

**CITY OF KITTITAS
PERSONNEL POLICIES and PROCEDURES**

A MANUAL OF POLICIES AND PROCEDURES FOR THE USE OF ALL PERSONS EMPLOYED BY OR OTHERWISE DIRECTLY INVOLVED IN THE OPERATION OF THE MUNICIPALITY OF KITTITAS, WASHINGTON -- June 2000

RESOLUTION 00-618

A RESOLUTION adopting personnel policies and procedures for the City of Kittitas.

WHEREAS, the City of Kittitas desires to develop general guidelines and policies on personnel matters and employee benefits in order to provide guidance to City employees, managers and elected officials and to comply with federal and state laws; and

WHEREAS, laws and policies relating to employee benefits, rights and responsibilities should be uniform, clearly stated, and communicated to all City employees; and

WHEREAS, the policies and procedures adopted by this resolution are subject to modification, deletion or addition to meet changing circumstances; and it is understood that such modifications, when adopted for inclusion, will have dates of adoption posted to make clear they are amendments to the presently adopted manual of policies; NOW, THEREFORE

THE CITY COUNCIL OF THE CITY OF KITTITAS, WASHINGTON, DOES RESOLVE AS FOLLOWS:

The attached document entitled "City of Kittitas Personnel Policies and Procedures" is hereby adopted.

Mayor Mel Wilson

Approved as to form
Patricia Proebsting City Attorney

ATTEST:

Marylou Gilmour City Clerk

ADOPTED by the City
June, 2000.

Council of the City of Kittitas this 27th day of

CITY OF KITTITAS
PERSONNEL POLICIES AND PROCEDURES MANUAL
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RECEIPT OF PERSONNEL POLICIES

As an employee of the City of Kittitas, you are urged to read the following information and act according to the directions and suggestions; then sign, date and return the signed form to the Mayor. The form will be placed in your Personnel File.

At the time of issuance to you of this form, you will also have been given a copy of the City of Kittitas' Personnel Policies and Procedure Manual. It is your responsibility to read the policies, as they will acquaint you with your employee benefits, our personnel practices and rules and some organizational philosophy. It is important to understand that the content of this manual does not create or constitute an employment contract or a guarantee of employment of any specific duration between the City of Kittitas and its employees.

As this City grows and changes, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when it is deemed by the City to be an appropriate action. You will be notified of any such changes.

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

Your signature below will attest to your consent to the City's deducting from your final paycheck any amounts advanced to you that remain unearned when your employment with the City ends including unearned vacation leave.

Unless specific rights are granted in a collective bargaining agreement, in an employment contract or elsewhere, all employees of the City of Kittitas are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

Your signature below is confirmation that you have read this document and that you have received a Personnel Policies and Procedures Manual, and, further, that you assume responsibility for reading for understanding the contents of the Manual. If you have any questions about the City's policies or procedures, please feel free to ask your supervisor or the Mayor for clarification.

Employee Signature _____

Employee Printed Name _____

Date of Return of Signed 'Original' Copy to Mayor _____

[A copy of this form, signed or unsigned as requested, to be given to the Employee; the original signed copy to be placed in the Employee's personnel file]

City of Kittitas
PERSONNEL POLICIES AND PROCEDURES
June 28, 2000

City Employees:

This compilation of policies and procedures has been prepared for the benefit of each of us – employees, managers and officials of the City of Kittitas. We live in an age that has acquainted us well with the importance of being precise and specific when stating rules and procedures; so, the need of this manual should be apparent to all of us and to those of our community who will have occasion to look at it.

Kittitas has few employees compared with most municipalities; still, we here contend with most of the same issues as do other towns. We won't say we've spoken' to all mailers of importance in this policy manual. As a matter of fact, there will surely be additions, deletions and other changes to these in the future, as the need arises.

Please read and periodically review the manual's contents. Bargaining unit employees, be sure you refer to your collective bargaining agreement as you read through the policies manual. We've attempted to call to your attention certain of the sections and paragraphs which may relate in special ways to articles and sections of the bargaining agreement; but, the responsibility for knowing how the items relate, and do or don't pertain, is really yours.

We truly hope this manual will be of good help to us as we work together to serve our community's citizens. Please be willing to bring to our attention mailers that you think we should consider, either additionally or differently, toward the end that we might improve this booklet. Its purpose is to highlight City policies, practices and benefits, and therefore cannot be construed as a contract or a legal document, and certainly it is not a compilation that will not be improved.

Mel Wilson, Mayor

City of Kittitas Personnel Policies and Procedures June 27, 2000

Section 1: PURPOSE AND SCOPE

1.1 INTRODUCTION:

It is the hope of the City Council and administrative staff that these personnel policies will help all City employees and persons having immediate involvement in the affairs of the City better understand how the city operates and what is expected of the City's personnel. These and the collective bargaining agreement also tell what the City provides employees in terms of compensation, benefits and other support.

This City places highest value on our employees and their well-being. We believe there is a direct correlation between the productiveness of your contribution to the City organization and the satisfaction you feel with your work; and, that you receive the support necessary to achieve the objectives of your position is of high importance.

In order to maximize job satisfaction in the City, we consider it essential that these policies be known and communicated to all. We encourage you to read and make every reasonable effort to understand each of them. If you have questions, ask them of your supervisor. If you have suggestions, put them in writing and give them to your supervisor or to the City Clerk.

1.2 INTENT OF POLICIES:

These personnel policies do not, in themselves, form a contract or any promise on which employees may rely. They do not offer a guarantee of employment for any specific duration. While all of us might hope for long-term employment relationships, we also know that circumstances don't always permit them, and that either of us may decide to terminate an employment relationship earlier than once might have been expected.

Unless specific rights are granted in employment contracts, civil service rules, or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

Please understand that no supervisor, manager or representative of the City other than the Mayor has the authority to enter into any agreement with you for employment for any specified period, or to make any written or verbal commitments contrary to the foregoing.

1.3 SCOPE OF POLICIES;

These personnel policies apply to all City employees. In cases where these policies conflict with any City ordinance, Civil Service rules and regulations, the provisions of a collective bargaining agreement or state or federal law, the terms of that law or agreement prevail. In all other cases, these policies apply. In some instances, information which is very clearly stated in the collective bargaining agreement will not be found in this manual. Policies, however, are intended to be.

