

CITY OF EAST WENATCHEE



MANUAL OF
PERSONNEL POLICIES
AND PROCEDURES
Effective March 1, 2009

FORWARD

As an employee of the City of East Wenatchee (“City”), you are among an elite group of people who have chosen public service as a career field. Public service rewards those who truly believe in the age-old concept of service. The City recognizes that it is vital that you consistently contribute to the overall level of service provided by the City. The City designed this employee handbook to give you the foundation to formulate your personal plan of how you best represent the vision, ideals and values of the City.

PROMOTING POSITIVE PUBLIC RELATIONS

Because the City is owned, financed and controlled by the people, the citizens of the City are ultimately your employer. Hence, in your everyday dealings with the public, with elected officials, and with co-workers, you must always be helpful and courteous. Although you ultimately answer to the citizens, you need to follow the proper chain-of-command from the line worker, to the supervisor, to the department head, and ultimately to the Mayor. You must factor the public’s well being into every decision you make as a City employee. If you are uncomfortable with the decision you are about to make, then it is better that you refer the decision to the next in line in the chain-of-command.

MANUAL/HANDBOOK PURPOSE

The purpose of workplace rules and regulations is to facilitate efficient service to the public and to develop a uniform system that equitably deals with all employees of the various departments.

These policies are adopted by Resolution No. 2009-04

The City specifically reserves the right to repeal, modify or amend these policies at any time. By implementing these policies, the City is not creating a vested contractual right for any employee, and the City is not limiting the power of the City Council to repeal or modify these policies at any time.

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CHAPTER 1- GENERAL

1.1 CITY EMPLOYEES ARE “AT WILL” EMPLOYEES

- (a) This manual contains the policies and the procedures, which both the City and all its employees shall follow during the course of an employee’s employment by the City. The City Council may amend or repeal these policies and these procedures at any time. The City intends these policies and procedures to govern the employment relationship between the City and its employees. Employees may rely upon these policies and procedures so long as they are in effect. If, however, an employee receives specific notice from the Mayor that the City intends to deviate from or change any policy or procedure as to that employee, the contents of specific notice shall solely govern that employee’s employment relationship with the City.
- (b) **THIS MANUAL PROVIDES CITY EMPLOYEES WITH PROCEDURAL PROTECTION ONLY. ALL CITY EMPLOYEES ARE EMPLOYED STRICTLY AT THE WILL OF THE CITY. BECAUSE ALL CITY EMPLOYEES ARE “AT WILL EMPLOYEES.” NOTHING CONTAINED IN THIS MANUAL IS MEANT TO, NOR SHALL, CONSTITUTE ANY WAIVER OF THE CITY’S RIGHT TO TERMINATE ANY CITY EMPLOYEE, INCLUDING DEPARTMENT HEADS, FOR ANY REASON.**
- (c) These personnel policies apply to all City employees. These personnel policies shall not apply to elected officials and independent contractors. If any provision of this manual conflicts with any provision of a valid and effective collective bargaining agreement, the provision of the collective bargaining agreement shall govern. Similarly, if any provision of this manual conflicts with any provision of applicable Civil Service rules and regulations, the provision of the Civil Service rules and regulations shall govern. In all other cases, these policies shall govern.

1.2 LETTER FROM THE MAYOR

In 1931, East Wenatchee, Washington was the landing site of the first non-stop trans-Pacific flight. Shortly after taking off from Misawa, Japan, Pilot Clyde Pangborn jettisoned his plane's landing gear to conserve fuel. Then he piloted his plane, Miss Veedol, 4,500 miles (4.5 times further than Lindbergh's trans-Atlantic flight) across the Pacific Ocean and successfully landed in East Wenatchee. A hanger at East Wenatchee's Pangborn Airport now houses a replica of Miss Veedol.

In accomplishing its dual mission of providing high quality services to its citizens and conserving their resources, the City seeks to replicate the values that brought Miss Veedol across the Pacific Ocean, namely: vision, preparation, hard-work and courage.

As Mayor, I invite all employees to emulate these qualities in their job performance so that the City can create a Spirit of East Wenatchee among its employees and among its citizens.

As Mayor, I believe that it is in the best interest of the City and its employees to have written personnel policies to help the City meet its mission, to prevent misunderstandings and problems, and to ensure that all employees know what the City expects of them. Accordingly, I request that all employees thoroughly familiarize themselves with the contents of this Manual so that all personnel policies of the City may be appropriately administered.

1.3 CODE OF ETHICS

- (a) 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 Mayor.
- (b) 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:
 - a. 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;
 - b. 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:

- i. Attendance of an employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate;
 - ii. An award publicly presented in recognition of public service; or
 - iii. Any gift which would have been offered or given to the employee if he or she were not a city employee;
- c. 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 on behalf of the City;
- d. Influences the City's selection of, or its conduct of business with, a corporation, person or firm having business with the City if the employee has financial interest in or with the corporation, person or firm;
- e. Engages in, accepts private employment from 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 of judgment or action in the performance of official duties;
- f. 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 party, or accepts a retainer or compensation that is contingent upon a specific action by the City;
- g. 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;
- h. 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;

- i. 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:
 - i. Real property devoted to the personal use or residence of the employee or member of the employee's immediate family; or
 - ii. Any other interest in real property held by the employee on the date of enactment of this chapter.
- j. No city employee shall use his official authority or influence for the purpose of interfering with or affecting the result of an election for a position on the City Council or for Mayor.
- k. Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by state law or by federal law.
- l. If the Mayor determines that an employee has violated these guidelines, the City may terminate and/or temporarily suspended with loss of pay that employee's employment with the City.

1.4 EQUAL EMPLOYMENT OPPORTUNITY

- (a) The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants based on merit, qualifications, and competence. The City shall apply this policy without regard to an individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.
- (b) The City will not discriminate against applicants or employees with sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and the impairment prevents proper performance of an essential element of the job.

1.5 WORKPLACE VIOLENCE

- (a) The City is committed to providing a safe workplace for its employees, contractors, vendors, and the public.
- (b) The City strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, and of any of the following conduct associated with or around the workplace, or otherwise related to employment:
 - 1. Threatening injury or damage against personal property;
 - 2. Fighting or threatening to fight with another person;

3. Threatening to use a weapon on City premises (unless required to carry a firearm or weapon as a condition of employment);
 4. Abusing or damaging property;
 5. Using obscene or abusive language or gestures in a threatening manner; and
 6. Raising voices in a threatening manner.
- (c) Employees shall report any workplace violence incidents or incidents indicating a potential violence to his or her supervisor and/or Department Head as soon as possible. If the City determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including termination.
- (d) Any employee who reasonably believes he or she is involved in a situation with an aggressive employee, contractor, vendor, or other party who may immediately become violent (e.g., any person who uses abusive language or gestures, makes threats or acts in a threatening manner) and puts the employee or others in imminent danger, the employee should leave the work area and immediately call 911 to request officer contact. The City shall take no disciplinary action against any employee who leaves his or her work area when the employee has a reasonable belief that a situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and/or with their supervisor.
- (e) To prevent inappropriate outsider access, employees must adhere to the City's security policies and rules at all time. It is especially important that built-in security rules and procedures are specifically enforced at all-times (e.g. doors locked after hours).

1.6 ANTI-HARASSMENT

The City has independent workplace harassment and whistle blower policies, which it adopts by reference.

1.7 DEFINITIONS

- (a) **Department Head** – An employee that is responsible for directing one or more departments, including where the department may only consist of that employee.
- (b) **Immediate Family** – An employee's immediate family includes the employee's spouse, children, parents, brothers/sisters, mothers-in-law/fathers-in-law, sons-in-law/daughters-in-law, grandparents, and grandchildren.

- (c) **Regular Full-Time Employee** – An employee who regularly works a minimum of forty hours a week on a continuing basis and who is not a department head.
- (d) **Regular Part-Time Employee** – An employee who may work less than forty hours a week but at least twenty hours a week on a continuing basis. Part-time employees are eligible for pro-rated City benefits.
- (e) **Temporary Employees** – Temporary employees are those employees who hold jobs in limited duration arising out of special projects, abnormal workloads or emergencies. Temporary employees are not eligible for City benefits.
- (f) **Exempt / Non-Exempt Employees** – Herein shall be defined as set forth in applicable State or Federal Law.

1.8 PERSONNEL RECORDS

- (a) The City keeps a personnel file for each employee in the Mayor's office. The City limits access to a personnel file to the employee, the employee's department head, the City Attorney, and the Mayor. An employee's personnel file contains the employee's name, title and/or position held, job description, assigned department, salary, changes of employment status, evaluations, and disciplinary documents. The City Treasurer keeps a separate payroll file for every employee, including, but not limited to payroll information, insurance information, and workers compensation documents.
- (b) An employee has the right to review his/her personnel file and his/her payroll file. An employee has the right to obtain copies of documents therein at the employee's own expense. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City 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) The City keeps personnel files confidential to the maximum extent permitted by law. Except for routine verifications of employment, the City will not release information contained in an employee's personnel file to the public, including the press, unless state or federal law requires the City to release the information or unless an employee authorizes, in writing, the City to release his or her file.

1.9 SAFETY EQUIPMENT

The City shall provide the following safety equipment to all employees required by OSHA, WISHA, or L&I to use such equipment:

- a. Safety helmets;
- b. Safety vests;
- c. Hearing protection
- d. Safety goggles (eye protection); and
- e. Gloves.

