's base salary rate in calculating general salary adjustment. Merit increase, non FLSA overtime pay, City of Bellevue overtime rates of pay, or life insurance coverage.

Merit Date: the effective date that a regular status employee is eligible for a merit increase. Merit increases may occur annually and are generally based upon the anniversary date of the employee's first merit increase.

Merit Increase: a within-range increase awarded a regular status employee on or after his/her merit date based on satisfactory performance (as explained in [§7.2](#)) during the preceding 12-month evaluation period, or 6-month period for newly hired employees hired at the minimum rate of the pay range. A merit increase may be received on an annual basis, but may not cause the employee's salary to exceed the maximum rate of the pay range.

Non-exempt Employee: An employee who is not exempt from FLSA overtime.

O - P

Overtime: time worked by a non-exempt employee in excess of 40 hours in an FLSA defined work week compensable at the regular rate of time and one-half. Time worked does not include paid leave time, except holiday leave.

Overtime for Non-exempt Maintenance Employees: These employees will be paid overtime pay for all hours **compensated** in excess of 40 hours in an FLSA defined work.

Promotion: movement of an employee from one classification level or pay grade to a higher classification level or pay grade as a result of reclassification, voluntary change, or reorganization.

Prorated Accruals: proration of vacation and sick leave accruals, and holiday credits for a regular status part-time employee; determined by dividing the employee's regular weekly work schedule by 40 hours.

Q - R

Reassignment: movement of an employee to a different work group with no change in classification or pay grade.

Reclassification of Position: the changing of a classification level or position of an employee as a result of a classification review and/or amendments to the classification plan in recognition of changes in job

duties and responsibilities that have occurred over time, excluding any action which is disciplinary in nature.

Reemployment: an employee who has terminated employment and who is subsequently rehired when such employment does not qualify as reinstatement.

Reinstatement: return of a regular status employee to a former position within 2 years following a layoff, a leave of absence without pay, or a classification reduction for cost savings.

Regular Employee Full-time: an employee who has successfully completed a trial service period as defined in these policies and who regularly works a minimum of 40 hours per week in a regular position. A regular full-time employee may only be disciplined for cause.

Regular Employee Part-time: an employee who has successfully completed a trial service period as defined in these policies and who regularly works less than 40 hours a week but at least 22.5 hours a week in a regular position. A regular part-time employee may only be disciplined for cause.

Regular Position: a City Council created and budgeted full-time equivalent or some portion thereof.

Regular Status Employee: a regular (full or part-time) or at-will employee serving in a regular position.

Reorganization: reallocation of duties, assignments, work load, programs, service, and/or responsibilities to achieve organizational objectives.

S - T

Salary Range Adjustment: a percentage or fixed dollar adjustment of wages and salaries applied generally to pay ranges in the Compensation Plan.

Service Credit Date: date assigned to each regular status employee based upon his/her most recent date of hire into a regular, budgeted position with the City.

Special Assignment Pay: a specified monthly amount which is added to the base salary rate of an exempt employee who is required to perform a special function or project that is outside of his/her normal work responsibilities, and which requires the employee to work a substantial amount of extra work time. Requires written approval from the department director.

~~**Standby Pay:** standby duty allowance may be granted by the department director and Human Resources Director to non-exempt employees in specified job classifications who may be required to be available and subject to call outside of scheduled working hours. (See Call-Out Duty Pay- change effective 3/15/00)~~

Special Recognition Award: a lump-sum award for special recognition to E, G, L and M Pay Plan employees.

Transfer: reassignment of an employee to a different classification within the same pay grade.

Trial Employee: an at-will employee who has not yet completed an initial trial service period in a regular position or has not yet completed the trial service period after promotion, demotion, or transfer to a regular position and who has not achieved regular employee status. Any employee in a trial service period serves at the pleasure of the department director and employment can be terminated at any time with or without cause. Unless otherwise specified, the policies and procedures outlined in this manual apply to employees in the trial status.

Trial Service Period: a specified length of time worked during which a newly hired, promoted, demoted, or transferred regular status employee's performance in a regular position is reviewed to determine whether the match between the employee and the job is appropriate. Any employee in a trial service

period serves at the pleasure of the department director and employment can be terminated at any time with or without cause.

Twelve-month Period: a 12-month period shall be measured forward from the first date of an employee's Family Medical Leave Act (FMLA) leave (i.e., if the first day of FMLA leave is March 15, the 12-month period will run through the following March 14).

U - Z

Unlawful Discrimination: discrimination in employment as prohibited by state, local or federal law.

Chapter 3 – Recruitment & Selection

The City of Bellevue seeks to hire a fully qualified candidate for each open position. It is the responsibility of the Human Resources Director to oversee an active recruitment process designed to meet current and projected employment needs. All things considered, positions will be filled in a timely manner in order to avoid adversely impacting other employees. Hiring decisions are made with the approval of the department director.

3.1 Recruitment Process

The recruitment process is outlined and described in the Recruitment and Selection Guidelines which are written and distributed by the Human Resources Department.

In general, the process consists of the following elements:

3.1.1 Position Requisition

A position requisition must be completed and approved by the City Manager or his/her designee before a recruitment can begin. Hiring managers and the Human Resources Department jointly determine if a recruitment will be external (open to the general public and City employees) or internal (open only to City employees).

3.1.2 Job Announcements and Advertising

All vacancies will be posted in the Human Resources Department and advertised according to an agreed-upon schedule between the hiring manager and Human Resources Analyst. Locations to advertise a position will be based on a recommendation of the Human Resources Department and will be designed to obtain the most appropriate exposure. Advertising in diversity publications is highly recommended for external positions.

3.1.3 Job Application

In order to be considered for a position, an application must be completed and filed by the stated deadline date as indicated in the job announcement, along with any additional materials requested in the job announcement.

3.1.4 Screening Process

The screening process used to screen candidates for positions must be job-related and will assess experience, knowledge, abilities and skills needed to perform the job. Selection procedures may include initial screening, secondary screening, employment tests, interviews, reference checking, and any other

appropriate procedure used by a hiring manager to assess job-related skills. All screening processes must be reviewed by the Human Resources Department prior to administration.

3.1.5 The Offer

The hiring manager verbally offers a position to the candidate and then follows-up with a written offer letter signed by the department director.

(Additional related links)

9.8 Newly Hired Employees

9.9 Merit Date

3.1.6 Promotional Selection

The City encourages employees who have at least one year of service to pursue promotional opportunities. While employees are encouraged to apply for promotional opportunities, it is also the policy of the City to fill job openings with the people whose qualifications match the requirements of the job. Paid time will be provided so that employees may participate in selection processes. At the time a position becomes vacant the department director or his/her designee and the Human Resources Director or his/her designee determine if the position should be recruited internally or externally. If the department wants to provide a promotional opportunity for employees, then the position can be posted internally for a minimum of five days. Job postings alert employees of a vacancy and give them the opportunity to compete for the vacancy.

(Additional related links)

9.4 Pay at Time of Lateral, Upward, or Downward Movement between Job Classifications

9.4.1 Upward Job Movement

3.1.7 Reorganization

Recruitment processes are not required for reorganizations. In cases where reorganization results in displaced employees, the Retention Policy will apply. (See §7.9 Retention Policy of this manual.)

3.2 Employment Tests

Any employment test that is administered for hiring or promotional purposes must be job-related and properly validated based on job content and the knowledge, abilities and skills needed to perform the job. Hiring managers must not administer an exam without first discussing the exam with the Human Resources Department.

3.2.1 Psychological Tests

A typical battery of psychological tests includes temperament, interests, literacy, aptitude, intelligence, honesty, etc. This type of testing is administered on a limited basis, primarily for civil service positions in the Police and Fire Departments and for some departments for purposes of professional development. The resulting test summaries and career guidance reports are used as a tool by management in making selection and placement decisions.

Psychological testing is not regarded as perfect by either the administering psychologist/consultant or the City. For hiring decisions, test summaries are **one** factor taken into account with other factors. All selection processes will examine multiple factors and multiple skills. Measurement and assessment of a broad range of performance criteria is generally obtained through a variety of different methods including written tests, performance tests, interviewing, and reference/background checking.

When using a psychological test, the hiring manager must contact a Human Resources Analyst for guidance in selecting a test and designing the overall selection process. In general, psychological testing will be administered according to the following guidelines

3.2.2 Test Selection

The selection of personnel tests and the administering psychologist must be done under the direction of the Human Resources Director.

3.2.3 Test Administration

A psychological test must be administered under the guidance of a trained psychologist. Feedback is mandatory and must be given by the psychologist to the applicants who are tested. A job offer will be made prior to administering a psychological test.

3.2.4 Test Storage, Retrieval, and Recordkeeping

All summaries of psychological tests are retained in the Human Resources Department in a file that is separate from the employee's personnel file and will be destroyed pursuant to the schedule for retaining City records. Access to these test results is restricted to the City Manager, Human Resources Director and Department Director, or a designee, or as required by legal process.

3.3 Pre-Employment Medical Examination

Pre-employment medical examinations may be required for certain positions to determine the individual's ability to perform the work of that position. Any pre-employment medical exam must be developed and validated under the direction of the Human Resources Department. A job offer will be made prior to administering a medical exam and job offers will be contingent upon the successful completion of the medical exam.

3.4 Pre-Employment Drug Screening

Pre-employment drug screening is required for certain positions, as determined by the Human Resources Director.

3.5 Recruiting and Moving Expenses

In some situations, recruiting and moving expenses may be reimbursed for applicants applying for positions.

3.5.1 Recruiting Expenses

Expenses are reimbursable when candidates are invited, in writing, to visit the City for personal interviews. The invitation letter must explain the current meal per diem schedule, the requirement that other expenses be documented, identification of other expenses that will be reimbursed, and instructions regarding how these expenses should be reported to the hiring manager. The written invitation for interview and arrangements for transportation and lodging will be made by the hiring manager.

3.5.2 Moving Expenses

At the discretion of the City Manager, reasonable moving expenses may be reimbursable. Moving expenses must be identified and limited in the offer letter. Reimbursement for new hires must be approved in writing by the City Manager.

3.6 Employment of Relatives

3.6.1 In Regular Positions

The employment of immediate family members will not be limited unless it is required by business or job-related necessity. For purposes of this section, "business or job-related necessity" includes those circumstances where such limitations are based upon a compelling need to avoid business or job-related conflicts of interest, or to avoid the reality or appearance of improper influence or favor. For example, supervision by an employee of an immediate family member would be considered a conflict of interest. An employee's immediate family member is defined as an employee's parents (natural, step, adopted, foster, or an individual who stood in loco parentis to an employee when the employee was a son or daughter), sister, brother, spouse, children (natural, adopted, step, foster, legal wards, or a child of a person standing in loco parentis), mother/father-in-law, daughter/son-in-law, grandparents, great-grandparents, grandchildren and great-grandchildren.

3.6.2 In Hourly Positions

This policy recognizes that hiring hourly workers is a less rigorous process than formal recruitment and that the appearance of favoritism cannot be avoided if relatives are selected. Therefore, immediate family members shall not be eligible for employment as hourly workers in any City department. Exceptions to this rule may be granted by the City Manager or his/her designee if appropriate justification is presented and documented.

Chapter 4 – Work Rules

Each department and/or major division is responsible for developing and distributing to its employees specific work rules and procedures to be followed in that department. These work rules must be consistent with applicable human resource policies outlined in this manual and those adopted by ordinance, the Compensation Plan, federal and state law, and any civil service rules and labor agreements. Department work rules should address issues such as work schedules, breaks, smoking and eating at the worksite, requests for sick leave or vacation, etc. Department work rules should also indicate which rules apply to hourly employees*. Failure of department rules to designate which rules apply to regular or hourly employees, however, does not confer on hourly employees rights, pay, or benefits not expressly provided by this manual.

4.1 Work Hours and Assignments

City offices are open from 8:00 a.m. to 5:00 p.m. Monday through Friday, holidays excepted. The work week may vary depending on the department and the work assignments. The work week for all employees will comply with FLSA requirements.

4.1.1 Work Day

Work schedules and hours vary widely among regular employees and hourly workers*. The workday for many employees is 8:00 a.m. to 5:00 p.m., with one hour for lunch, Monday through Friday. Employees may be required to work other schedules, including varying shifts, weekends, holidays and overtime as required to meet the needs of the City. Departments and divisions may develop alternative work schedules such as a flexible starting time or a four 10-hour per day work week, providing that the department will have sufficient staff to ensure delivery of services.

4.1.2 Work Schedules

Work schedules for regular status employees and hourly workers are established by individual managers and supervisors with approval from the department director or his/her designee.

4.1.3 Meals and Rest Periods (for Regular Employees and Hourly Workers Classified Non-exempt)

Except as otherwise provided by law, non-exempt employees are entitled to one intermittent rest period of not less than fifteen minutes for each four hours of working time. Employees should not work more than three hours without a rest period, and rest periods should be scheduled as near as possible to the midpoint of the work period.

In accordance with state law, employees shall not be required to work more than five consecutive hours without a meal period of one-half hour in duration.

4.1.4 Work Assignments

Regular employee work assignments shall be subject to the general control and direction of the City Manager or designee.

4.2 Overtime

4.2.1 Overtime (Non-exempt Employees)

(Additional Link: [9.19 Provisions for Overtime Compensation](#))

Regular status employees and hourly workers may be required to work overtime when necessary. Overtime is defined as hours worked in excess of forty hours per work week. All overtime worked by non-exempt employees must be specifically authorized in advance by the employee's supervisor or manager. Efforts should be made to rotate overtime assignments as evenly as possible among employees qualified to do the work. The scheduling of overtime assignments is subject to periodic review by department directors and/or division managers.

4.2.2 Overtime (Exempt)

(Additional Link: [9.19 Provisions for Overtime Compensation](#))

Regular employees or hourly workers classified exempt are not entitled to compensation or other benefits as a result of overtime worked unless under special circumstances preauthorized by the City Manager, or his/her designee, and as provided by law.

4.3 Attendance, Absenteeism and Tardiness

(Link to [10.17 FMLA](#))

The City depends on prompt and reliable attendance of all regular status employees and hourly workers. If an employee is going to be tardy or absent due to illness or injury, the employee must notify his or her supervisor at or before the beginning of the employee's work shift, or in accordance with department work rules.

The City reserves the right to require an employee to provide documentation from the employee's doctor or professional health care provider verifying the illness or injury which results in absence from work.

4.3.1 Unusual Weather Conditions

It is the City's policy to continue to provide appropriate levels of vital services to the community during periods of unusual weather conditions. During unusual weather conditions, regular employees and hourly workers are expected to report to work in accordance with their regular work schedules. Non-exempt regular employees who arrive at work late or leave work early during unusual weather conditions will be given the option of taking leave without pay or using earned vacation leave. Hourly workers may take leave without pay. In some work situations, it may be possible to make up the unscheduled absence, provided the supervisor has granted permission and the proposed make-up schedule is compatible with the department's/division's work schedules. All time must be made up on an hour-for-hour basis. Non-exempt employees must complete this make-up time within the FLSA work week in which the unscheduled absence occurred.

Each employee is expected to notify his/her supervisor of his/her inability to report for work as scheduled as soon as possible.

4.4 Duty to Report to Work in the Event of a Disaster/Emergency Situation

It is the City's policy to continue to provide vital services to the community during emergency conditions, while maintaining a primary concern for the safety of City employees and their families. In the event of a widespread disaster that necessitates the activation of the Emergency Operations Center, the following procedures shall apply.

4.4.1 During Non-Work Hours

All regular employees and hourly workers are encouraged to ensure the safety and welfare of their families and homes. After making any necessary arrangements, all regular employees and hourly workers are required to report to work, pursuant to departmental operating procedures. The Emergency Operations Board must approve any departmental procedure that is less restrictive than this stated policy and procedure.

4.4.2 During Work Hours

Departments shall make every reasonable effort to allow regular employees and hourly workers to check promptly on the status of their families and homes, provided that doing so does not compromise emergency response functions as defined in the City's Emergency Operations Plan.

The City Manager will determine the instances when an allowance for time off with pay for unusual circumstances will be made for any employee.

4.5 Abandonment of Position

A regular status full- or part-time or hourly or at-will employee's unauthorized absence from work for a period of three consecutive days will be considered as abandonment of a position or a voluntary resignation not in

Chapter 5 – Workplace Policies

5.1 Code of Ethics

Because of the constant interaction between members of the public and City employees, all regular employees and hourly workers must be mindful of their performance in the conduct of City business and potential conflicts of interest. In accordance with the Code of Ethics (*Bellevue City Code, §3.90*), the following has been adopted as a guideline for the behavior of regular City employees and hourly workers.

5.1.1 Use of Public Property

No City employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are directed by the City Manager.

5.1.2 Conflict of Interest

No City employee shall engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

1. Receives or has any financial interest in any sale to the City of any service or property when such financial interest was received with the prior knowledge that the City intended to purchase such property or obtain such service.
2. Solicits, accepts or seeks anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the City; provided, that the prohibition against gifts or favors shall not apply to:
 - a. attendance of an employee at a hosted meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate; or
 - b. any gift which would have been offered or given to the employee if he or she were not a City employee.
3. Participates in his or her capacity as a City employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion of behalf of the City.
4. Engages in private employment or renders services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence or judgment or action in the performance of official duties.
5. Appears on behalf of a private person, other than his or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer in an official capacity is a part, or accepts a retainer or compensation that is contingent upon a specific action by the City.
6. Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.
7. Has a financial or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

8. Holds, directly or indirectly, for purposes of personal financial gain, investment or speculation, any interest in real property situated within the City, if such employee in the course of his or her official duties performs any function requiring the exercise of discretion on behalf of the City in regard to the regulation of land use or development; provided, that this prohibition shall not apply to:
 - a. real property devoted to the personal use or residence of the employee or member of the employee immediate family; or
 - b. any other interest in real property held by the employee on the date of enactment of this chapter.

5.1.3 Political Activities

No City employee shall use his/her official authority or influence for the purpose of interfering with or affecting the result of an election for a position on the Bellevue City Council.

Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the provision of **RCW §41.06.250**.

5.1.4 Penalties

The violation or failure to comply with any of the provisions of the Code of Ethics is declared, by the **Bellevue City Code**, to be a misdemeanor, and, upon conviction, shall be punishable by a fine not exceeding \$350.00, in addition to any other penalties authorized by law.

The City, through the authorized agents, may initiate appropriate civil action against any person who violates or fails to comply with any provisions of this chapter.

Any employee whose conduct is determined by the City Manager or his/her designee to be in violation of this chapter may be terminated from employment and/or temporarily suspended with loss of pay up to, and including, 30 days.

Any contract or transaction which is the subject of an official act or action of the City in which there is an interest prohibited by this chapter or which involves the violation of a provision of this chapter, shall be voidable at the option of the City.

5.2 Outside Employment

Employees may hold employment outside the City provided that such employment does not interfere with their assigned duties and responsibilities within the City and does not create a conflict of interest. Employees must notify their supervisor prior to accepting that employment.

All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any competing requirements of any outside employment. If the City determines that an employee's work outside the City is interfering with the employee's job performance or ability to meet requirements of his/her position, the employee may be asked to terminate the outside employment if he or she wishes to remain employed by the City.

Any solicitation of outside employment or volunteer work is not permitted during work hours and must be done outside of the City's premises. Employees may not use City facilities or resources such as telephones, copiers, mailing lists, computers, etc. for such purposes.

5.3 Rules Against Solicitation

Solicitation of non-business-related sales by non-employees of the City of Bellevue, whether for profit or nonprofit causes, is prohibited. This includes sales by Girls Scouts, Boy Scouts, friends or relatives of employees, and church or other nonprofit organizations.

Selling by employees, whether for profit or nonprofit, is permitted at the discretion of department directors. However, in no instance may employees set up displays or post sales literature on City property nor may they use City mails, phones, E-mail, etc. for selling or distributing goods.

Any selling or distribution must be on the employee's own time (e.g., before or after work or during lunch hours or breaks) and should **not**: (1) disturb the work of other employees; nor (2) make use of City facilities or equipment such as lobby areas, conference rooms, lunch rooms, computers, FAX machines, copy machines, etc.

5.4 Reporting Improper Governmental Action

In accordance with State law, it is the policy of the City to encourage the reporting by its employees of improper governmental action taken by City officers or employees and to protect City employees who have reported improper government actions in accordance with this policy. The City encourages the reporting of improper governmental action taken by any City officer, regular employee or hourly employee, and the reporting of retaliatory actions for such reporting. The City encourages initial reporting to the City to allow for expeditious resolution of all such matters and to minimize any adverse impacts of the improper action. Procedures regarding this reporting process are contained in the **Bellevue City Code, §3.80**.

5.5 Acquisition of Cellular Telephones

Cellular telephones are to be acquired following the City's purchasing policies and procedures and shall conform to the standards prescribed by the Information Services Department.

The following factors shall be considered in all cellular telephone acquisitions:

1. cellular usage costs compared to alternative communication costs;
2. level of employee need and usage; and
3. departmental authorization of employee use.

All City-owned cellular equipment shall be inventoried by the Purchasing Division of the Department of Finance for internal auditing purposes.

5.5.1 Usage Policy

Because cellular phone accounts are billed on a time-used basis, City-owned cellular telephones and services should not be used when a less costly alternative method of communication is safe, convenient, and readily available.

The City of Bellevue, in compliance with State requirements, must audit all City-owned cellular telephones and their use, which will include, but not be limited to, a review of the monthly billing by the employee's supervisor.

Cellular transmissions are not secure. Therefore, regular employees and hourly workers should use discretion in relaying confidential information, and reasonable precautions should be made to prevent equipment theft and vandalism.

5.5.2 Employee Personal Use (Applies to Regular Employees and Hourly Workers)

Cellular phones provided by the City are intended to be used for City business exclusively. Calls to family and/or friends, etc. by City staff when required to work extended hours shall be considered business calls.

However, if an employee does need to make or receive a personal call on a City-owned cellular phone, then that employee is required to pay the City the full cost of such calls. Employees in such circumstances are required to assist the designated requisitioner in her/his department to differentiate between business-related and personal calls, and to remit the full amount owed for personal calls within 30 days of first notification by the department.

