

TOWN OF COUPEVILLE

PERSONNEL POLICIES

Adopted per Resolution 98-01
January 13, 1998
Amended per Resolution 98-5
Amended per Resolution 01-6

RECEIPT OF PERSONNEL POLICIES

All employees should read the following; then sign, date and return the form to the Clerk-Treasurer within three days of when they receive the personnel policies. The form will be placed in the employee's personnel file.

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

It is important to understand that these policies do not create an employment contract or a guarantee of employment for any specific duration between the Town of Coupeville and its employees. Although we hope that your employment relationship with us will be long-term, we recognize that things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

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

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

If you have any questions about these policies or any other policies of the Town, please feel free to ask your supervisor, the Clerk-Treasurer, or the Mayor.

I have read and understand the statement above.

Employee Signature

Employee Printed Name

Date

TABLE OF CONTENTS

CHAPTER 1 GENERAL

1.1 Purpose/Scope 6
1.2 Equal Employment Opportunity 6
1.3 Sexual Harassment 7
1.4 Definitions 7
1.5 Employee Personnel Records 8
1.6 References 8

CHAPTER 2 HOURS AND ATTENDANCE

2.1 Working Hours 9
2.2 Hours of Work and Overtime 9
2.3 Compensatory Time 10
2.4 Attendance 10
2.5 Breaks and Meal Periods 11
2.6 Call Back 11
2.7 Payroll Records 11

CHAPTER 3 RECRUITING AND HIRING

3.1 Recruiting 12
3.2 Hiring 12
3.3 Temporary Employees 13
3.4 Trial Period 13
3.5 Employment of Relatives (Nepotism) 14
3.6 Promotions and Transfers 14

CHAPTER 4 COMPENSATION

4.1 Salary Classification and Grades 16
4.2 Employee Pay Rates 16
4.3 Paydays 16
4.4 Deductions 16
4.5 Travel Away from the Town 17
4.6 Travel Expense Reimbursement 17
4.7 Professional, Civic and Service Org. Memberships 17
4.8 Compensation Upon Termination 17
4.9 Compensation for Law Enforcement Personnel 18

CHAPTER 5 PERFORMANCE EVALUATIONS AND TRAINING

5.1	Performance Evaluations	19
5.2	Training Policy	19

CHAPTER 6 BENEFITS

6.1	Retirement Benefits	20
6.2	Disability Benefits	20
6.3	Insurance Benefits	21
6.4	Tax Deferral Programs.....	21
6.5	Unemployment Compensation	21

CHAPTER 7 LEAVES OF ABSENCE AND TIME OFF

7.1	Leaves	22
7.2	Vacation	22
7.3	Sick Leave	23
7.4	Leave Without Pay	24
7.5	Jury and Witness Leave	25
7.6	Administrative Leave	25
7.7	Military Leave	25
7.8	Holidays	25
7.9	Religious Holidays	26

CHAPTER 8 EMPLOYEE RESPONSIBILITIES AND CONDUCT

8.1	General Policy	27
8.2	Outside Employment and Conflicts of Interest	27
8.3	Political Activities	28
8.4	No Smoking Policy	28
8.5	Use of Town Vehicles and Equipment	28
8.6	Bulletin Boards	29
8.7	Contact with News Media	29
8.8	Seat Belt Policy	29
8.9	Driver's License Requirements	29
8.10	Safety	29
8.11	Substance Abuse	30
8.12	Drug-Free Workplace	30
8.13	Complaint Procedures	30
8.14	Reporting Improper Gov't Action (Whistleblower)	31

CHAPTER 9 DISCIPLINE AND TERMINATION

9.1	Discipline	32
9.2	Termination	34
9.3	Pre-Termination Hearing	34
9.4	Layoff	34
9.5	Resignation	35
9.6	Death	35

CHAPTER 1

GENERAL

1.1 PURPOSE/SCOPE

(a) This manual is a general informational guide to the Town's current employment policies and shall not be construed as a contract. The Town reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as the Town deems necessary and appropriate, without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The Town also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.

(b) These personnel policies shall apply to all Town employees. They shall not apply to elected officials and independent contractors. In the event of conflict between any provision of this manual and applicable Civil Service rules and regulations, the provisions of the Civil Service rules shall govern. In the event of conflict between any provision of this manual and the Manual of Standards, these policies shall govern. In all other cases, these policies shall govern.