CHAPTER 2- HOURS AND ATTENDANCE

2.1 WORKING HOURS

- (a) A normal working schedule for regular, full-time employees consists of forty hours each workweek. The City may establish different work schedules, such as in the case of police employees, to meet job assignments and provide necessary City services. Each employee's department head will advise the employee regarding his/her specific working hours.
- (b) Regular part-time and temporary employees will work hours as specified by their department heads.

2.2 HOURS OF WORK AND OVERTIME

- (a) All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations and/or Washington State Law.
- (b) For non-exempt City employees, the established work period is forty hours within a seven-day workweek.
- (c) Non-exempt employees may be entitled to additional compensation, either in cash or in compensatory time off, when they work more than the maximum number of hours during a work period.
- (d) An employee's department head must authorize all overtime pay before an employee may work overtime hours.
- (e) Consistent with federal and state laws, the City calculates overtime/compensatory time at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period.
- (f) When computing overtime/compensatory time, the City counts holiday, sick leave, and vacation leave time as hours worked as approved by department head.
- (g) The City expects exempt employees to work the number of hours necessary to fulfill job assignments, and it expects exempt employees will work at least a forty-hour workweek.

- (h) Exempt employees are not covered by the overtime provisions of the FLSA or Washington State Law. Exempt employees receive neither overtime pay, nor compensatory time.

2.3 COMPENSATORY TIME

Non-exempt employees entitled to overtime pay may elect to receive compensatory time. If an employee elects to receive compensatory time instead of overtime, he or she must make a written request to his or her department head before the work is actually performed. Department Heads may approve requests for compensatory time on a case-by-case basis. If an employee's department head approves the request for compensatory time, the City will credit the employee with one and one-half times the hours worked as overtime.

- (a) Employees may use compensatory time within a reasonable time after making a request to their department head, unless doing so would unduly disrupt City operations. Employees may use compensatory time for short-term absences from work if mutually agreed to in advance by the employee and his/her department head.
- (b) An employee may not use compensatory time during any scheduled work period that results in earning overtime, holiday pay or additional compensatory time.
- (c) The City requires that employees use all accrued compensatory time before they may use any accrued vacation leave.
- (d) In November of each year, the City will convert any unused compensatory time into overtime pay. The employee will receive this overtime pay on or before December 5.

2.4 ATTENDANCE

- (a) Punctual and consistent attendance is a condition of employment. Each department head shall maintain an accurate record of his/her employee's attendance.
- (b) If an employee is unable to work or unable to report to work on time, he or she must notify his/her supervisor, as soon as possible, ordinarily before the work day begins or within thirty minutes of the employee's usual starting time. If the 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 his/her designated representative, stating the reason for being late or unable to report to work.

- (c) The City expects employees to report to work even during inclement weather. Department heads may allow employees to report late or leave early during severe weather conditions. Non-attendance, however, will be counted as an absence from work and will be charged to accrued vacation leave hours. If severe weather conditions arise, the Mayor or the Chief of Police has discretion to close City Hall. If City Hall is closed, employees will be advised accordingly.
- (d) No employee shall be absent without authorization or notification.

2.5 BREAKS AND MEAL PERIODS

- (a) Employees may take a fifteen-minute break for every four hours worked. Employees must coordinate all breaks so that they do not interfere with City business or with service to the public.
- (b) Department heads shall schedule meal periods. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length.

2.6 CALL BACK

- (a) The City defines a “call back” as an official assignment of work, which does not immediately precede or immediately follow an employee's scheduled work hours. The City shall compensate call back at the appropriate rate for two hours or for the actual time of the assignment, whichever is greater.
- (b) All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public.
- (b) A refusal to respond to a call back, without reasonable explanation, is grounds for immediate disciplinary action, including termination.
- (c) Employees called back to duty will be paid their appropriate rate of pay for hours worked (the overtime rate, if applicable.)

2.7 PAYROLL RECORDS

The City Treasurer keeps official payroll records. Monthly, each department head shall turn in a signed work record for each non-exempt employee within his/her department, noting hours worked, leave taken and overtime worked. The Mayor shall sign work records for department heads.

CHAPTER 3-EMPLOYMENT PRACTICES

3.1 RECRUITING

- (a) The City recruits employees 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 submit a resume with qualifications and complete any application required by the City prior to being considered for any position.

3.2 HIRING

- (a) Before posting or advertising to fill a vacant position, the department head shall review the position, its job description and the need for the position. The department head will submit a request to fill the position to the Mayor. The City will post and/or advertise for the position only after the Mayor has approved the request. Before public advertising, the City will post positions “in-house” for a period of seven days. If the Mayor determines that exigent circumstances exist or that no current employee is qualified to fill the position, he/she may suspend the in-house-posting requirement. Likewise, the City is not required to publicly advertise a position.
- (b) Although an employee does not have to reside within the City, he or she must select a place of residence that does not interfere with the daily performance of his/her duties and responsibilities.
- (c) If a position requires the operation of a motor vehicle, applicants for the position must be at least eighteen years old and must possess a valid Washington State driver’s license with any necessary endorsements. The City may check an applicant’s driving record. The City may disqualify applicants with poor driving records for City positions that require driving.
- (d) If the City determines it is necessary, the City may administer pre-employment examinations to test the qualifications and abilities of applicants. The City may contract with any competent agency or individual to prepare and/or administer examinations. In some cases, the City may also require a background check.
- (e) After the City makes an offer of employment and before the applicant commences employment, the City may require persons selected for employment to pass a medical examination. The medical examination may include testing for drugs and controlled substances. The purpose of the test is to determine if an individual is physically able to perform the

essential functions of the job and to ensure his/her physical condition will not endanger the health, safety, or well-being of other employees or the public.

- (f) The City may disqualify a candidate from consideration if: (1) the candidate is found physically unable to perform the essential 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 drugs and/or controlled substances.

3.3 TEMPORARY EMPLOYEES

- (a) With approval of the department head, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, vacation leave or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- (b) The City may hire temporary employees without competitive recruitment or examination.
- (c) Temporary employees may not work more than ninety hours a month (seventy hours a month if eligible for PERS I) 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 any retirement, vacation, sick leave, health insurance, holiday or any other benefits during their employment.

3.4 EMPLOYMENT OF RELATIVES (NEPOTISM)

- (a) The City will not employ an employee's relative under any of the following circumstances:
 - (1) Where one of the parties would have authority (or practical power) to supervise, appoint 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;

- (4) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the City; or
 - (5) Where one of the parties is a policy level official of the City.
- (b) “Relatives” include an employee’s parent, child, spouse, brother, sister, in-laws and step relations.

3.5 PROMOTIONS AND TRANSFERS

- (a) The City encourages its employees to apply for vacant City positions for which they are qualified. The City bases promotions and transfers on the department head’s recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.
- (b) Regular employees are eligible for promotion, transfer or volunteer demotion. To be eligible for another position, an employee must possess the qualifications for the vacant position.

CHAPTER 4- COMPENSATION

4.1 PAYDAYS

The City pays its employees on or before the 5th of each month. If payday falls on a Saturday, a Sunday, or a Monday holiday, the City will distribute paychecks on the preceding Friday by 5:00 p.m.

4.2 DEDUCTIONS

The law requires the City to deduct money from the employee's earnings. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute. The employee must notify the payroll department by the 15th of the effective month of any changes or additions in deductions to receive the benefit of such changes that month.

4.3 SALARY CLASSIFICATION, GRADES AND PAY RATES

- (a) Each job title within the City is classified, for salary purposes, into one of the City's classifications based on job qualifications, level of responsibility, difficulty, working conditions, skill hazard, and amount of supervision required for the specific position. Each classification is assigned a particular range that corresponds to the general market conditions for a similar classification at other comparative Washington cities. From time to time, the City Council will establish, by resolution, which cities are comparable to the City.
- (b) The pay range for each job classification is divided into 17 steps where the 9th step (middle point) corresponds to the median salary paid by comparable cities. Differential between steps is 2.5% and the annual salary figure is rounded up to the nearest whole dollar.
- (c) Usually, new employees start their employment at the minimum salary range for their classification. However, a department head has the authority to hire up to the 9th step, if sufficient funding is available and the employee's experience, training or proven capabilities warrants higher salary. Such authority is subject to the approval of the Mayor.
- (d) Unless otherwise specified in a collective bargaining agreement, all City employees who receive a "satisfactory" performance evaluation are eligible for a step raise. Employees within 1-8 steps receiving an "Exceptional" performance rating are eligible for a two-step raise). Employees who receive an "Unsatisfactory" or "Needs Improvement" evaluation rating are not eligible for a step raise. Eligibility for a step raise does not guarantee an employee will receive a step raise. The City

Council retains final discretion to grant a step raise, taking into account the recommendation of the Mayor and the City's overall financial circumstances.

- (e) Employees receiving a "Needs Improvement" job evaluation may request to be reevaluated after a 90-day period but no later than six months from the original evaluation date.
- (f) The City attempts to conduct performance evaluations within thirty days of the employee's anniversary date or no later than September 15, which ever is earliest. The employee's department head is responsible for conducting the evaluation. All evaluations are conducted using the same format, which is available from the City Attorney.
- (g) Department Heads should evaluate new employees after six months of continued employment and annually thereafter.
- (h) All salary adjustments will take effect on January 1, following the performance evaluation. Notice of salary adjustment will be submitted to the payroll department by January 15.

4.4 LONGEVITY PAY PLAN

- (a) The City longevity pay plan applies to all full-time regular employees of the City.
- (b) Unless otherwise stipulated in a collective bargaining agreement, the City will follow the longevity-pay-plan policy established in the collective bargaining agreement between the City and Teamsters Union, Local No. 760, representing the City's Law Enforcement Officers.
- (c) Longevity increases will coincide with the employee's anniversary date.