5.5.3 Personal Use of Shared Cellular Phones/Cellular Phones Installed in Vehicles (Applies to Regular Employees and Hourly Workers)

In those circumstances when a City-owned cellular phone is not assigned to an individual but rather is shared by more than one employee, all employees who make or receive any personal calls on such phones shall retain a record of such calls including the date, cellular telephone number, and inbound and outbound telephone numbers. Such employees shall then be required to assist in reconciling cellular phone bills in accordance with departmental procedures.

5.5.4 Employee-Owned Cellular Phones (Applies to Regular Employees and Hourly Workers)

Employees who conduct City business over employee-owned cellular phones may apply for reimbursement for such calls. To receive reimbursement, employees must document the date and purpose of the call, and submit this documentation along with the original phone bill.

5.6 Vehicle Usage Rules

These rules apply to the use of all City of Bellevue vehicles and motorized equipment (City vehicles) used by regular employees and hourly workers.

The City uses a variety of vehicles and motorized equipment in its delivery of services to the public. These vehicles, and the employees who drive them, represent a major investment of resources and potential for loss. Vehicle usage is one of the most visible activities performed by the City.

5.6.1 Authorization

City of Bellevue employees may routinely or occasionally drive City vehicles upon receipt of authorization to do so. Individuals performing temporary work assignments as employees of contracted temporary help agencies, interns and cadets may drive a City vehicle for work-related purposes only where authorized.

Authorization for work-related use of City vehicles is made by department directors who may delegate this responsibility to division managers and/or supervisors.

Authorization to drive City vehicles is demonstrated by possession of a gas card. A gas card is required to check out a City vehicle for incidental use. Gas cards are issued by Fleet Operations.

Drivers of City vehicles may not allow any unauthorized persons to operate the vehicle at any time.

Authorized drivers are required to fill a vehicle gas tank at any City refueling station when it is 1/4 full or less. This is critical to efficient use of the City's resources and to assure the ability to respond during emergency situations. Reimbursement can be applied for if the vehicle is used for business-related driving outside the Bellevue area when refueling at a City refueling station is not feasible.

Drivers and passengers must follow all state and local laws and City and departmental policies and procedures concerning motor vehicle operation.

A passenger shall ride in a City vehicle only if he/she is associated with a specific work-related purpose. Passengers may include other City employees, employees of contracted temporary help agencies, other government officials, agents contracted with the City, citizens participating in Police and Fire Ride-along programs, or other similar purposes. Carrying a passenger in a City vehicle must be for a demonstrable public purpose.

Family members of City employees are not allowed as passengers in City vehicles unless they are qualified as explained in the paragraph above.

Employees who take family members to work-related events, seminars, conferences, etc., must use their own personal vehicle and may receive travel reimbursement, depending on the circumstances.

The use of City vehicles for personal profit is strictly prohibited.

Drivers of City vehicles must have a current, valid Washington State driver license with any endorsement applicable to the class and use of vehicle operated.

Drivers shall authorize the evaluation of their Washington State motor vehicle driving record upon request by the City.

No person shall operate a City vehicle while under the influence of intoxicants or drugs, or while adversely affected by medical conditions or medications which cause drowsiness, slowed reaction times, vision disturbance or other symptoms impacting driving performance. Any employee experiencing such medical conditions or taking such medications must report the situation to his/her supervisor if operating, or asked to operate, any City vehicle. No employee shall drink alcoholic beverages within four hours of when he/she has knowledge that he/she will be operating a City vehicle. No off-duty or on-duty employee in possession of a City vehicle shall use the City vehicle as transportation to any tavern, bar, saloon or similar establishment.

Employees who possess a commercial driver's license and operate a commercial vehicle are covered by the policies and procedures outlined in this chapter.

Drivers operating or parking City vehicles may make occasional stops or use the vehicle for personal convenience which is incidental to the performance of the employee's official duties. Authorization of this limited convenience use is not extended to destinations outside the City or where a stop deviates materially from the most direct or efficient route required to perform the official duty.

If a City vehicle must be stored away from a City parking lot overnight, then it must be stored off-street or in secured parking, wherever practicable or feasible.

Because City vehicles may be used for more than one purpose (e.g., general use), users are required to check if a City vehicle used during the day needs to be returned by 4:30 p.m. All general use City vehicles used overnight must be returned by 8:00 a.m. the following day.

5.6.2 Employee Training Requirements

Drivers of City vehicles or drivers who use personal vehicles for City business must complete a City of Bellevue Defensive Driving course at least once every three years.

Persons operating specialized equipment such as tractors or backhoes must meet their department's requirements for operation of the equipment prior to its use.

5.6.3 Reporting Requirements

1. Drivers of City vehicles are required to report all accidents involving a City vehicle to their supervisors, to the appropriate agency if the accident occurs outside Bellevue City limits, and to the Bellevue Police Department.
2. Drivers of personal vehicles are similarly required to report all accidents involving their personal vehicle that occur while using their personal vehicle on City business.
3. Drivers of City vehicles must immediately report to their supervisor any change in status of their Washington State driver's license.
4. Drivers of City vehicles are required to report all mechanical malfunctions and/or damages to the vehicles to the Fleet Operations.
5. Drivers of City vehicles covered by IRS regulations for vehicle-use taxation must report to their department timekeeper each day they use a City vehicle as transportation to and/or from work. Income tax withholding will be made according to current IRS rules for the use of City vehicles outside of regularly scheduled work hours as defined in ***Bellevue City Code, §3.79.040.A.***

5.6.4 Accident/Vehicular Incident Review

Whenever a City vehicle is involved in an accident or incident causing damage to any vehicle or other property, the incident will be reviewed by the City's Vehicular Incident Review Board (VIRB). The City's Risk Manager is responsible for the administration of the VIRB activities. The VIRB is not used for industrial accidents, for example, non-moving accidents.

5.7 Employee Transportation Services

The Employee Transportation Services (ETS) program is the City of Bellevue's transportation demand management program. It was developed in 1987 to reduce the number of single-occupancy vehicles on our streets and to reduce the demand for parking at major City work sites. By offering rideshare options, incentives and disincentives to influence commute mode choice, the City anticipates complying with the State Commute Trip Reduction law.

5.7.1 Program Goal

Provide a model transportation demand management program which:

1. makes the best use of public resources;
2. complies with the Washington State Commute Trip Reduction (CTR) law to improve air quality, reduce traffic congestion and decrease fuel consumption; and,
3. preserves parking for visitors, tenants of City facilities and private businesses adjacent to City lots during the hours of 8:00 a.m. to 5:00 p.m. while addressing on-site employee parking demands.

5.7.2 Program Objectives

1. Use incentives and disincentives to influence travel choices.
2. Provide and actively market commute alternatives to driving alone.
3. Provide employees flexibility in commute mode choice.
4. Meet legal accountability requirements for use of public funds.
5. Minimize program administration and costs.

5.7.3 Program Operation

Employees who work on a regular basis (for more than one month) at City Hall, the Leavitt Building, the Police Annex or the Bellevue Service Center (BSC) must register in the program. This program covers full-time, part-time and hourly employees, consultants, agency temporaries, student interns and volunteers.

5.7.4 Commute Mode Options

Employees may choose among the following commute modes:

- **Driving alone.** The program offers monthly parking for those who drive alone more than 40 percent of the time. Costs for parking are based on the number of hours the employee's vehicle will be parked at a City lot Monday through Friday. Employees who drive alone and park in a City lot less than 40 percent of the time will receive free parking coupons for days which they do park in City lots.
- **Bussing.** Regular and hourly PERS-eligible employees working at City Hall, the Leavitt Building or BSC are eligible for a Transit Pass. Employees who bus to work will also be eligible for free parking coupons so that they may drive to work up to 40 percent of the time.
- **Carpooling.** Employees who carpool for the longest portion of their commute at least 60 percent of the time are eligible for free parking coupons, and employees who carpool 80 percent of the time are eligible for monthly incentive payment.
- **Vanpooling.** Employees choosing to join Metro's Vanpool program will receive a monthly subsidy from the City as well as free parking coupons for up to 40 percent of workdays per month when vanpooling is not possible.
- **Walking, biking, off-site parking, being dropped off.** Shower facilities and bicycle racks exist for employees choosing to bike or walk to work. Walkers, bikers and drop-off commuters will also be given free parking coupons so that they may park at City facilities up to 40 percent of the time.

5.7.5 Monthly Incentives

To receive a monthly incentive payment, an employee must carpool, walk, bike, motorcycle or be dropped-off a minimum of 80 percent of commute days and must turn in a quarterly incentive form (available at any program information site) along with 12 unused parking coupons (4 per month) to the ETS Program Assistant.

5.7.6 Violations

Valid parking permits or coupons must be displayed in employee vehicles at all times. Parking tickets are issued under the following circumstances:

1. no valid permit or coupon displayed;
2. expired or invalid permit;
3. overtime parking (applies to visitor parking only);
4. carpool permit not displayed for carpool space;
5. illegally parked (occupying two spaces, blocking, undesignated space, etc.);
6. parked in handicapped-accessible space without valid state permit;
7. unauthorized vehicle parked in designated space;

8. permit or coupon not fully visible; and
9. pencil used to mark coupon.

If an employee forgets to display a permit or coupon, parking tickets may be deleted up to a maximum of eight times per year. Parking tickets are kept on an employee's parking record for one year, beginning January 1. Violators who accumulate five (undeleted) tickets within the year will have their vehicle towed. The process leading up to towing is:

1. First and second violations are recorded.
2. Third violation is recorded and a warning letter is sent to the employee.
3. Fourth violation is recorded and the license plate number is added to the tow list. City of Bellevue employees will receive an e-mail message notifying them that they have been added to the tow list.
4. Fifth violation results in vehicle towing upon authorization of the Employee Transportation Coordinator. Employees are notified that their vehicle is being towed. Two violations will remain on an employee's record after a tow.

All violations received in a calendar year are deleted after December 31. All employees start the following year with a clean record.

Registration forms and additional information regarding the parking program, parking costs, and reimbursements may be obtained from Employee Transportation Services program staff in the Transportation Department. Information may also be found on the City's electronic reference resources server.

5.8 Intellectual Property (Applies to Regular Employees and Hourly Workers)

Commercial software products installed on personal computers (e.g. word processors, spreadsheets, etc.) are generally not the property of the City. Employees must strictly adhere to all constraints or conditions in software licensing agreements. Unless otherwise specified in the license agreement, only one copy of a software product is allowed to be made for backup purposes, and no reproduction or distribution of software or support documentation is allowed.

Any software authored or otherwise developed by regular employees and hourly workers on City time or for City purposes is the property of the City, and the City shall hold all rights and privileges regarding its use and distribution. All such products should bear an inscription designating it as copyrighted by the City.

5.9 Technology Resource Usage Policy Background Info (revised 2-28-02)

The following policies define appropriate use of the City of Bellevue network, computers, all related peripherals, software, electronic communications, and Internet access. They apply to the access of the City's network and use of computing technology resources at any location, from any device, via wired or wireless connection. They apply to all users of City technology resources regardless of employment status. Access to all networks and related resources require that each user be familiar with these policies and associated work rules. The City of Bellevue authorizes the use of computing and network resources by City staff, contractors, volunteers and others to carry out legitimate City business. All users of City computing and network resources will do so in an ethical, legal, and responsible manner. All use of technology resources must be consistent with the intent and requirements of all City policies and work rules. Technology resources may not be used to facilitate operation of a personal business such as sale of cosmetics or consulting.

Technology resources may be used for incidental personal needs as long as such use does not result in additional cost or liability, interfere with business, productivity or performance, pose additional risk to security, reliability or privacy or conflict with the intent or requirements of any City policy or work rule. Personal usage should generally conform to limits typically associated with personal phone calls. This document does not attempt to address every possible situation that may arise. Etiquette and common sense should be exercised while using City technology resources. This document provides policies and general rules for appropriate use of resources. [Background Info](#)

5.9.1 Network Usage

The Information Technology Department (ITD) must approve connecting devices to the City's network. This includes PCs, hubs, printers, scanners, remote connections, and wireless or wired devices.

- Use of modems on the City's network requires written approval from ITD. Approved devices with modems must be disconnected from the network prior to using the modem. [Background Info](#)
- Personal software or devices may not be loaded or attached to any City-owned equipment without written authorization by a designated department manager and by ITD. [Background Info](#)
- Intruding or attempting to intrude into any gap in system or network security is prohibited. Sharing of internal information to others that facilitates their exploitation of a gap in system or network security is also prohibited. If you encounter or observe a gap in system or network security, report the gap immediately as per 5.9.5.
- Obey the privacy and rules governing the use of any information accessible through the network, even if that information is not securely protected.
- All users are responsible for ensuring that their computing devices have current virus definitions and for scanning attachments and downloaded materials for viruses prior to opening.
- Use of the network via any connection (e-mail, application, Internet, etc.) to access or download large non-business related files is prohibited. Examples include video, audio, MP3 files, and games.
- Transmission, distribution, or storage of any information or materials in violation of federal, state or municipal law is prohibited. Software that is copyrighted or licensed may not be shared or illegally distributed. Copyright violations are federal offenses that may result in civil and criminal penalties to employees and the City of Bellevue.

5.9.2 Internet/Intranet Usage [Background Info](#)

- This technology usage agreement outlines appropriate use of the Internet/Intranet. Usage should be primarily focused on business-related tasks. Incidental personal use is allowed as discussed under Section 5.9. [Background Info](#)
- When using Internet chat rooms or other means of communication keep in mind that you are representing the City. Comments made should be reflective of City policy unless expressly indicated otherwise.
- Use of the Internet, as with use of all technology resources, should conform to all City policies and work rules. Visiting "adult" or sexually-oriented web sites, sites associated with hate crimes, violence or others that create discomfort in the workplace and have no legitimate business value is prohibited unless for work related purposes. Filtering software will be actively used to preclude access to inappropriate web sites. Attempts to alter or bypass filtering mechanisms are prohibited.

- The Department Director or designees may limit Internet connect time and bandwidth. Using "push" technology or other "subscriber" technologies that employ continuous or extended connections to the Internet or produce high volumes of e-mail communications is prohibited.
- The city's Intranet site will be routinely used to relay information and announcements relevant to the general employee population. The Intranet is intended to replace the use of broad e-mail distribution of non-critical and non time-sensitive announcements.

5.9.3 E-Mail Usage Background Info

- E-mail must follow the same code of conduct as expected in any other form of written or face-to-face communication.
- Messages sent or received via e-mail may be public records and must meet the same standards as if they were tangible documents or instruments. Users must manage their e-mail in accordance with record retention policies and procedures as defined by the City Clerk's office.
- E-mail accounts must be managed within assigned capacities. Messages must be stored to alternative locations (like a hard drive or back-up disk) on a regular basis and deleted from the e-mail system. Personal messages should be deleted immediately. Background Info
- Frequent deletion of old and/or unneeded e-mail is the responsibility of each user.
- Use of the "Everyone_COB" distribution list is restricted to the City Manager's Office, Department Directors and their specific designees. Under no circumstances should an employee "Reply To All" to an Everyone_COB message.
- The City provides staff access to and support of the Exchange/Outlook messaging (e-mail) system. Access or usage of any other messaging systems is not allowed. Background Info

5.9.4 User Accounts Background Info

ITD must authorize all access to central computer systems. Additional authorization by departments and ITD is needed for remote or Internet access. Each user is responsible for establishing and maintaining a password that meets City requirements. Without the express authorization of the user, the use of another person's account or attempt to capture other users' passwords is prohibited. Each user is responsible for restricting unauthorized access to the network by logging out of their computer account when leaving their computer unattended. If you discover unauthorized use of your account, immediately follow the reporting procedures in 5.9.5.

5.9.5 Monitoring and Employee Privacy

The City owns all data stored on its network and systems (including e-mail, voicemail and Internet usage logs) and reserves the right to inspect and monitor any and all such communications at any time. The City may conduct random and requested audits of employee accounts in order to ensure compliance with policies and requirements, to investigate suspicious activities that could be harmful to the organization, to assist Departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the City. Internet and e-mail communications may be subject to public disclosure and the rules of discovery in the event of a lawsuit. The City's Internet connection and usage by individuals are monitored. There is no right to privacy in an employee's use of City technology resources.

5.9.6 Administration, Reporting and Violations

Each Department will designate specific employees who have the authority to authorize ITD to provide accounts and access to technology resources. These designated employees are also the departmental

contacts for reporting violations and concerns. Departments share responsibility with monitoring appropriate implementation of these policies and requirements. Departments are responsible for determining any and all disciplinary actions that may stem from violations of these policies and requirements.

As with any set of policies or rules, exceptions will be granted and documented on a case-by-case basis. These require authorization from the Department involved as well as from ITD.

Any employee who observes or suspects a violation of these policies and requirements, particularly those that relate to security of the City's network, systems and data, should immediately report these concerns to their designated Departmental representative and to the Help Desk in ITD.

Violations of this policy are subject to disciplinary action as deemed appropriate by the Department Director. Actions that demonstrate a clear disregard for these policies and requirements and that result in damage or serious disruption to the City's network, systems, services or data may result in immediate discharge.

5.10 Smoking in the Workplace (Applies to Regular Employees and Hourly Workers)

Because the City wishes to promote a healthy and productive work environment and recognizes its legal obligation to do so as outlined in Workers' Compensation and Occupational Safety Regulations and the Washington State Clean Air Act, the following have been adopted to regulate smoking in the workplace:

- Smoking is permitted in areas designated by the City Manager.
- Smoking will not be permitted in City-owned buildings except in designated smoking areas.
- Smoking is permitted in assigned City vehicles, however, if there is more than one passenger in the vehicle, the rights and interests of the nonsmoker will prevail.
- Visitors to the City will be allowed to smoke only in designated areas within City facilities.

5.11 Safety

All employees are responsible for following applicable health and safety precautions on the job. New employees should receive a list of applicable safety rules and procedures as a part of departmental orientation. Each employee is expected to use safety equipment and clothing as required, and to comply with safety rules and procedures at all times. Department directors and supervisors are responsible for assuring safe working conditions and compliance with safety standards of each work site.

Any injury sustained on the job, regardless of how minor, must be reported to the supervisor immediately. Report forms should be completed and forwarded to the Risk Management Division. First aid or other treatment required should be administered only by qualified practitioners. First aid courses are offered regularly by the City for any interested employee.

5.12 Accidents

All accidents and/or injuries occurring in the workplace must be reported by regular employees and hourly workers immediately, regardless of the nature or severity of the accident or injury. Supervisors and managers shall evaluate any injury or suspected injury, assist in securing appropriate medical assistance, and contact the Risk Management Office.

Any regular employees or hourly workers employee involved in any job-related accident or suffering a job-related injury or illness is required to promptly report the accident and/or injury/illness to his/her supervisor

immediately. Failure to report may be grounds for denying worker's compensation, and/or cause for discipline up to and including dismissal.

5.13 Employees' Committee

In order to have input from individual employees into the development of personnel rules, policies and procedures, and to ensure sound organizational communication, there shall be a standing committee composed of both management and nonmanagement employees. The committee shall be named the "Employees' Committee." The committee shall meet at least quarterly for the following purposes:

1. to study, review and make recommendations as needed for improvements to human resources policies and administrative procedures;
2. to serve as a liaison between employees and management for the communication of employee and management concerns;
3. to serve as a liaison between management and employees on issues concerning employee morale, productivity and quality of working life; and
4. to make reports and recommendations to the City Manager addressing individual employee concerns, issues and problems brought before the committee.

The total membership of the committee shall be determined by the Employees' Committee bylaws.

5.14 Workplace Violence (Applies to all Regular Employees and Hourly Workers)

The City of Bellevue is committed to providing, in so far as it reasonably can, a safe environment for working and conducting business. The City will not tolerate acts of violence committed by either regular status employees or hourly workers while on City of Bellevue property or while performing City of Bellevue business at other locations. Any unlawful violent actions committed by employees or members of the public while on City property or while using City facilities will be prosecuted as appropriate.

The word violence in this policy shall mean an act or behavior that:

1. is physically assaultive;
2. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an employee;
3. would be interpreted by a reasonable person as carrying potential for physical harm to the individual;
4. is a behavior, or action, that a reasonable person would perceive as menacing;
5. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
6. consists of a communicated or reasonably perceived threat to destroy property.

Violent actions committed by regular employees or hourly workers will not be tolerated or ignored. The City intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees.

5.14.1 Goals and Objectives

The goals and objectives of this policy are to achieve the following:

1. reduce the potential for violence in and around the workplace;

2. encourage and foster a work environment that is characterized by respect and healthy conflict resolution; and
3. mitigate the negative consequences for employees who experience or encounter violence in their work lives.

5.14.2 Possession and Use of Dangerous Weapons by Employees

5.14.2.1 Prohibition

In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of dangerous weapons is prohibited on City property, in City vehicles or in any personal vehicle which is used for City business.

5.14.2.2 Dangerous Weapons Defined

A dangerous weapon is any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests as intent to intimidate another person or that warrants alarm for the safety of another person. Dangerous weapons are defined by **RCW, §9.41**.

5.14.2.3 Exceptions to the Dangerous Weapons Prohibition

Employees of the City of Bellevue may possess a firearm on City property if:

1. engaged in military or law enforcement activities; or
2. legally in possession of a firearm for which the employee holds a valid permit and said firearm is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.

5.14.2.4 Responsibilities

Employees

All employees are responsible for:

1. refraining from acts of violence and for seeking outside assistance to resolve personal issues that may lead to acts of violence in the workplace; and
2. reporting to managers and supervisors any dangerous or threatening situations that occur in the workplace.

Employees are encouraged to report to their managers/supervisors situations that occur outside of the workplace which may affect workplace safety, i.e., instances where protection orders have been issued, etc.

Managers/Supervisors

Managers and supervisors are responsible for responding to reports or knowledge of violence and for initiating the investigation process.

1. Any report of violence will be investigated immediately and confidentially, and appropriate action will be taken, where possible, in order to protect the employee from further violence. Appropriate disciplinary action will be taken when it is determined that City of Bellevue employees have committed acts of violence.
2. Where issues of employee safety are of concern, managers and supervisors should evaluate the workplace and make appropriate recommendations regarding a reasonable response.