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1.4 CHANGING THE POLICIES:

As the need arises, the Mayor may modify these policies unless they are subject to or directly affect a collective bargaining agreement, and except as the City Council shall, by ordinance, enact changes. The Mayor may deviate from these policies in individual situations, particularly in any emergency, in order to achieve the primary mission of serving the City's citizens. An employee desiring to request a specific change may do so by submitting such suggestion to his/her department director.

1.5 ACKNOWLEDGING CHANGES OF POLICIES:

Changes made to this policy manual will be entered into the manual maintained in the Clerk/Treasurer's office. Written notification of the change will be provided to all employees for their reading and understanding. Each employee is required to initial the notification of a policy change and will be given an updated statement of the policy as soon as is reasonable.

1.6 DEFINITIONS:

- **Exempt, and Non-exempt Employees:** Non-exempt employees are those who are members of the General Teamsters Union, and who are represented by an agent of Local No. 524 of that union for the purpose of collectively bargaining in matters of wages, hours and working conditions. Throughout this manual will be notations calling to the attention of non-exempt employees provisions of the collective bargaining agreement; however, it is the employee's responsibility to know how the agreement pertains in policy matters, whether or not a reminder is noted. It follows, of course, that exempt employees are employees who are not represented by the union, and for whom all the policies and procedures in this manual do apply.

See, also, Section 4.2 ("Hours of Work and Overtime")

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

- **Mayor's Office:** Where, in the content of this manual, reference is made to the Mayor's office, it is to be understood that such reference is to any place in the City Hall which is under the direct supervision of the Mayor, or to any employee who may be designated by the Mayor to act in his/her behalf.

- **Regular Full-Time Employee:** An employee who has successfully completed a trial (also referred to as "probationary") period as defined in these policies and who regularly works at least thirty-two (32) hours per week.

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

* Temporary Employee: An employee who holds a job of limited duration due to special projects, abnormal work loads, or emergencies. Temporary employees are not eligible for City benefits. (see Section 3.3)

* Trial Employee: An employee who:

(1) has not yet completed the "Trial Period" for new hires and so has not yet been certified to "regular" (full or part-time) employment status; or,

(2) has attained "regular" employment status, is newly appointed to a position of higher pay classification and must satisfactorily complete another trial period.

A Trial Employee may be discharged or demoted for any reason and shall have no recourse to any policy or to any appeal.

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Section 2. GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY:

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

2.2 DISABILITY DISCRIMINATION PROHIBITED:

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

2.3 LIFE THREATENING/COMMUNICABLE DISEASES:

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

2.4 ANTI-HARASSMENT:

It is the policy of the City of Kittitas to foster and maintain a work environment that is free from discrimination and intimidation. To this end, the City will not tolerate harassment by any employee toward another or others, or a member of the public. Employees are expected to show respect for one another and for the public at all times, regardless of individual differences.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or member(s) of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age or disability. (See 2.6 "Discrimination Complaint Procedure")

2.5 SEXUAL HARASSMENT PROHIBITED:

Sexual harassment is a form of sex discrimination and is illegal. It is also inappropriate and offensive, and it will not be tolerated by this City. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes or pressure for sexual favors. In non-verbal behavior, it might take the form of suggestive looks and leering and/or unwanted and inappropriate physical contact with another person.

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These examples are not all-inclusive, and depending upon facts and circumstances, sexual harassment may take other forms.

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

- part of a manager's or supervisor's decision to hire or fire;
- used to make other employment decisions like those pertaining to pay, promotion or job assignments; or,
- creating an intimidating, hostile or offensive work environment.

Employees engaging in improper harassment are subject to discipline, which may include termination. (see 2.6, below)

2.6 DISCRIMINATION COMPLAINT PROCEDURE:

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

- Try, if possible, to identify the offensive behavior to the believed harasser and request that it stop.
- In the event informal direct communication is either ineffective or impossible, you should then immediately discuss your concern with your supervisor or the Mayor. No one will suffer retaliation for reporting such a concern.

To the extent possible, complaints will be handled in a confidential manner. If investigation shows that the accused employee did engage in improper harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Actions may include warnings, oral and/or written reprimands, letters to employee's files and/or employee transfers, demotions, suspensions or terminations.

2.7 EMPLOYEE PERSONNEL RECORDS:

A personnel file for each employee is kept in the Mayor's office. An employee's file will contain the employee's name, title and/or position held, job description, salary and changes in employment status. Other entries in the file may include training received, performance evaluations, commendations, personnel actions affecting the employee and other pertinent information. Medical information about employees is kept in a separate and confidential file.

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Each employee has the right to review his/her file, except that the City reserves the right to protect the confidentiality of any information which pertains to individuals other than the employee. An employee may request removal from the file of irrelevant or erroneous information. If the City denies the employee's request to remove information, the employee may file a written rebuttal statement to be placed in his/her file.

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

2.8 EMPLOYMENT REFERENCES:

Only the Mayor will provide employment references on current or former City employees. Employees or former employees shall refer requests for references to the Mayor. If the Mayor will be absent or otherwise unavailable for an extended period of time, the Mayor pro-tempore or the City Clerk may provide the references. References will be limited to verification of employment and salary unless the employee has completed a written waiver allowing the release of the information and a copy or facsimile of the document of request in the City's possession.

Section 3: RECRUITING AND HIRING

3.1 RECRUITING:

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

An applicant, whether for an announced opening or a possible future one, shall complete an application form prior to being considered for any position. A resume may be filed as well, but will not take the place of a signed application.

If a person is hired, and it is discovered that he/she supplied false or misleading information on his/her application or other materials associated with the hiring process, that person is subject to immediate termination.

3.2 HIRING:

When a position is determined by the City to be open, and prior to any posting or advertisement of the vacancy, the Mayor will review the position, its job description, and the need to fill it, and will then take the appropriate steps of posting and/or advertising.

The City may administer pre-employment examinations to applicants to test their qualifications and abilities as determined necessary by the City. The City may contract with any agency or individual to prepare and/or administer examinations.

The City may also conduct certain background procedures as required by law. Examples of these include, but are not limited to, requiring applicants/employees who have unsupervised access to children or developmentally disabled adults to complete a disclosure statement.

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

Driving records of applicants may be checked. When deemed appropriate, the applicant may be required to present a valid Washington State driver's license with any necessary endorsements. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City.

After a conditional offer of employment has been made, but prior to commencement of employment, the City may require the person selected to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of such examination is to determine whether the individual is physically able to perform the job and to ensure that his/her physical condition will not endanger the health, safety or well-being of other employees or the public. A firm offer of employment may, of course, be based on the results of such examination.