(c) These policies are not intended to be a contract, express or implied, or as a guarantee of employment for any specific duration. No supervisor or representative of the Town other than the Mayor has the authority to enter into any agreement for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

1.2 EQUAL EMPLOYMENT OPPORTUNITY

(a) The Town is an equal employment opportunity employer. The Town employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, medical condition, physical handicap or disability.

(b) The Town will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential element of the job.

(c) Employees with life threatening illness, such as cancer, heart disease, or AIDS/HIV conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The Town will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a substantial and unusual safety risk to fellow Town employees or the public exists.

1.3 SEXUAL HARASSMENT

(a) It is the policy of the Town to provide a work environment for its employees which is free from discrimination and intimidation. The Town will not tolerate any form of sexual harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of sexual harassment.

(b) Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or adversely interferes or affects an employee's work performance. Sexual harassment can take many forms and can include: (1) verbal behaviors such as slurs, comments, jokes, innuendoes, unwelcome compliments or requests for sexual favors; (2) Non-verbal behavior such as pranks, suggestive looks, or displaying of nude or sexual pictures, cartoons or calendars; (3) Any unwanted touching or physical behavior such as pats, squeezes, shoulder or neck rubs, or brushing against someone's body.

(c) Any employee who believes he or she is being sexually harassed by supervisors, co-workers, Councilmembers, board members, volunteers, vendors, or Town customers should immediately notify his/her supervisor. In the event that the harassment involves the supervisor, he/she should notify the Mayor. The Town will not retaliate against an employee who complains of sexual harassment.

1.4 DEFINITIONS

(a) Supervisor: An employee who has responsibility for directing one or more employees.

(b) Immediate Family: An employee's immediate family includes the employee's spouse, child, parent, brother or sister, mother or father-in-law, son or daughter-in-law.

(c) Regular full-time Employee: An employee who has completed his/her trial period and who regularly works a minimum of 40 hours a week on a continuing basis.

(d) Regular part-time Employee: An employee who works less than 40 but at least 25 hours a week on a continuing basis and is eligible for pro-rated City benefits. Pro-rated benefits for employees who regularly work less than 25 hours a week may be approved by the Mayor on a case-by-case basis.

(e) Temporary Employees: Temporary employees are defined as those employees who hold jobs of limited duration arising out of special projects, abnormal work loads or emergencies. Temporary employees are not eligible for Town benefits.

1.5 EMPLOYEE PERSONNEL RECORDS

(a) A personnel file for each employee is kept in the Town Administrator's office, and access is limited to the employee's supervisor, the Town Administrator and the Mayor. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.

(b) An employee has the right to review his/her file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the Town denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

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

1.6 REFERENCES

(a) The Town does not give references, other than to confirm the dates of employment and last salary, without the express written consent of the employee.

(b) Only the Mayor will provide employment references on behalf of the Town on current or former regular Town employees. Supervisors may give references on temporary employees and volunteers.

CHAPTER 2

HOURS AND ATTENDANCE

2.1 WORKING HOURS

(a) The Town's standard work week is Monday through Friday. Town Hall is open from 8:00 a.m. to 4:30 p.m. Supervisors will designate work schedules for individual employees to be approved by the Mayor.

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

(c) Part-time and temporary employees will work hours as specified by their supervisors.

2.2 HOURS OF WORK AND OVERTIME

(a) All Town positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations. Unless deemed otherwise by the appropriate state or federal agency, the following positions shall be considered as exempt:

Town Marshal
Town Administrator
Planning Director
Public Works Director

(b) For all Town employees except law enforcement personnel, the established work period is 40 hours within a seven day work week starting on Monday and ending on Sunday.

(c) For law enforcement employees, the established work period is the longest U.S. Department of Labor 7(k) work period which is evenly divisible by the number of days in the established work cycle [see chart in Section 4.8(b)].

(d) Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than the maximum numbers of hours during a work period.

(e) All overtime must be authorized in advance by the employee's supervisor and the Mayor except in an emergency situation.

(f) Overtime pay is calculated at one-and-one-half times the employee's regular rate of pay for all time worked beyond the established work period.

(g) When computing overtime, sick leave and vacation time is not counted as hours worked.