The City Manager

Insofar as is reasonably possible, the City Manager is responsible for developing procedures that are designed to reasonably achieve:

1. prompt and appropriate response to any act of violence;
2. accountability among employees for acts of violence committed in the workplace;
3. establishment of oversight of investigations of violence;
4. formation of a Crisis Management Team to provide immediate response to serious incidents;
5. avenues of resolution and support for employees who experience violence; and
6. clear communication with employees, managers and supervisors and distribution of the policy and administrative procedures to all employees.

5.14.3 Achieving Goals and Evaluating Progress

To achieve the goals and objectives of this policy, the City intends to do the following:

1. establish procedures and methods for implementing policies and for addressing violence in the workplace;
2. provide training to managers, supervisors, and employees;
3. evaluate the physical environment for safety and consider modifications; and
4. evaluate progress in achieving the goals and objectives of this policy.

5.14.4 Procedures and Guidelines

When a violent act occurs:

1. If the act or altercation constitutes an emergency, CALL 911. In instances that are not emergency situations, contact your immediate manager or supervisor. When 911 is contacted, contact an immediate manager or supervisor after contacting 911.
2. If possible, separate the parties involved in the violent altercation. If the parties cannot be separated, or it would be too dangerous to the employee or manager to attempt to separate the parties, CALL 911.
3. Contact the appropriate Department Director.
4. The Department Director will contact the Human Resources Director, who will take responsibility for coordinating response to the incident.
5. In instances that involve **emergency** situations, or **criminal** activity, the Human Resources Director will contact the City Manager and the Police Department. Incidents involving emergency situations and/or criminal activity will be referred to the Police Department for assessment and, if necessary, investigation.
6. In instances when it is not appropriate to refer an incident to the Police Department, the Human Resources Director will evaluate the situation and make a recommendation regarding the need for an investigation. If an internal investigation is recommended, the Human Resources Director will coordinate the investigation process.

5.14.5 Conducting an Investigation

Incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation. Incidents that do not involve an emergency situation and/or criminal activity will be handled by the Human Resources Department. The Human Resources Director, in consultation with the City Manager's Office and the Department Director, will determine whether an investigation is needed and who will conduct the investigation.

1. Data Collection

There are great liabilities and legal implications associated with violent behavior in the workplace. Therefore, before beginning any investigation, consult with higher management and the Human Resources Department.

The investigation that you conduct could lead to disciplinary action; please be sensitive to the rights of all persons involved and proceed in a manner that demonstrates objectivity, fairness and a concern for confidentiality. Remember, document all aspects of your investigation.

2. Interview with the Alleged Victim

When talking with the alleged victim, speak clearly and non-judgmentally. Approach the interview in a sensitive, supportive manner. The goal of the interview is to develop a true and accurate account of the incident.

- a. Obtain the date/time of the violent incident.
- b. Find answers to the questions: who, what, when and where. Find out what specifically happened in this and any other incidents.
- c. Determine the background of the situation, including the relationship between the parties before the incident.
- d. Obtain the names of anyone else who:
 1. saw or heard the incident;
 2. the person has talked with about the incident; and/or
 3. the person believes has also had encounters with the alleged offender.
- e. Find out what the person did in response to the violent encounter.
- f. Find out whether the person has documented the incident, or any other violent encounters that the person has had with the alleged offender.
- g. Reassure the person that the City is actively responding to the incident and that any retaliation will not be tolerated.

3. Interview With the Alleged Offender

- a. Approach the interview in a non-judgmental, sensitive manner. Keep in mind that a person is innocent until proven at fault. Unreasonable assumptions of guilt before an investigation has been completed can impede an appropriate investigation.
- b. If the alleged offender is a member of a City bargaining unit and asks for union representation, allow it.
- c. Present the incident or incidents described by the victim, or your own observations if you directly saw the incident.
- d. Get the alleged offender's side of the story.
- e. Investigate with such questions as:
 1. Describe the incident that occurred between you and the victim.
 2. Describe your relationship with the victim and other interactions that you have had.
- f. Listen attentively as the alleged offender talks.

- g. Advise the offender of the seriousness of any form of retaliation against the recipient/victim, or any action that might be interpreted as retaliation.

4. Interviews with Observers or Others in the Workplace

In your investigation, realize that observers may also be disturbed by the violent interaction they have witnessed.

Investigate with questions such as:

- a. What type of interaction did you observe between the offender and victim?
- b. Are there others who might be able to comment, or who observed the same incident?

5.15 Alternative Work Scheduling Options

The City provides options for flexible and alternative work scheduling. Alternative work scheduling is used to accommodate special needs. While these opportunities are available, implementing or continuing a flexible scheduling option is within the discretion of management. Adopting alternative work schedules enables employees to integrate personal and professional lives, reduces or eliminates travel during certain days of the week in compliance with the Washington Clean Air Act (**RCW 70.94.521-551**) and may enhance the ability of the City to recruit and retain qualified individuals.

5.15.1 Alternative Work Week

Flex-time is a work schedule that permits flexible starting times and quitting times for employees other than the standard work day, with a standard number of core hours which must be worked. The following is the flex-time model adopted for the City of Bellevue:

FLEXIBLE TIME CORE TIME FLEXIBLE TIME

6 am - 9 am **9 am - 4 pm** 4 pm - 6 pm

A compressed week changes the employee's schedule from a standard 8-hour day. Possibilities include:

1. **9/80** - The 80 hours in a two week period are scheduled over 9 working days. Example: The normal work day is extended by one hour 4 days one week and 4 days the next week, with one regular 8-hour day. This produces one extra day off every two weeks.
2. **4/40** - The 40 hours in a one week period are scheduled over 4 working days rather than the standard 5. Example: The normal work day is extended by two hours 4 days of the week. This produces one extra day off each week.
3. **14/120** - The normal work day is extended by approximately 30 minutes each day, so that 120 hours in three 40-hour work weeks are worked over 14 work days. This produces an extra day off every three weeks. (Available to exempt employees only.)

5.15.1.1 Eligibility

All regular full-time and part-time employees are eligible to request alternative work scheduling options. Final decision for participation will be made by the department director or his/her designee. Approval of alternative work scheduling will be at the discretion of the department director and is not grievable.

An employee with a documented performance problem may be denied their request for an alternative work schedule, depending on the nature of the performance problem.

An alternative work schedule may be implemented for any eligible employee where the proposed schedule:

1. will not materially interfere with business operations of the department; and
2. will not compromise the City's ability to provide service to the public.

5.15.1.2 Application Process

1. An employee interested in establishing an alternative work schedule will complete a standard written application, which will include the proposed alternative work schedule, the employee circumstances leading up to the request, potential problems identified and recommended solutions. Additional information may be attached to the standard application.
2. The department, within 10 working days of receiving the employee application or as soon thereafter as reasonably possible, will approve or disapprove the application and respond back to the employee.

5.15.1.3 Trial Period

The immediate supervisor may discontinue the alternative work schedule, providing a 30-day written notice is given to the employee. If the alternative work schedule is discontinued, the employee may submit a new application should circumstances (of the employee, the department, or position) significantly change.

5.15.1.4 Accruing and Using Sick and Vacation Leave

Sick Leave and vacation leave will continue to accrue at the regular rate for employees who work on flexible or alternative work schedules. When an employee takes a full day of sick or vacation leave, the time charged will be equivalent to the full number of hours the employee was scheduled to work. This compensates for actual time absent for regularly scheduled work hours.

(Additional Related Links)

[10.5 Vacation Leave](#)

[10.10 Sick Leave](#)

5.15.1.5 Standards

For exempt employees, work hours do not include time required for attendance at regularly scheduled evening meetings related to events unless current regularly scheduled work hours coincide with these events. Exempt employees are required to be in attendance at such meetings as part of the regularly scheduled work day.

Employees may be asked to fill in on their regularly scheduled day off for employees who are absent or when work load or special circumstances dictate. Supervisors and employees will provide as much advance notice as possible and will be flexible in working out an alternative schedule.

5.15.1.6 Payroll Processing for Employees on Alternative Scheduling

Alternative Schedules That Fit Within the Standard Work Week

Some flex schedules can be accomplished within the City's standard 40-hour work week. This is true whenever the employee's scheduled 40 hours of work always fit within the 12:01 a.m. Monday through midnight Sunday period. For example, a four 10-hour work week or a work week with four 9-hour days plus one 4-hour day fit within the standard 40-hour work week. These are the simplest flex schedules to administer. The only complication with these flex schedules occurs when a City holiday falls on a day that the employee is scheduled to work more or less than eight hours. If the employee is scheduled for more than eight hours that day, he or she will need to take vacation for any additional scheduled hours or increase the work hours on another day in the same work week. If the employee is scheduled to work less than eight hours, they should take the remaining holiday hours (up to eight) off on another day within the same work week.

Within a Standard 40-hour Work Period:

	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>
4-day	10	10	10	10	OFF
4.5 day	9	9	4	9	9

Alternative Schedules That Do Not Fit Within the Standard Work Week

Sometimes employees want to establish a flex schedule which results in a day off every other week. In this situation, the employee works one week on the schedule of four days at nine hours each day and one day at eight hours; then the following week on a schedule of four days at nine hours each and one day off. In order to comply with federal regulations, the work week must be defined as including half of the day off each of the two weeks. For this reason, the eight-hour work day must be the same day of the week as the day off and the schedule cannot be changed within the two-week work period. If these rules are not followed, a non-exempt employee will earn and must be paid for overtime.

Every-other Monday Off:

	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>
1st Week	8	9	9	9	9
2nd Week	OFF	9	9	9	9

If a holiday falls on a day that the employee is scheduled to work 9 or 10 hours, the employee will need to use vacation to cover the missing hours or modify their work schedule during the same work week. If the holiday falls on the day the employee is scheduled to work 8 hours, no adjustment is needed. However, if the holiday falls on the day the employee is scheduled for a flex day off, then 4 hours must be taken off in each of the two work weeks; the employee cannot be allowed to take the entire day before the holiday or after it as a holiday off. The employee schedule is changed as noted in the following example:

Every-other Monday Off Holiday Schedule:

	<i>Monday</i>	<i>Tuesday</i>	<i>Wednesday</i>	<i>Thursday</i>	<i>Friday</i>
1st Week	8	9	9	9	(Holiday 4) Work 5
2nd Week	OFF	(Holiday 4) Work 5	9	9	9

Overtime When Changing to a Alternative Schedule

When a non-exempt employee first starts on a flex schedule, overtime may need to be paid. Be sure to contact the Payroll Division for determining whether and how much overtime has been earned.

5.15.2 Job Share (revised 5-5-00)

Two regular employees with the same job classification, sharing one budgeted FTE position in the same department within the City. Medical and dental benefits will be on a shared cost basis, with both employees paying a prorated share based on their FTE. Such employees **are required to participate in PERS, and are MEBT eligible** under **existing MEBT Plan Document** definitions. Job share agreements are made at the discretion of management and require a **50/50** time split between the two employees involved in the agreement.

5.15.3 Telecommuting on a Regular Basis

Telecommuting is the managed, voluntary performance of job duties during normal work hours at a location other than City of Bellevue facilities, usually the employee's residence. As with other flexible work options, telecommuting is often used as a management tool to reduce employee commute trips, accommodate special needs of employees, and to increase employee motivation and productivity.

Because the City of Bellevue is a government organization and exists to serve the public, telecommuting is not considered to be a preferred method of work scheduling, because the nature of this work method removes the employee from face-to-face contact with the public. However, the City also understands that telecommuting may, in some circumstances, be a very appropriate means of meeting individual employee and departmental needs. It is, therefore, the policy of the City of Bellevue that telecommuting may be used when:

1. The telecommuting agreement does not negatively impact the delivery of public services and programs for which that department has primary responsibility.
2. The department and the employee are able to demonstrate benefits that would be difficult to achieve by other means.
3. The job that will be performed has some or all of the following characteristics:
 - a. Face-to-face interactions can be scheduled on specified days.
 - b. Use of equipment and space can be scheduled.
 - c. Work flow can be controlled.
 - d. Quiet or uninterrupted time would enhance employee productivity.
4. There are special circumstances that prevent an employee from commuting to and from City offices on a daily basis.
5. Both the employee and manager involved in the telecommuting agreement have clearly identified the work that will be performed while telecommuting, the work rules or practices that will be followed, and the outcomes that are anticipated.

Terms of Employment

Salary and benefits will not change as a result of a telecommuting agreement.

Telecommuting Agreement

Employees and managers who meet the above criteria and who wish to implement a telecommuting project must develop a written agreement. There is a standard form available for this purpose and it can be used or adapted as appropriate. The form addresses the issue of ownership and maintenance of equipment that will be used, work rules, a description of the work performed, and service levels that will be maintained.

Employee Responsibilities

The employee is responsible for establishing and maintaining safe and healthful working conditions at the telecommuting site and should avoid work that is not normally part of the job. The telecommuter has responsibility for providing a work environment that is free of interruptions and distractions. Telecommuting is not a substitute for dependent care.

Management Responsibilities

Employee work performance should be a consideration when selecting employees to participate in telecommuting agreements. Employees who are most successful telecommuting are those that are able to work independently, communicate with managers and supervisors, and demonstrate a high degree of

self motivation. Managers have a responsibility to ensure that the agreed-upon work standards are achieved and that work rules are followed.

5.16 Substance Abuse Policy

(Applies to all Regular Employees, Independent Contractors, and Hourly Workers, Except Where Hourly Employees are Specifically excluded)

It is the intention of this policy to eliminate substance abuse and its effects in the workplace. While the City has no intention of intruding into the private lives of its employees, involvement with drugs or alcohol off-the-job can influence employee job performance and employee and public safety.

Regular employees (not hourly employees or independent contractors) who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Where-to-Turn Employee Assistance Program.

Alcohol or drug abuse will not be tolerated where it affects job performance or safety of employees or the public, and disciplinary action, up to and including termination, will be used as necessary to achieve this goal.

This policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of City managers and employees. To that end, the City will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's ability to safely and effectively perform the functions of the particular job), which increases the potential for accidents, absenteeism, substandard performance, poor employee morale, or damage to the City's reputation. All persons covered by this policy should be aware that violations of the policy may result in discipline up to, and including termination, or in not being hired.

5.16.1 Policy

It is City policy that regular status employees, hourly workers, and independent contractors shall not be under the influence, or in possession of, alcohol or illegal drugs while on City property, at work locations, or while on duty or subject to being called to duty. Regular (full or part-time and at-will) employees shall not sell or provide alcohol or illegal drugs to any other employee or person while on duty. Employees engaged in selling illegal drugs whether on or off duty pose a serious risk to the reputation of the City and to the well-being of fellow employees and the City. Therefore, the City will not tolerate employees engaged in the selling of illegal drugs whether on or off duty.

While use of validly prescribed medications and drugs does not violate this policy, failure by an employee to notify his/her supervisor, before beginning work when taking medications or drugs which could foreseeably interfere with the safe and effective performance of duties, or the operation of City equipment, can result in discipline up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

The City reserves the right to search, without employee consent, all areas and property in which the City maintains control or joint control with the employee. Otherwise, the City may search upon obtaining employee consent or notify appropriate law enforcement agencies that an employee may have illegal drugs in his or her possession or in an area not jointly or fully controlled by the City. The City further reserves the right to conduct for cause and/or random drug and alcohol tests as permitted by law in furtherance of this policy.

Refusal to immediately submit to an alcohol and/or drug analysis when lawfully requested by a manager or supervisor or law enforcement personnel, or refusal to submit to a search of personal properties if requested by law enforcement personnel, may constitute insubordination and be grounds for discipline up to and including termination.

Employees reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work and shall be detained for a reasonable time until he or she can be safely transported from the work site.

The City is committed to providing reasonable accommodation to those employees whose drug or alcohol problem classifies them as handicapped under federal and/or state law.

The Where to Turn Program has been established to assist those employees who voluntarily seek help for alcohol or drug problems. Employees should contact their supervisors or the Where to Turn program counselor for additional information.

5.16.2 Application

The policy applies to alcohol and drugs, including all substances, drugs, or medications, whether legal or illegal, which could impair an employee's ability to effectively and safely perform the functions of the job.

5.16.3 Employee Responsibilities

Any regular status employees, hourly workers, or independent contractors must:

1. Not report to work or be subject to duty while his/her ability to perform job duties is impaired due to on- or off-duty alcohol or drug use.
2. Not possess or use alcohol or impairing drugs, including illegal drugs and prescription drugs without a prescription, during working hours or while subject to duty, on breaks, during meal periods, or at any time while on City property.
3. Not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either or both employees are on duty, or subject to being called to duty.
4. Submit immediately to an alcohol and drug test when lawfully requested by a City representative.
5. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.
6. Provide, within 24 hours of request, bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug screen/test is positive. The prescription must be in the employee's name.

5.16.4 Management Responsibilities and Guidelines

Managers and supervisors are responsible for reasonable enforcement of this policy.

Managers and supervisors may request that an employee submit to a drug and/or alcohol test when a manager or supervisor has a reasonable suspicion that an employee is intoxicated or under the influence of drugs or alcohol while on the job, or subject to being called.

"Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced.

For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. slurred speech;
2. alcohol odor on breath;

3. unsteady walking and movement;
4. an accident involving City property where it appears employee conduct is at fault;
5. physical altercation;
6. verbal altercation;
7. unusual behavior;
8. possession of alcohol or drugs; and/or
9. information obtained from a reliable person with personal knowledge.

Any manager or supervisor requesting an employee to submit to a drug and/or alcohol test should document in writing the facts constituting reasonable suspicion that the employee in question is intoxicated or under the influence of drugs.

Any manager or supervisor encountering an employee who refuses an order to submit to a drug and/or alcohol analysis shall be advised that the failure to comply with the order will be insubordination and will subject the employee to discipline up to and including termination. Where there is reasonable suspicion that the employee is then under the influence of alcohol or drugs, the manager or supervisor should arrange for the employee to be safely transported home.

Managers and supervisors shall not physically search the person of employees, nor shall they search the personal possessions of employees without the freely given written consent of, and in the presence of, the employee.

Managers and supervisors should notify the appropriate law enforcement agency where this policy is violated with respect to illegal drugs.

5.16.5 Results of Drug and/or Alcohol Analysis

5.16.5.1 Pre-employment Physical

A pre-employment drug screen is required for some positions. This requirement is determined by Human Resources and advertised as a requirement of the position. A positive result from a drug and/or alcohol analysis may result in the applicant not being hired where the applicant's use of drugs and/or alcohol could affect requisite job standards, duties or responsibilities.

If a drug screen is positive at the pre-employment physical, the applicant must provide within 24 hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name, the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.

5.16.5.2 Physical or Alcohol/Drug Tests on Current Employees

A positive result from a drug and/or alcohol analysis may result in disciplinary action, up to and including termination.

If the drug screen is positive, the employee must provide within 24 hours of request, bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name. If the employee does not provide acceptable verification or a valid prescription, if the prescription is not in the employee's name, or if the employee has not previously notified his or her supervisor of the employee's need to take the drug, the employee will be subject to disciplinary action up to and including termination.

If an alcohol or drug test is positive for alcohol or drugs, the City shall conduct an investigation to gather all facts. The decision to discipline or discharge will be carried out in conformance with applicable disciplinary procedures.

5.16.6 Testing Procedures

The City shall utilize urine and/or blood tests for verification by certified medical personnel. The "enzyme-immunoassay" (EMIT) and "gas chromatography-mass spectrophotometry" (GC-MS) test methods shall be used in a laboratory approved by the City. The City shall pay for the costs of all tests and medical examinations carried out under this procedure. The City shall maintain confidentiality of test results. This, however, does not preclude the admission of test results in grievance proceedings.

5.16.7 Confidentiality

Laboratory reports and test results shall not appear in an employee's general personnel folder. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Human Resources Director. The reports or test results may be disclosed to City management on a strictly need-to-know basis, and to the tested employee upon request. Disclosures, without patient consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

5.17 Substance Abuse Policy for Employees Covered by Department of Transportation (DOT) Drug & Alcohol Testing Regulations

Employees who operate motor vehicles that are considered commercial motor vehicles according to the Department of Transportation rules are required, by federal law, to obtain and carry a commercial driver's license and are, therefore, subject to federally managed rules and regulations governing interstate vehicle operation. Federal transportation rules require the identification of commercial license holders and the development and administration of a substance abuse program specifically designed for these employees. By law, this program must include drug and alcohol prohibitions, testing processes, and recordkeeping procedures that are different from the program that is administered to City employees in general. This policy is not intended to replace the general substance abuse policy. Commercial drivers must comply with the policy and procedures outlined in City safety procedures, see **§5.11 Safety** of this manual, and applicable labor agreements. The intent of the substance abuse policy for employees in safety-sensitive functions is to ensure compliance with federally mandated rules and regulations, and to recognize the safety-sensitive nature of this type of work by holding drivers to a higher level of accountability for decisions that may impact the safety of the general public.

5.17.1 Prohibitions

5.17.1.1 Alcohol

Employees shall not drive City vehicles while under the influence of alcohol, while in possession of alcohol, or while using alcohol. Drivers will be considered under the influence of alcohol when their blood alcohol level is 0.02 or greater, and shall not be assigned driving duties within four hours of consuming alcohol.

5.17.1.2 Controlled Substances

No employee shall be allowed to operate or drive City vehicles when using controlled substances. If the City becomes aware that an employee is using controlled substances, the employee shall not be permitted to operate City vehicles. When the use of a controlled substance is prescribed by a physician, the employee may be allowed to continue driving if the employee has been advised that the substance

will not adversely affect their ability to safely operate a City vehicle. An employee who operates City vehicles must inform their supervisor of therapeutic drug use.