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

3.3 TEMPORARY EMPLOYEES:

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

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

Social Security: Temporary employees pay contributions to the Social Security system, as does the City on their behalf. Temporary employees will normally not be placed on the state PERS retirement system, although there are a few exceptions depending on PERS eligibility criteria.

TRIAL PERIOD: [Bargaining unit members should refer to collective bargaining agreement provisions re "Probationary" employees]

3.4 TRIAL PERIOD - Bargaining unit members should refer to collective bargaining agreement provisions re "Probationary" employees

Upon hire or appointment (including promotion), employees enter a trial period that is considered an integral part of the selection process. The trial period is designed to give the employee time to learn the job and to give the City management time to evaluate whether the match between the employee and the job is appropriate. The normal trial period is six consecutive months of employment from the date of hire or rehire. For a promoted employee (one who has completed the initial trial period) the 'new' trial period is normally ninety (90) days; however, this period may be extended up to another sixty (60) days.

Once the trial period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the trial period does not create an employment contract nor does it guarantee employment with the City for a specified duration.

Use of Sick Leave/Vacation During Trial Period: Trial employees may use their accrued sick leave from the beginning of their employment, but they may not use earned vacation until they have successfully completed their trial period.

3.5 NEPOTISM (The Employment of Relatives):

The immediate family of current City employees and City Council members will not be employed by the City in the event of any of the following:

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

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(2) One party would handle confidential material so there would be created an improper or inappropriate access to that material by the other;

(3) One party would be responsible for auditing the work of the other; or,

(4) Other circumstances would exist that might lead to potential conflict among the parties, or conflict between the interest of one or both parties and the best interest of the City.

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

3.6 PROMOTIONS: [Bargaining unit members should refer to bargaining agreement provisions)

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

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

All openings will be posted on a City bulletin board. To be considered for promotion, an employee must have been employed in her/his present position for the maximum time of the trial period relative to that position and must meet the minimum qualifications for the vacant position. The trial period for a promoted employee is at least ninety (90) days, with possible extension to one hundred fifty (150) days.

3.7 JOB DESCRIPTIONS:

Job descriptions shall include the positions' titles; descriptions of duties and responsibilities; qualifications; and other requirements as deemed necessary by the City. The descriptions are not intended to give complete listings of all specific duties, tasks and responsibilities; rather, to give general explanations of the characteristics of the jobs. Different tasks may be assigned to a position as circumstances require, and when such duties are similar in kind to those specified for the position. Emergency situations and organizational necessity are examples of circumstances which may require such changes. A set of up-to-date Position Descriptions will be maintained in the Mayor's office.

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Section 4: HOURS AND ATTENDANCE

4.1 WORKING HOURS: [Bargaining unit employees should refer to the collective bargaining agreement]

The City's standard work week consists of five consecutive days, eight hours per day, with an unpaid, duty free meal period of one-half hour. Due to the nature of the City's operations, longer hours may be necessary in some instances. Deviations from the standard work week can be made only with the Mayor's approval.

Different work schedules may be established by the City to meet job assignments and to provide necessary City services. Part-time (including "regular" employees who work less than forty [40] hours a week) and temporary employees will work hours as specified by the Mayor.

4.2 HOURS OF WORK AND OVERTIME: [Bargaining unit employees should refer to the collective bargaining agreement]

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. All bargaining unit employees are in non-exempt positions.

As has been stated, the established work week, for most employees is forty (40) hours within a seven (7) day work week. Personnel are responsible for accurately reporting, by means specified by the Mayor and supplied by the City, all hours worked. Employees failing to accurately record and otherwise report periods of time worked are subject to discipline.

Non-exempt employees are entitled to additional compensation for work performed in excess of the standard work week for their respective positions. All overtime must be authorized in advance, or approved as an emergency, by the Mayor.

Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week. In recognition of the extra time demands of certain exempt positions, informal paid leave may be taken, as mutually agreed upon by the employee and the Mayor.

4.3 COMPENSATORY TIME: [Bargaining unit employees should refer to the collective bargaining agreement]

The City is not required to grant compensatory time off instead of overtime pay. It is to be approved by the Mayor on a case by case basis.

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Accumulation of compensatory time is not normally permitted for use as a substitute for extended vacation time. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and the Mayor. The award of compensatory time in lieu of overtime pay can only be approved by the Mayor.

Employee compensatory time balances may be reviewed at east annually as part of the City's budget process.

4.4 ATTENDANCE: [Bargaining unit employees should refer to collective bargaining agreement]

Punctual and consistent attendance is a condition of employment. The requirements for accurate recording of attendance apply to scheduled and unscheduled overtime as well as to normal work shifts.

Employees unable to work or unable to report to work on time should notify the Mayor, or, in the event of his unavailability, the City Clerk. This should be done as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day.

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

4.5 UNUSUAL WEATHER CONDITIONS:

Much of the City's work is done on occasions of inclement weather or emergency conditions. It is expected that all employees will make every reasonable effort to report to work on these occasions, without endangering their personal safety. We are proud of our employees' records of being present and ready to provide vital services to the community at these times.

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

4.6 BREAKS AND MEAL PERIODS: [Bargaining unit employees should refer to collective bargaining agreement]

Employees may take one (1) fifteen-minute break within every four hours worked. Breaks are compensable time, and shall be arranged so that they do not interfere with City business or service to the public. Meal periods are unpaid time, and scheduling of them may vary depending on the workload.

4.7 CALL BACK: (Bargaining unit employees should refer to collective bargaining agreement)

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. An employee's refusal to respond to a call back, when circumstances are such that it is possible and reasonable for him/her to return to work, is grounds for immediate disciplinary action, 11

including possible termination. Employees called back to duty will be paid their appropriate rates of pay for hours worked.

4.8 PAYROLL RECORDS:

The official payroll records must be approved by the Mayor and are then kept by the Clerk/Treasurer. Procedures for the preparation and maintenance of these records will be outlined and given to employees by the Clerk/Treasurer and the Mayor, as needed.

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Section 5: COMPENSATION

[Bargaining unit employees should refer to collective bargaining agreement]

5.1 SALARY CLASSIFICATION AND GRADES:

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

5.2 EMPLOYEE PAY RATES:

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

Usually, new employees will be placed on the wage schedule at the minimum wage rate for their respective positions; however, one may be employed at a higher rate when in the City's judgment his/her experience, training and/or proven capability warrant, or when prevailing market conditions require.

The City Council may make an across-the-board pay adjustment, raising the salaries of all positions by a specified amount, within a defined group of classifications. Such an adjustment will not change an employee's pay anniversary date.