4.5 EDUCATION INCENTIVE PLAN

- (d) The City's education incentive plan applies to all full-time regular employees of the City.
- (e) Unless otherwise stipulated in a collective bargaining agreement, the City will follow the education-incentive-plan policy established in the collective bargaining agreement between the City and Teamsters Union, Local No. 760, representing the City's Law Enforcement Officers.

4.6 TRAVEL AWAY FROM THE CITY

An employee's department head must approve all travel away from the City. Normally, an employee should drive a City vehicle on all travel away from the City. If an employee must drive his/her private automobile because no City vehicle is available, the City will reimburse the employee for mileage at the currently approved Internal Revenue Service rate. If an employee chooses to drive his/her private automobile when a City vehicle was available, the City will only reimburse the employee for the cost of fuel.

4.7 TRAVEL EXPENSE REIMBURSEMENT

- (a) If an employee makes prior arrangements with the City Treasurer, the City will advance or reimburse funds to its employees for reasonable and customary expenses actually incurred in connection with the business of the City, including food, lodging and travel expenses while away. The City will not reimburse expenses for alcoholic beverages.
- (b) Employees requesting reimbursement shall submit receipts and an expense report form signed by the employee and his/her department head. Ambiguities based on incomplete information on receipts shall be resolved in favor of not reimbursing alleged expenses.

4.8 COMPENSATION UPON TERMINATION

Unless the City lays off an employee for financial reasons or unless he/she retires, when an employee's employment with the City is terminated, the employee will receive the following compensation:

- (a) Unpaid regular wages for all hours worked up to the time of termination.
- (b) Any overtime or holiday pay due.
- (c) A lump sum payment of any accrued but unused vacation time.
- (d) A lump sum payment of any accrued but unused compensatory time.
- (e) The payroll department will schedule an exit interview with the terminated employee to verify and confirm final compensation amounts and dispensation of final payment.

If the City lays off an employee for financial reasons or if an employee retires, the employee will receive the following compensation:

- (a) Unpaid regular wages for all hours worked up to the time of termination.

- (b) Compensation for sick leave as set forth in Section 6.1(e).
- (c) Any overtime or holiday pay due.
- (d) A lump sum payment of any accrued but unused vacation time.
- (e) A lump sum payment of any accrued but unused compensatory time.
- (f) The payroll department will schedule an exit interview with the terminated employee to verify and confirm final compensation amounts and dispensation of final payment.

CHAPTER 5-PERFORMANCE EVALUATIONS AND TRAINING

5.1 PERFORMANCE EVALUATIONS

- (a) To achieve the City's goal to train, promote and retain the best-qualified employee for every job, the City conducts periodic performance evaluations for all positions.
- (b) Department Heads should evaluate their employees at least once every 12 months, utilizing a uniform evaluation process under the overall direction of the Mayor.
- (c) The evaluation is part of an employee's personnel record and may be a factor in determining whether the employee receives a wage increase, or is promoted, transferred, demoted, laid off, or terminated.

5.2 TRAINING POLICY

The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge, and abilities directly related to City 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, college courses, and seminars sponsored by other agencies or organizations.

CHAPTER 6- BENEFITS

6.1 RETIREMENT BENEFITS

- (a) On behalf of all eligible employees, the City contributes to Social Security, to Medicare, and to Washington State Department of Retirement Systems.
- (b) All commissioned uniformed employees in the police department are covered by the Law Enforcement Officer's and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.
- (c) All regular full-time and eligible part-time non-commissioned 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 their department head of their intent to retire at least three months prior to the date of retirement.
- (e) The City will cash out a retiring employee's sick leave at a rate of 25%. To qualify for this benefit, the retiring employee must show proof to the City's satisfaction that he or she has requested that the Washington State Department of Retirement Systems make scheduled payments of his or her defined contribution funds. At his/her discretion, the Mayor may waive this requirement.

6.2 DISABILITY BENEFITS

- (a) The State Industrial program (worker's compensation) covers all employees, except those covered by LEOFF I. Worker's compensation covers employees in case of on-the-job injuries or job-related illnesses. Employees shall immediately report all job-related accidents to their supervisor. Supervisors shall ensure that an accident report is completed and submitted to the Payroll Department within eight hours of the accident.
- (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 City will continue to pay (by use of employee's unused sick leave) the employee's regular salary pending receipt of Worker's Compensation Benefits.
- (c) If the employee receives Worker's Compensation Benefits, he/she is required to repay the City the amount covered by Worker's Compensation and previously advanced by the City.

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 City shall restore the appropriate amount of sick leave to the employee's account.

- (d) The City may require an examination, at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the essential duties and responsibilities of the position.
- (e) The City's long-term disability policy covers all employees, except those covered by LEOFF 1.
- (f) If an employee is unable to continue working for the City because of a disability, as defined by state law, the City will cash out his or her sick leave at a rate of 25%.

6.3 INSURANCE BENEFITS

- (a) Employees are eligible to participate in the City's insurance programs on the first of the following month after hire date. A City representative will explain the programs criteria for eligibility at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and providers of these programs when deemed necessary or advisable.
- (b) Except for when an employee takes family and medical leave, as set out herein, and upon mutual agreement between the City and the employee and in accordance with the terms and conditions of the City's insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.

During an approved family and medical leave of absence, the City will continue to pay its pro-rata share of the employee's health insurance coverage for the first twelve (12) weeks of FMLA leave in accordance with the City's family and medical leave policy.

- (c) While an employee is receiving Worker's Compensation Benefits, the City may continue to pay the employee's health insurance premiums for one

(1) month, after which the employee may choose to use his/her COBRA rights and self-pay insurance premiums.

- (d) Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue health insurance benefits to the extent provided by COBRA.

6.4 CONTINUING EDUCATION

The City will attempt to provide employees with flexible work schedules when taking educational courses approved by the Mayor. The City will consider flexible work schedules if it determines that the course of study directly relates to the employee's present job.

6.5 EMPLOYMENT RECOGNITION AND SERVICE AWARDS

The City recognizes employee contributions and service to the City by presenting employee recognition and service awards to eligible employees according to the guidelines below:

- (a) The City may reward outstanding performance and productivity by presenting recognition awards to eligible employees. Generally, the Mayor will be responsible for setting eligibility requirements and implementing the different programs. Department Heads and supervisors may assist in determining award recipients for the Mayor's Award. In most cases, the Mayor will present the award at a City Council meeting following the retirement/resignation of an award recipient. The Mayor is responsible for identifying employees who will be honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally
- (b) All regular full-time and regular part-time employees are eligible to receive a Pride in Service award upon completion of 5, 10 and 20 years of service.

CHAPTER 7-LEAVES OF ABSENCE AND TIME OFF

7.1 LEAVES

The City has five different types of leave:

- (1) Vacation
- (2) Sick leave
- (3) Leave without pay.
- (4) Jury and Witness leave.
- (5) Military leave.
- (6) Administrative leave.

7.2 VACATION

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

<u>Years of Employment Completed</u>	<u>Vacation Hours Earned</u>
0-5 years	6.67 hours/month
6-10 years	10.00 hours/month
11-15 years	11.33 hours/month
16+ years	13.33 hours/month

- (b) New employees accrue vacation during the first six months of their employment with the City. However, new employees must satisfactorily complete six months of employment with the City before they may use vacation leave. Regular part-time employees will receive vacation leave on a pro-rata basis. Temporary employees are not eligible for vacation leave benefits. Employees do not accrue vacation leave benefits during a leave without pay.
- (c) Employees must take vacation leave in hourly increments. The City requires employees to use a minimum of one hour in each instance of leave taken.
- (d) Each department is responsible for scheduling its employees' vacation leaves without undue disruption of department operations. An employee shall submit leave requests to his/her department head at least two weeks before he/she intends to take a vacation leave that he/she expects to last more than one day.

- (e) 240 hours is the maximum number of vacation leave hours an employee may carry over from December 31 of one year to January of the next year. Days not used or not carried over shall be lost.

7.3 SICK LEAVE

- (a) All regular full-time employees accrue sick leave benefits at the rate of eight hours for each completed full month of service for the City. Regular part-time employees may accrue sick leave benefits on a pro-rata basis according to hours worked.
- (b) Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay or during any leave, other than vacation, lasting longer than ten consecutive days.
- (c) Sick leave covers those situations in which an employee is absent from work due to:
 - (1) Physical injury or illness to the employee, except that sick leave may not be used at the same time an employee is receiving time loss benefits under the Industrial Insurance Act;
 - (2) The need to care for the employee's dependent children and/or parents who are ill;
 - (3) Medical or dental appointments for the employee or dependent child, provided that the employee must take a reasonable effort to schedule such appointments at times which have the least interference with the work day;
 - (4) Exposure to contagious disease where on-the-job presence of employees would jeopardize the health of others;
 - (5) Use of prescription drug which impairs job performance or safety;
 - (6) 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;
 - (7) The death of an immediate family member, in addition to the three days of bereavement leave as approved by the department head or Mayor.

- (d) The City shall require a doctor's certificate when an employee is absent for a period in excess of three days. The City may also request the opinion of a second doctor, at the City's expense, to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the essential functions of the job. The City may terminate employees who are habitually absent due to illness if the City cannot reasonable accommodate their disability and/or when the employee's absenteeism prevents the orderly and efficient provisions of service to the citizens of the City.
- (e) Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with their department head's prior approval, take leave without pay. The City also has a Shared Sick Leave Policy, reference EWMC 2.36.090.
- (f) 960 hours is the maximum number of sick leave hours an employee may carry over from December 31 of one year to January of the next year. Days not used or not carried over shall be lost.
- (g) Upon termination of employment for any reason, the employee shall lose, without any benefit being paid, all accumulated sick leave. Such sick leave will be reinstated if the employee is rehired by the City within 90 days of being terminated.