5.17.1.3 Consequences

If an employee tests positive for controlled substances or has an alcohol test that indicates a blood alcohol level of 0.04 or greater, the employee shall not return to responsibilities that require the operation of a City vehicle until after the employee has been evaluated by a substance abuse professional to determine what assistance, if any, is needed to resolve problems associated with alcohol misuse of City vehicles and the use of controlled substances. Return to duties that require the operation of a City vehicle shall be dependent upon compliance with any treatment recommendations and a negative result on a return-to-duty controlled substance and/or alcohol test. Employees who test positive shall be subject to disciplinary procedures, which are outlined in applicable City policies and labor agreements. Follow-up testing may be required to monitor continued abstinence. Follow-up testing shall be conducted at least six times during the 12 months following return to work, and may continue for up to five years, based on the recommendations of a substance abuse counselor.

If results on the alcohol test indicate a blood alcohol level of 0.02 but less than 0.04, the employee shall be removed from any responsibility requiring the operation of City vehicles for at least eight hours, or until the next shift and a repeat test indicates a blood alcohol level of less than 0.02. Violations between 0.02 and 0.04 shall be treated in accordance with disciplinary procedures outlined in City policies and applicable labor agreements.

Employees selected for random, for cause, or follow up testing, will be accompanied by a supervisor to the test site.

Refusal to submit to a legally required alcohol or controlled substance test shall be treated as a positive test result. Employees who alter samples or dilute samples shall be subject to disciplinary action according to City policy or applicable labor agreements. Employees testing positive a second time will be terminated.

Employees who are notified that they have tested positive will immediately contact the Employee Assistance Program and schedule the first available appointment with a substance abuse professional for evaluation and referral. A substance abuse professional will be available on the same day, or on the morning following notification by the employee of the need to schedule an appointment. Therefore, the period of time that an employee may be on unpaid administrative leave for a positive drug or alcohol test will not exceed eight hours provided the employee has complied with the notification provision described above. After appropriate notification of the substance abuse professional, should the employee's status regarding the need for treatment, and/or counseling, not be determined within the eight hours that the employee is on unpaid administrative leave, the employee will be placed on paid administrative leave until said determination is made.

Employees determined by the substance abuse professional to need treatment and/or counseling, shall be permitted to return to work only after completing any treatment plans and/or counseling recommended by the substance abuse professional, absent any intervening disciplinary action taken by the employer or placement on paid administrative leave for investigation of possible discipline. Employees who are determined by the substance abuse professional to need treatment and or counseling may be eligible to use his/her leave banks.

If the substance abuse professional determines that the employee may return to work prior to completing a recommended treatment and/or counseling plan, absent intervening disciplinary action taken by the employer or placement on paid administrative leave for investigation of possible discipline, at the sole discretion of the City as provided below, the employee may be returned from leave status to paid work duties consistent with applicable law. Assessment of fitness for duty shall be required of employees returning to work following a positive drug or alcohol test.

Employees who test positive for drugs and/or alcohol must be retested and receive negative results prior to returning to work duties requiring operation of any City owned vehicle, or any work that might involve the use of equipment or procedures that could be potentially dangerous to the public, co-workers, or the employee. It is within the sole discretion of the City whether sufficient alternative work duties exist to warrant returning the employee to paid work duties. If sufficient alternative duties do not exist, the employee will be eligible to use his/her leave banks.

Any alcohol or substance abuse treatment that is required as a result of this policy shall be covered according to applicable medical plans or labor agreements.

5.17.2 Testing

5.17.2.1 Alcohol

Alcohol testing shall be conducted off-site at a designated test facility using an evidential breath testing device and a trained technician. Two tests may be conducted. The first test will be a screening test. Any screening test resulting in .02 or greater shall require a second or confirmation test.

5.17.2.2 Controlled Substance

Controlled substance testing shall be conducted by analyzing urine specimens. Testing shall be done off-site in a certified laboratory. According to federal law, controlled substance testing will consist of split specimen sampling and shall test for the following controlled substances:

1. Marijuana (THC);
2. Cocaine;
3. Opiates;
4. Phencyclidine (PCP); and
5. Amphetamines.

Department of Transportation Guidelines will be used to determine thresholds within which tests are positive. In instances where the test results are positive, the employee may request that the split specimen be sent to another laboratory. If an employee elects to have a split sample tested at another laboratory, the test shall be done at the employee's expense.

5.17.2.3 Medical Review

Test results shall be interpreted and communicated to supervisors through a trained Medical Review Officer (MRO). The MRO shall not be a City employee.

5.17.2.4 Medical Review Procedures

When positive results occur, employees shall be contacted by the MRO to discuss the results, and based on these discussions, the Officer shall determine if there is an alternative medical explanation for controlled substances found in a urine specimen. The MRO may ask the employee to repeat a test.

Positive results that are determined to be inaccurate by the MRO shall be reported as negative along with all other negative results. The MRO shall be given the name of a contact person for each employee tested, and test results shall be given only to the designated contact in order to ensure confidentiality.

5.17.2.5 Types of Testing

The City is required by law to conduct the following tests:

Pre-Employment Testing

Operators of commercial vehicles must be tested for alcohol and controlled substances prior to operating a commercial vehicle. Test results shall be confirmed by a medical review officer and job offers shall be contingent upon negative results for controlled substances and alcohol. Alcohol and controlled substance testing also shall be administered to current employees transferring to positions where a commercial driver's license is required.

Post-Accident Testing

Following an accident that results in a citation or death, alcohol and controlled substance testing shall be conducted with any employee whose performance could have contributed to the accident. Post accident testing administered for alcohol **should** be completed within two hours following the accident, but **MUST** be completed within eight hours. Following an accident that results in a citation or death, the driver shall abstain from alcohol consumption until he/she is tested for alcohol or until eight hours has passed. Testing for controlled substances **should** be conducted within two hours following the accident, but **MUST** be conducted within 32 hours.

Accidents that do not result in a citation or death shall be handled according to applicable City policies and labor agreements. Employees must make themselves readily available for testing following an accident; failure to do so will be deemed a refusal to submit to testing and will be treated in the same manner as a positive test result.

Random Testing

This testing shall be conducted on a random, unannounced basis. The number of random tests per year is determined by federal law and may vary from year to year. Selection for testing will be made by an objective, outside consultant and shall be based upon a computer-generated random number table. All employees who are subject to testing will have an equal chance of being selected for testing. Random testing shall be administered throughout the year in a manner that will not be predictable. When an employee is selected for random testing, the employee shall be tested for controlled substances and/or alcohol.

Reasonable Suspicion Testing

Reasonable suspicion testing shall be conducted when a trained supervisor observes appearance, behavior, speech, or body odors that are characteristic of alcohol or controlled substance misuse. Testing shall be conducted only if the observations are made by a supervisor who has been trained to make this type of determination. Alcohol testing for reasonable suspicion shall be conducted only if the employee is operating a commercial vehicle, is just about to operate a vehicle, or has just finished operating a vehicle, and within eight hours of the determination that testing is justified. Employees who are tested based on reasonable suspicion must have a blood alcohol level of less than 0.02 in order to continue operating a commercial vehicle. If 24 hours elapses following the observations, the employee shall be permitted to operate a commercial vehicle without undergoing the recommended testing. Positive results found through reasonable suspicion testing shall be handled according to the disciplinary process outlined in City policy and appropriate labor agreements.

5.17.2.6 Record Retention

By law, the City must retain records and documentation of alcohol and controlled substance testing. The records associated with alcohol and controlled substance testing will be kept in strict confidence in the Human Resources Office. These records will be released by the Human Resources Director to potential employers only when receiving written authorization signed by the employee. An employee may receive a copy of his/her records pertaining to use of alcohol and controlled substances, as well as any information regarding alcohol and controlled substance testing, by submitting a request in writing to the Human Resources Director.

Record Retention Schedules

The following records shall be retained for a legally mandated five-year period:

1. employee results indicating a blood alcohol concentration of 0.02 or greater;
2. positive test result for controlled substances;
3. documentation of refusals to take required tests;
4. calibration information for the evidential breath testing device; and
5. employee drug and alcohol evaluations and referrals.

Negative and canceled controlled substance test results shall be retained for one year, along with alcohol test results that indicate a blood alcohol concentration of less than 0.02.

5.17.2.7 Training and Referral

The City will provide employees with educational materials that explain the requirements of this policy, the testing procedures, and information concerning resources available for resolving problems associated with the misuse of alcohol and use of controlled substances.

Chapter 6 – Recordkeeping

6.1 Personnel Files

The City maintains a personnel file for each regular employee. The file contains primarily the following information:

1. address and telephone number;
2. application and/or resume, reference letters or other material submitted with employment application;
3. employment history, including titles and dates of positions held, salaries, dates and amounts of raises, bases for each salary raise, changes in status (e.g., full-time, part-time, temporary), basis for each change in status, resignations, and rehires;
4. performance evaluations;
5. records of disciplinary action (e.g., warnings, terms of probation, and terminations); and
6. group medical and dental insurance enrollment records.

Minimal records are maintained for hourly employees. Personnel records are the property of the City; copies cannot be made unless specifically allowed by law. Immediate supervisors, human resource professionals, the City Attorney or his/her designee, and other managers with a business need to do so, may review individual files. Access is also extended to hiring managers within the City with whom the employee has applied for promotion or transfer. Files must be reviewed in the Human Resources Department with a records custodian present during the review. Employees may review their personnel records during the normal working hours.

6.2 Release of Employee Information (Applies to Regular Employees and Hourly Workers)

Employee information is kept confidential (i.e., is not disclosed to the public), except as required by law or as considered appropriate by the City, unless the law requires otherwise. Generally, unless a party seeking such written information receives authorization from the employee, only the following information

will be released to inquirers: verification of job title; employment dates; and termination status (i.e. terminated voluntarily, involuntarily, or as a result of a reduction in workforce). Employees who want additional information disclosed should complete the Release of Information form, available from the City Clerk's Office.

Any employee or supervisor receiving inquiries from the public concerning past or present employees should direct the inquiry to Human Resources.

Chapter 7 – Job Performance & Status Changes

7.1 Trial Service Period

The trial service period is an integral part of the selection process for new employees in regular positions and employees receiving promotions, demotions, or transfers to regular status positions. During this trial service period, a department director or his/her designee will determine the employee's capability to do the work, and will observe the employee's adjustment to the department. Each employee in a trial service period should be evaluated in writing by his/her supervisor at the end of his/her first three months, and every third month thereafter during the trial service period.

Employees serving in a trial service period are trial employees and are **at will**. Employees in trial service status may be terminated with or without cause at any time during their trial service period, except as prohibited by state or federal law. The length of the trial service period for each position will be 6 to 12 months, depending upon the complexity of the duties performed, and other relevant factors, and will be determined in advance for the particular employee by the department director. At the time he/she takes the position, the employee will be informed in writing of the length of the trial service period and the job duties he/she is expected to perform.

A trial service period may be extended at the request of the supervisor, with approval from the Human Resources Director. Notification of an extension of a trial service period, or of failure to successfully complete the trial service period, must be provided to the employee prior to expiration of the trial service period.

7.2 Performance Evaluation

Employees should be evaluated in writing annually before their merit date. Employee performance evaluations are designed to 1) ensure that quality services are provided to the public at the least possible cost; 2) motivate and develop employees to their fullest potential; 3) clarify roles and mutual expectations of managers/supervisors and employees; and 4) ensure open and ongoing communication between employees at all levels, including feedback from subordinates to supervisors.

Department directors and managers/supervisors are responsible for:

1. defining the tasks and responsibilities of each position;
2. orienting each employee to these aspects of his/her job;
3. developing performance criteria and expectations for each position and reviewing them with each incumbent regularly (at least annually);
4. developing work plans and objectives with employees which are in line with department and division goals & programs;

5. working with employees to identify individual strengths and limitations, and ensuring that employees are properly placed in positions according to their abilities and skills; and
6. objectively identifying and working with employees to develop a plan for correcting performance deficiencies.

Merit increases shall be withheld by a department director for any employee who does not meet one or more essential job standards for the preceding evaluation period. An employee whose merit increase has been withheld for unsatisfactory performance shall not be entitled to further merit increases until Human Resources receives a specific recommendation to do so from the department director and should a later merit increase be granted, it shall not be retroactive.

Hourly employees may be evaluated on an annual basis. Merit increases for hourly employees shall be administered in accordance with **§ 9.9.4** of this Manual. Hourly employees are eligible for a merit increase as provided in **§ 9.7.1 Conditions for Earning Merit Increases**.

7.3 Performance Review Period

If a regular status employee's performance becomes unsatisfactory, the employee may be placed on performance review. The performance review process is an option available to managers for correcting performance problems. This process is not a required step for correcting performance deficiencies and other options may be explored without implementing a performance review period.

Performance review will consist of the following steps:

1. **Identify the Problem** - Identify the problem that has warranted the application of a special performance review period.
2. **Inform the Employee** - The employee should be informed, in writing, of the decision to begin a special performance review process and the anticipated length of that review period.
3. **Design Job Goals Consistent with Job Requirements** - Work with the employee to design job goals, methods for achieving those goals, and a reasonable time period to adequately assess progress and job performance skills.
4. **Make Continued Employment Dependent Upon Successful Performance Within a Stated Time Frame** - Inform the employee that continued employment in their current position is dependent on his/her ability to meet performance criteria.

7.4 Disciplinary Process

Disciplinary procedures are intended as a guide to assist department directors, managers/supervisors and employees by defining the limits of acceptable conduct and providing for consistency in actions taken when those limits are exceeded.

7.4.1 Causes for Discipline

Regular (full or part-time) employees are subject to discipline for cause, up to and including termination from employment, where their acts or omissions adversely affect or may adversely affect their ability to perform their job or have an adverse impact on other employees or the City. Causes may include, but are not limited to:

1. insubordination;
2. unprofessional conduct, including disorderly conduct, indecent language, and immoral acts ;
3. unauthorized use of City property;

4. unauthorized use, release, or disclosure of confidential information;
5. failure, inability or refusal to perform assigned duties; or performing job duties in an unsatisfactory, negligent or careless fashion;
6. verbal or physical abuse or harassment of employees or customers;
7. making malicious, false, or derogatory statements about another City employee;
8. falsification of an employee's application for employment, medical, time, or other records;
9. habitual or unexcused absences or tardiness or abuse of any other leave policies;
10. unauthorized absence from work for a period of three consecutive days (abandonment of a position);
11. theft, deliberate destruction, abuse or unauthorized possession of City property, or any other malicious or careless acts causing property damage, accidents or expense while acting in the scope of his/her employment;
12. dishonesty;
13. unlawful discrimination against, or unlawful harassment of, another employee, client of the City or member of the public;
14. possession, sale, purchase, distribution, consumption, or being under the influence of alcohol, or controlled substances while at work locations, or while on duty, subject to being called to duty or while on stand-by duty;
15. sale or manufacture of illegal drugs off-duty;
16. a positive random or for cause drug test;
17. failure or refusal to submit immediately to an alcohol or drug test or analysis when lawfully requested by a manager or supervisor;
18. failure to comply with safety or security policies and procedures, or any conduct endangering the life, safety or health of self or others;
19. possession or use of unauthorized explosives, unauthorized firearms, or other dangerous weapons on City premises;
20. violation of City policy or procedure;
21. subsequent to being hired, a conviction of a felony or a misdemeanor ; and
22. misconduct of any kind not otherwise specified, or any other acts or omissions of an employee that are inimical to the good working order of the City.

7.5 Progressive Disciplinary Process

The level of discipline imposed is left to the discretion of the appointing authority or his/her designee based on a consideration of the totality of the circumstances, including progressive discipline and the severity of the infraction. Only regular (full or part-time) employees are entitled to be disciplined only for cause. At-will employees may be terminated at any time, with or without cause. The City Manager or his/her designee shall develop and implement rules for imposing discipline consistent with this Code.

1. Oral Warning
2. Written Reprimand or Warning

3. Suspension Without Pay
4. Demotion
5. Discharge

Discharge is warranted for any serious offense or cause, or repeated offenses or causes. Repeated offenses or causes need not be similar or related to warrant disciplinary action.

Decisions regarding discharge of employees may be made by a department director after consultation with the Human Resources Department and the City Attorney's Office, where appropriate. Notification of discharge should be given to the City Manager's Office.

7.6 Process for Implementing Significant Disciplinary Actions

Any disciplinary action involving discharge, demotion, or suspension without pay, shall be preceded by the following:

1. Written Notice

Written notice to the employee of the proposed action. This notice must state the date the intended action is to become effective, the specific grounds and particular facts upon which the proposed action is based. The employee shall be informed of the right to respond to the proposed action.

2. Opportunity to Respond

The employee shall have five working days from receipt of the notice of intended disciplinary action to respond informally, either orally, in writing, or both, to the proposed action.

3. Written Notification of Final Decision

The employee's response to a notice of proposed disciplinary action, if any, must be given careful, adequate consideration by the manager or supervisor responsible for determining whether disciplinary action is warranted. Once a decision has been made, the employee shall be notified in writing of the final decision regarding the implementation of disciplinary action. This notification shall also inform the employee of the right to appeal within 10 days of the effective date of the disciplinary action and the right to a post-disciplinary hearing.

4. Appeal Process

In response to an appeal, the City will select a hearing officer who will conduct a hearing in accordance with the following rules:

- a. The City will have the burden of proof on all charges upon which discipline is based.
- b. Witnesses will testify under oath. The employee and the City will have the right to call witnesses, cross examine adverse witnesses, and to introduce evidence that assists the hearing officer in his/her job.
- c. Hearsay is admissible, but may not be the basis for a finding unless it is corroborated by non-hearsay evidence.
- d. The hearing officer will issue a written decision within 30 days of the close of the hearing, recommending to the City manager either to uphold, reverse, or modify the discipline and the reasons.

The City Manager will review the record of the hearing officer decision and either uphold, modify or reverse the hearing officer decision. The decision of the City Manager is final.

7.6.1 Garrity Notice

Where an employee is suspected of a crime, and the City decides to proceed with an administrative disciplinary interview of the employee, the employee will be provided with the following notice, in writing, prior to the interview: 1) the employee has the 5th amendment right to not incriminate himself by remaining silent; 2) however, any statements the employee makes in the administrative disciplinary interview will not be used against him criminally; and 3) therefore, should the employee fail to cooperate in the interview by failing to answer all questions posed to him related to the investigation he will be deemed insubordinate and will be disciplined up to and including termination from employment.

Prior to conducting an administrative disciplinary interview of an employee suspected of a criminal offense, the supervisor or department head shall contact the Legal Department to discuss the disciplinary interview to be conducted.

7.6.2 Liberty Interest Hearing

Where an employee is terminated from City employment and the charges upon which the termination is based are made public, if the charges are of such a nature that they stigmatize the employee's reputation in the community for honesty or morality and the accuracy of the charge is contested, the employee is entitled to a public informal name clearing as required by law.

7.7 Resignations

Employees who resign from their employment with the City shall provide the City with reasonable advance written notice of their resignation so that service to clients is not disrupted. Reasonable advance notification shall be given to the employee's supervisor and Human Resources. Written notice shall include the effective resignation date. Prior to the last day of work, the employee may, in most instances, have an exit interview with Human Resources. All City property shall be returned to the employee's supervisor on or before the last day worked.

7.8 Reinstatement

Following a layoff, a leave of absence without pay, or a classification reduction for cost savings, an employee returning to his/her former position within two years shall be reinstated at the same salary for his/her classification that he/she was receiving at the time of the layoff, leave of absence without pay, or reduction in classification. The employee's salary will be adjusted in accordance with any general salary adjustments granted during his/her period of absence.

In the case of a layoff or leave of absence, the employee's merit date and service credit date will be adjusted to account for the time spent off the City payroll. After a two-year period, should the former employee be rehired, he/she will be subject to the provisions for new hire. Further, an employee rehired to a position not in the same classification as his/her former position will be subject to the provisions for new hires.

If an employee is reduced in classification for a period of two or more years, then returns to the former classification, the employee will be subject to the policies and procedures regarding reclassification as identified in this manual.

7.9 Retention Policy

7.9.1 Objective

To increase efficiency and ensure effective delivery of programs and services, the City continually analyzes and evaluates its operations. Through this process of analysis, it may become apparent that it is necessary to make changes to programs, services and, at times, staff assignments. This policy outlines procedures for layoff or a redeployment of regular status employees that are no longer needed in their current job assignment due to organizational change, lack of work, insufficient funding, or operational analysis.

It is the intent of the City that all regular status employees focus on innovation without fear of job loss. Although the City cannot provide absolute employment security, this policy establishes a process for employees who experience a change in job status or are affected by a reduction in force. Reasonable efforts will be made to retain affected employees into the workforce. This policy provides guidelines for redeployment and separation.

The Retention Policy applies to all regular status employees of the City who have completed a trial service period. The City Manager will have the discretion to determine whether separations shall be handled according to the guidelines of this policy. The Retention Policy does not apply to at-will employees.

7.9.2 Development of a Redeployment Plan

Departments initiating organizational change shall research and develop a proposal for implementation. The proposal should contain a cost-benefit analysis that indicates both the short- and the long-term savings and the expenditures that are anticipated as a result of the restructuring initiative. If it is determined from this analysis that there are efficiencies that would be gained from taking action, then the department should submit to the City Manager for approval a description of the program outcomes or efficiencies that would be realized and the performance measures that would be used to determine whether these efficiencies have been attained.

The Human Resources Department will assist departments in the development of all aspects of the redeployment plan.

7.9.3 Employee Notification

Affected employees will be notified as required by law, or a minimum of 45 days in advance of the date their position will be eliminated. Employees who are affected will be given information regarding plans for position restructuring and/or proposed transfer options. Transfer proposals will be based upon an appropriate match of the affected employee's experience, abilities and skill, and will not be implemented without a mutual agreement between the employee and the proposed receiving department.

Once an affected employee has been notified of the intent to eliminate his/her position, Human Resources will assist the department initiating the restructuring initiative, and the affected employee for up to 30 days in further assessment of redeployment alternatives.

Options such as part-time work schedules, job sharing, temporary work, and/or pay reductions may be explored, if, in the opinion of the department director, such options are feasible.

7.9.4 Separation and Severance

Retention of employees will be determined by job performance and qualifications. When job performance and qualifications are equal, regular employees will be retained on the basis of seniority. Seniority will be determined by the employee's most recent hire date. Related job performance will be determined by the department director on the basis of past performance evaluations, qualifications will be determined by

knowledge, abilities, and skills required for affected positions as stated in the job description, and the employee's ability to perform the remaining work without further training.