5.3 PAYDAYS:

City employees are paid monthly, on a day no later than the first date of the ensuing month.

An employee may request a mid-month draw equal to approximately one-half of the normal monthly pay, less a pro rata share of normal deductions. Any payment for overtime shall be included in the monthly pay and not in the mid-month draw. The payday for a mid-month draw will be on the 15th day of the month.

If either the 1st or the 15th days fall on a Saturday, Sunday or holiday, the monthly paycheck or the mid-month draw check will be ready for each employee on the business day immediately preceding the normal pay day. Any errors in the pay of an employee shall be corrected in the next month's check.

5.4 DEDUCTIONS:

The law requires some regular deductions from the employee's earnings. Other deductions may be specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, by applicable union contract or by statute.

City of Kittitas Personnel Policies and Procedures June 27, 2000

5.5 TRAVEL AND TRAVEL EXPENSE REIMBURSEMENT

All travel away from the City must be approved in advance by the Mayor. If private automobiles are used, employees will be reimbursed at a per-mile rate currently approved by the State.

City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City. Tips, not to exceed 15%, for meals, taxis or baggage handling are reimbursable. No claim for personal reimbursement shall be paid unless it is accompanied by a bona fide vendor's receipt which must show date, description of purchase and amount paid. Requests for reimbursement, including receipts, shall be submitted with an expense report form signed by the employee and then by the Mayor.

Unauthorized expenditures include, but are not limited to, entertainment, liquor, and expenses of spouse, guests or other persons not authorized to receive reimbursement under this policy.

5.6 COMPENSATION UPON TERMINATION:

When an individual's employment with the City is terminated, the employee will receive the following compensation on a date no later than the next regularly scheduled payday (this does not refer to the mid-month draw date), provided that the employee has no outstanding financial obligations to the City as of that date:

- (1) Regular wages for all hours worked up to the time of termination and for which he/she has not already been paid;
- (2) Any overtime or holiday pay due; and/or,
- (3) A lump sum payment of any accrued but unused vacation and compensatory time.

Section 6: PERFORMANCE EVALUATION AND TRAINING

Our City is small, and our personnel are few in number, with no department heads and only the Mayor to serve as the chief administrative officer. Even so, we desire to train, promote and retain the best qualified employee for every position. We will, therefore, conduct periodic personnel performance evaluations for all positions.

The Mayor is responsible for developing and maintaining the City's performance evaluation program. While he/she may designate another person or group of persons to conduct the evaluation of a given employee, it is the Mayor's responsibility to assure the evaluator(s)' capability and willingness to do so, and that the evaluation is conducted in a satisfactory manner. Employees are to be evaluated prior to completion of their trial period (see Section 3.4) and usually once every twelve months thereafter.

The City seeks, within the limits of available resources, to offer training to increase an employee's skill, 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 and seminars sponsored by other agencies or organizations.

City of Kittitas Personnel Policies and Procedures June 27, 2000

Section 7: BENEFITS AND RELATED EMPLOYEE PROGRAMS

[Bargaining unit employees should refer to the collective bargaining agreement)

7.1 RETIREMENT BENEFITS:

The City makes contributions on behalf of all eligible employees to the Social Security and Medicare Systems in addition to those contributions made by the employees through RCA payroll deductions.

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

Employees intending to do so should notify the Mayor of their intent to retire at least three (3) months prior to the date of intended retirement.

7.2 DISABILITY BENEFITS (WORKERS' COMPENSATION);

All employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses for qualifying cases, State Industrial Insurance will pay the employee for work days lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the Clerk or Mayor

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 the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.

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

The 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 duties of the position.

7.3 HEALTH INSURANCE BENEFITS:

Regular full-time and part-time employees and their dependents are eligible to take part in the City's various insurance programs on the first day of the month following employment unless conditions of the collective bargaining agreement provide otherwise. The programs and criteria for eligibility will be explained upon hire. The City contributes toward the cost of premiums in the amounts authorized by the City Council. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction - **(SEE RESOLUTION 05-750)**

Temporary employees will not be eligible for this insurance coverage.

City of Kittitas Personnel Policies and Procedures June 27, 2000

7.4 CONTINUATION OF INSURANCE COVERAGE:

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

COBRA Rights: (included here for information only) Upon an employee's termination from City employment, or for reason of reduction in number of hours of work, an employee may qualify to continue his/her group health insurance at his/her expense (plus nominal handling fee) for a period of 18 months. Kittitas does not qualify for this Consolidated Omnibus Budget Reconciliation Act (COBRA) regulation coverage, because the threshold for participation is that the employer must have had 20 or more employees during the prior calendar year.

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

7.5 UNEMPLOYMENT COMPENSATION:

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

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MEMORANDUM

To: MAYOR BOB COUSART
FROM: KATHERINE KENISON, ATTORNEY
DATE: FEBRUARY 1, 2006
SUBJECT: HEALTH INSTJRM4CE BENFITS/EMPLOYEE ELIGIBILITY

Per our phone conversation this morning, I have reviewed the personnel policies as they relate to health insurance benefits. Based on my review, I believe that all non-union full and part time employees are entitled to health insurance benefits beginning on the first day of the month following employment.

Your policies define a "Trial Period" (page 8) as the period from date of hire until expiration of 6 consecutive months of employment. Following successful completion of the trial period, such employees may be certified to regular employment status. Trial employees accrue all benefits during the trial period, but may not use any vacation leave until they are certified to regular status. They may, however, use accrued sick leave. Nowhere does it state that they are not entitled to all other benefits, including health insurance. Page 18 of your policies states that health insurance benefits are available to all regular full and part time employees on the first day of the month following employment; only temporary employees are ineligible for health insurance benefits.

Because Washington case law dictates that such language be interpreted in favor of the employee and against the drafter (employer), and because your policies do not expressly state that employees are ineligible to receive health insurance benefits during their trial period (whereas the health insurance section provides for eligibility from the first day of the month following employment), I believe that all non-union regular and part time employees are eligible for health insurance benefits under your policies.

If you have any questions or want additional information on this subject, please call or email.

LEMARGIE KENISON WYMAN AND WHr1'AXER

L. Kenison

RESOLUTION 05-750

A RESOLUTION OF THE CITY OF KITTITAS, WAS WASHINGTON
ESTABLISHING CITY CONTRIBUTION TOWARD HEALTH INSURANCE
PREMIUMS FOR REGULAR FULL TIME EXEMPT EMPLOYEES.