(h) Exempt employees are not covered by the FLSA overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.

2.3 COMPENSATORY TIME

(a) Non-exempt employees entitled to overtime pay may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's supervisor. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to 40 hours for regular employees and 80 hours for uniformed police personnel. After maximum accrual, overtime compensation shall be paid.

(b) Employees should schedule the use of compensatory time within a reasonable time period by making a written request to their supervisor. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her supervisor. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

(c) If an employee is unable to use accrued compensatory time within six months, the employee will be paid his/her original overtime wage.

2.4 ATTENDANCE

(a) Punctual and consistent attendance is a condition of employment.

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

(c) Employees are expected to be at work during inclement weather. Supervisors may allow employees to be late or leave early during severe weather conditions; however, non-attendance will be counted as absence from work and will be charged to accrued vacation or comp time.

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

2.5 BREAKS AND MEAL PERIODS

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

2.6 CALL BACK

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

2.7 PAYROLL RECORDS

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

CHAPTER 3

RECRUITING AND HIRING

3.1 RECRUITING

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

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

(c) Any applicant who is hired and found to have supplied false or misleading information is subject to immediate termination.

3.2 HIRING

(a) When a position becomes vacant the supervisor shall review the position, its job description and the need for such a position. The Mayor must approve the position before it can be filled.

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

Uniformed employees of the Police Department must have a residence in such a location that if the officer is contacted and called back to duty in an emergency, the officer can safely report to the station ready for duty within twenty minutes of being contacted. New officers shall meet this requirement within six months of appointment.

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

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

(e) After an offer of employment has been made and prior to commencement of employment, the Town may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her

physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

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

3.3 TEMPORARY EMPLOYEES

(a) With approval of the Mayor, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, vacation or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.

(b) Temporary employees may be hired without competitive recruitment or examination.

(c) Temporary employees may not work more than 70 hours a month for more than five months in a twelve month period.

(d) Temporary employees are eligible for overtime pay as required by law. Temporary employees are not eligible and do not receive retirement, vacation, sick leave, health insurance, holiday or any other benefits during their employment.

3.4 TRIAL PERIOD

(a) All newly hired employees or former employees who have been rehired or employees promoted to a new classification enter a trial period which is considered an integral part of the selection and evaluation process. During the trial period an employee is required to demonstrate suitability for the position through actual work performance.

(b) The normal trial period is six months from the employee's date of hire, rehire or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual or unique skills or qualifications. Police trial periods are outlined in the Civil Service Rules.

(c) An employee's trial period may be extended for up to an additional six months when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance, to properly evaluate the employee's performance. The trial period will not be shortened for any reason.

(d) Trial employees accrue vacation and sick leave, but are not eligible to use vacation until after their trial period is completed.

(e) During the trial period, the employee may be terminated at any time.

(f) When a supervisor determines an employee has satisfactorily completed the trial period, the supervisor shall prepare a written performance evaluation, which will be reviewed by the Mayor. If the trial period is satisfactorily completed, the employee may be certified to regular employment status.

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

(a) An employee's relatives will not be employed by the Town of Coupeville under any of the following circumstances:

(1) Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;

(2) Where one party would be responsible for auditing the work of the other;

(3) Where both parties would report to the same immediate supervisor (except in the case of temporary employees, in which case the employment may be allowed by the Mayor); or

(4) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the Town.

(b) "Relatives" include an employee's parent, child, spouse, brother, sister, in-laws and step relationships.

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

3.6 PROMOTIONS AND TRANSFERS

(a) The Town encourages current Town employees to apply for vacant Town positions for which they are qualified. Promotions and transfers are based on the supervisor's recommendation, work force requirements, performance evaluations, job descriptions and related Town requirements.

(b) Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his/her trial period and possess the qualifications for the vacant position, unless such requirements are waived by the Mayor in the best interests of the Town.

CHAPTER 4
COMPENSATION

4.1 SALARY CLASSIFICATION AND GRADES

Each job title within the Town is classified into one of the Town's classifications for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular salary or salary range shown on the Town's salary and wage schedule, which is approved annually by the Town Council.

4.2 EMPLOYEE PAY RATES

(a) Employees shall be paid within the limits of the wage range to which their positions are assigned.

(b) Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.