Employees who are separated from service may be offered a severance agreement that includes the following:

1. Upon Certification of earnings received, an employee may be eligible for a monthly payment amount equal to the difference between his/her current monthly earnings after separation and his/her final base salary prior to separation from the City. The duration of the monthly payment shall occur in accordance with the following schedule:
 - a. One year but less than five years of continuous service 3 months
 - b. Five years but less than ten years of continuous service 4 months
 - c. Ten years or more of continuous service 5 months

If an employee becomes re-employed and receives a salary that is at a rate equal to or greater than his/her final base monthly salary with the City, payment shall immediately cease.

2. Following separation from the City, employees shall provide regular written certification to the Human Resources Director of earnings received within the time-frames required by the Separation Agreement.
3. An option to continue medical coverage for a period of 18 months through COBRA, as required by law.
4. Severance is conditioned upon the signing of a release of liability as permitted by law.

7.9.5 Redeployment

Employees accepted into vacancies at a higher classification must complete a trial service period in their new position, which period is to be determined by the department director. If an employee is not successful during the trial service period, s/he will be separated from the position.

When employees are moved to positions in a lower classification as a result of an organizational change initiative, and their salary exceeds the range maximum of their new position, they will not be eligible to receive general salary adjustments or merit increases and will be subject to a decrease in pay equal to the general salary adjustment for a period of up to 18 months. At the end of 18 months, if the employee's salary is still above the maximum of the new salary range, the employee's salary will be adjusted downward to the maximum of the new range. If the employee's pay is within the range of the lower classification, the employee's pay will remain unchanged. Employees transferred to positions in lower classifications or different classifications within the same pay grade must complete a trial service period in their new position which period is to be determined by the department director. If the employee is reassigned to a different department, but continues to work in the same classification, no trial service period is required. If an employee is not successful in the new position, s/he will be separated from the position.

If a redeployed employee requires more than on-the-job training, then such training will be paid for with savings gained by the department that is eliminating the position. The training will be limited in scope and duration.

If a department declines to accept an employee who has been deemed by Human Resources to be appropriate for a vacancy, it is incumbent upon the department director to provide sufficient explanation to the City Manager that such a placement is not appropriate.

City retains the right to manage City operations and affairs in accordance with the responsibilities, powers, and authority which an employer possesses. The City reserves the right to make work

assignments, to determine the number of personnel assigned at any time to any function, and to lay off staff as provided under **§7.9 Retention Policy** of this Manual.

Chapter 8 – Employee Relations

8.1 Open Door Policy

The City has long recognized that employees are a valuable source of ideas for improving operations and is firmly committed to open communication within the organization. Employees are encouraged to bring to management any questions, suggestions or concerns regarding their job, and managers are encouraged to facilitate open discussion with their employees.

8.2 Alternative Dispute Resolution

Conflicts in the workplace which are:

1. interpersonal in nature;
2. miscommunications between managers, supervisors, and employees; or
3. disagreements regarding work performance issues or annual performance evaluations,

shall be handled through an alternative dispute resolution process using a mediator or a facilitator. Regular or hourly employees, managers or supervisors who are involved in disagreements may request, at any time, to use the services of a mediator. Generally, use of a mediator or facilitator requires agreement from both parties involved in the conflict, however, the City Manager and/or the department or division manager may, at times, require two or more employees to participate in dispute resolution where the City Manager or the department or division manager determines it is in the best interest of the City to require mediation or facilitation. Departments will bear the cost of alternative dispute resolution services.

The following procedures shall be followed when proceeding with a mediation process:

1. Selection of a Mediator or Facilitator

The Human Resources Department maintains a list of potential mediators or facilitators. Parties involved in a dispute must agree upon, and select, the mediator or facilitator. Both parties should discuss with the mediator 1) the appropriateness and feasibility of using mediation to resolve the dispute; 2) the proposed process; and 3) potential ground rules for the mediation. Ground rules should include a description of how the final agreement will be documented and what the results will be if this agreement is violated by either of the parties.

2. Violation of an Agreement

Any agreement resulting from a mediation process, and any violation of an agreement reached through mediation is not grievable.

8.3 Grievance Procedure

Regular employees, managers and supervisors shall use the grievance procedure to resolve disputes regarding alleged violations of an article in this manual. Basic management rights to assign work and schedules are not grievable. Layoff decisions are not grievable. Employees on a trial service period are not able to grieve. At-will employees, including employees serving in the executive level (E pay plan), or

mid-management (M pay plan), hourly workers, and employees in trial service status, are excluded from using the grievance procedure.

Although the City has created a formal grievance procedure, employees and supervisors are encouraged to attempt to resolve problems informally before filing a grievance.

The grievance process should be used only for complaints and issues regarding alleged violation of a section(s) of this Human Resources Manual that cannot be resolved by other methods. Alternative dispute resolution is available for employees and supervisors to whom these methods would be beneficial in resolving disputes outside of the grievance process.

If disputes cannot be handled outside the grievance process, then the employee and supervisor must follow the steps outlined below. The steps of the grievance procedure must be followed in the order in which they appear, unless management determines that the circumstances of a particular complaint warrant commencing the grievance procedure at a different step.

This procedure does not apply to complaints regarding unlawful discrimination or harassment. Complaints regarding unlawful harassment or discrimination shall be filed directly with the department director, Human Resources Director or City Manager. These complaints will be handled according to the procedures outlined in §8.5 Complaint Procedure for Reporting Illegal Harassment or Discrimination of this manual.

Complaints regarding discharge from employment, demotion, or suspension without pay, should be handled in accordance with §7.6 Process for Implementing Significant Disciplinary Actions of this manual.

8.3.1 Grievance Process:

Any of the time frames specified for the following steps listed below may be altered by mutual agreement of the parties involved.

Step One: Written Complaint

If an employee and his/ her immediate supervisor cannot resolve a problem informally, the employee shall submit a complaint in writing to the immediate supervisor within 14 calendar days from the date the employee first was, or should have been, aware of the incident giving rise to the complaint. The written complaint shall identify the article in this manual that is violated, the date on which the event(s) occurred, the people involved, and the requested remedy.

The immediate supervisor will respond to the employee, in writing, within 14 calendar days of the date of receipt of the written grievance. If the supervisor believes that mediation or facilitation may be beneficial, then the supervisor may recommend in the written response that alternative dispute resolution be considered.

Step Two: Consideration by the Division Manager/Department Director

If the grievance is not resolved to the employee's satisfaction at step one of the process, then the employee may proceed to step two. The request to proceed to step two must be made no later than seven calendar days after receiving step one written response or after the time period for the response within 14 calendar days after the time period for response has passed, whichever is earlier.

At step two, the division manager or the department director shall investigate the basis of the complaint, make a decision, and respond to the employee, in writing, within 14 calendar days from the date of receipt of the Step Two grievance

Step Three: Alternative Dispute Resolution

If the employee is not satisfied with the response from the division manager or department director, then the employee must file a request in writing to the Human Resources Director to proceed to step three.

The written request must be submitted within 14 days after receiving a response from the division manager or department director, or within 14 calendar days after the time period for response has passed, and should include the reasons for dissatisfaction with the response.

If a grievance proceeds to step three, the employee and other persons involved in the grievance may choose to resolve the grievance through alternative dispute resolution. Procedures regarding the use of mediation or alternative dispute resolution are described in (§ 8.2 of this Manual).

If mediation or facilitation is pursued, the process must be completed within 30 days. Where dispute resolution is successful, a written agreement will be created between the parties. A copy of the agreement will be placed by the Human Resources Director in a confidential sealed envelope in the personnel files of those persons involved in the agreement.

If one, or both, of the parties does not agree to participate in alternative dispute resolution, then the grievance will proceed to step four of the process, ***Appeal to the City Manager***.

Step Four: Appeal to the City Manager

An employee who is not satisfied with the decision reached by the division manager or department director at step two, and who has not pursued alternative dispute resolution, may appeal to the City Manager. Appeal at step four must occur within the 10 working days of completion of the process at step three. Depending upon the nature of the dispute, the City Manager may choose to proceed to step five of the process and appoint a non-City party as a hearing officer to conduct a hearing of the grievance, or may elect to personally hear the grievance.

If the City Manager elects to hear the grievance, he/she will consider the entire record compiled in each of the prior steps, including: 1) the written grievance presented at step one; 2) the written decisions of the division managers and/or the department director; and 3) the information presented by the grievant and other parties that the City Manager determines is helpful to the resolution of the grievance. Step four must be completed within 30 days. The written decision of the City Manager will be final and binding. A copy will be sent to the employee, manager/supervisor, and department director.

Step Five: Appeal to a Hearing Officer

If the City Manager elects to refer the grievance to a hearing officer, the hearing officer will conduct an informal hearing as soon thereafter as possible pursuant to procedures approved by the City Manager and made available to the employee. The hearing officer will consider the entire record, including (1) the written grievance presented at step one; (2) the written decisions of the division managers and/or the department director; and (3) information presented by the grievant and other parties whose information the hearing officer determines is helpful to a resolution of the grievance.

The hearing officer will make a written recommendation to the City Manager to affirm, reverse or modify the department director's ruling within 30 days of the close of the hearing. Copies of the decision from the hearing officer will be sent to the employee, the manager/supervisor and the department director.

The City Manager will then make the final decision, in writing, to affirm, reverse, or modify the recommendation of the hearing officer within 30 days. A copy of the City Manager's decision will be sent to the employee, the manager/supervisor and the department director. The decision of the City Manager will be final and binding.

8.4 Equal Employment Opportunity (EEO)

The City believes that every regular employee, hourly worker, or independent contractor has the right to work in an environment free from all forms of unlawful harassment or discrimination and is committed to equal employment opportunity. Employment practices will be implemented as required by local, state, or federal law. The City seeks to achieve, by lawful means, a balanced workforce that is reflective of the gender, ethnic, and cultural mix of the community.

8.5 Complaint Procedure for Reporting Illegal Harassment or Discrimination

Unlawful harassment or discrimination of any regular employee, hourly worker, or independent contractor by a manager, supervisor or coworker on the basis of his/her race, color, creed, religion, gender, age, national origin, marital status, or the presence of any sensory, physical or mental disability, is a violation of City policy. The City will provide reasonable accommodation where required by law. This policy applies to all terms and conditions of employment including, but not limited to, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation and training. Accordingly, it is the responsibility of every employee to cooperate with, and assist in the implementation of this policy. Violations of this policy will result in disciplinary action up to and including termination.

Procedure

Notification

A regular status employee, hourly worker, and independent contractor, who believes he/she has been unlawfully harassed or discriminated against is required to make a complaint orally or in writing with any of the following:

1. immediate supervisor;
2. department director; or
3. director of Human Resources.

Any supervisor or department director who receives a harassment or discrimination complaint shall notify the Human Resources Director within one work day or as soon thereafter as possible.

Investigation

Harassment and discrimination complaints will be thoroughly investigated by Human Resources or its designee and a written response will be provided to the appropriate person(s).

Upon notification of a harassment or discrimination complaint, the Director of Human Resources will:

1. Take reasonable steps to protect the victim and other potential victims from further harassment or discrimination. These steps may include mediation.
2. If appropriate, take action to remedy the victim's loss, if any, which resulted from the harassment or discrimination.

If harassment or discrimination occurred, the department or division director will authorize prompt and effective action against the harasser or person who discriminated. The action will be commensurate with the severity of the offense. If the action constitutes discharge, demotion, reduction in pay, or suspension without pay, the procedures outlined in §7.6 Process for Implementing Significant Disciplinary Actions of this manual will apply.

Any retaliation against a person for filing a complaint of discrimination or harassment is prohibited and shall result in disciplinary action up to and including termination.

Chapter 9 – Salary Administration

9.1 Compensation Policy

This Compensation Policy outlines the City's intentions with respect to compensation of employees who are not in a bargaining unit (non-affiliated). The City's Compensation Policy is outlined in the Compensation Plan adopted by Council.

9.2 Responsibility for Maintenance and Administration

The Human Resources Director is responsible for the development, interpretation and administration of the Compensation Plan. The Finance Director is responsible for maintaining records of employee time worked, calculating and paying compensation earned, calculating the accrual and paying paid leaves of absence, determining amounts of deductions and contributions for employee benefits, paying benefits provided for in the Compensation Plan, conducting the prepayment audit of all expenditures, and developing procedures necessary to carry out these functions.

The City Manager has the authority to adjust the provisions of the Compensation Plan when it becomes necessary in order to carry out sound personnel management, and to accomplish objectives within the City's defined commitments. However, the City Manager may not adjust the salary range for the class of City Manager, nor may he/she adjust the pay of bargaining unit employees except in accordance with procedures established in collective bargaining.

9.3 Position Classification

The intent of the position classification system is to group together positions requiring similar tasks, responsibilities, knowledge, abilities and skills. The system standardizes titles and terminology used in describing positions; assures essentially market based pay for similar work responsibilities by conducting periodic external salary comparisons; provides a basis for the recruitment and selection of qualified employees; serves as a tool for departmental managers in managerial planning and budgeting; determines training needs; develops career paths; and serves as a basis for performance evaluation.

9.3.1 Structure of the Classification System

The structure of the classification plan provides for:

1. Classes which are groups of positions of similar responsibility and difficulty, requiring similar general qualifications of incumbents, similar working conditions, and which can be compensated within the same pay range.
2. Class titles generally descriptive of the work of each class.
3. Written specifications for each class which are descriptive but not restrictive, and which include a brief job summary; a listing of essential duties and responsibilities; the level of supervision received and exercised; education and experience requirements; knowledge, skills and abilities requirements; and the physical demands of the position.

In determining the class to which any position will be allocated, the specifications of each class shall be considered in total. Class specifications are to be liberally construed as general work descriptions and not as prescribing what the detailed duties of any position shall be, nor as limiting the authority of the City to assign duties.

9.3.2 Review of Positions

Any position may be reviewed for job description accuracy, salary grade assignment or reclassification to another job description upon the request of a department director, or at the discretion of the Human Resources Director. In addition, all vacant positions which are opened for the recruitment process will be

reviewed by Human Resources prior to advertisement of the position and/or appointment of an individual to fill the vacancy to ensure that the job class assigned to the position continues to be appropriate.

9.3.3 Requests by Employees for Reclassification

A reclassification review evaluates the work an employee performs in comparison to job descriptions for specific classifications. The review determines which classification is most appropriate given the work performed and the description of duties for the classification. Position incumbents who believe that significant work related factors have been overlooked in the allocation of a position to a particular class may bring those factors to the attention of the Human Resources Director for reconsideration, and may request a review of the position.

The Human Resource Department may conduct a reclassification review when:

1. The employee shows that significant factors have been overlooked in the allocation of their position to a particular class,
2. The issue is the classification in which the employee has been placed, not the pay range in which the classification has been placed and,
3. A reclassification form has been completed.

Procedure for requesting a review of class allocation:

1. Complete a **Reclassification Request Form**.
2. Forward the form to your supervisor for review and comment.
3. Forward the form to your Department Director for signature.
4. Forward the form to Human Resources.
5. Human Resources will review the information, may request additional information, and will determine the outcome of the request.

Appeal Process

If an employee wishes to appeal a classification decision made by the Compensation Manager, they may appeal to the Appeals Committee. The Appeals Committee will consist of the Deputy City Manager, the Human Resources Director and one other person. The Appeals Committee will require the employee to provide a copy of the original reclassification form reviewed by Human Resources, a completed Appeals form and a Cover letter requesting the review. The appeal should be submitted to the HR Director who will call a meeting with the Deputy City Manager and one other person. The Appeals Committee will also require the Compensation Manager to provide the reasons for declining the reclassification request.

After reviewing the information, the Appeals Committee will inform the employee and the Compensation Manager of the decision. The review by the Appeals Committee will be the sole method of review for decisions regarding placement of an employee in a classification. Classification decisions or determinations made by the Appeals Committee are not subject to the grievance procedure.

9.4 Pay at Time of Lateral, Upward, or Downward Movement between Job Classifications

9.4.1 Upward Job Movement

Upward job movement occurs when an employee moves from one classification to another classification in a higher salary range. This type of movement is most often associated with promotion, reclassification or reorganization. The following provides guidance for pay administration:

Table 1

Merit Date The merit date does not change. When the employee’s normal merit date comes due, the new supervisor obtains input from the former supervisor and completes the review for the entire performance review period. The new supervisor evaluates the employee’s eligibility for merit increase at the time of the normal merit date. Merit increases are not prorated at the time of job movement.

Starting Salary for New Job The starting salary may be at or above the minimum for the new position. All offers above the minimum require a completed Job Offer Worksheet. Job Offer Worksheets provide justification for a salary above minimum and are based on the employee’s qualifications to perform the new position. The Department Director must approve Job Offer Worksheets prior to offer being communicated to offeree. Job offers above the midpoint of the range or that are exceptional require Human Resources Director approval prior to extending the offer.

Pro-rated Merit Increase At Completion of Trial Service Period When a Trial Service Period (TSP) is less than 12 months, and the starting salary is at the minimum of the range, and performance warrants, the employee may be eligible to be considered for a prorated merit increase upon successful completion of the TSP.

If an increase is granted, it will be prorated for the number of months since the last merit increase and the first of the month following the date the TSP is completed. **The merit review date will not change.** When the regularly scheduled merit review occurs, it will be prorated for only the remaining months between the end of the TSP and the regularly scheduled merit review date.

For an example proration schedule, contact Human Resources, Compensation.

Trial Service Period All upward movement to a regular position requires a new Trial Service Period. Trial Service Period will generally be 6 months, unless a Department Director (or designee) identifies reasons for a longer Trial Service Period up to 12 months.

Note: *Completion of a Trial Service Period alone does not trigger a change in pay. However, if the starting salary was at minimum and performance warrants, the employee may be eligible for a prorated merit. (see above).

*Positions that are at will and are not required to serve a TSP.

9.4.2 Downward Job Movement

Voluntary: Voluntary downward job movement occurs when an employee voluntarily moves from one classification to another classification in a lower salary range. These types of changes usually occur when an employee seeks out a different classification that happens to be at a lower salary range. The following provides guidance for pay administration:

Table 2

Merit Date The merit date does not change. When the employee's normal merit date comes due, the new supervisor obtains input from the former supervisor and completes the review for the entire performance review period. The new supervisor evaluates the employee's eligibility for merit increase at the time of the normal merit date. Merit increases are not prorated at the time of job movement.

Starting Salary for New Job	The starting salary for the new job will be the employee's former salary if it is within the salary range. Otherwise, the employee's salary will be reduced to the maximum of the new salary range effective at the time of the job change.
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Pro-rated Merit Increase At Completion of Trial Service Period

Not Eligible

Trial Service Period	If the employee reports to a new supervisor, the Trial Service Period will generally be 6 months, unless a Department Director (or designee) identifies business or regulatory reasons for a longer Trial Service Period. If the employee reports to the same supervisor, a Trial Service Period may be waived.
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Involuntary: Involuntary downward job movement occurs when an employee involuntarily moves from one classification to another classification in a lower salary range. These types of changes usually occur when there is reorganization, reclassification of duties or demotion due to inability to perform at the higher level. The following provides guidance for pay administration:

Table 3

Merit Date The merit date changes to the effective date of the job change. The employee's former supervisor conducts a performance evaluation at the time of the change. If a) the employee's salary is within the new, lower salary range and b) the employee's performance warrants, they may receive a pro-rated increase for the number of months in the performance period.

Starting Salary for New Job	The starting salary for the new job will be one of three things: <ul style="list-style-type: none"> a. the former salary because it is within the new salary range and the employee's performance does not warrant a prorated merit increase, or: b. the former salary plus any prorated merit increase, or: c. the maximum of the new range because the former salary exceeds the new maximum.
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Pro-rated Merit Not Eligible

Increase At
Completion of
Trial Service
Period

Trial Service Period	All involuntary downward job movements require a Trial Service Period. Trial Service Period will generally be 6 months, unless a Department Director (or designee) identifies reasons for a longer Trial Service Period up to 12 months..
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9.4.3 Lateral Job Movement

Lateral job movement occurs when an employee moves from one classification to another classification with the same salary range. The following provides guidance for pay administration:

Table 4

Merit Date	The merit date does not change. When the employee’s normal merit date comes due, the new supervisor obtains input from the former supervisor and completes the review for the entire performance review period. The new supervisor evaluates the employee’s eligibility for merit increase at the time of the normal merit date. Merit increases are not prorated at the time of job movement.
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Starting Salary for New Job	The starting salary for the new job will be the employee’s existing salary.
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Pro-rated Merit Increase At Completion of Trial Service Period	Not Eligible
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Trial Service Period	<p>If the employee reports to a new supervisor, the Trial Service Period will generally be 6 months, unless a Department Director (or designee) identifies business or regulatory reasons for a longer Trial Service Period.</p> <p>If the employee reports to the same supervisor, a Trial Service Period may be waived.</p> <p>Note: *Completion of a Trial Service Period alone does not trigger a change in pay.</p> <p>**Positions that are at will do not require a TSP.</p>
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9.5 Salary Ranges

9.5.1 Salary Ranges Established

Salary ranges are established in accordance with market data and Council policy, and are adopted by the City Council. Base salary rates for non-affiliated employees will be determined through the Compensation Plan. Base salary rates covered by collective bargaining unit agreements will be determined and amended through negotiation and in accordance with Council policy.

9.6 Trainee Pay Rate

The Human Resources Director and the Department Director may establish a general trainee pay rate for any position in the G Pay Plan. . This trainee rate will be set below the minimum rate for the appropriate job classification pay range as determined by the Human Resources Director. When the Human Resources Director and the hiring Department Director agree the trainee possesses the minimum qualifications for the job class, the trainee will be moved to the minimum rate of the job classification range.

9.7 Merit Increases

Employees may be considered for merit increases on, or after, their merit date. The amount of within-range increases will be established by the City Council. Base pay shall not exceed the range.

9.7.1 Conditions for Earning Merit Increases

Merit increases are not automatic. Such increases are based on an employee's job as documented by the Department Director or designee, with a completed written performance evaluation which has been discussed with the employee.