WHEREAS, the City of Kittitas contributes toward health insurance premiums for all full time employees, and

WHEREAS, the monthly contribution amount for employees covered under the Collective Bargaining Agreements set according to the current contract, and

WHEREAS, the monthly contribution amount for full time exempt employees is established and approved by the City Council. and

WHEREAS, the monthly contribution amount for full time exempt employees has not been addressed since January 1, 2001, and

WHEREAS, health insurance premiums have continued to increase at a much higher rate than the Cost of Living Adjustment (COLA)

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Kittitas shall contribute \$588 per month toward health care insurance premiums for full time exempt employees with the remainder of the premium paid by the employee.

BE IT FURTHER RESOLVED, the City Council of the City of Kittitas approves this contribution to be retroactive to January 1, 2005.

Adopted by the City Council and approved by the Mayor this 5th day of January 2005.

Attest: Mayor

Clerk/Treasurer

Councilmembers

SEE 06-016 UPDATED to \$550 PER MONTH PER FAMILY; 100% DENTAL/VISION

Section 8: LEAVES, INCLUDING HOLIDAYS

[Bargaining unit employees should refer to collective bargaining agreement provisions]

8.1 VACATION LEAVE:

All new employees must satisfactorily complete their trial periods to be entitled to use vacation (or "annual") leave, although vacation time may be accrued during the trial period.

Non-exempt, regular full-time employees accumulate leave hours in accordance with the schedule posted in the collective bargaining agreement.

Exempt, regular full-time employees are entitled to vacation leave as follows:

| Years of Continuous Employment | Vacation Hours Earned |
|--------------------------------|-----------------------|
| [0 to 4] years | [8] hours/month |
| [5 to 9] years | [10] hours/month |
| [10 to 14] years | [12] hours/month |
| [15 to 19] years | [14] hours/month |
| [19 plus] years | [16] hours/month |

The maximum number of vacation hours which may be carried over from one calendar year to the next is two hundred and forty (240) hours. The Mayor may authorize additional carryover when doing so is in the best interests of the City.

Upon termination of employment, employees will be paid for unused vacation time.

The scheduling of vacation leave for each qualified employee shall be approved by the Mayor. Considerations will be seniority, employee preference and avoidance of undue disruption of the department and City services. Vacation leave requests must be submitted in writing to the Mayor and this at least thirty (30) days in advance whenever possible

8.2 SICK LEAVE:

All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment.

Employees do not accrue sick leave benefits during a leave without pay or during layoffs.

Temporary employees do not earn sick leave benefits.

City of Kittitas Personnel Policies and Procedures June 27, 2000

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

- (1) his/her own health condition (illness, injury, physical or mental disability -- including disability due to pregnancy or childbirth);
- (2) the need to care for the employee's dependent children (under the age of 18) who are ill; or a member of the employee's immediate family living in the same household. The term "immediate family" means: Spouse, children (including step-children of the employee), parents, siblings, and grandparents, of the employee or the employee's spouse, or a more distant relative if living in the same household. - changed per 4/24/07 minutes
- (3) medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which impose the least interference with the work day;
- (4) exposure to a contagious disease when on-the-job presence of the employee would jeopardize the health of others;
- (5) use of a prescription drug which impairs job performance or safety; or,
- (6) additional leave beyond bereavement leave, which, if requested, is to be authorized by the Mayor. Approval will be on a case by case basis, and will be dependent on the circumstances.

A doctor's or hospital/clinic statement may be required and then must be provided by the employee when an absence would be charged to sick leave. 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 job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient performance of services to the citizens of the City.

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may request of the Mayor the approval of a leave without pay.

Employees will not be paid for any unused sick leave upon leaving City service, regardless of reason.

8.3 WITNESS AND JURY DUTY LEAVE:

Jury Duty. The City provides all employees leave for the full period of jury duty service. Regular full-time and part-time employees who have completed their training periods receive paid jury duty leave of up to two weeks each time they are called for jury service. In general, if jury duty extends beyond two weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided.

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Payment provided by the courts during periods of paid jury duty leave must be turned over to the City, excluding expense reimbursements such as mileage.

(The employee must provide the Mayor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, the employee is required to, provide the Mayor with proof of jury service.

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

8.4 ADMINISTRATIVE LEAVE:

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

8.5 MILITARY LEAVE:

The City of Kittitas provides all employees leave while performing military service in accordance with federal and state law. Regular full-time employees receive paid military leave of up to fifteen (15) working days per year for military service. In general, if military service extends beyond the 15 working days, the additional leave will be unpaid. Exempt salaried employees who serve longer than two weeks should contact the Mayor to discuss whether further paid leave will be provided. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Military service includes active military duty and Reserve or National Guard training. The employee is required to provide the Mayor with copies of his/her military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

8.6 BEREAVEMENT LEAVE:

The City provides regular full-time and part-time employees with paid leave for up to three (3) days in the event of the death of an immediate family member. The absence will be charged against the employee's sick leave accrual.

8.7 FAMILY LEAVE:

The City of Kittitas does not fall under the jurisdiction of the federal Family and Medical Leave Act of 1993. Fifty (50) or more employees are required for that qualification.

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The City does, however, with the approval of the Mayor, grant up to three consecutive days in a given instance of the serious illness of a member of the employee's immediate family. (See definition of "immediate family" in Section 1 of this manual) Such an absence will be charged against the employee's sick leave accrual, and, therefore, is available only to regular full-time employees.

8.8 MATERNITY AND CHILDBIRTH LEAVES:

A female employee may, during the term of her pregnancy, be allowed to work as long as she is able to safely perform the duties of her job and for as long as her physician gives his/her approval, in writing. Absence for maternity leave will be charged against sick leave accrual until that is exhausted, then against other accrued leave.

An employee may be absent for the birth or adoption of his/her child. Time lost shall first be charged against sick leave, then against any other paid accrued leave. The maximum period of such leave, unless extended by the Mayor, shall be three (3) consecutive work days.

8.9 LEAVE OF ABSENCE: (Without Pay)

The Mayor may grant a leave of absence without pay for an absence from work that is not covered by any other type of leave, or if other leave balances are exhausted. The employee must have applied for such leave in advance of the absence, if at all possible; and, it must be understood that the approval of such a request is entirely the Mayor's decision. Leave without pay will generally be granted for only a few days, simply because the City's services must continue with qualified personnel on the job; however, there may be occasions when the leave might be for an extended period, and the interest of the City may be served, or not adversely affected, while serving the needs of the individual.