7.4 LEAVE WITHOUT PAY

- (a) The Mayor may grant leaves of absence without pay for absences from work not covered by any other type of leave or other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off for personal reasons, pursuing an education, or fulfilling military obligations in excess of fifteen days per year.
- (b) Only regular full-time and regular part-time employees who have worked for the City for over six months are eligible for the without pay. The following requirements apply:
 - (1) The Mayor may grant leave without pay to an employee for a period of up to ninety days upon the approval of the Mayor. Further extensions are at the discretion of the Mayor.
 - (2) An employee must exhaust all accrued vacation before 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) If an employee fails to promptly report for work at the end of the unpaid leave, the City will presume that the employee resigned.

7.5 JURY AND WITNESS LEAVE

- (a) The City will grant time off with pay to employees required to serve on a jury or as a witness in a judicial or quasi-judicial proceeding, if they are neither the plaintiff nor defendant in the judicial action. This benefit shall be in addition to any other leave offered by the City. Employees, receiving notification to report to serve jury duty, or when subpoenaed, shall notify their department head or his/her designee immediately.
- (b) An employee who is empanelled for jury service or who is subpoenaed to testify at a trial shall receive his/her regular rate of pay, not to exceed eight hours per day for each day served, provided he/she submits to the City any compensation received for the jury function, except for reimbursement for travel.
- (c) If the court excuses an employee from jury duty, the employee shall immediately notify his/her department head or his/her designee. At its discretion, the City may require the employee to report to work.

7.4 ADMINISTRATIVE LEAVE

- (a) On a case-by-case basis, the City may place an employee on administrative leave with pay for an indefinite period, as approved by the Mayor to be in the best interest of the City, during the pendency of an investigation or other administrative proceeding.

7.5 MILITARY LEAVE

- (a) The City shall grant military leave of absence to any employee who is a member of the National Guard or Reserves of the United States and who is ordered to active military duty for training purposes. The military leave of absence shall be with pay for a period not to exceed fifteen working days during each calendar year. Any working days taken beyond fifteen working days shall be charged as vacation leave. During the time he/she is on such leave, the employee shall receive his/her regular pay, plus the amount of his/her military pay, if any is granted.

- (b) Regardless of his/her status, any employee who voluntarily, or upon demand, leaves a position, other than temporary, to enter upon active duty in the armed forces of the United States, or the Washington National Guard, shall be placed on military leave without pay and shall be entitled to be restored to his/her former position, or one of like seniority, status and pay; provided, he/she applies for reemployment within ninety days of his/her termination or separation.

7.6 BEREAVEMENT LEAVE

Upon approval of the Mayor, the City will grant an employee three days of bereavement leave due to the death of an immediate family member.

7.7 HOLIDAYS

- (a) The City recognizes the following holidays:

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

- (b) The City will observe any holiday falling on Saturday on the preceding Friday, and it will observe any holiday falling on Sunday on the following Monday.
- (c) The City will pay non-exempt regular full-time employees for the holiday plus their regular rate of pay for any time worked on an observed holiday. Such time must be pre-authorized by the supervisor.
- (d) The City will pay temporary or part-time regular employees at their regular straight time rate for hours worked on a holiday.
- (e) When an employee is off due to sick leave or any other type of leave on a holiday, no time for such leave will be charged to the employee.
- (f) If an employee is required or agrees to work on a recognized holiday, such employee shall be granted another regular working day off, provided that

the employee designates a day, with the approval of his/her department head within a period of 45 days following the holiday worked.

- (g) The City shall allow each employee, upon notice and approval of his/her department head, to designate and take one floating holiday per calendar year. Floating holidays cannot be carried over to the next year.
- (h) The City may require an employee to use accrued sick leave or vacation as part of the employee's FMLA entitlement.

7.8 RELIGIOUS HOLIDAYS

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

7.9 FAMILY AND MEDICAL LEAVE ("FMLA")

- (a) The City complies with federal Family and Medical Leave Act of 1993 ("FMLA") and with Washington's Family and Medical Leave Act. This means that, in cases where the law grants an employee more leave than these policies provide, the City provides the employee the leave required by law.
- (b) The FMLA provides up to twelve weeks of unpaid leave every twelve months, to eligible employees for certain family and medical reasons.
- (c) Unpaid FMLA leave may be granted for any of the following reasons:
 - (1) To care for a child after birth or placement for adoption or foster care;
 - (2) To care for an employee's spouse, son, daughter or parent who has a serious health condition; or
 - (3) For serious health condition that makes an employee unable to perform the essential functions of his/her job.

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

- (d) Under some circumstances, an employee may take FMLA leave in blocks of time, or by reducing an employee's normal weekly or daily work schedule if a medical condition warrants such. In such cases, the City may request the employee to provide a written certification from his/her health care provider which includes the projected dates and duration of treatment

and a statement of the medical necessity for taking the leave or working a reduced schedule.

- (e) The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the employee requesting the change in working schedule.
- (f) If an employee intends to take FMLA leave for the birth or placement for adoption or foster care of a child, the Mayor must pre-approve all leave requests.
- (g) At the employee's request or at the City's direction, certain kinds of paid leave may be substituted for unpaid FMLA leave.
- (h) The City may require an employee to use accrued sick leave and vacation leave as part of the employee's FMLA entitlement.

CHAPTER 8 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

8.1 GENERAL POLICY

- (a) The City expects all employees to represent the City to the public in a professional, courteous, efficient, and helpful manner. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.
- (b) Because the proper working relationship between employees and the City depends on such employee's ongoing job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. At a minimum, the City expects basic tact and courtesy towards the public and fellow employees; adherence to City practices, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

Examples include, but are not limited to, outside employment which:

1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a part of the employee's job;
 2. Is conducted during the employee's work hours;
 3. Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
 4. Is employment with a firm which contracts with or does business with the City; or
 5. May be reasonably 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 department head and/or Mayor.

8.3 POLITICAL ACTIVITIES

- (a) City employees may participate in political or partisan activities of their choosing if City 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 City time, in City uniform, or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- (b) Any City employee who meets with or may be observed by the public or otherwise represent the City to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.
- (c) Except as noted in this policy, City employees may fully exercise their constitutional First Amendment Rights.

8.4 NO TOBACCO USE POLICY

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

“Tobacco” includes any lit or unlit cigarette, cigar, pipe, blunt, bidi, clove cigarette and any other tobacco product, and spit tobacco, also known as smokeless tobacco, dip, chew and snuff, in any form.

“Use” means the chewing, lighting, smoking and any other usage of any tobacco product.

8.5 USE OF CITY VEHICLES AND EQUIPMENT

Employees shall keep their use of the City telephones for local personal phone calls to a minimum. Long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for City business only.

8.6 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the City bulletin board located in the employee break area. Employees may not post any information on these bulletin boards without the authorization of the Mayor or his designee.

8.7 CONTACTS WITH NEWS MEDIA

The Mayor, or his or her specific and express designee, is responsible for all official contacts with the news media during working hours, including answering of questions from the media or providing information to the media. . Other employees of the City shall refrain from such official contacts.

8.8 SEAT BELT POLICY

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

8.9 DRIVER'S LICENSE REQUIREMENTS

- (a) As part of the requirements for certain specific City 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 or valid, the employee shall promptly notify his/her department head. The City will immediately suspend his/her driving duties. The employee may not resume driving until he/she provides proof of a valid, current license to his/her department head.

8.10 SAFETY

- (a) Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her department head. The City will make every effort to remedy problems as quickly as possible.
- (b) If an employee is involved in an accident involving a personal injury, regardless of how serious, he/she shall immediately notify his/her department head or the Mayor.
- (c) Annually, as scheduled by the Safety Committee, safety procedures will be reviewed in a mandatory employee meeting. Biannual evacuation drills will be practiced.

8.11 SUBSTANCE ABUSE

- (a) No employee shall possess, consume, control, sell or use alcohol, illegal drugs or other controlled substances during work hours. No employee

shall exhibit an on-going dependence on drugs or other controlled substances, which, in the City's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the City or others. The City is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency, subject to the above rules.

8.12 DRUG-FREE WORKPLACE

- (a) The City strictly prohibits the manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees.
- (b) Employees must notify the City within five days of any conviction for a drug violation in the workplace.

8.13 NO SOLICITATION

- (a) The City desires to conduct its operations in an orderly and efficient manner. The City believes its employees and the public should have the opportunity to work and receive City services without interference from persons that are pursuing a purpose unrelated to the City's normal business.
- (b) With this in mind, the City does not allow non-employees to come onto City property or buildings to solicit employees or other members of the public or to distribute literature or other materials for any purpose at any time. Furthermore, the City prohibits employees from distributing any form of literature or other materials in their work areas that are unrelated to the City's business purpose or authorized by the Mayor. The City also prohibits employees from soliciting other employees for any cause during their assigned work time. For this purpose, working time means time during which either the soliciting employees or the employees who are the object of the solicitation are expected to be actively engaged in their assigned work.

8.14 INTERNET AND E-MAIL USE POLICIES AND PROTOCOL

The City has an independent Internet and Electronic Mail use Policies and Protocol, which is adopted herein by this reference.

8.15 CELL PHONE USE

City Departments shall acquire and use cellular phones in accordance with this policy. The purpose of this policy is to ensure that employees use cellular phones

in the most expeditious manner and to provide guidelines in the acquisition and use of such equipment.