All departments will use the Rating Summary as a cover sheet for all performance evaluations (including those employees whose salary is at the top of the range). An employee receiving a 5 rating will be eligible for a full merit increase; a lesser rating will result in eligibility for a lower percentage of merit increase. A rating of less than 3 will result in no merit increase eligibility, and must result in a Performance Improvement Plan (see Chapter 7.3) or other appropriate performance management step.

Table 5	
Rating Summary	
	5 = 5%
	4 = 4%
	3 = 3%
	A rating of less than 3 results in no merit increase and a Performance Improvement Plan. Percentages represent annual performance periods. Pro-rated schedules for shorter Trial Service Periods are found in sections <u>9.4.1</u> .
RATING	PERFORMANCE STANDARD
5	Performance consistently meets or exceeds all relevant performance standards/expectations. Is performing at a level consistent with

experience. If at or above mid-point of range, is a fully independent contributor ("journey" level).

4 Performance occasionally fails to meet relevant performance standards/expectations or requires development in one area. Specific examples are stated and further development in that area is addressed.

3 Performance occasionally fails to meet relevant performance standards/expectations and/or requires development in more than one area. Requires examples of performance issues or development areas and a specific development plan.

2 Performance consistently fails to meet relevant performance standards/expectations and employee has not demonstrated the skills, knowledge, and ability to perform in several key areas. Requires specific examples, a Performance Improvement Plan, and job may be at risk.

0 - 1 Performance consistently fails to meet performance standards/expectations and employee has not demonstrated the requisite skills, knowledge, and ability to perform this job. Requires a Performance Improvement Plan and job is at risk.

9.8 Newly Hired Employees

Newly hired employees are those that accept a position with the City, beginning their employment relationship.

Table 6	
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Merit Date The merit date will be set on the anniversary date of hire.

Starting Salary for New Job	The starting salary may be at or above the minimum for the new position. All offers require a completed <u>Job Offer Worksheet</u> . The Job Offer Worksheet provides justification for the salary and is based on the candidate's qualifications to perform the new position. The Department Director and Human Resources must approve the Job Offer Worksheet prior to an offer being communicated to the candidate.
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Pro-rated Merit Increase At Completion of Trial Service Period When a Trial Service Period (TSP) is less than 12 months, the starting salary is at the minimum of the range, and performance warrants the employee will be eligible to be considered for a prorated merit increase upon successful completion of the TSP.

If an increase is granted, it will be prorated for the number of months in the Trial Service Period. **The merit review date will not change.** When the regularly scheduled merit review occurs, it will be prorated for the number of months remaining in the year. The follow is the pro-ration schedule:

TSP # of Months	Pro-Rated Increase at	Remaining Performance	Prorated Increase at Regularly
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Completion of TSP	Period # of Months	Scheduled Review
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6	Up to 2.50%	6	Up to 2.50%
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12	Not applicable, this is their normally scheduled review.		
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Note: If you need a pro-ration schedule for something other than 6 months, contact HR, Compensation.

Trial Service Period	<p>All newly hired regular employees are required to service a Trial Service Period. The Trial Service Period will generally be 6 months, unless a Department Director (or designee) identifies business or regulatory reasons for a longer Trial Service Period.</p> <p>Note: *Completion of a Trial Service Period alone does not trigger a change in pay. However, if the starting salary was at minimum and performance warrants, the employee may be eligible for a prorated merit (above).</p> <p>*Positions that are at will and are not required to serve a TSP.</p>
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9.9 Merit Date

The anniversary date of hire establishes an employee's initial merit date.

9.9.1 Changes in Merit Date

An employee returning from a leave of absence without pay will have their merit date extended by the same length of time (to the nearest whole month) the employee was on leave without pay. An employee reinstated to the same position or a position in the same class following layoff from employment will have their merit period extended by the same length of time (to the nearest whole month) as the duration of their layoff, to a twelve month maximum. This extended merit period will establish a new merit date which will be used for determining subsequent within-range increases. There will be no change in an employee's merit date when a merit increase is withheld. An employee who has an involuntary downward job movement will have their merit date change to the effective date of the new job.

9.10 Service Credit Date

Service credit date is the date assigned to each benefited employee based upon their most recent date of hire into a benefited, budgeted position with the City. An employee whose hire date occurs on or between the first and the fifteenth of any month will establish their service credit date on the first of that month. An employee whose hire date occurs on or between the sixteenth and the last day of the month will establish their service credit date on the first of the following month. The service credit date will be used in setting initial within range adjustments, establishing vacation accrual rates, earning service awards and determining length of service for retirement purposes.

9.10.1 Service Credit Date Adjustment

A benefited employee who has a break in service due to layoff, or a leave of absence without pay for any reason (except active duty military service) which impacts service credit requirements for the PERS retirement, will have their service credit date adjusted to deduct the amount of time they were on such leave (to the nearest whole month). An employee whose City employment is interrupted by a layoff and who is subsequently reinstated will also receive credit for their continuous service as a regular employee immediately prior to the effective date of the layoff where the period of the layoff does not exceed two years.

9.11 Alternate Merit Pay

The City Manager may approve implementation of other pay delivery systems within budget limits, such as gain sharing plans, small group incentive plans, and skill/knowledge-based plans, which shall be administered through Human Resources.

9.12 Special Recognition Award (revised 08/01/02)

The City Manager or the Department Director may authorize a lump-sum award. The maximum amount of an award is approved by City Council in the Compensation Plan for special recognition to E, G, L and M Pay Plan employees. This lump-sum special recognition award will not be incorporated into an employee's base salary rate of pay for the purposes of computing overtime/compensatory time accruals, unless required by FLSA, but will remain a separate, one-time recognition of contribution or innovative ideas put to practice in the organization. An employee may be recommended for such an award for:

1. A project or work product that is specific and identifiable with both start and end dates.
2. A project or work product assignment that may be interdepartmental, with an assigned "total award" which is shared equally by all members of the task group.
3. A demonstrated level of creativity, skill, or conscientiousness that is beyond that normally expected for the position.
4. Individual contribution or leadership without which the project or product results would not have been achieved, and which are beyond what is normally expected for the position.
5. Innovation or conscientiousness that may have resulted in substantial savings or reduced costs.

9.13 Establishment of Pay Rates in Special Circumstances

Special circumstances are changes not covered in 9.4 Pay at time of Lateral, Upward or Downward Movement between Job Classifications of this manual. Pay rates in special circumstances for regular employees will be established as indicated below.

9.13.1 Pay for Acting Status (Temporary Upgrades or Reassignment)

Employees in acting status must handle the daily and ancillary responsibilities of the position and make the major decisions which accompany these responsibilities for a minimum of 30 consecutive days. Acting status requires the written approval of the Department Director or their designee. Base salary rate will be established in accordance with 9.4 Pay at time of Lateral, Upward or Downward Movement between Job Classifications of this manual, as appropriate. Exceptions to the salary setting rule may be authorized by the Department Director when, in their opinion, it is necessary to carry out sound personnel management. It is expected that an acting assignment will not exceed six months; however, in special circumstances, the Department Director may approve an extension. All paid leaves which occur during the acting status assignment will be paid at the employee's acting status rate.

When the acting assignment is completed, the Department Director will then readjust the employee's salary or wage rate to its previous level, or the level it would have attained, including general salary adjustments and merit increases, as if the acting appointment had not been made. The employee's regular merit date will remain unchanged throughout an acting assignment. In the event the employee is permanently assigned to the acting assignment without a break, the appointment will be made retroactive to the starting date of the acting assignment.

9.13.2 Reinstatement

An employee may be reinstated or returned to a former position and salary following a layoff, a leave of absence without pay, or a voluntary classification reduction for cost savings. Employees are reinstated at

the same rate of pay, and receive an adjusted merit date and service credit date to account for time spent off the payroll. Reinstatement must occur within two years of the date of layoff, leave of absence without pay, or voluntary classification reduction for cost savings. The compensation of an employee reinstated will be determined as follows:

1. A regular employee reinstated in their former position or class after layoff will be paid at the same salary for their classification that they were receiving at the time of the layoff, leave of absence without pay, or reduction in classification. The employee's salary will be adjusted in accordance with any general salary adjustments granted during their period of absence. The merit date and service credit date will be adjusted as described in 9.9 Changes in Merit Date of this manual.
2. An employee who is reinstated to their position after an authorized leave of absence without pay will be paid at the same pay step or relative point in the range for their class that they were receiving at the time they began their leave of absence without pay. The merit date and service credit date will be adjusted as provided in 9.9 Changes in Merit Date of this manual.
3. An employee who, as a salary saving measure, is reduced in classification, and then is reinstated to their original classification, will be paid at the same pay step or relative point in the range for their class (including any applicable GSA) that they were receiving at the time of the reduction in classification.

9.13.3 Reemployment

Reemployment occurs when an employee terminates employment and is then subsequently hired to any position. An employee who is reemployed by the City will be paid in accordance with the rules governing new employees and at a rate appropriate to the position to which the employee is reemployed. Employees who are reemployed will serve a new trial service period.

9.14 Adjustments to Base Salary Rates

9.14.1 Procedures for Correcting Over/Under Payments (all Pay Plans)

In the event the Finance Director determines an error has been made in payment of compensation and/or benefits to an employee, the Finance Director or designee shall notify the employee and make arrangements for correction. If the employee was underpaid, the employer shall pay the amount owed as soon as practicable. If the employee was overpaid, the Finance Director or designee and the employee may negotiate either a lump sum repayment, or a monthly payroll deduction over a defined time period. If the employee disagrees that an overpayment has occurred, disagrees with the amount of overpayment, or objects to the method or rate of repayment proposed, and the employee is unable to resolve the problem with the Finance Director, they may request a hearing before the City Manager or designee. The decision of the City Manager or their designee will be final and binding.

Normally, corrections to correct over/under payments must be completed within two years of the date of the over/under payment, unless there is reasonable evidence of fraud. Actions taken to correct over/under payments are not subject to the grievance procedure.

9.15 Garnishment

The City of Bellevue will deduct a \$20 processing fee for the first payment made pursuant to a garnishment order. If the garnishment is a continuing lien on earnings, an additional \$10 will be deducted at the time of the second payment. For an assignment of earnings to satisfy a support debt or obligation the City will deduct \$15 for the first payment and deduct \$1 for each subsequent payment under the assignment.

9.16 Pay Periods

There are two pay periods per month as follows:

Time Period	Pay Warrant Issued or Direct Deposit
1st - 15th day of the month	On or about the 20th day of the month
16th - last day of the month	On or about the 5th day of the succeeding month

9.16.1 Time Accounting

The timekeeping module attached to the payroll system will serve as the formal record of time worked and leave taken, but there must be written (or electronic) documentation supporting the entries in the timekeeping module to demonstrate that:

1. Leave taken was requested by the employee and their immediate supervisor approved that leave; and
2. For overtime, extra hours, or compensatory time earned, there was written (or electronic) authorization in advance, as well as supervisory approval of the time actually worked.

This documentation must be maintained by the department with a copy of the timekeeping reports that it supports. This documentation must be kept for three years (i.e. 1996 documentation must be kept through 1998).

Time accounting must be performed for **all** employees, whether exempt or non-exempt. This accounting may be on a positive or an exception basis. A "positive basis" means that each hour (or day, for exempt employees) is approved, whether that hour or day is work time or leave time. An "exception basis" means that approval is documented only for those hours or days which are not worked and which are not a Citywide holiday. To meet the requirements of FLSA, exempt employees do not record time away from work on an hourly basis.

For benefited employees, it is the department's decision whether to account for employees' time on an exception basis or on a positive basis. For partially benefited employees, work time must be accounted for on a positive basis. A department may decide that timekeeping for some of its regular employees will be on a positive basis while the remainder will be on an exception basis. The decisions each department makes about time accounting must be documented, shared with Payroll and HR staff, and made available to internal and external auditors.

9.17 Partial Pay Periods

Wages for partially benefited employees are calculated on an hourly basis. These employees are paid for the actual number of hours worked in each pay period.

Salaries for benefited employees are calculated in twelve equal monthly rates, and are paid semimonthly. A benefited employee whose compensated time (including hours worked, paid sick leave or compensated leave taken) in a pay period is less than the number of normal work hours in that pay period will be paid as follows:

$$[(\text{Hours of compensated time}) / (\text{Total hours in the pay period})] \times (\text{Employee's semimonthly salary})$$

9.18 Benefited Part-time Employees

9.18.1 Non-exempt employees

Non-exempt employees: The monthly salary for a benefited part-time employee in a non-exempt position is calculated in the same proportion to the appropriate full-time monthly rate that the employee's regular weekly work schedule bears to 40 hours. Work performed in excess of a part-time non-exempt employee's regularly scheduled work week will be compensated according to the procedures in 9.19.1, Non-exempt Employees, of this manual. Sick leave and vacation accruals, and holiday credit will be earned in the same proportion that the employee's regularly scheduled workweek bears to 40 hours.

A benefited employee who accepts an additional assignment for at least one month in duration will receive an adjustment to their vacation and sick leave accruals, in addition to the appropriate salary adjustment in the same proportion that the employee's regularly scheduled work week bears to 40 hours.

9.18.2 Exempt Employee

The monthly salary for a benefited part-time employee in an exempt position is calculated in the same proportion to the appropriate full-time monthly rate that the employee's regular weekly work schedule bears to 40 hours. A part-time exempt employee will NOT receive additional compensation for work performed in excess of the employee's regular work schedule; absences of less than the employee's regular work day will NOT result in loss of pay or reductions in the employees accumulated paid leave balances. Sick leave and vacation accruals, and holiday credit will be earned in the same proportion as the employee's regularly scheduled workweek bears to 40 hours.

9.19 Provisions for Overtime Compensation

9.19.1 Non-exempt Employees

An employee in a non-exempt position who is authorized and required to work overtime is entitled to one and one-half times their regular rate of pay for overtime worked. The Department Director or designee may offer the employee the opportunity to earn compensatory time credit equal to one and one-half times the overtime hours worked in lieu of overtime pay. Compensatory time credit may be accumulated in a compensatory time bank of up to forty (40) hours maximum; however, the department director or designee may limit accruals to an amount less than forty hours.

NOTE: All compensatory time is to be maintained in the Payroll/Timekeeping System. No "unofficial" compensatory time accruals are allowed.

A benefited part-time employee may accrue a portion of the maximum 40 hours of compensatory time in the same proportion as their regularly scheduled workweek has to 40 hours. All banked compensatory time hours as of December 31 of each year will be paid in a lump sum, which will be based on the employee's monthly base salary rate as of December 31. The employee will receive this additional pay on the February 5 paycheck of the following year. Compensatory time accumulated by a non-exempt employee in lieu of overtime pay for time worked over 40 hours in the seven-day work period will be paid upon termination, or upon promotion to an exempt position, at their monthly base salary if either of these events occur prior to December 31st.

A part-time employee is not entitled to the overtime rate of compensation until they have worked more than 40 hours per week. Hours worked in excess of the employee's normal part-time schedule and up to forty hours will be paid at the straight time hourly rate of pay displayed in the applicable pay plan.

The workweek for employees will be determined by the department director or designee in accordance with FLSA requirements.

9.19.2 Exempt Employees

An employee in an exempt position (full-time or part-time) is **salaried**, and is paid a predetermined amount constituting all or part of their compensation. The normal work schedule for a full-time exempt employee is 40 hours per week. However, an exempt employee is being paid to perform a job which may not necessarily be completed in their normal workweek and is, therefore, not entitled to extra compensation except as provided below. Exempt classes are designated by an asterisk (*) to the left of the job title in the current pay plan.

9.19.3 Special Assignment Pay for Exempt Employees in Certain Work Situations

The Department Director and Human Resources Director may authorize payment of a flat, monthly premium to an exempt employee as defined in Special Assignment Pay. This amount will be paid each pay period during the time the employee is assigned the special function or project. Approval must be in writing, and must state the circumstances of the request for additional pay, describe and limit the terms under which the premium can be paid, and specify the monthly dollar amount of the special assignment pay.

9.20 Call-Out Duty Pay

The Department Director and Human Resources Director may authorize payment of a call-out duty allowance to **non-exempt** employees in specified job classifications who may be required to be available and subject to call outside of scheduled working hours. Such authorization will be in writing, will state the circumstances that warrant the approval of call-out duty pay, and will describe and limit the terms under which the call-out duty allowance can be paid. The amount of the call-out duty allowance will be set by the City Manager and will not exceed the amount specified in the Compensation Plan for each hour the employee is required to be available and subject to call. An employee will not receive call-out duty pay during any period of time for which they are compensated by base salary or overtime pay.

9.21 Special Compensation

9.21.1 Reimbursement for Expenditures

The following types of expenditures incurred by benefited employees and Council members in the course of performing their duties may be reimbursed by the City. It is the responsibility of the Finance Director to prescribe the necessary forms and procedures for making these claims.

9.21.1.1 Statutory Required Professional Memberships, Licenses and Certificates

The City will pay an annual lump sum payment equal to the current annual dues or fees to each benefited employee who, as a condition of employment, is required by ordinance, or state or federal law to be a member of a professional organization or to maintain a professional license or certificate. Payment will only be made for dues or fees which are assessed after the employee's date of hire as a regular employee.

Payments made under this provision will be included on the employee's taxable gross income as required under Internal Revenue Code provisions.

9.21.1.2 Professional Memberships, Licenses and Certificates

Dues or fees for professional memberships, licenses or certificates not covered in 9.21.1.1 Statutory Required Professional Memberships, Licenses and Certificates of this manual may be reimbursable according to the "Statement of Policy for Reimbursement of Business Expenses" as adopted and modified by Council Resolution. All dues or fees reimbursed under this provision must be authorized by the Department Director.

9.21.1.3 Protective Footwear Allowance For More Information link to Risk Management Site

In the event the employer requires a non-union regular employee to wear protective footwear on the job, such employee will be reimbursed for a single pair of protective footwear per year, in the following manner:

1. For every non-union benefited employee required to wear protective footwear (as required by WISHA), the employer will purchase one pair of protective footwear in March of each year.
2. The footwear should meet one of two alternative standards designed to address the job hazards to which each work group is exposed. An employee's allowance will be either \$150 for the Basic Standard or \$200 for the Enhanced Standard. Specifications of all protective footwear will be provided to the employees, as approved by the employer, to assure WISHA compliance.
3. The employer maintains a list of approved vendors who bill the employer directly for the footwear. Employees may, as an alternative, purchase their own footwear and be reimbursed for the actual cost of the footwear up to the level of their work group's allowance, as described in #2 above. In such cases, reimbursement is conditioned upon the employee submitting a sales receipt and proof of compliance with the appropriate standard for the footwear. Certificates for reimbursement are available through the employee's direct supervisor.
4. Sales taxes are not included in an employee's allowance and will be paid by the employer.
5. Protective footwear is to be worn on the job during activities of any hazard exposure in order for the employee to be allowed to work each day.

9.21.1.3.1 Protective Footwear Allowance for New Hires

New employees are eligible for footwear allowance upon hire as described in 9.22.1.3, paragraph 2. For those employees who fail to successfully complete their trial service period, the value of the footwear will be withheld from their final paycheck.

New employees hired before October 1st of a year are eligible to receive an additional protective footwear allowance in March of the following year, and each year thereafter, as described in 9.22.1.3, paragraph 1. Employees hired after October 1st of a year are not be eligible to receive an additional protective footwear allowance until March of their second calendar year of employment.

9.22 Police and Fire Middle Management Pay Plans

9.22.1 Police

Deputy Police Chiefs shall have their pay rates set according to the M Pay Plan.

1. **Educational Incentive Pay:** Deputy Police Chief's covered by the "M" Pay Plan who receive longevity pay as provided below will not receive Education Incentive premium pay. However, Deputy Police Chief's covered by the "M" Pay Plan who do not receive longevity pay will receive the following: (4.5% for A.A.; 5% for BA/BS, based on base pay) Educational Incentive Pay (such pay is not included in LEOFF I retirement calculations)
2. **Longevity Pay.** Deputy Police Chiefs covered by the "M" Pay Plan who have completed 19 years of service, as commissioned officers in Washington, will commence receiving longevity pay of 5% of base monthly salary. When Longevity Pay commences, Education Incentive Pay will not be paid.
3. **Clothing Allowance:** Deputy Police Chiefs shall receive a clothing allowance up to \$400 annually, when the employer requires the employee to wear clothing other than a regular police uniform.

4. **Dry Cleaning Services:** Deputy Police Chiefs shall may receive up to four clothing items, worn in the line of duty, cleaned each week.
5. **Vacation and Holiday Benefits:** Deputy Police Chiefs will receive vacation and holiday benefits per the Police Guild Contract. Other provisions of the Police Guild labor agreement shall not apply unless specifically agreed to by the City Manager.
6. **Vacation Sell Back in lieu of Holiday:** Deputy Police Chiefs will receive vacation sell back in lieu of holiday per the Police Guild Contract. Other provisions of the Police Guild labor agreement shall not apply unless specifically agreed to by the City Manager.

9.22.2 Fire

1. **Educational Incentive Pay:** Fire Battalion Chiefs and the Fire Marshall shall receive (four and one-half percent (4.5%) for A.A.; five percent (5%) for BA/BS, based on base pay) - Such pay is not included in LEOFF I retirement calculations. Deputy Fire Chiefs in the "M" Pay Plan, Fire Battalion Chief's in the "L" or "U" Pay Plans, and the Fire Marshall in the "U" Pay Plan, who receive longevity pay as provided below will not receive Education Incentive premium pay.
2. **Longevity Pay:** Fire Battalion Chiefs covered by the "L" or "U" Pay Plans and the Fire Marshall covered by the "U" Pay Plan who have completed 18 years of service, as commissioned firefighters with the City, will commence receiving longevity pay of five percent (5%) of base monthly salary. Deputy Fire Chiefs covered by the "M" Pay Plan who have completed 19 year of service, as a commissioned firefighter with the City, will commence receiving longevity pay of five percent (5%) of base monthly salary.
3. **Compensation in Lieu of Holiday Pay:** Fire Battalion Chiefs in the "L" Pay Plan may request approval to receive compensation in lieu of holiday leave. Compensation in lieu of holiday leave equals one hundred twenty (120) hours times the employee's straight time hourly rate (annual salary divided by annual hours of work) equals maximum holiday compensation.
4. **Administrative Leave:** Fire Battalion Chiefs and the Fire Marshall shall receive forty eight (48) hours of administrative leave per year, as administered by the Fire Chief, for all assigned platoon duty performed for at least six (6) months in a calendar year.
5. **Vacation Sell Back:** Fire Battalion Chiefs and Fire Marshall may elect to sell back up to 120 hours, at base salary rate, of vacation per year. Such election must be made between November 1 and December 31 for the upcoming year. This election is non-revocable, and the employee cannot change that election during the year for which the election was made. The carryover provision limits shall apply.
6. **Extra Shift Pay:** Fire Battalion Chiefs working an extra shift in addition to their normal schedule to fill in for an absent Fire Battalion Chief will receive pay at 1.2 times their normal rate of pay.