No sick leave or annual (vacation) leave shall accrue during a leave of absence without pay.

8.10 HOLIDAYS:

The following are recognized as paid holidays for all regular full-time employees:

| | |
|-------------------------------|------------------------------------|
| New Year's Day | January 1 |
| Martin Luther King's Birthday | 3rd Monday in January |
| President's Day | 3rd Monday in February |
| Memorial Day | Last Monday in May |
| Independence Day | July 4 |
| Labor Day | 1st Monday in September |
| Veteran's Day | November 11 |
| Thanksgiving Days (2) | 4th Thursday in Nov/ and day after |
| Christmas Day | December 25 |

City of Kittitas. . .Personnel Policies and Procedures June 27, 2000

A holiday falling on Saturday shall be observed on the preceding Friday. One falling on Sunday will be observed on the following Monday.

In the case of the non-exempt regular full-time employee, a holiday falling within a vacation period shall not be charged to vacation time, and one occurring while an employee is on sick leave shall not be charged against sick leave credit. Further, non-exempt regular full-time employees will be paid for that day at regular pay rates and will, additionally, be granted an hour of compensatory time for every hour worked on the job.

Temporary employees will be paid at the regular straight-time rate for hours worked on a holiday.

8.11 RELIGIOUS HOLIDAYS:

If an employee's religious beliefs require observance of a holiday not included in the basic schedule, the employee may, with the Mayor's prior approval (which will take into consideration the advance notification and likely disruption of services the city provides), take the day off using vacation, compensatory time or leave without pay.

8.12 PERSONAL LEAVE:

One personal leave day may be taken at any time during the year. The personal leave day may not be carried into the next calendar. Requests for personal leave shall be made at least five (5) days in advance of the requested day off. The City Council or their designee shall respond to leave requests as soon after their submission as is practicable. If such request is denied, the reasons for the denial shall be fully explained in writing.

8.13 EMERGENCY LEAVE:

Employees may request one (1) day of emergency leave for bona fide emergencies. Emergency is defined as an unforeseen or unavoidable circumstance occurring without advance notice of the employee. Notice to the City Council or their designee is required. The City Council or their designee shall respond to leave requests as soon after their submission as is practicable. If such request is denied, the reasons for the denial shall be fully explained in writing. Emergency leave day may not be carried into the next calendar year.

8.14 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES:

Unless noted otherwise in these policies, part-time and temporary employees are not eligible to receive benefits, including leaves, holidays and insurance.

Section 9: EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.1 GENERAL CODE OF CONDUCT:

All City employees are expected to represent the City before the public with courtesy, efficiency and helpfulness. We must all maintain clean and neat appearances appropriate to our work assignments.

To help each of us to be reminded that our on-going job performance, our professional conduct and our every-day behavior generally determine the ways we are perceived by citizens, and of the relationship we have with members of the community, the City has established certain standards of personal conduct. Among the City's expectations are: basic tact and courtesy toward the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preservation and protection of the City's equipment, grounds, facilities and resources; and the providing of orderly and cost-efficient services to the citizens.

Our City, as an organization, is quite small. To function as efficiently as possible, we may ask you to perform seemingly menial duties from time to time. These may not always be included in your regular assignments. We trust that each employee will understand that such requests will not be reflections on his/her worth to the City, but that such can be a reasonable and necessary arrangement for a small organization.

To make the most efficient use of personnel, the City also reserves the right to change employee work conditions and duties as originally assigned. If it becomes necessary to exercise such rights, we expect and will appreciate your cooperation.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST:

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

- (1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) is conducted during the employee's City work hours;
- (3) would utilize City telephones, computers, supplies or any other resources, facilities or equipment.
- (4) is employment with a firm which has contracts with or does business with the City; or,
- (5) may reasonably be perceived by members of the public as a conflict of interest, or otherwise discredits public service.

An employee who chooses to have an additional job, contractual commitment or self-employment may do so only after obtaining prior approval from the Mayor

City of Kittitas Personnel Policies and Procedures June 27, 2000

9.3 REPORTING IMPROPER GOVERNMENTAL ACTION:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by City officials or employees, and that they should have no fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Key Definitions:

Improper Governmental Action is any action by a City officer or employee that is undertaken in the performance of that person's official duties, whether or not the action is within the scope of the individual's employment, and which: (a) is in violation of any federal, state or local law or rule; (b) is an abuse of authority; (c) is of substantial and specific danger to the public health or safety; or, (d) is a gross waste of public funds.

Improper governmental action does not include personnel actions (e.g., hiring, firing, complaints, promotions, reassignment, etc.). An additional caution is that employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

Retaliatory Action is any material adverse change in the terms and conditions of an employee's employment which could be demonstrated to have occurred as a direct result of the employee having reported an improper governmental action.

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

Procedure for Reporting Improper Governmental Action:

(1) A City employee who becomes aware of improper governmental action should bring the matter to the attention of his/her supervisor if the person is not involved. The report should be in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the apparent improper action.

(2) Where the employee believes the improper action involves the supervisor, and assuming the supervisor is one other than the Mayor, the employee may raise the issue directly with the Mayor.

(3) The Mayor or his designee, as the case may be, shall promptly investigate the report of improper governmental action. After the investigation is completed (i.e., within thirty [30] days of the employee's report), the employee shall be advised of the result of the investigation, except that the specific personnel actions taken may be kept confidential.

City of Kittitas Personnel Policies and Procedures June 27, 2000

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

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

The employee may report information about improper governmental action directly to an outside agency if he/she reasonably believes that an adequate investigation was not undertaken by the City, or that insufficient action was taken by the City to address the improper action, or that for other reasons the improper action is likely to recur

Protection for Seeking Relief From Retaliation:

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

(1) The employee must provide a written complaint to the supervisor within thirty (30) days of the occurrence of alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor. The written charge shall specify the alleged retaliatory action and the relief requested.

(2) The Mayor shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.

(3) After receiving the City's response, the employee may request a hearing before a state administrative law judge ("AU") to establish that a retaliatory action did occur and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliation or forty-five (45) days of the Mayor's receipt of the employee's charge of retaliation.

(4) Within five (5) working days of receipt of a request for hearing, the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove by a preponderance of the evidence presented that a retaliatory action occurred. The AU will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

City of Kittitas Personnel Policies and Procedures June 27, 2000

Policy/Procedure Implementation: The Mayor, or his/her designee, is responsible for implementing this policy and the procedures. This includes posting the policy in this manual, making the policy available to any employee upon request and providing the policy to all newly hired employees. Officers, managers and supervisors are responsible for ensuring that the procedures are fully implemented within their areas of responsibility.