- (a) The purchase and/or installation of cellular phones must be approved by a Department Head. Prior to purchase, the Department Head must responsibly ensure that sufficient funds are budgeted for the purchase and monthly operational costs associated with a cellular phone.
- (b) Employees shall use City-owned cellular phones for City business as authorized by the Department Head. Employees shall not use cellular phones in lieu of more cost-effective, practical and available means of communication.
- (c) Employees may use City-owned cellular phones for personal reasons only in an emergency. In such event, the employee shall reimburse the City for the cellular phone charge incurred.
- (d) Department Heads shall routinely examine cellular phone billing summaries to ensure that employees are using City-owned cellular phones for City business only.

CHAPTER 9 - CONFLICT REVIEW PROCEDURE

9.1 CONFLICT REVIEW PROCESS

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

- (a) **STEP 1:** An employee should first bring the problem or issue to his/her supervisor, unless the problem involves a direct conflict between the employee and the supervisor.

- (b) **STEP 2:** When normal communication between an employee and the supervisor is not successful, or when an employee still disagrees with the application of City policies and procedures, or feels unjustly treated, the employee should attempt to resolve the problem with his/her department head, unless the problem involves a direct conflict between the employee and his/her department head. The department head will respond in writing to the employee within five working days after meeting with him/her.

- (c) **STEP 3:** If the employee is not satisfied with the response from the department head, or if the conflict is with the department head, the employee may submit the problem, in writing, to the Mayor as a request for review. The request for review must contain, at a minimum:
 - (1) A description of the problem or issue of concern to the employee;
 - (2) Any specific policy or procedure which the employee believes has been violated or misapplied;
 - (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and
 - (4) The remedy sought by the employee to resolve the complaint.

An employee shall submit his or her request for review to the Mayor within ten working days of the department head's response or within ten working days after the employee becomes aware of a conflict. The Mayor, however, in his/her discretion may address and attempt to resolve the issue raised in the request even though the timeline has not been met.

- (d) The Mayor may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten working days of the receipt of the request for review. The Mayor's response and decision shall be final and binding.
- (e) Certain employees may have more than one source of dispute resolution rights, i.e., the City's Civil Service rules, a collective bargaining agreement, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules, should follow grievance procedures set out in their respective labor contracts or civil service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.
- (f) Employees shall use this review process, if applicable, or any other review process, as set forth in paragraph (e) to resolve issues or conflicts arising in the workplace. The use of alternative methods to resolve conflicts, resolve issues between employees, or to complain about the performance of any other employee will not be tolerated. Specifically, employees shall not engage in any form of communication in the workplace for the purpose of, or having the effect of, criticizing the behavior or performance of any other employee.

NOTICE IS HEREBY GIVEN THAT SUCH BEHAVIOR SHALL RESULT IN DISCIPLINE, POSSIBLY INCLUDING IMMEDIATE TERMINATION.

CHAPTER 10 - DISCIPLINE AND TERMINATIONS

10.1 DISCIPLINE

- (a) The City expects all employees 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 City.
- (b) Acts, errors, or omissions, which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- (c) The Mayor, department head or supervisor, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- (d) In the event an employee has not committed a serious offense but engages in behavior that requires discipline, the City will use the following types of disciplinary action, depending on the particular situation. The City does not guarantee that any or all of these actions will be used prior to termination if, in the discretion of the Mayor, termination is warranted.
 - 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 City 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 that may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action, which the City makes part of the employee's permanent record. The City shall provide all written documents to an employee.

- (e) The City may suspend an employee with pay, when the City places an employee on administrative leave, pending the results of any investigation or disciplinary action where factors such as public confidence, the safety of the employee or the efficient functioning of the City call for suspension.

10.2 TERMINATION

- (a) The City will immediately terminate any employee who commits a serious offense. The City defines the following type of behavior as a serious offense.
 - (1) Conviction of a felony;
 - (2) Sexual or other unlawful or unwelcome harassment or discrimination;
 - (3) Intentionally causing bodily harm to another employee;
 - (4) Theft or vandalism of City property;
 - (5) Falsification of City records;
 - (6) Reporting to work under the influence of alcohol or illegal drugs.
 - (7) Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace;
 - (8) Gross negligence or improper conduct leading to damage of City-owned property;
 - (9) Gross insubordination;
 - (10) Using threatening language; and
 - (11) Any other behavior that the Mayor, in his/her discretion, determines to be a serious offense.

- (b) The following may result in termination from City employment:
 - (1) As a result of a violation of City policy, unless the policy has been made inapplicable by notification from the Mayor, as set forth on page one of the manual.

 - (2) When the City Council determines that a lack of work or funding exists with respect to the employee's position.

 - (3) 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 City may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in termination.

- (c) The City does not intend for the two, preceding sections to be a list of all reasons for which termination may occur. The City reserves the right to terminate any employee at will.

10.3 LAYOFF

- (a) The City may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.
- (b) The City will lay off temporary employees or employees who have not completed six months of employment before other regular employees.
- (c) In determining who is to be laid off, the City will consider individual performance and the qualifications required for remaining jobs. When performance and qualifications are equal, the City may consider seniority.
- (d) Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

10.4 RESIGNATION

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

10.5 DEATH

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

10.6 EXIT INTERVIEWS

- (a) Purpose. The City will provide each departing employee with the opportunity to provide the City with feedback regarding their employment. The City sees the Exit Questionnaire not only as a way to understand the reason(s) for an employee's departure, but as a way to identify trends, improve employee retention, ascertain levels of employee satisfaction, and reduce turnover.
- (b) Policy. The City will provide a departing employee with an Exit Questionnaire. The departing employee shall complete and return the Exit Questionnaire form to the Mayor. In the alternative, the employee may schedule a face-to-face-interview with the Mayor.

**CITY OF EAST WENATCHEE PERSONNEL POLICIES
RECEIPT AND ACKNOWLEDGMENT**

This confirms that I: _____

- Received and read the City of East Wenatchee’s Manual of Personnel Policies and Procedures Effective March 1, 2009;
- **Understand and agree that these policies do not guarantee my employment by the City for any set duration** and provides me with the assurance that the City will follow these policies as long as they are in effect; and
- Understand that no one in the City has the authority to enter into any agreement for employment for a specified period of time or to make other representations or agreements inconsistent with these policies unless it is in writing and signed by the Mayor; and
- Understand the City may revise and update the policies and procedures from time to time; and
- Understand that these policies revoke and supersede any prior handbooks, statements of employment policies, guidelines and procedures, or employment manuals, handbooks, or other documents issued by the City.

Employee’s Signature

Date

Employee’s Name (Printed)

APENDICES

1. Resolution Adopting Personnel Policies and Procedures.

RESOLUTION NO. 2009-04

**A RESOLUTION OF THE CITY OF EAST WENATCHEE,
WASHINGTON ADOPTING THE CITY OF EAST WENATCHEE
MANUAL OF PERSONNEL POLICIES AND PROCEDURES; AND
ESTABLISHING AN EFFECTIVE DATE**

1. Recitals

- a. Preamble. The City Council of East Wenatchee (“City Council”) desires to adopt new Personnel Policies and Procedures
- b. The Mayor, the City Council, City Department Heads, and other City personnel have reviewed the attached Manual of Personal Policies and Procedures.

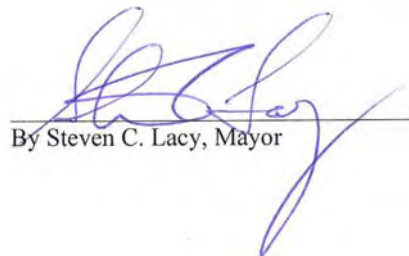
THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO RESOLVE AS FOLLOWS:

Section 1: Repeal. Effective March 1, 2009, the City Council repeals Resolution No. 99-8 and feels of the City of East Wenatchee Manual of Personnel Policies and Procedures which went into effect on January 1, 2000.

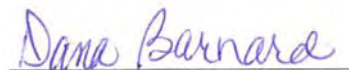
Section 2: Adoption. Effective March 1, 2009, the City Council adopts the City of East Wenatchee Manual of Personal Policies and Procedures, which is attached as Exhibit “A.”

Passed by the City Council of East Wenatchee, at a regular meeting thereof on February 25, 2009.

CITY OF EAST WENATCHEE,
WASHINGTON


By Steven C. Lacy, Mayor

ATTEST:


Dana Barnard, City Clerk

2. Workplace Harassment Policy.

**CITY OF EAST WENATCHEE
WORKPLACE HARASSMENT POLICY**

Policy

All employees have the right to work in an environment free from harassment based on their race, color, national origin, coffee, religion, age, marital status, sex, disability or any other legally protected status. All employees must be sensitive to the feelings of others and must not act in a way that might be considered harassment by someone else. Conduct appeared to be welcome or tolerated by one employ may be very offensive to another. Therefore, the City of East Wenatchee (“City”) prohibits any form any of the forms of harassment described below.

Sexual Harassment

The City prohibits unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature that constitutes sexual-harassment when:

- (1) submission to the conduct is made either, explicitly or implicitly, a term or condition of a person's employment; or
- (2) submission to or rejection of the conduct adversely influence his employment decisions affecting an employee; or
- (3) the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual-harassment may include unwelcome sexual advances, request for sexual favors, physical touching, or the granting or withholding the benefits in response to sexual conduct. They can also include verbal and nonverbal behavior such as suggestive looks or leering; obscene or rude sexual remarks, jokes or suggestions; slang, names, or labels such as “honey,” “sweetie,” “boy,” or “girl” that others find offensive; a talking about her common attention to another employees body or sexual characteristics in a negative or embarrassing way; continuing unwelcome behavior after a coworker has objected to that behavior; blaming the victims of sexual harassment for causing the problem; or physical behavior such as pastor squeezes or repeatedly brushing against someone's body. More subtle forms of inappropriate behavior, such as offensive posters, cartoons, care jurors, comments, pranks and jokes of a sexual nature can be considered sexual harassment because they may contribute to a hostile or offensive working environment.