A Battalion Chief designated as "Commander, Training Division" or "Commander, EMS Division," who is also assigned to work a forty (40) hour work week will be entitled to an add-to-pay premium equal to five percent of their monthly base salary. This add-to-pay premium is calculated solely on the employee's monthly base salary in an appropriate Battalion Chief position in the "U" Pay Plan, and does not become part of the employee's base salary for calculation of merit increases or general salary adjustments. The premium will be discontinued if the employee is assigned to a twenty-four (24)-hour shift, moved to a Battalion Chief assignment other than "Commander, Training Division" or "Commander, EMS Division," or ceases to hold the rank of Battalion Chief.

Deputy Fire and Chiefs covered by the M Pay Plan are eligible to receive educational incentive which will not accrue towards LEOFF I retirement. Payments provided as follows:

- Four and one-half percent (4.5%) of base monthly salary for A.A. degree
- Five percent (5%) of base monthly salary for B.A./B.S. degree

If a member of the J or L Pay Plan is called upon to meet an emergency need associated with state of county emergency mobilization, they will be eligible to receive an adjustment to pay, per diem, in an amount to be determined by the Human Resources Director.

9.23 Executive and Middle Management Pay Plans

9.23.1 Definition of the Executive and Middle Management Pay Plans

The Executive (E) and Middle Management (M) Pay Plans shall include all classifications so designated by the City Manager. The City Manager's salary, terms of compensation and benefits shall be as established by the City Council by resolution or ordinance. Employees in both the E and M plans serve at the pleasure of the City Manager.

9.23.2 Benefits

9.23.2.1 Vacation Sell Back

Employees in the E, M or T Pay Plan may elect to sell back up to 14 days of vacation per year. However, such election must be made between November 1 and December 31 for the upcoming year. This election is non-revocable, and the employee cannot change that election during the year for which the election was made. The carryover provision limits shall apply.

9.23.2.2 Automobile Allowance

Employees in the following classes are entitled to receive a monthly allowance, the amount to be determined by the City Manager, to cover automobile expenses: City Attorney, Planning and Community Development Director, Director of Transportation, Director of Utilities, Deputy City Manager, Finance Director, Human Resources Director, Director of Parks and Community Services, and other employees at the City Manager's discretion.

Chapter 10 – Benefits

10.1 Holidays Observed (View current City Holiday calendar)

The following are paid holidays for all regular employees of the City, with exception of those employees in the J Pay Plan:

- New Year's Day (January 1)
- Martin Luther King's Birthday (3rd Monday in January)
- Washington's Birthday (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)
- The day immediately following Thanksgiving Day (4th Friday in November)

- Christmas Day (December 25)

When one of these holidays falls on Saturday, he/she will take the day before the designated holiday as the holiday; when one of these holidays falls on Sunday, he/she will take the day after the designated holiday as the holiday, assuming a Monday through Friday work week.

10.2 Floating Holidays

Excluding employees in the J Pay Plan and employees who work 24 hour schedules and earn eight hours of holiday credit per month, employees in a regular status in the E, G, L, M and T pay plans, on January 1 will receive 16 hours of holiday credit on January 1 in addition to the 10 designated holidays listed above; employees hired during the year will be credited with 16 hours upon hire; employees who had previously terminated and are reinstated or reemployed in the same year will receive any floating holiday credit hours that were forfeited at the time of termination. These hours may be used in the same manner as vacation leave, with the exception that floating holiday hours must be used in the calendar year in which they are received. An employee leaving the City will not be paid for any unused floating holiday hours. A part-time regular employee will receive a prorated number of hours to reflect his/her normally scheduled work week, rounded to the nearest one-tenth hour.

10.3 Payment for Observed Holidays

Any regular non-exempt full-time or regular non-exempt part-time employee not covered by the terms of a collective bargaining agreement will be paid his/her base salary rate (prorated rate for part-time employees rounded to the nearest one-tenth hour) for the holidays listed above; provided, however, that payment for an official holiday will be forfeited by an employee who incurs an uncompensated absence on either the working day immediately preceding or following the holiday. Any employee whose final day of employment occurs on an official holiday will be paid for the holiday unless an uncompensated day of absence occurs on the workday immediately preceding the holiday.

An employee not required to work on a holiday will be paid at the base salary for the classification to which he/she was assigned on the last workday before the holiday. A part-time employee will be paid at his/her prorated rate.

A non-exempt employee required to work on a holiday will be paid for the time worked at time and one-half for his/her classification in addition to holiday pay at straight time so that the total time paid equals two and one-half times the employee's regular rate of pay.

10.4 Holiday Credit for Certain Shift Work

10.4.1 Non-union Police Department

Employees in the classifications of Communication Center Supervisor, Data Processing Manager, or Records Center Supervisor who work, take authorized paid sick leave, have a regularly scheduled day off, or who are on scheduled vacation any part of any of the holidays listed in **§10.1 Holidays Observed** of this manual, will earn eight hours of holiday credit each month. Holiday credit for these employees will be accrued in the same manner as vacation accrual and may be cashed out when the employee retires or terminates employment. These holiday credits may be added to the employee's holiday balance (up to a maximum of 80 hours in a calendar year), and may be carried over to the following year in the same manner as vacation, as described in **§10.7 Limits on Vacation Accruals** of this manual. Allowed holiday credit carryover will be paid at time of termination.

10.4.2 Non-union Fire Department (L Pay Plan)

Personnel who work on a twenty-four hour shift schedule will receive up to a maximum of 120 hours of cash compensation (120 hours times the employee's straight time hourly rate: annual salary divided by

annual hours of work) in lieu of holiday leave; **provided**, such request is submitted on a form provided by the department prior to January 1 of each year, and approved by the Fire Chief or his/her designee.

10.5 Vacation Leave (Additional Related Information 5.15.1.4 Accruing and Using Sick and Vacation Leave)

10.5.1 Accruals

Each regular full-time employee will accrue vacation leave time at the following rate based upon his/her continuous length of service from his/her most recent service credit date as a regular employee. Accruals are credited and posted to the employee's account at the completion of each calendar month.

Annual Accruals

Length of Service	Annual Leave in Days	Hours of Leave Accrued per Year of Service per Calendar Month of Service
0 - 4 years	12	8
5 - 9 years	15	10
10 - 14 years	19	12.7
15 - 19 years	22	14.7
20 years or more	25	16.7

A regular part-time employee will accrue vacation leave according to this schedule, prorated to reflect his/her normally scheduled work week as compared to a full-time work week of 40 hours. Prorated accruals are rounded to the nearest one-tenth hour.

Employees in the Fire Department who work 24-hour shifts will accrue vacation leave according to the schedule specified in the Firefighter's bargaining unit contract, whether or not they are covered by that bargaining unit contract.

A regular employee reinstated a layoff will begin at the same vacation accrual rate he/she was earning prior to the layoff.

10.6 Accelerated Vacation Accruals for Exempt Level Employees

In order to ensure the City is competitive in hiring and retaining the most qualified employees in exempt level positions, the City Manager is authorized to agree to initial lump sum and specific monthly accruals of vacation time which exceed the schedules of earning contained in **§10.5.1 Accruals** of this manual. Such agreements must be in writing and be retained in both the personnel and payroll file of that employee.

10.7 Limits on Vacation Accruals (revised 12-7-99)

The maximum number of unused vacation hours an employee may carry forward from one calendar year to the next is limited to 240 hours, prorated in accordance with the employee's FTE.

Any leave accruals exceeding the maximum carryover on December 31 of each year will automatically be forfeited, however, there will be no forfeiture of the vacation hours earned after November 30 and credited on January 5.

10.8 Using Vacation Leave

An employee may take vacation leave only after obtaining permission from his/her Department Director or his/her designee according to the department's work rules. Vacations must be scheduled to meet the operating requirements of the City, and, as far as practicable, the preferences of the employee. The maximum number of hours an employee may take is the number of hours posted to his/her account at the time the vacation leave is taken; an employee may not "borrow" from vacation accruals not yet earned.

An exempt employee will not be charged for vacation time for **any** partial day absences. Failure to comply with department procedures for obtaining permission to take time off may result in disciplinary action.

10.9 Payment for Vacation Accruals at Termination

When leaving City service, an employee will be paid at the base hourly rate a lump sum for all unused vacation accruals which have not been forfeited as described in **§10.7 Limits on Vacation Accruals** of this manual.

NOTE: An employee who is terminating from the City may not stay on the City payroll by using accrued vacation time. All vacation accruals must be paid as a lump sum as of the employee's last day of actual work.

10.10 Sick Leave (Additional Related Information 5.15.1.4 Accruing and Using Sick and Vacation Leave)

The provisions for sick leave benefits outlined below do not apply to any member of the Washington Law Enforcement Officers and Fire Fighters Retirement System Plan I (LEOFF I).

10.10.1 Sick Leave Accruals

Each regular full-time employee will accrue sick leave at the rate of eight hours for each calendar month of service completed since his/her most recent service credit date as a regular employee. A part-time regular employee will accrue a prorated number of hours which reflects the proportion his/her normally scheduled work week is to a full-time work week of 40 hours as defined in Section 10.5.1. Prorated accruals are rounded to the nearest one-tenth hour.

Fire Department employees who work 24-hour shifts and who are entitled to sick leave benefits will accrue sick leave at the rate of 12 hours per completed calendar month of service.

10.10.2 Limits on Sick Leave Accruals

The maximum number of hours an employee may carry in his/her sick leave balance is 1,440, prorated in accordance with the employee's FTE. If an employee's FTE is reduced, his/her sick leave accrual will be frozen until the usage reduces the balance to the adjusted number of hours.

A regular employee reinstated following a layoff will be credited with the number of hours of unused sick leave he/she had accumulated as of the effective date of the layoff.

10.10.3 Leave Usage

Use of sick leave is permitted only when an employee, or someone on the employee's behalf, has notified the employee's supervisor of the impending absence within a reasonable time of the employee's scheduled starting time in accordance with department work rules. The maximum number of hours of paid sick leave an employee may take is the number posted to his/her account balance at the time the sick leave is taken; an employee may not "borrow" sick leave before it is earned.

An **exempt** employee will not be charged for using sick leave for **any** partial day absences unless the partial day is used in conjunction with vacation leave to accommodate a full day of absence. Failure to comply with department procedures for obtaining permission to take time off may result in disciplinary action up to and including termination.

10.10.3.1 Allowable Uses of Sick Leave (revised 1-01-03)

An employee may use his/her sick leave accruals while he/she is absent from work due to:

1. Employee's own health condition due to illness, injury, physical or mental disability, including disability due to pregnancy or childbirth.
2. Use of a prescription drug which impairs job performance or safety.
3. Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day.
4. To participate in educational classes recommended or approved by his/her physician to learn how to effectively manage a medical condition.
5. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others.
6. An employee shall be allowed to use accrued sick leave to care for a child of the employee under the age of eighteen with a health condition that requires treatment or supervision. Use of leave other than accrued sick leave to care for a child under the circumstances described in this section shall be governed by applicable policy as described in this Manual.
7. Care for other family members. A regular employee may use up to 40 hours of accrued sick leave in the event of a serious illness in the immediate family (excluding time taken for child care described above). See immediate family as defined in **§2.1 Definitions** of this manual.

The Department Director may require an employee to obtain a physician's certificate when an employee has requested accommodation or has been absent longer than three consecutive work days, has a series of frequent sick leave absences, wishes to attend educational classes related to his/her medical condition or if there is suspected abuse of the sick leave privilege. The physician's certificate may be needed to: 1) indicate medical approval for the employee to return to work; 2) establish that an employee actually suffered a medical problem requiring sick leave use; or 3) indicate medical approval for the employee to attend educational classes. Misrepresentation of any material fact in connection with the use of paid sick leave is grounds for discipline, up to and including termination .

10.10.3.2 Maternity/Paternity Leave

An employee may use up to 80 hours of his/her accrued sick leave in any two-year period for the care of a newborn or newly adopted child. This leave is in addition to leave taken by a mother for a medical disability related to pregnancy or child birth. An employee who anticipates the need for paid and/or unpaid maternity/paternity leave is required to notify his/her supervisor at least 30 days prior to the expected start of the leave so that suitable arrangements for temporary replacement staff can be made.

10.10.3.3 Bereavement Leave (revised 4-10-01)

A full-time regular employee may use up to a total of 40 hours of accrued sick leave *per occurrence* in the event of death in the employee's immediate family . See immediate family as defined in **§2.1 Definitions** of this manual. It is expected that such leave will be taken during, or immediately following, said death.

10.11 On-the-Job Injuries and Time Loss Claims

Whenever an on-the-job injury causes a regular employee to take time off work for treatment and/or recuperation ("time loss"), that time is charged to the employee's sick leave balance, if any, until the Washington State Department of Labor and Industries has determined whether the claim is covered under the Workers' Compensation program. If the injury is covered by the Workers' Compensation program, then the dollar amount of the time loss award will be divided by the employee's regular rate of pay, during the time loss period, to determine the number of hours which will be restored to the employee's sick leave balance.

If the ruling is that the time loss is not covered by the Worker's Compensation program, then the employee will continue to be charged sick leave for the time loss. If the employee exhausts all his/her sick leave, then the employee may be charged his/her vacation, and finally will be placed on leave without pay.

10.12 Long-term Disability

The Municipal Employees' Benefit Trust (MEBT) provides regular full-time and regular part-time employees with a long term disability benefit when the employee is medically disabled from performing his/her job. This benefit could begin as early as 180 days after the employee's last day worked if his/her condition meets the program definition of medically disabled. Please refer to the MEBT Summary Plan Description (SPD) for further information about this coverage.

10.13 Shared Leave Policy

10.13.1 Purpose

To establish a policy for sharing vacation, personal and compensatory leave time.

10.13.2 Policy

A leave sharing program is established for the purpose of permitting employees to come to the aid of other City of Bellevue employees suffering from an illness or injury which is life-threatening or severe, and absent without this policy the ill or injured employee would need to take leave without pay or terminate employment. This program is not intended to be a disability insurance program and should not be relied upon by employees when deciding whether to participate in short-term disability programs.

10.13.3 Eligibility Criteria

With the approval of the Human Resources Director, a regular employee may receive shared leave if:

1. The employee is suffering from an illness or injury which is life threatening or severe, and without this policy the employee would need to take leave without pay or terminate employment.
2. The employee has exhausted all vacation leave, sick leave, personal leave, and compensatory leave time.
3. The employee has applied for state industrial insurance benefits, or any other disability benefits to which that person is entitled. In instances where an employee is eligible to receive financial assistance from such other sources in lieu of salary, the amount received from the other sources will be deducted from the amount of leave transfer which the employee would otherwise be eligible to receive from the Shared Leave Account. The net amount (after required payroll deductions) an employee may receive from the Shared Leave Account and such other source(s) may not exceed, in total, 60 percent of the employee's gross salary, plus an amount equal to any insurance premiums that will have to be deducted from the employee's gross pay during the

period of use of shared leave to provide the same insurance coverage that the employee had been receiving before the illness or injury.

4. The employee requesting donation is a regular part-time or regular full-time employee.
5. The employee has provided appropriate medical documentation that the employee qualifies for shared leave.

10.13.4 Amount of Leave Transferred and Received

The Human Resources Director will have responsibility for determining employee eligibility, processing leave donations and approving leave transfers. The program will be administered under the following guidelines:

1. The net amount (after required payroll deductions) an employee may receive from the Shared Leave Account and such other source(s) may not exceed, in total, 60 percent of the employee's gross salary, plus an amount equal to any insurance premiums that will have to be deducted from the employee's gross pay during the period of use of shared leave to provide the same insurance coverage that the employee had been receiving before the illness or injury.
2. Donations of leave will be made in no less than one hour increments.
3. Shared leave may be requested in anticipation of, and prior to, exhausting leave balances. However, approval of shared leave for eligible employees will be made in the order of receipt of requests from employees with existing needs for the leave.
4. An employee may not receive more than six months of shared leave during any 24-month period.

10.13.5 Transfer Process

Only vacation, personal and compensatory leave time will be eligible for transfer. Leave transfers will be made in accordance with the following rules:

1. While an employee is receiving shared leave, that employee shall continue to be classified as a City employee and shall receive the same treatment in respect to employee benefits as he/she would normally receive if using accrued vacation leave, personal leave or compensatory leave time; employees receiving transfers of shared leave will not accrue additional vacation or sick leave when using shared leave.
2. All payroll adjustments and transfers will be administered by the Human Resources Department.
3. Shared leave may be transferred without regard to the City Department and/or fund to which donating employees and recipient employees may be assigned.
4. All leave donations are voluntary and nonrefundable.
5. There will be one shared leave account for all employees. No separate accounts will be established for individual collective bargaining units.

10.13.6 Value of Leave

Shared leave donations will be converted to a dollar value based on the donating employee's hourly rate of pay. Transfers from the Shared Leave Account will be converted to sick leave hours based on the recipient employee's hourly rate of pay.

10.13.7 Monitoring

The Human Resources Director will have responsibility for monitoring the use of shared leave.

1. Employees shall have no right to use or receive payment for shared leave for any time period that occurs after termination of their employment with the City or their return to active work status with the City.
2. Shared leave donations are not refundable to the donating employee.
3. The Human Resources Department will periodically request donations to the Shared Leave Account.
4. Since donations are completely voluntary, the City does not guarantee that there will be sufficient leave in the Shared Leave Account for eligible employees to use or to continue to use at any time.
5. This policy and its implementation are not grievable.

10.13.8 Continuation/Termination of the Shared Leave Policy

The City retains the sole discretion to terminate this policy at any time and for any reason, including during the time that an employee is using shared leave. This policy does not establish any right, entitlement, or property interest of any kind or nature whatsoever in any employee to use shared leave or continue to use shared leave. The City makes no warranties or promises by establishing this policy that any individual employee will have the right, entitlement or ability to use shared leave or to continue to use shared leave. Termination of this policy will not result in a duty to bargain.

10.14 Alternative and Part-time Work Schedules

An employee experiencing a prolonged medical treatment or convalescence may request an adjustment in work hours to accommodate treatment schedules, or may request return to work on reduced work hours. Such requests must be accompanied by a physician's certificate which: 1) gives medical approval for the employee to return to work; 2) lists all restrictions and conditions on that return; and 3) indicates when the employee will likely be able to return to his/her normal work schedule and assignment within 18 months (12 months) of the date that such schedule is requested. The Department Director will explore possible options for accommodating the employee's request. Such schedule will be granted at the discretion of the Department Director.

During the time an employee has been authorized a reduced work schedule (less than 90 hours per calendar month) for the care of the employee's child, spouse or parent with a serious health condition, or because of his/her own serious health condition, the employer will provide the employer's share of employee and family medical and dental insurance, and life insurance coverage for up to 12 weeks (including any time charged to paid sick leave or vacation) in a 12-month period just as if the employee's work schedule had not been reduced. The employee will be responsible for the employee's share of such premium. See **§10.26.2 Coverage Requirements** of this manual.

10.15 Payment for Sick Leave Accruals at Time of Retirement

Upon retirement, a regular employee is entitled to receive a cash payment equal to ten percent of his/her current total unused sick leave hours, multiplied by the employee's current base hourly rate.

10.16 Bonus for Non-use of Sick Leave

A full-time regular employee in a **non-exempt** position will be entitled to a bonus of eight hours added to his/her vacation balance if he/she uses eight hours or less of sick or unscheduled compensatory leave in the calendar year (January 1 through December 31), as long as the employee is in an active status the entire calendar year. The bonus program also applies to part-time regular employees in **non-exempt** positions, with the hours prorated to reflect the employee's normally scheduled work week as compared to forty hours. Fire Department **non-exempt** employees working 24-hour shifts may earn 12 hours for using 12 or fewer hours of sick leave in the calendar year.

10.17 Family Leave

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

10.17.1 Family Leave Eligibility

The FMLA provides up to 12 weeks of paid and/or unpaid, job-protected leave every 12 months to eligible male and female employees for certain family and medical reasons. To be eligible, employees must have worked for the City for at least one year, and must have worked at least 1,250 hours over the previous 12 months. Hourly workers who meet the criteria of 10.17.1 with respect to hours worked and length of time employed are eligible for FMLA leave. However, hourly and PERS eligible hourly employees are not eligible for paid leave and are not entitled to any paid leave or benefits during unpaid status.

10.17.2 Reasons for Taking Leave

Paid and/or unpaid FMLA leave is granted for any of the following reasons:

1. To care for your child after birth or placement for adoption or foster care.
2. To care for your spouse, son, daughter or parent who has a serious health condition.
3. For a serious health condition that makes you unable to perform the essential functions of your job.

Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.

Under some circumstances, FMLA leave may be taken intermittently--which means taking leave in blocks of time, or by reducing your normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the approval of the Department Director.

Any paid and/or unpaid leave taken for any of these reasons listed above will be considered part of the 12-week FMLA leave.

10.17.3 Substitution of Paid Leave

Paid leave may be substituted only in the circumstances where City policies or state law allow use of that paid leave.

10.17.4 Advance Notice and Medical Certifications

An employee is required to provide his/her Department Director with advance leave notice, with medical certification, of the need for a leave related to a health condition, and with medical certification of his/her fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

An employee is required to provide medical certification to support a request for leave because of a serious health condition (his/her own or his/her child's, spouse's or parent's) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part-time leave. The Department Director may require second or third opinions, at his/her option, at the department's expense.