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

9.4 POLITICAL ACTIVITIES:

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

Any City employee who meets with or may be observed by the public or otherwise represents 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.

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

9.5 NO SMOKING POLICY:

For health and safety considerations, the City prohibits smoking 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.

9.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS:

The City does not assume responsibility for any theft of or damage to the personal belongings of employees, and we reserve the right to search any City furnished desks, lockers or other storage places, and personal belongings brought onto City premises, if considered necessary.

The City also furnishes computers for use in conducting City business. Because the computers are for City business, the City reserves the right to review the contents of any files or documents on the computer, including contents of any electronic mail.

City computers are not for personal use. Further, City employees should not expect privacy of their phone calls, electronic files or written documents that are produced while at work.

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9.7 PURCHASING OF SUPPLIES, MATERIALS OR EQUIPMENT:

A written purchase order must be issued by the Mayor's Office prior to the purchase of any merchandise, supplies, and/or equipment over \$100.00 unless the purchase is for recurring fees such as phone bills, power bills, etc. The Mayor will evaluate the need and determine whether funds are available for the requested purchase.

The Mayor's signature on the purchase order is required prior to any purchase being made; provided that, in an emergency, the Mayor may give verbal approval. Invoices, signed (by the Mayor and the purchaser), purchase orders and packing slips, signed by the purchaser(s) and showing receipt of the merchandise, must be turned into the City Clerk on or before the employee's next working day following the receipt of the invoice.

9.8 USE OF CITY VEHICLES AND EQUIPMENT:

Use of City phones for local personal phone calls should be kept to a minimum. Long distance personal uses are prohibited. Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, or other equipment or supplies can result in disciplinary action including termination.

9.9 BULLETIN BOARDS AND POSTINGS:

Information of special interest to all employees is posted regularly on the City Hall bulletin board or is otherwise distributed among employees. Employees may not post any information on the City Hall bulletin boards without the authorization of the Mayor or the City Clerk.

Supervision of bulletin boards located in other of the City's facilities will be the responsibility of persons so designated by the Mayor. The Mayor is the final authority for approving materials for which posting is to be requested and/or made on City premises. "City premises", in the instance of this policy, includes all walls, cabinets, furniture, lockers, fixtures, glass, mirrors or other surfaces on the City's property other than bulletin boards.

9.10 CONTACT WITH THE NEWS MEDIA:

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

9.11 SEAT BELTS AND LIABILITY INSURANCE:

In accordance with Washington law, anyone operating or riding in a City vehicle, or traveling in a personal vehicle while on City business, must wear a seat belt at all times. If driving, the employee must have current liability insurance coverage.

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9.12 DRIVER'S LICENSE REQUIREMENTS:

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

9.13 SOLICITATIONS:

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

(1) Persons not employed by the City may not solicit, survey, petition, or distribute literature on our premises at any time. This includes persons soliciting for charities or administering questionnaires, salespersons, surveyors, labor union organizers or any other solicitor or distributor. Exceptions to this rule may be made in special circumstances in which the Mayor, representing the City, determines that an exception would serve the best interests of the organization and our employees. An example of an exception might be the United Way campaign or a similar community-based fund raising effort.

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

9.14 SAFETY:

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 supervisor or the Mayor. The City will make every effort to remedy problems as quickly as possible

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify the Mayor, or in his absence, the City Clerk.

Since being exposed to a blood borne pathogen may lead to sicknesses such as hepatitis, AIDS or malaria, and since the City wants to assure our employees of as safe and healthy a work environment as possible, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to blood borne pathogens

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Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace, even including but not limited to weapons for which employees have valid permits. The only exception to this rule involves commissioned law enforcement personnel whose job requires possession and carrying of dangerous weapons.

9.15 SUBSTANCE ABUSE: [Bargaining unit employees should refer to the collective bargaining agreement]

The City's philosophy on substance abuse has two points of focus: (1) a concern for the well-being of the employee, and (2) a concern for the safety of other employees and members of the community

Availability of Rehabilitation or Treatment: As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation. The decision to seek diagnosis and accept treatment is completely voluntary on the part of the employee. The City is fully committed to helping employees who do seek assistance to overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the City's benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination.

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

Drug-Free Workplace: Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession and/or use of unlawful drugs or alcohol on City premises or during work hours by City employees is strictly prohibited. Employees also must notify the City within five (5) days of any conviction of possession or use of illegal drugs. Violation of this policy can result in disciplinary action, including termination. Continued poor performance and/or failure to successfully complete a rehabilitation program are grounds for termination.

RESOLUTION 05-751

A RESOLUTION OF THE CITY OF KITTITAS, WASHINGTON
AMENDING THE PERSONNEL POLICIES AND PROCEDURES TO INCLUDE
SECTION 9.16 WORK ORDERS.

WHEREAS, the City of Kittitas is committed to review and update the general guidelines and policies concerning personnel matters and employee benefits in order to provide guidance to City employees, managers and elected officials and to comply with federal and state laws, and

WHEREAS, the City Council has determined the need to amend Section 9 to include a sub-section relating to work orders.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Kittitas hereby amends Section 9 of the Personnel Policies and Procedures (dated June 2000) to include the following:

9.16 WORK ORDERS

A work order shall be issued at the discretion of the Mayor prior to all work being performed on City property or vehicles. The intent of such forms is that work might be directed in such a fashion that issues of safety will be addressed in a timely manner (see 9.14). Although safety is of prime importance in the workplace, the form also will be used for purposes of accountability of resources – both physical and human.

Work orders may be initiated by any City staff member. Once initiated, the form will be forwarded to the Mayor's office for determination of assignment and priority of completion. Issues posing a threat to the public, City staff or property are to be addressed on a priority basis.

The City may use forms generated internally or those purchased from outside sources. The Mayor's office will provide instruction as to how those forms are to be completed and routed within the City. It is to be assumed that work orders will include, but not be limited to, description of work to be done, who the work is assigned to, expected completion time, estimated cost of work to be done, who was involved in completion of the work, the signature of the individual completing the work, and such other information the City deems necessary.

The Mayor's office will also determine a priority list for work orders. Determination of priority will be based upon the following:

1. Does the problem pose immediate danger to persons or property?
2. Does the problem cause unnecessary cost to the City?
3. Will the work result in better service to the residents of the City?
4. Does the work result in more efficient expenditure of City money?