(c) Pay increases of one step may be given annually at the employee's anniversary date, contingent on satisfactory performance as reported on their annual evaluation report. If an employee's performance is consistently unsatisfactory, the Mayor may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

(d) The Mayor may propose and the Town Council may grant selective, merit, or across the board pay adjustments from time to time, raising the salaries of positions by a specified amount. Such adjustments, if any, will not change an employee's pay anniversary date.

4.3 PAYDAYS

Town employees are paid monthly on the last working day of each month, but may request a mid-month draw. If a regularly scheduled payday falls on Saturday, Sunday or a holiday, pay checks will be distributed on the last business day prior to the scheduled payday.

4.4 DEDUCTIONS

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

4.5 TRAVEL AWAY FROM THE TOWN

All reimbursable travel away from the Town must be approved in advance by the Mayor. Employees should make use of Town vehicles if a vehicle is available. Whenever possible, two or more employees should share rides. If private automobiles are used, employees will be reimbursed at the current I.R.S. rate.

4.6 TRAVEL EXPENSE REIMBURSEMENT

(a) Town employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Town, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Lodging will only be reimbursed outside of Island County, unless specifically pre-approved by the Mayor. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable.

(b) Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the supervisor.

4.7 PROFESSIONAL, CIVIC AND SERVICE ORGANIZATION MEMBERSHIPS

Administrative staff is encouraged to be members of and participate in professional, civic, and service organizations. Membership fees, travel and meal costs attributable to an employee's participation in such organizations may be reimbursed, if pre-approved by the Mayor.

4.8 COMPENSATION UPON TERMINATION

When an employee's employment with the Town is terminated, the employee will receive the following compensation:

(a) Regular wages for all hours worked up to the time of termination which have not already been paid.

(b) Any overtime or holiday pay due.

(c) A lump sum payment of any accrued but unused vacation and compensatory time.

(d) A lump sum payment of 25% of any accrued but unused sick leave upon retirement or death only (50% for any employee hired before May 1, 1994).

4.9 COMPENSATION FOR LAW ENFORCEMENT PERSONNEL

(a) Law enforcement personnel are typically on patrol or on stand-by. The policies here apply only to law enforcement employees performing "shift" work. Unless specifically noted here, all of the policies of this resolution apply to the law enforcement personnel.

(b) Compensation for Hours Worked -- Law Enforcement personnel shall be paid a

monthly salary based on a set rate per hour multiplied by 2,080 hours, divided by 12 months. Work periods in the Police Department for time keeping purposes shall be the longest U.S. Department of Labor 7(k) work period which is evenly divisible by the number of days in the designated work cycle. Non-exempt officers will receive additional compensation for hours worked in excess of the 7(k) statutory maximum (per the chart below) during a work period, paid at one and one-half times the employee's set rate per hour.

U.S. Department of Labor 7(k) Exemption Chart

Number of Days in Work Period	Maximum Allowable Hours
7	43
8	49
9	55
10	61
11	67
12	73
13	79
14	86
15	92
16	98
17	104
18	110
19	116
20	122
21	128
22	134
23	141
24	147
Number of Days in Work Period	Maximum Allowable Hours
25	153
26	159
27	165
28	171

(c) Stand-by Time -- Law enforcement employees will not be compensated while on stand-by.

(d) Call-back from Stand-by -- Law enforcement personnel called out from stand-by will be compensated as specified in section 4.8 (b).

CHAPTER 5

PERFORMANCE EVALUATIONS AND TRAINING

5.1 PERFORMANCE EVALUATIONS

(a) To achieve the Town's goal to train, promote and retain the best qualified employee for every job, the Town conducts periodic written performance evaluations for all positions.

(b) The Town Administrator is responsible for developing and maintaining the Town's performance evaluation program.

(c) Employees are to be evaluated by their supervisor, in writing on the prescribed forms, prior to completion of their trial period and at least once every 12 months thereafter.

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

5.2 TRAINING POLICY

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

CHAPTER 6

BENEFITS

6.1 RETIREMENT BENEFITS

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

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

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

(d) Employees intending to retire should notify the Mayor of their intent to retire at least three months prior to the date of retirement.