An employee is required to provide medical certification of his/her fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days, that involves a mental disability or substance abuse, or where the medical condition and the employee's job are such that the Department Director believes you may present a serious risk of injury to him/herself or others is he/she is not fit to return to work. The Department Director may require second or third opinions, at his/her option, at the department's expense.

10.17.5 Couples Employed by the City

If both an employee and his/her spouse work for the City and request leave for the birth, adoption or foster care placement of their child, to care for their new child, or to care for his/her sick parent (but not parent-in-law), the total combined annual FMLA leave available to them as a couple for those purposes is 12 weeks.

10.17.6 Determining Leave Availability

FMLA leave is available for up to 12 weeks during a 12-month period (12 calendar months).

10.17.7 Periodic Reporting

An employee on unpaid leave for his/her own medical treatment or convalescence, or to care for a family member, may be required to submit periodic medical reports to substantiate the continuing need for time off. An employee who fails to return from an unpaid leave on the date set by the Department Director may be terminated.

10.17.8 Health Insurance

Employees requesting unpaid time off should contact Human Resources to arrange for continuation of medical and dental insurance benefits during the leave, and to ensure that newborn or newly adopted children are added to the appropriate insurance coverage.

If an employee is covered by City-paid health insurance (medical, dental and vision), the City will continue to provide paid health insurance during FMLA leave on the same basis as during his/her regular employment. (See 10.25.2 Coverage Requirements of this manual.)

10.17.9 Other Insurance

If an employee is covered by other City-paid insurance plans, such as life or disability insurance, those coverages will continue during paid leave on the same basis as during regular employment. If an employee takes unpaid FMLA leave, he/she will be responsible during the leave for the premiums he/she normally pays plus the City-paid premiums. (See 10.25.2 Coverage Requirements of this manual.)

10.17.10 Regular Part Time Work Schedule

Part time scheduling for a serious health condition beyond the requirements of FMLA protection will be approved as required by any other law or at the discretion of the Department Director.

10.19 Leave of Absence Without Pay

A Department Director may grant an employee's request for up to six months unpaid leave in any two-year period for the following reasons:

1. An employee who has exhausted all his/her sick leave may request the Department Director to approve up to six calendar months of unpaid sick leave. Such unpaid sick leave will only be granted when:

- a. the employee is undergoing prolonged medical treatment or convalescence;
 - b. there is medical evidence the employee is likely to be able to return to work at the end of the leave;
 - c. the employee does not have a history of sick leave abuse or excessive sick leave use for relatively minor problems; and
 - d. employees taking leave without pay must first use all posted vacation accruals, personal holiday accruals, and, if applicable, all posted sick leave accruals, before moving to the unpaid status.
2. Family reasons 10.17.2 Reasons for Taking Leave of this manual.
 3. Other reasons which, in the opinion of the Director, would be in the best interest and welfare of the City, and are not solely for the employee's personal gain or profit.

10.19.1 Vacation and Sick Leave Accruals

An employee on unpaid leave of absence does not accrue vacation and sick leave during the period of leave, and all other City-paid benefits cease. EXCEPTION: Employees on FMLA leave. See 10.17.8 Health Insurance, 10.25 Medical, Dental and Life Insurance and 10.25.2 Coverage requirements of this manual.

10.19.2 Periodic Reporting

An employee on unpaid leave for his/her own medical treatment or convalescence, or to care for a family member, may be required to submit periodic medical reports to substantiate the continuing need for time off. An employee who fails to return from an unpaid leave on the date set by the Department Director may be terminated.

10.20 Leave for Military Training (revised 9/24/01)

Any regular employee may take up to 15 work days per year (said year to be counted from October 1 through September 30) for active duty training if he/she is a member of one of the following:

1. Washington National Guard.
2. Army, Navy, Air Force, Coast Guard or Marine Corps Reserves of the United States.
3. Any of the Armed Forces of the United States.

The employee will continue to receive his/her normal pay during such active duty, provided: 1) he/she has submitted a written copy of his/her orders and a request for leave to his/her Department Director prior to the leave; and 2) he/she submits a certified copy of the orders showing the date of his/her report and date of release upon return from the active duty training.

If the active duty training and related travel time exceeds 15 work days, the employee will be required to take the excess time as vacation or leave without pay. The employer is not in any way responsible for adjusting the employee's work schedule to avoid conflicts between work schedule and active duty training, or to guarantee the employee an opportunity to make up missed hours to ensure full pay.

NOTE: For Fire Department employees who work a 24-hour shift, "work day" shall mean eight hours, and one 24-hour shift shall constitute three "work days" for the purpose of implementing this section.

10.21 Leave for Active Duty Military Service

10.21.1 Benefits While on Leave

Any regular employee (regardless of pay plan) who is called to, or volunteers for, active duty military service will be placed on an indefinite unpaid leave of absence for the entire time he/she is in an active duty status with any branch of the United States Armed Forces or state militia. The employee may, at his/her option, use any or all of his/her posted vacation leave, personal holiday and compensatory time accruals prior to moving to the unpaid status. Any unused vacation or sick leave accruals remaining at the time the unpaid leave begins will be held for the employee until his/her return to active City employment or separation from City employment. The employee will not earn additional vacation or sick leave accruals during the time of the unpaid leave, nor will he/she be entitled to health and welfare benefits except as specifically provided in 10.25 Medical, Dental and Life Insurance of this manual.

10.21.2 Reinstatement Following Active Duty Service

An employee who wishes to return to City service must apply for reemployment within 31 days of discharge if the active service was for 90 days or less, or within 90 days after separation from active duty of more than ninety days. The returning employee must furnish a receipt of honorable discharge, report of separation from military service, or certificate of satisfactory service to be reinstated.

10.21.3 Reinstatement Following Rejection for Active Duty Service

An employee who takes an unpaid leave of absence in order to volunteer for military service, but who is rejected for such service, must reapply within 30 days of the date of rejection. An employee returning following rejection for military duty must furnish proof of order for examination and rejection.

10.21.4 Reinstatement Following Hospitalization

An employee who is hospitalized while on active duty, and who is released from active duty or is placed on inactive duty due to that hospitalization, is entitled to all the benefits of this Section, provided that : 1) the hospitalization does not exceed one year from the date of his/her release or separation, and 2) the employee applies for reinstatement within 90 days after discharge from the hospital.

10.21.4.1 Terms of Reinstatement

A returning veteran will be reinstated to his/her prior position or to a position of like seniority, status and pay as if his/her work had not been interrupted by the military service. The returning veteran will receive service credit for his/her military service time, and will earn vacation and sick leave credits at the level he/she would have attained had his/her City service not been interrupted by the military duty.

If a returning veteran is not able to perform his/her former job because of a military-connected disability, then the employee will be placed in another vacant position for which he/she is qualified and able to perform, if such a position exists. This new position will be as close in seniority, status and pay as possible to the employee's former City job.

The employer will not be required to reinstate an employee as described in this section if circumstances have changed to the extent that it is impossible, unreasonable, or against the public interest for the employer to do so.

10.22 Jury Duty

Each employee who is called to jury duty or as a nonparty witness is strongly encouraged to fulfill his/her civic responsibility. A regular employee will be granted leave at his/her regular rate of pay and benefits on those days he/she is waiting at the court's direction to be available for jury duty, is actually serving on a

jury, or is subpoenaed as a nonpareil witness. Days during the period of summons for jury duty on which the employee is not required to report to the court are not covered by this leave; the employee is expected to report for his/her normal work assignments if such "days off" occur during the employee's regular work shift.

Compensation received for jury duty or witness fees, except mileage reimbursement, must be reimbursed to the employer.

EXCEPTION: Any compensation received for jury duty, witness fees, or mileage reimbursement by shift workers who report for jury duty on their normal days off may be retained by the employee, thereby acknowledging these nominal fees as payment for expenses incurred.

10.23 Other Civic Duty

An employee required to testify in court proceedings as a part of his/her regular City job will receive his/her normal pay for the time spent testifying. Any witness fees received must be reimbursed to the City.

10.24 Health and Welfare Benefits

In addition to the schedules of compensation contained herein, a regular full-time employee or regular part-time employee not included in a bargaining unit is entitled to the following benefits from the City.

10.24.1 Pension

The employer will make contributions to the appropriate employee pension plan which covers the respective job classification as authorized by state law or city ordinance. The employer will also contribute to the Municipal Employees' Benefit Trust Plan (MEBT) as provided in that plan document.

10.25 Medical, Dental and Life Insurance

10.25.1 General Provisions

The employer will make contributions toward health, accident, dental and group life insurance for regular employees not included in a bargaining unit. The Human Resources Director has the authority to act as the agent of the employees in making group insurance available within the fiscal limitations of the City's budget appropriation for employee benefits. Upon proper authorization from the employee, the Finance Director will deduct the premiums beyond the City's contribution rate from the employee's salary.

10.25.2 Coverage Requirements

In any calendar month, medical, dental and life insurance coverage is available only to regular employees who meet all plan eligibility requirements and who are in a paid status during the second pay period of the previous month except as provided for under FMLA. Premiums for regular part-time employees will be prorated in accordance with the rate schedule established. All employees who are in a regular part-time status as of 1/1/96 will be grandfathered, and will not be subject to a premium adjustment until such time as the City implements its Flexible Benefit Program.

Regular employees who request or receive a reduction in FTE will be required to pay the additional premium amounts established in the rate schedule as long as their FTE is less than 1.0. Employees suspended without pay will be considered as in a paid status for the purposes of insurance coverage, and such coverage will be based on base salary.

City-paid coverage for medical, dental and life insurance ceases on the last day of the calendar month in which a regular employee terminates or changes to an ineligible status. An employee on an unpaid leave is not covered by City-paid insurance during the leave starting on the first day of the calendar month

following the effective date of the unpaid leave, except as follows: The employer will provide employee and family medical and dental insurance, and life insurance coverage for up to 12 weeks (including any time charged to paid sick leave or vacation) in a 12-month period by paying the employer's share of the premium, just as if the employee had been continuously employed during such leave. This applies to an employee who is, or whose child, spouse or parent is, undergoing prolonged medical treatment or convalescence for a serious health condition; provided that: 1) the employee is on an authorized unpaid leave of absence for medical reasons; or 2) he/she is unable, due to medical reasons, to work the number of hours normally required to entitle him/her to such coverage and is on an authorized reduced work schedule.

If the employee fails to return from leave of absence, for reasons other than circumstances beyond the control of the employee, the employer may recover the premiums paid for health insurance during the unpaid leave.

10.25.3 New Hires

Newly-hired regular employees will be covered on the first day of the calendar month following the date of hire. All newly hired regular part-time employees will pay a prorated premium for medical, dental and life insurance coverage established in the rate schedule.

10.25.4 State Industrial Insurance

The employer will make payments for State Industrial Insurance and medical aid and unemployment compensation protection for all employees, as required by state law.

10.25.5 Deferred Compensation

The employer offers any regular employee the option of allocating a portion of his/her pay in a deferred compensation plan as an additional supplementary retirement income source.

10.26 Service Award Program (revised 08/01/02)

A regular employee who has completed the years of employment since the most recent service credit date with the City indicated below will receive the following service awards.

10.26.1 Service Awards

Years of Service	Service Award
5	A letter of appreciation from his/her Department Head, a certificate of service signed by the City Manager and the Mayor, and one additional day of vacation
10	A letter of appreciation from the City Manager, a certificate of service signed by the City Manager and the Mayor, two additional days of vacation leave and a \$100 bonus
15	A letter of appreciation from the City Manager, a certificate of service signed by the City Manager and Mayor, two additional days of vacation leave and a \$150 bonus

20	A letter of appreciation from the City Manager and Mayor, a certificate of service signed by the City Manager and the Mayor, two additional days of vacation leave and a \$200 bonus
25	A letter of appreciation from the City Manager and Mayor, a plaque of service signed by the City Manager and the Mayor, two additional days of vacation leave and a \$250 bonus
30	A letter of appreciation from the City Manager and Mayor, a gift presented by the City Manager and the Mayor, two additional days of vacation leave and a \$300 bonus

10.27 Tuition Reimbursement Program (revised 6/28/00)

10.27.1 Purpose

The Tuition Reimbursement Program provides financial assistance to regular employees enrolled in college degree programs, college or technical courses, technical certification programs, or other programs which enhance the employee's ability to accomplish one or more of the following:

1. Learn project organization, management techniques and/or communication or interpersonal skills which enhance the employee's ability to take on more responsibility in a work group;
2. Learn new technical skills, acquire cross-training and/or explore new public service-related fields, or explore personal career development options which allow the City more flexibility in assigning work to the employee; and/or
3. Stay abreast of new concepts, developments and/or technology, or obtain certificates or college degrees in the employee's general occupational field.

10.27.2 Eligibility Requirements

Any City employee who has been a regular employee for at least 12 months since his/her most recent date of hire is eligible to participate in the Tuition Reimbursement Program.

10.27.3 Approval Process

All requests for tuition reimbursement must be made and approved prior to the quarter/semester in which the class/courses will be taken. Human Resources is responsible for reviewing and approving all requests for tuition reimbursement. An employee who wishes to participate in this program must work with his/her supervisor in order to:

1. Identify the specific knowledge and/or skills the employee wants to gain from the class/program;
2. Describe a specific short- or long-term benefit to the City the employee will be able to provide because of the new knowledge/skill; and
3. Write a brief memo covering these two points which is attached to the Reimbursement Request Form.

Upon receiving a request for tuition reimbursement from an employee, the Department Director will forward the request to Human Resources along with a written statement as to the relevance of the requested class(es) to the employee's job.

10.27.4 Approval Categories

Since the number and size of requests for Tuition Reimbursement may exceed the budgeted funds available, it is required that employees submit their requests well in advance so that the requests may be reviewed, approved or denied based on the approval categories established. The following four categories have been provided to assist applicants in classifying the nature of their tuition reimbursement requests. Reimbursement dollars will be available in each category, with the highest priority given to requests in the first category. Actual allocations given to each category will be dependent upon the total number and amount of requests submitted for the Tuition Reimbursement Program.

First Category:

Individual classes, degree and certificate programs directly related to an employee's current assignments or to assignments which can be added to the employee's job as a result of new skills or which prepare employees for internal promotion/lateral transfer opportunities

Second Category:

Degree programs leading to an Associate or Bachelor's degree in the employee's current occupational field.

Third Category:

Degree programs leading to a Master's degree in any occupational field represented in the City's service.

Fourth Category:

Degree programs leading to an Associate or Bachelor's degree in any occupational field represented in the City's services; preference will go to degree programs where at least some of the new skills can be applied to potential assignments in the employee's current department/field.

Where a degree program has been approved, reimbursement can be made for any course in the program, subject to the limits below, except for courses deemed to be in sports or hobbies, or elective courses that do not contribute to the skill development described under "Purpose" above.

10.27.5 Reimbursement Amounts

The maximum amount of Tuition Reimbursement any employee may receive for classes taken in a calendar year is \$2,000. Costs covered by this program will include the course fee and associated lab fees (subject to the limits listed below). This Reimbursement Program does **not** cover the cost of books, parking, administrative fees, or other miscellaneous costs.

The maximum level of reimbursement per class or course will be based on current tuition charges for classes at Seattle metropolitan area state-supported colleges, universities or technical schools as determined by the Human Resources Director. However, where the only available option for taking a course is from a private institution and where the difference between reimbursement at the public tuition rate and the private one causes a financial hardship, employees may request a hardship exemption. The request must be in writing, approved for consideration by the Department Director and meet all other requirements of this policy. Final decisions will be made by the Human Resources Director who will consider the individual merits of the request as well as the impact on other program participants. In no case will the amount paid by the employer exceed the actual cost of the course taken.

10.27.6 Payments

In order to receive reimbursement, an employee must:

1. Receive approval for reimbursement prior to starting a class by completing the Tuition Reimbursement Program application form and all process steps required by his/her department and Human Resources.
2. Upon satisfactory completion of the class, submit the following documentation to the Human Resources department:
 - a. A copy of his/her pre-approved request form;
 - b. Proof of expenses paid as required by the employer's general reimbursement policies;
 - c. Proof of a passing grade ("C" or better for undergraduate classes; "B" or better for graduate classes; "Pass" in pass/fail classes).

Monies received by an employee under the Tuition Reimbursement Program may be subject to income tax withholding, and may be included in the employee's taxable gross income as required under Internal Revenue Code provisions.

Any disputes regarding eligibility or the level of reimbursement will be settled by the Human Resources Director. This program is not subject to the grievance procedure.

Chapter 11 – Employee Development & Training

The City of Bellevue is committed to making systematic investments in employee job-related knowledge and skills in order to foster a partnership of continual learning on the part of both the employee and the organization.

11.1 Training Goals

1. Support the City's core values and purpose and fulfill the needs, goals, and strategies determined by the Council and the Leadership Team, thus enabling the City to better serve the community.
2. Enhance the quality and efficiency of City services and better enable employees and the City to manage technological and organizational change.
3. Support the City's performance management system by providing training opportunities to assist employees in meeting their performance goals. However, this training policy is not intended to obligate the City to provide training to address cases of poor or unsatisfactory job performance.
4. Meet all training requirements mandated by statutory authority or job-related professional certification.
5. Promote continued employability and improve employee retention.

11.2 Prioritization of Training

In order to provide for an equitable distribution of City and departmental resources, contingent upon availability, training expenditures generally will be allocated in the following priority order:

1. Mandatory Training
This includes legally and statutorily mandated training, training necessary for job-required licensing or certification, and training required by City policy.
2. Job-Related Training

This includes training designed to enable employees, supervisors, and managers to enhance job proficiency, productivity, safety, and performance.

3. New Initiatives/Unique Training

This includes training in areas and services that are new to the City, training necessary for successful implementation of new technology and training required to support City initiatives.

4. Career-related Training

This includes training designed to assist in the development of career potential and to prepare employees for career movement opportunities within the City consistent with the achievement of departmental and/or Citywide missions and goals.

11.3 Funding Mechanisms

1. Citywide funding (residing in the Human Resources Department and Risk Management Division Budgets).
2. Departmental funding (residing within each department)
3. Tuition Reimbursement (residing within the Human Resources Department Budget).
4. Employee resources (e.g., personal time and financial investment).

11.3.1 Training Budget

Training budgets should be based on needs identified in both the centralized and departmental training plans. Training budgets provide a base level of funding. To supplement this base allocation, departments may reallocate other operating line items to meet their training needs or they may request additional funding by submitting training decision packages through the budget process. Although resources generally are allocated in priority order, the intent is that all priorities should be considered in developing departmental training plans. This does not restrict departments from obtaining funding from outside sources, such as grants, partnerships, etc.

11.4 Responsibilities

11.4.1 City Manager and Leadership Team

1. Formally recognize the importance of training and employee development and promoting a clear budgetary commitment linking investments in training and employee development to the City's core values and purpose.
2. Articulate the current policy regarding training expenditures and communicating that policy to the departments.

11.4.2 Department Directors and Managers

Enable employees to gain and maintain proficiency in their current jobs, adapt to changes in those jobs, and to prepare, when appropriate, for other opportunities in their departments and throughout the City.

11.4.3 Centralized HR Training

1. Design, develop, and deliver centralized citywide curriculum such as new employee orientation; leadership, management and supervisory skills; core competency development; discrimination/violence prevention; valuing diversity; and other non-technical skills development.

2. Monitor and evaluate the effectiveness of the City's training and employee development efforts in meeting the organization's needs, goals, and strategies and making adjustments as warranted.
3. Ensure a consistent approach to training and employee development across all City departments while retaining the flexibility for individual departments to address their specialized requirements and unique situations.
4. Consult with departments, managers and individuals in meeting their organizational and employee development needs.
5. Coordinate, monitor and maintain training records for all classes sponsored by Human Resources.
6. Serve as an information resource regarding career development paths and career development opportunities.
7. Manage the Tuition Reimbursement program.
8. Develop a biennial centralized training plan and budget.
9. Market and communicate development opportunities and information across the organization.

11.4.4 Departments

Develop a biennial departmental training plan. The biennial departmental training plan should be developed in a format and level of detail that is useful and meaningful to the individual department based on its needs and situation. All departmental training plans should include the following elements:

1. The department's training priorities
2. Specific training activities and programs
3. A method for involving employees to obtain their input
4. An approval process for granting training requests
5. A method for tracking training
6. A method for evaluating the effectiveness of training

Implement a consistently applied process for recommending and approving requests for training. Each department's approval process should include the following elements:

1. Documentation of the employee's request or supervisor's recommendation for training. Such documentation should include the cost of training (registration, travel, etc.), indicate whether the training request is an outcome of the employee's performance evaluation, and describe how the training ties to the department's and the City's priorities.
2. A clear procedure, evaluation criteria, and tracking system for processing training requests and recommendations. Plan, implement, communicate, and evaluate the success of its training program as to its effectiveness and efficiency. The department's training budget, in turn, should be based on the training needs identified in its biennial training plan.
3. Departments are encouraged to develop and implement cross-training programs for employees to provide back-up capabilities within the department and career growth opportunities for staff.

11.4.5 Employees and Supervisors Shared Responsibility

1. Ensure that the learning necessary for maintaining and improving job performance takes place.

2. Prepare individual development plans specifying needed training, consistent with the departmental training plan and the City's performance management program.
3. Define the objectives of recommended or requested training and determining how the accomplishment of those objectives is to be measured.

11.4.6 Each Employee

To further his/her own career development:

1. Help identify developmental needs
2. Research courses/programs/resources appropriate to the needs
3. Work with his/her supervisor to create an Individual Development Plan (IDP)
4. Commit his/her own resources (e.g., personal time and financial investment) where training resources are not available through the city
5. Actively requesting and then participating in developmental opportunities
6. Apply knowledge/skills gained during training on the job

11.5 Communication

City employees should have equal access to information regarding the training opportunities for which they may be eligible. Accordingly, departments will communicate information on training provided under their biennial plans to those employees eligible for such training. Departments, which provide citywide training (e.g., Human Resources, Risk Management, etc.), will likewise communicate information about such training to the departments and to City employees.