Other Forms of Harassment

The City also prohibits any other kind of workplace harassment based on an individual's race, color, creed, marital status, religion, age, national origin, disability, or any other legally protected status. As for sexual harassment, this includes all conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Reporting Harassment

All employees are responsible to ensure a workplace free from any type of prohibited harassment or conduct. If an employee is aware of any instances of workplace harassment or believes that he/she is the victim of, or witness to, sexual or other forms of prohibitive workplace harassment or conduct, the employee should immediately report the circumstances to his/her supervisor. Alternatively, if the employee's supervisor is engaging in such conduct, the employee should report the alleged harassment to any manager with whom the employee feels comfortable, or to the Mayor.

Complaint Investigation

All complaints will be immediately investigated. The identity of the employee making the complaint and the identity of the individual accused of harassment will be kept as confidential as possible.

Discipline

Workplace harassment is a serious offense. Any employee who was found to have engaged in such conduct will be subject to appropriate disciplinary action, which may include immediate termination.

Retaliation

The City prohibits any form of retaliation against an employee who makes a complaint regarding harassment. Any retaliatory conduct should be reported immediately and will be cause for disciplinary action, which may include termination of employment.

3. Salary Step Plan

CITY OF EAST WENATCHEE, WASHINGTON SALARY STEP PLAN FOR NON-BARGAINING UNIT EMPLOYEES																		
BUDGET YEAR 2009 (Eastern Washington AWC Averages - West Richland, Cheney, Toppenish, Grandview and East Wenatchee)																		
Mid-Point Column 9 is Within the 80-120% Range of the Average																		
(Chapter 4, Paragraph 4.3(j) of the Manual of Personnel Policies and Procedures)																		
Positions Without Comps (City Attorney, Events Coordinator and Lead Mechanic) have been "Market" Evaluated																		
Population Range 7,500 to 14,999																		
POSITION	DEPT.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Court Administrator	Muni. Court	3436	3525	3615	3708	3803	3900	4000	4103	4208	4313	4421	4532	4645	4761	4880	5002	5127
Asst Court Administrator	Muni. Court	2360	2421	2483	2546	2612	2679	2747	2818	2890	2962	3036	3112	3190	3270	3352	3435	3521
Clerical Asst Part Time (108 hrs per month @ \$14.03 per hour)	Muni. Court/Legal	1477	1515	1554	1594	1635	1677	1720	1764	1809	1854	1901	1948	1997	2047	2098	2150	2204
City Clerk	City Clerk	3532	3623	3715	3811	3908	4009	4111	4217	4325	4433	4544	4658	4774	4893	5016	5141	5270
Clerical Asst Part Time (86.7 hrs per month @ \$14.30 per hour)	City Clerk	1185	1215	1247	1278	1311	1345	1379	1415	1451	1487	1524	1563	1602	1642	1683	1725	1768
Treasurer/Finance Director	Finance	5235	5369	5507	5648	5793	5941	6094	6250	6410	6570	6735	6903	7075	7252	7434	7619	7810
Exec Sec/Journey Acct	Legislative/Finance	3033	3111	3191	3272	3356	3442	3531	3621	3714	3807	3902	4000	4100	4202	4307	4415	4525
City Attorney	Legal Department	6125	6282	6443	6608	6778	6951	7130	7313	7500	7688	7880	8077	8279	8486	8698	8915	9138
Clerical Asst Part Time	Muni. Court/Legal	1187	1218	1249	1281	1314	1348	1382	1418	1454	1490	1528	1566	1605	1645	1686	1728	1772
Police Chief	Police Dept.	5571	5714	5861	6011	6165	6323	6485	6651	6822	6993	7167	7347	7530	7718	7911	8109	8312
Assistant Chief	Police Dept.	4427	4541	4657	4776	4899	5025	5153	5285	5421	5557	5695	5838	5984	6133	6287	6444	6605
Police Services Aide Part Time	Police Dept.	1616	1658	1700	1744	1788	1834	1881	1930	1979	2028	2079	2131	2184	2239	2295	2352	2411
Com Dev Director	Planning	4598	4716	4837	4961	5088	5218	5352	5489	5630	5771	5915	6063	6214	6370	6529	6692	6860
Associate Planner	Planning	3621	3714	3809	3907	4007	4110	4215	4323	4434	4545	4658	4775	4894	5017	5142	5271	5402
Events Coordinator	EWEB	3415	3503	3593	3685	3779	3876	3976	4077	4182	4287	4394	4504	4616	4732	4850	4971	5095
Events Assistant - Part Time Periodic - 280 hrs annual @ \$13.50 per hour	EWEB	315	323	332	340	349	358	367	376	386	396	406	416	426	437	448	459	470
Bldg Insp/Code Comp	Code Comp.	3526	3617	3709	3805	3902	4002	4105	4210	4318	4426	4537	4650	4766	4885	5008	5133	5261
Bldg Permit Tech	Plan/Code Comp/Public Wks	2712	2782	2853	2926	3001	3078	3157	3238	3321	3404	3489	3576	3666	3757	3851	3948	4046

Exhibit
A

**CITY OF EAST WENATCHEE, WASHINGTON SALARY STEP PLAN FOR NON-BARGAINING UNIT EMPLOYEES
 BUDGET YEAR 2009 (Eastern Washington AWC Averages - West Richland, Cheney, Toppenish, Grandview and East Wenatchee)**

**Mid-Point Column 9 is Within the 80-120% Range of the Average
 (Chapter 4, Paragraph 4.3(j) of the Manual of Personnel Policies and Procedures)**

Positions Without Comps (City Attorney, Events Coordinator and Lead Mechanic) have been "Market" Evaluated

Population Range 7,500 to14,999

Page 2

POSITION	DEPT.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Infrastructure & Operations Director	Public Works	4290	4400	4513	4628	4747	4869	4994	5122	5253	5384	5519	5657	5798	5943	6092	6244	6400
Operations & Maintenance Supervisor	Public Works	4113	4219	4327	4438	4552	4669	4788	4911	5037	5163	5292	5424	5560	5699	5841	5987	6137
Lead Mechanic	Public Works	3793	3891	3990	4093	4198	4305	4416	4529	4645	4761	4880	5002	5127	5255	5387	5521	5659
Journey Maintenance Worker	Public Works	3165	3246	3329	3414	3502	3592	3684	3778	3875	3972	4071	4173	4277	4384	4494	4606	4721
Maintenance Worker	Public Works	2664	2732	2802	2874	2948	3023	3101	3180	3262	3344	3427	3513	3601	3691	3783	3877	3974
Maintenance Worker	Public Works	2736	2806	2878	2952	3027	3105	3185	3266	3350	3434	3520	3608	3698	3790	3885	3982	4082
Maintenance Worker	Public Works	2736	2806	2878	2952	3027	3105	3185	3266	3350	3434	3520	3608	3698	3790	3885	3982	4082
Landscape Maintenance Worker	Public Works/Central Services	2532	2597	2664	2732	2802	2874	2948	3023	3101	3179	3258	3339	3423	3508	3596	3686	3778
Summer Hire Landscaper	Public Works/Central Services	1116	1144	1173	1204	1234	1266	1299	1332	1366	1400	1435	1471	1508	1546	1584	1624	1664

**CITY OF EAST WENATCHEE
COUNCIL SALARIES - BUDGET YEAR 2009**

Page 3

POSITION	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Mayor								1700	1700	2200	2450	4167	4280				
Councilmember 1								300	300	500	500	500	550				
Councilmember 2								300	300	500	500	500	550				
Councilmember 3								400	400	400	500	500	500				
Councilmember 4								400	400	400	500	500	500				
Councilmember 5								400	300	500	500	500	550				
Councilmember 6								300	300	500	500	500	550				
Councilmember 7								400	400	400	500	500	500				

4. Internet and Electronic Mail Use Policies

**CITY OF EAST WENATCHEE
INTERNET AND ELECTRONIC MAIL
USE POLICIES AND PROTOCOL**

ABSTRACT

This document identifies appropriate uses of the Internet and identifies protocol for the use of electronic mail by city staff. It also identifies City's limited liability and outlines security implications.

AUTHORITY

Council action dated February 1, 1999.

SECURITY IMPLICATIONS

With worldwide Internet connections, it is possible for anyone to communicate with anyone else who is connected to the Internet. The risks of connecting to outside networks must be weighed against the benefits. It is desirable to set up "firewalls" that limit access and connection to outside networks whenever sensitive data is stored in the City's network.

I. INTERNET ACCESS

- a. All employees, unless specifically prohibited, are eligible to access the Internet.
- b. Access is only via City-owned computer equipment using a properly assigned access code. The City has established a standing committee to monitor Internet, E-mail and proper access code use. The committee consists of 3 city employees and the City Administrator. The committee meets on an as needed basis.
- c. Each employee will receive a copy of this document and is required to have a signed statement of having received a copy in his/her permanent personnel file.
- d. The City monitors the use of Internet and E-mail periodically. The City has the right to restrict the content of any message prior to placing it on the Internet. The City Administrator authorizes the content of the materials placed on any official City Web site prior to publication.