6.2 DISABILITY BENEFITS

(a) All employees, except those covered by LEOFF I, are covered by the State Industrial Insurance program (worker's compensation). This type of insurance covers employees in case of on-the-job injuries or job-related illness. For qualifying cases, State Industrial Insurance will pay the employee for work days lost for any disability resulting from job-related injuries or illness. All job-related accidents should be reported immediately to the supervisor.

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

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

(d) The Town may require an examination at it's expense, performed by a physician of it's choice, to determine when the employee can return to work (in a regular or light-duty capacity) and if he/she will be capable of performing the duties and responsibilities of the position.

6.3 INSURANCE BENEFITS

(a) Regular employees are eligible to participate in the Town's insurance programs. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. Insurance benefits will be pro-rated for regular part-time employees hired after the date of original adoption of these policies. The Town reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.

(b) Upon mutual agreement between the employee and the Town, and in accordance with the terms and conditions of the insurance policy, the Town will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence.

(c) While an employee is receiving Worker's Compensation benefits, the Town may continue to pay the employee's health insurance premiums for up to six months, after which the employee may choose to self pay insurance premiums.

6.4 TAX DEFERRAL PROGRAMS

(a) Retirement contributions by employees into the State Retirement System will be taken and paid to the state on a tax deferral basis.

(b) Employees are eligible to participate in optional deferred compensation plans.

(c) Employees are eligible to participate in an optional I.R.S. Code Section 125 Cafeteria Plan.

6.5 UNEMPLOYMENT COMPENSATION

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

CHAPTER 7

LEAVES OF ABSENCE AND TIME OFF

7.1 LEAVES

The Town has six (6) different types of leave:

- (a) Vacation leave
- (b) Sick leave
- (c) Leave without pay
- (d) Jury and Witness leave
- (e) Military leave
- (f) Administrative leave

7.2 VACATION

(a) Each regular full-time employee is entitled to vacation leave which accrues monthly at the following rate:

<u>YEARS OF SERVICE</u>	<u>WORKING HOURS PER YEAR</u>
1 through 3 years	96 hours
4 through 8 years	112 hours
9 through 13 years	128 hours
14 through 19 years	152 hours
20 years or more	160 hours

(b) All new employees must satisfactorily complete their trial period to be entitled to the accrual and use of vacation leave. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits.

(c) Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted in writing at least two weeks prior to taking vacation leave. If the nature of the work makes it necessary to limit the number of employees on vacation, the employees with the greatest seniority shall be given their choice.

(d) The maximum number of vacation hours which may be carried over from December 31 of one year to January 1 of the next year is two years' worth, or a maximum of 240 hours (pro-rated for part-time employees) whichever is greater. In cases where Town operations have made it impractical for an employee to use vacation time, the Mayor may authorize additional accruals. Employees will be paid for unused vacation time upon termination of employment.

(e) Leave Must be taken in minimum increments of four (4) hours.

7.3 SICK LEAVE

(a) All full-time regular employees accrue sick leave benefits at the rate of eight hours for each calendar month of continuous employment. Regular part-time employees may accrue sick leave benefits on a pro-rata basis according to hours worked. The total accumulation of sick leave shall not exceed 960 hours (pro-rated for part-time employees) at the normal rate of pay. Sick leave must be taken in minimum increments of one (1) hour.

(b) If any holidays fall within the days of illness, it shall not be charged against the sick leave of the employee.

(c) Employees accrue and may use sick leave during their trial periods. Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.

(d) Sick leave covers those situations in which an employee is absent from work due to:

(1) Physical injury or illness to the employee;

(2) The need to care for the employee's dependent children under the age of 18 who are ill;

(3) The need to care for the employee's spouse who is seriously ill or injured to the point that they cannot care for themselves.

(4) 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;

(5) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;

(6) Use of a prescription drug which impairs job performance or safety;

(7) Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability; vacation leave, compensatory time, or leave without pay may be used;

(8) Male employees are eligible for up to three days paternity leave, chargeable to sick leave to assist at home; or

(9) The death of an immediate family member, not to exceed three days when the death was within the State of Washington, or five days when the death was out of state.

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

(f) Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with the Mayor's prior approval, take leave without pay.

(g) Employees are not eligible for leave under the Federal Family and Medical Leave Act (FMLA), until the Town employs at least 50 employees.

7.4 LEAVE WITHOUT PAY

(a) The Mayor may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) days per year.