RESOLUTION 05-751

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Emergencies may not always allow prior preparation and assignment of work orders (i.e., snow removal, water line breaks and so forth). Work orders for emergencies will be generated after the fact. It is the expectation of the City that those work orders reflect all the information of any other generated work order.

It is to be understood that some projects require extended periods of activity prior to completion. Work orders for such projects may be varied in structure. But this will be done only at the direction of the Mayor or his/her designee.

Adopted by the City Council and approved by the Mayor this 25th day of January 2005.

Attest: Mayor Robert E. Cousart

Clerk/Treasurer: Marylou Gilmour

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Section 10: DISCIPLINE AND TERMINATIONS

[Bargaining unit employees should refer to the collective bargaining agreement]

10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION:

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

(1) Misrepresentation or withholding of pertinent facts in securing employment.

(2) Unauthorized use or possession of the City's facilities or property. Unauthorized use of one's position with City for personal gain or advantage. Accepting unlawful gratuities or bribes. Dishonesty.

(3) Smoking in any unauthorized area or creating a fire hazard in any area.

(4) Violation of dress standards.

(5) Placing or receiving personal phone calls contrary to the phone call policy.

(6) Failure to report an occurrence causing damage to the City, citizen(s) or public property. Failure to properly secure the City's facilities or property.

(7) Loitering after completing the day's work which results in the disruption of the City's business or the work effort of other employees. Vending, soliciting or collecting contributions for any purpose whatsoever during working time on the premises without the permission of a supervisor.

(8) Unauthorized operation or use of machines, tools or equipment to which the employee has not been specifically assigned.

(9) Unauthorized recording of information on, or any tampering with another employee's time record. Making request of another employee, other than the supervisor, to modify one's own time record.

(10) Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism or insufficient reasons for absenteeism.

(11) Failing or refusing to assist other employees in a work situation when such assistance is obviously necessary or is requested by the other employee.

(12) Making malicious, false or derogatory statements that are intended to, or could reasonably be expected to damage the integrity or reputation of the City or our employees, on or off premises. Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language and/or gestures or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.

City of Kittitas Personnel Policies and Procedures June 27, 2000

(13) Intentional falsification of records/paperwork required in the transacting of the City's business.

(14) Inability, inefficiency, negligence or insubordination, including refusal or failure to perform assigned work. Concealing defective work.

(15) Failure to promptly report to your immediate supervisor an on-the-job injury or accident involving an employee, equipment, property or visitor.

(16) Dishonesty or theft, including deliberate destruction, damage or removal of the City's or others' property from the premises, or any job site.

(17) Failure to observe safety practices, rules, regulations and instructions. Negligence that results in injury to others.

(18) Possession, use, sale, or being under the influence of alcohol and/or controlled substances while in the City's business. The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.

(19) Possession of explosives or weapons on the premises or at any job site, whether or not the employee is on duty at the time.

(20) Conviction of a crime.

10.2 POSSIBLE DISCIPLINARY ACTION: [Bargaining unit employees should refer to the collective bargaining agreement]

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

(1) Oral Warning

(2) Written Reprimand

(3) Suspension

(4) Demotion

(5) Termination.

The choice of discipline to apply in a particular case is solely the City's. The numbering of the above types of action is not meant to imply, nor should it be understood that they are progressive actions, to be taken in the numbered order.

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10.3 PRE-TERMINATION HEARING:

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

In the event a supervisor desires to terminate an employee, the employee shall be provided with a notice of the recommendation for termination. In our city, the Mayor is most likely to be the one taking the action; thus, a notice of intent would be given. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-termination hearing. If the employee fails or refuses to appear for the hearing, the termination may proceed.

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

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

10.4 LAYOFF:

The Mayor may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place, or that are imminent.

Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected; except that the Mayor may deviate from this rule if in the City's judgment retention of special job skills is required. This is a very real likelihood in the City of Kittitas, because of the limited size of our workforce. Seniority will be considered when performance and the qualifications required for remaining jobs are equal, as determined by the City. Employees who are laid off may be eligible to be re-employed, if vacancies occur in positions for which they are qualified.

10.5 RESIGNATION, DISMISSAL AND TERMINATION OF EMPLOYMENT:

It is the policy of the City of Kittitas to process the termination of employees according to a standardized personnel procedure to ensure consistent and equitable treatment of all.

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Termination "In Good Standing":

(1) With Notice: An employee wishing to leave City service in good standing shall file with the Mayor, at least fourteen (14) calendar days in advance of the intended final day of work, a written resignation stating the effective date and the reasons for leaving. The time limit of the resignation may be waived at the discretion of the Mayor, according to the circumstances

(2) Released. Involuntary termination initiated by the City due to the inability of the employee to satisfactorily perform the duties of the position for reasons of job ineptitude, health problems or lack of work.

(3) Retired. Termination in accordance with the provisions of a pension plan.

Termination "Not In Good Standing":

(1) Insufficient or No Notice Given: No advance notification of intent to resign is given or notice is given in advance of the last day worked by a period of less than fourteen (14) calendar days.

(2) Discharge: Involuntary termination initiated by the City for cause such as absenteeism, misconduct, poor work performance or as otherwise stipulated in policy.

Employees shall receive pay for work performed through the last hour worked and for unused accrued benefits as stipulated by policy, by laws governing such payments, and by the labor agreement with non-exempt employees.

Final checks may be held until the terminating employee has completed the proper releases, returned any issued equipment, supplies and/or material and made arrangements to fulfill any other obligations to the City.

Termination pay shall be reduced by any authorized legal deductions.

The terminating employee or the Mayor may request a meeting of one with the other to discuss any details relevant to the employee's termination. It is supposed that the topics of such a meeting might be of particular interest to both the terminating employee and the City, especially with regard to resolving issues of difference.

Section 11: COMPLAINT PROCEDURES

[Bargaining unit employees should refer to the collective bargaining agreement]

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

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

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee should bring the matter to the attention of the Mayor. The employee may submit the problem in writing to the Mayor. If so, the written complaint must contain, at a minimum:

- (1) A description of the problem;
- (2) A specific policy or procedure which the employee believes has been violated or misapplied;
- (3) The date(s) 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 matter.

The written complaint must be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee became aware of the circumstances.

The Mayor will usually respond in writing to the aggrieved employee within ten (10) days of the meeting. The Mayor's response and decision shall be final and binding.

Certain employees may have more than one source of dispute resolution rights (e.g., the City's Civil Service rules, a collective bargaining agreement and this complaint process). Where applicable, rights other than this process should be followed. 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 him/her.