II. INTERNET & E-mail USE

- a. All employees of the city are responsible for using computer resources in an ethical, responsible and legal manner. Department managers are responsible for managing the use of the Internet and E-mail by their staff, restricting use or limiting time as they see appropriate.
- b. Users should consider their Internet activity as public information and manage their activity accordingly. City staff is specifically prohibited to place any information marked "confidential" on the Internet.
- c. The viewing and downloading of any offensive material from the Internet is not allowed. Offensive material is defined as: any material that the viewer deems offensive or does not conform to East Wenatchee's community standard or has racial, gender degrading, sexual, religious or handicap related overtones. On special occasions, with specific scope, the police department will be exempt from Section II, c.
- d. The city staff must adhere to all copyright laws when using the Internet or downloading information from it.
- e. E-mail privilege will be restricted if an employee's message promotes any of the following:
 - discrimination on the basis of race, creed, color, gender, religion, handicap, or sexual preference;
 - sexual harassment;
 - copyright infringement;
 - personal political beliefs;
 - personal business interests; or
 - any unlawful activity
- f. Employee E-mail addresses terminate at employment termination.
- g. The City will establish a mail box for "distasteful material," to which all staff members can forward such material for a possible penalty. All forwarded material will be investigated for appropriateness of content, sender and other violations of this policy. All findings and rulings will be in writing.

III. SECURITY

- a. The City of East Wenatchee operates a centralized network using the most appropriate and up-to-date technology available. Each employee will have an assigned access code (password) that is periodically changed at the direction of the Technology Committee. Unauthorized changes of access codes, including the addition of additional access codes, without the proper oversight of the Technology Committee is strictly prohibited.

- b. At a minimum, the City will use the following levels of access security:
- low level or restricted access to Internet and E-mail (for occasional users)
 - standard level of access (for line staff)
 - high level of access (for management staff)
 - police investigation access (applicable to police department only), and
 - system administrator (access to all files and authority to assign passwords)
- c. The system Administrator is responsible for timely backups and system daily operation and has the right to restrict access to the system whenever needed.
- d. Backup tapes and disks must be kept in a secure place - preferably in an off-site location. The existing "back-up" procedure will become a part of this procedure.
- e. The Police Department will follow additional (internal) procedures for evidence gathering, prosecution support, and storage involving the use of Internet and E-mail.
- f. Each computer will be periodically tested for "viruses."

IV. CITY OF EAST WENATCHEE RIGHTS AND OWNERSHIP

- a. The City shall have the right to assign, restrict and regulate the use of Internet and E-mail by its employees.
- b. All retrieved material and data, through the Internet and E-mail becomes the property of the City; all data and E-mail messages that are sent out by City staff are deemed also to be City property.
- c. All assigned E-mail addresses are the property of the City of East Wenatchee.
- d. All City-sanctioned home pages and/or bulletin boards will be the property of the City - City employees who created such domain may not claim any copyright to them, unless such work was done external to City-owned facilities and equipment or the work was specifically contracted out, outside the normal scope of the employee's job responsibilities.
- e. No employee shall have any expectation of privacy in any E-mail communication sent or received, or in any other materials personally placed in the City computer system.

V. PENALTIES FOR UNAUTHORIZED USE

- a. Employees violating the terms of this policy are subject to discipline up to and including termination.

5. Whistleblower Projection Policy

RESOLUTION NO. 92-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE, WASHINGTON, ADOPTING A WHISTLEBLOWER PROTECTION POLICY FOR CITY EMPLOYEES, AS REQUIRED BY CHAPTER 44, LAWS OF 1992.

WHEREAS, the Washington State Legislature has recently adopted regulations for whistleblower protection of local governmental employees (Chapter 44, Laws of 1992); and

WHEREAS, these regulations require that local governments adopt consistent policies, and provide employees with notice of the procedures for reporting improper governmental actions that will allow protection from retaliatory action and relief in appropriate circumstances; now, therefore,

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Intent. The Council resolves to adopt the following policy to meet the requirements of Chapter 44, Laws of 1992.

POLICIES REGARDING IMPROPER GOVERNMENTAL ACTION AND RETALIATORY ACTION

Section 1 - General Policy

It is the policy of the City of East Wenatchee that all employees be encouraged to disclose improper governmental actions of officials or employees. In furtherance of this policy, the City

of East Wenatchee is committed to protecting employees who make good-faith reports to the City of alleged improper governmental action. The City of East Wenatchee also recognizes that it is unlawful for any City official or employee to take retaliatory action against an employee because the employee provided information in good faith of any alleged improper governmental action and such retaliatory action is hereby prohibited.

Section 2 - Definitions

A. Improper Governmental Action.

1. "Improper governmental action" means any action by a City officer or employee:
 - (i) That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - (ii) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
2. "Improper governmental action" does not include personnel actions including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of City collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be undertaken under the following state statutes: RCW Chapter 41.08, Civil Service for City Firemen; RCW Chapter 41.12, Civil Service for City Police; RCW Chapter 41.56, Public Employees' Collective Bargaining; RCW Chapter 41.59, Educational Employment Relations Act.
3. "Retaliatory action" means any adverse change in an employee's employment status or the terms and conditions of employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay,

denial of promotion, suspension, dismissal, or any other disciplinary action.

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

Section 3 - Procedures For Reporting Improper Governmental Action

If an employee desires to report any alleged improper governmental action, the following procedure shall be observed:

1. Report any alleged improper governmental action to any of the following individuals:

City Officials

Mayor

Non-City Officials

City Attorney or
Douglas County
Prosecutor

Except in the case of an emergency, the employee must submit a written report to the City officials before providing any information concerning an improper governmental action to any person not listed above.

2. Any employee who fails to make a good faith attempt to follow this procedure shall not receive the protections provided by this policy and as set forth in Title 42 RCW.
3. The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

Section 4 - Procedures For Reporting Retaliatory Action

If an employee desires to report any alleged retaliatory action, the following procedure shall be observed:

1. The City employee shall provide written notice of the charge of retaliatory action to the City that:
 - (i) Specifies the alleged retaliatory action; and
 - (ii) Specifies the relief requested.
2. The charge shall be delivered to the City no later than thirty (30) days after the occurrence of the alleged retaliatory action. Thereafter, the City has thirty (30)

days to respond to the charge of retaliatory action and request for relief.

3. Upon receipt of either the City's response or after the last day upon which the City could respond, the City employee may request a hearing to establish that a retaliatory action occurred and to obtain appropriate relief. The hearing request shall be delivered to the City within fifteen (15) days of delivery of the City's response, or within fifteen (15) days of the last day on which the City could respond.
4. Within five (5) working days of receipt of the hearing request, the City shall apply to the Washington State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. Except as otherwise provided herein, the proceedings shall comply with RCW 34.05.410 through RCW 34.05.598.
5. The employee, as the initiating party, must prove his or her claim by a preponderance of the evidence. The administrative law judge shall issue a final decision consisting of findings of fact, conclusions of law, and judgment no later than forty-five (45) days after the date the hearing request was delivered to the City. The administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party, upon a showing of good cause, or upon his or her own motion.
6. The administrative law judge may grant relief consisting of reinstatement, with or without back pay, and such injunctive relief necessary to return the employee to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action. In addition, the judge may award costs and reasonable attorneys' fees to the prevailing party.
7. If the administrative law judge determines that retaliatory action has been taken against the employee, the judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator of up to Three Thousand Dollars (\$3,000.00) payable by each person found to have retaliated against the employee and recommend to the City that any retaliator be suspended with or without pay or dismissed.
8. The final decision of the administrative law judge is subject to judicial review under the arbitrary and capricious standard. Relief ordered by the

administrative law judge may be enforced by petition to superior court.

Section 2. Posting of Summary. Pursuant to Section 3(4) of Chapter 44, Laws of 1992, the City Clerk is directed to permanently post a copy of this policy and to make such policy available to City employees upon request.

RESOLVED this 21st day of December, 1992.

APPROVED:

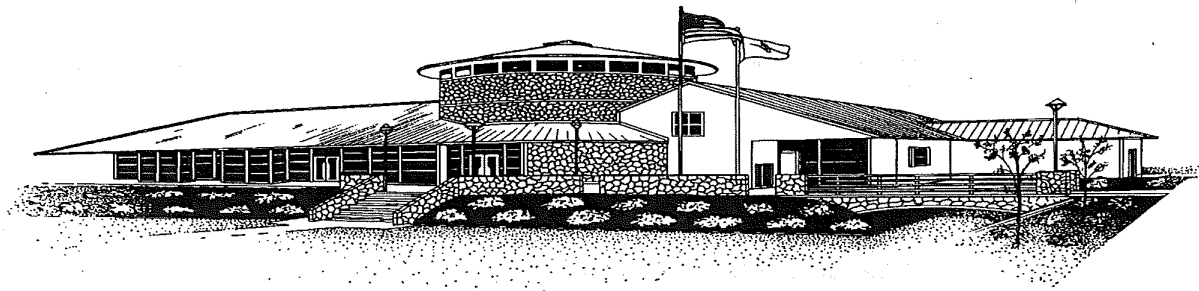

MAYOR, DAWN COLLINGS

ATTEST/AUTHENTICATED:


CITY CLERK, VIRGINIA OESTREICH

FILED WITH THE CITY COUNCIL:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. 92-11

6. Notice of COBRA Requirements



November 1, 1996

TO: City of East Wenatchee Employee and Family

FROM: City of East Wenatchee Finance Department

SUBJECT: Notice of Change to COBRA Requirements Implemented by the Health Insurance Portability and Accountability Act of 1996

On August 21, 1996, a new federal law, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) was enacted as Public Law 104-191. The HIPAA changed the continuation coverage requirements under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) that apply to the Association of Washington Cities Employee Benefit Trust and your employer. HIPAA also requires that qualified beneficiaries be notified of certain HIPAA changes to COBRA that may affect their COBRA rights. The new requirements are summarized below. They are generally effective January 1, 1997, regardless of whether the qualifying event occurred before, on, or after that date.