(b) Only regular full-time and part-time employees who have satisfactorily completed their trial period are eligible for leave without pay. The following requirements apply:

(1) Leave may be granted to an employee for a period of up to 90 days upon the approval of the Mayor. Further extensions are at the discretion of the Mayor.

(2) Accrued compensatory time, if any, and vacation leave must be exhausted prior to taking any leave without pay.

(3) An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay.

(4) In certain circumstances, self-payment of benefits may apply. See Section 6.3 on Insurance Benefits.

(5) An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the Town's option, return to the same position or similar position at a comparable rate of pay.

- (6) If the leave without pay is due to an illness, the Town may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position.

7.5 JURY AND WITNESS LEAVE

(a) Employees may be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the Town may ask the employee to request a waiver from duty.

(b) An employee granted such leave shall reimburse the Town for any pay received while serving as a juror or witness, exclusive of reimbursed expenses.

7.6 ADMINISTRATIVE LEAVE

On a case-by-case basis, the Town may place an employee on administrative leave with pay for an indefinite period of time, as determined by the Mayor to be in the best interests of the Town during the pendency of an investigation or other administrative proceeding.

7.7 MILITARY LEAVE

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

7.8 HOLIDAYS

- (a) The following holidays are recognized by the Town:

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

(b) The floating holidays are to be scheduled by mutual agreement of the employee and his/her supervisor after written request. Any floating holiday not used by an employee by the end of the year will be forfeited.

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

(d) Full-time employees shall receive up to 8 hour's pay for each of the holidays listed above on which they perform no work, provided the employee is not on an authorized leave of absence without pay. Part-time employees who work on a regular schedule will be compensated in their usual manner, but only for those holidays which occur on their scheduled days of work.

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

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

(g) In recognition of the work schedule for law enforcement employees, regular full time law enforcement employees will be paid "holiday pay" at the rate of one eight hour (8) day per month in addition to the basic monthly salary.

7.9 RELIGIOUS HOLIDAYS

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

CHAPTER 8

EMPLOYEE RESPONSIBILITIES AND CONDUCT

8.1 GENERAL POLICY

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

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

8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

(1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;

(2) is conducted during the employee's work hours;

(3) utilizes Town telephones, computers, supplies, or any other resources, facilities or equipment;

(4) is employment with a firm which has contracts with or does business with the Town; or

(5) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

(b) An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she obtains prior approval from his/her immediate supervisor.

8.3 POLITICAL ACTIVITIES

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

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

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

8.4 NO SMOKING POLICY

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

8.5 USE OF TOWN VEHICLES AND EQUIPMENT

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

(b) The Town will provide cellular telephones and service for the Police Department and certain Maintenance workers for use on bonafide Town business. Employees may obtain cellular service through the Town by signing a "Personal Cellular Phone Agreement" assuming full responsibility for costs if they are bonafide "emergency workers".

(c) The employee to whom a Town vehicle is entrusted is responsible for its proper operation and upkeep. Automotive service shall be authorized by supervisors. The employee to whom the vehicle is entrusted is responsible for seeing that servicing is authorized and obtained.

(d) Mechanical defects or damage shall be called to the attention of the supervisor as soon as possible, in order that the proper repairs may be made.

8.6 BULLETIN BOARDS

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

Employees may not post any information on these bulletin boards without the authorization of the Town Administrator.

8.7 CONTACT WITH NEWS MEDIA

The Mayor, Town Administrator or designated supervisors shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Mayor, Town Administrator or supervisor may designate specific employees to give out procedural, factual or historical information on particular subjects. It is the policy of the Town to maintain good press relations with the media.

8.8 SEAT BELT POLICY

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

8.9 DRIVER'S LICENSE REQUIREMENTS

(a) As part of the requirements for certain specific Town positions, an employee may be required to hold a valid Washington State Driver's license.

(b) If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her supervisor.

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

(d) Special requirements for employees who hold commercial driver's licenses (CDLs) can be found in Section 8.11 (b).

8.10 SAFETY

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

(b) In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor or the Mayor.

8.11 SUBSTANCE ABUSE

(a) The Town may discipline or terminate an employee possessing, consuming, controlling,

selling or using alcohol, drugs or other controlled substances during work hours. The Town may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the Town's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the Town or others. The Town is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency.