1. Under COBRA, if the qualifying event is a termination or reduction in hours of employment, affected qualified beneficiaries are entitled to continue coverage for up to 18 months after the qualifying event, subject to timely premium payments. Before HIPAA, this 18-month period could be extended for up to 11 months (for a total COBRA coverage period of up to 29 months from the initial qualifying event) if an individual was determined under the Social Security Act to have been disabled *at any time prior to the qualifying event* and if the AWC Trust was notified of that disability determination within 60 days of the determination and before the end of the original 18-month period.

Under the new law, if a qualified beneficiary is determined to be disabled under the Social Security Act at any time prior to the qualifying event or during the first 60 days of COBRA coverage, the 11-month extension is available to all individuals who are qualified beneficiaries due to the termination or reduction in hours of employment. The disabled individual can be a covered employee or any other qualified beneficiary. However, to be eligible for the 11-month

extension, affected individuals must still comply with the notice requirements in a timely fashion.

2. A child that is born to or placed for adoption with the *covered employee* during a period of COBRA coverage will be eligible to become a qualified beneficiary. In accordance with the terms of the Association of Washington Cities Employee Benefit Trust, the insurance carrier and the requirements of federal law, these qualified beneficiaries can be added to COBRA coverage upon proper notification to the AWC Trust and the insurance carrier[s] of the birth or adoption.

Premiums will be adjusted the first of the month following date of birth or adoption to reflect the addition of a new dependent.

3. In addition to changing some of the COBRA requirements, HIPAA restricts the extent to which group health plans may impose pre-existing condition limitations. These rules are generally not effective until January 1, 1998. HIPAA coordinates COBRA coverage with these new limits as follows:

Under COBRA, your right to continuation coverage terminates if you become covered by another employer's group health plan that does not limit or exclude coverage for your pre-existing conditions. If you become covered by another group health plan and that plan contains a pre-existing condition limitation that affects you, your COBRA continuation coverage cannot be terminated. However, if the other plan's pre-existing condition rule does not apply to you by reason of HIPAA's restrictions on pre-existing condition clauses, the Association of Washington Cities Employee Benefit Trust may terminate your COBRA coverage.

If you have any questions about these changes, please contact the AWC Employee Benefit Trust at (360) 753-4137 or toll-free in Washington State at 1-800-562-8981.

7. Breast Reconstruction Benefits

October 22, 1999

Dear Employee (and Family):

Federal legislation was passed last year regarding breast reconstruction benefits, which we thought important to bring to your attention. Even though Washington State law has mandated similar coverage for a number of years and the benefit has been included in your health care plan, we see value in sharing the details of the new federal law with you and your family.

The Women's Health and Cancer Rights Act of 1998 establishes federal standards for the coverage of breast reconstruction following a mastectomy. The Act requires that health insurance programs, which include coverage for mastectomy, must also include:

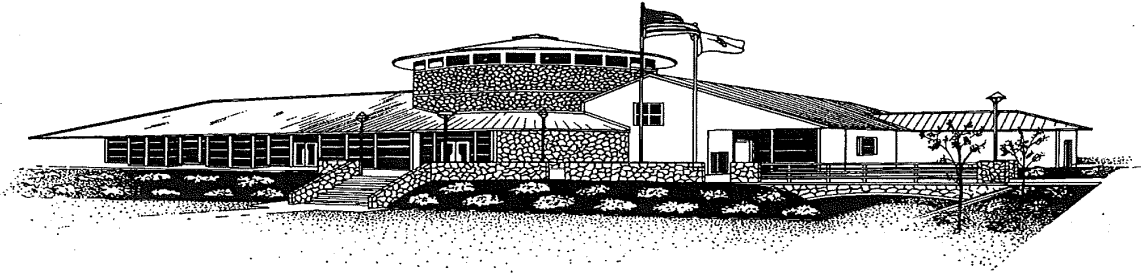
- coverage for reconstruction of the breast on which the mastectomy has been performed;
- surgery and reconstruction of the breast to produce a symmetrical appearance; and
- prostheses and physical complications of all stages of a mastectomy.

The new law applies to individual and group insurance policies, both fully-insured and self-insured, and went into effect on October 21, 1998, or the immediately succeeding plan year. Health insurers and employers may not deny a patient eligibility to enroll in or to renew coverage solely for the purpose of avoiding coverage of breast reconstruction following a mastectomy.

You can find language in your Regence Northwest Health medical plan booklet addressing the above issues.

As with any question about your health care plan, please feel free to contact the Payroll Department or the AWC Trust office at 1-800-562-8981 or (360) 753-4137.

8. Healthcare Continuation Coverage.



November 1, 1996

TO: City of East Wenatchee Employee and Family

FROM: City of East Wenatchee Finance Department

SUBJECT: **Health Care Continuation Coverage**

With the passing of federal legislation in 1985, you, your spouse, and your dependents are allowed to extend your health benefits in circumstances when coverage would normally terminate. Employees, spouses, and dependents have the option to continue health coverage on a self-pay basis, at group rates, when termination of employment (other than for gross misconduct), death of the employee/retiree, divorce or legal separation, or a dependent child becomes ineligible under the plan.

This optional extension of benefits is required by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), specifically Public Law 99-272, Title X, and went into effect on January 1, 1987, for all circumstances, you or your dependents will be able to extend benefits for 18, 29, or 36 months. To receive the extension of health benefits, you must notify your employer or the AWC Employee Benefit Trust within sixty (60) days of the date that a qualifying event occurs.

You and your spouse should take the time to read this notice carefully. In order to be eligible for extended health coverage, you and your spouse will need to know your rights and obligations as mandated by COBRA.

As an **employee** covered by an AWC Employee Benefit Trust health plan, you have a right to choose this continuation coverage if you lose your health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

As the **spouse** of an employee/retiree covered by an AWC Employee Benefit Trust health plan, you have the right to choose continuation coverage for yourself if you lose health coverage under the AWC Employee Benefit Trust health plan for **any** of the following four reasons:

- death of your spouse;
- termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment;
- divorce or legal separation from your spouse; or
- your spouse becomes Medicare eligible.

In the case of a covered **dependent child** of an employee/retiree covered by the AWC Employee Benefit Trust health plan, he or she has the right to continuation coverage if health coverage under the program is lost for **any** of the following five reasons:

- death of the employee/retiree;
- termination of the parent's employment (for reason other than gross misconduct) or reduction in parent's hours of employment;
- parent's divorce or legal separation;
- parent becomes Medicare eligible; or
- the dependent child ceases to be a "dependent child" under an AWC Employee Benefit Trust health plan.

Under the federal law, you or a family member has the responsibility to inform the AWC Employee Benefit Trust of divorce, legal separation, Medicare eligibility, or a child losing dependent status under a trust-sponsored health plan. You must inform us within sixty (60) days of the date that the event occurs in order to be eligible for continued health coverage. **We have attached a notification form for your use should one of these events occur.** The employer has the responsibility to notify us of the employee's death, termination of employment or reduction in hours. When the AWC Employee Benefit Trust is notified that one of these events has occurred and your employer terminates your group coverage, we will notify you of your options and that you have the right to choose continuation coverage. If you do not choose continuation coverage, your health insurance coverage will be terminated.

If you choose continuation coverage, we are required to give you coverage which is identical to the coverage provided under the plan to similarly situated employees and family members. The law requires that you be afforded the opportunity to maintain continuation coverage for three years unless you lost health coverage due to termination of employment or reduction in hours. In that case, the required continuation coverage period is 18 months. However, the 18-month period of continued coverage you receive due to termination or a reduction in hours may be extended if, during the first 18 months, a second event occurs that would also qualify you for continued coverage. However, in no case will the total period of continued coverage last longer than 36 months.

If the employee terminated employment due to a disability and chooses to continue health coverage, you have the opportunity to extend the regular 18-month period for an additional 11 months. The disability must occur prior to or during your initial COBRA period and must be recognized by Social Security, and the AWC Trust must be notified within 60 days of COBRA coverage termination.

The law provides that your continuation coverage may be cut short for **any** of the following four reasons:

- your employer no longer provides health coverage to any of its employees;
- the premium for your continuation coverage is not paid, or not paid on time, as provided by law;
- you become covered under another group health plan when you become employed, marry, or for any other reason (unless the new plan has a pre-existing condition waiting period provision); or
- you become entitled to Medicare.

You do not have to show that you are insurable to choose continuation coverage. However, under the law, you have to pay all of the premium for your continuation coverage. The law also says that if you continue coverage for a full period, at the end of the 18-month, 29-month, or 3-year continuation coverage

period, you must be allowed to enroll in an individual conversion health plan provided by the AWC Employee Benefit Trust insurance carriers.

If you have any questions about the law, please contact:

AWC Employee Benefit Trust
1076 Franklin Street SE
Olympia WA 98501
(206) 753-4137, SCAN 234-4137, Toll-free 1-800-562-8981

Also, if you have a change in marital status, have a dependent child who is losing coverage under the plan, or you or your spouse have an address change, please notify your employer and the AWC Trust (1076 Franklin Street SE, Olympia WA 98501).