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

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

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the *Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles* for the additional details concerning these rules.

8.12 DRUG-FREE WORKPLACE

(a) The manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on Town premises or during work hours by Town employees is strictly prohibited.

(b) Employees must notify the Town within five days of any conviction for a drug violation in the workplace.

(c) Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete an assigned rehabilitation program is grounds for termination.

8.13 COMPLAINT PROCEDURES

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

(a) Step 1: An employee should first try to resolve any problem or complaint with his/her supervisor.

(b) Step 2: If the employee is not satisfied with the response from the supervisor, the

employee may submit the problem, in writing, to the Mayor. The written complaint must contain, at a minimum:

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

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

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

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

8.14 REPORTING IMPROPER GOVERNMENTAL ACTION (WHISTLEBLOWER)

It is the policy of the Town (1) to encourage reporting by its employees of improper governmental action taken by the Town of Coupeville officers or employees and (2) to protect the Town of Coupeville employees who have reported improper governmental actions in accordance with Resolution 93-01 of the Town of Coupeville. Procedures for reporting improper governmental actions and protection against retaliatory actions are outlined in Resolution 93-01.

CHAPTER 9

DISCIPLINE AND TERMINATIONS

9.1 DISCIPLINE

(a) All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the Town.

(b) Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the Town may result in discipline, including termination.

(c) The Mayor or supervisor, as appropriate, has full discretion and authority to impose disciplinary action in accordance with Town policy and the circumstances of the particular case.

(d) The following are examples of the types of behavior which may result in discipline:

(1) Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.

(2) Violation of a lawful duty.

(3) Insubordination.

(4) Absence from work without first notifying and securing permission from the supervisor.

(5) Habitual absence or tardiness for any reason.

(6) Unsatisfactory job performance, as determined by the Town.

(7) Conviction of a felony or a misdemeanor involving moral turpitude.

(8) Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the Town.

(9) Inability, refusal or failure to perform the duties of the assigned job.

(10) Violation of duties or rules imposed by this manual, or by any other Town rule, regulation or administrative order.

(d) This list is not all-inclusive, but only serves as a general guide. The Town may

discipline or terminate employees for other reasons not stated above.

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

(1) Oral Warning. An oral warning is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the Town by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the supervisor shall document the oral warning.

(2) Reprimand. A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file.

(3) Suspension. A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employee's permanent record.

(f) Suspensions with pay, where the employee is placed on administrative leave, may be utilized by the Mayor pending the results of an investigation or disciplinary action where the Mayor determines that factors such as public confidence, the safety of the employee or the efficient functioning of the Town call for such a suspension.

9.2 TERMINATION

(a) An employee may be terminated from Town employment for any reasons listed below:

(1) During or at the end of the employee's trial period.

(2) As a result of disciplinary action.

(3) Due to loss of skills, certifications or other conditions which would make the employee unfit for service.

(4) When the Town Council has made a determination that a lack of work or funding exists with respect to the employee's position. The Town Council has sole discretion to make determinations of lack of work or lack of funding.

(5) If the employee has a physical or mental impairment that prevents him/her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence which establishes that the

individual is unable to perform bona fide job requirements. The Town may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in termination.

(b) No employee will be disciplined or terminated for a discriminatory or otherwise illegal reason.

9.3 PRE-TERMINATION HEARING

In the case of termination of an employee other than trial employees, the Town will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and to determine whether there is a reasonable presumption that the charges against the employee are valid and support termination.

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

(b) Pre-termination hearings will be presided over by the Mayor or a designated representative.

(c) At the hearing, the employee may show cause why he/she should not be terminated. The employee may bring one person to the hearing as an observer who is not allowed to participate in the hearing or interfere with its orderly process.

(d) Within two working days after the pre-termination hearing, the Mayor will usually issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support termination. A longer review period may be required in more complex situations. If the decision finds the charges credible, the termination may proceed. If the decision finds the charges questionable or insufficient for termination, the matter returns to the supervisor for further investigation or other disciplinary action short of termination.

9.4 LAYOFF

(a) The Mayor may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.

(b) Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected.

(c) In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when

performance and qualifications are equal.

(d) Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

9.5 RESIGNATION

An employee should provide two weeks notice of resignation. This time limit may be waived by the Mayor.

9.6 DEATH

Upon the death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.