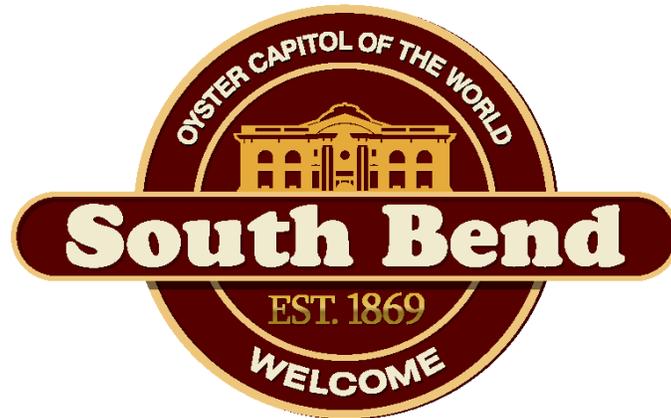


# City of South Bend



## Personnel Policies and Procedures Manual

Revised August 2017

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# CHAPTER 1

## PURPOSE AND SCOPE

### 1.1 INTRODUCTION

Welcome to the City of South Bend. This employee handbook contains general statements of policy and information for supervisors and non-represented employees. This handbook also applies to represented employees to the extent that it does not conflict with the subject of a collective bargaining agreement or contain changes to mandatory subjects of bargaining. Represented employees are encouraged to consult their contract first for information about their employment.

This handbook is intended to provide an overview of City wide policies and procedures. Departments may also maintain separate department policies and procedures. Employees should check with their supervisors or department directors to ensure they are aware of all policies and procedures for which they are accountable. The policies outlined in this handbook should be regarded as guidelines, which may change from time to time. The latest version of this handbook will be maintained in the Clerk/Treasurer's Office. The policies are not intended to and do not create a contract of employment. They may be amended, repealed or modified at any time by the City. Except as modified by Civil Service Rules or collective bargaining agreement, your employment with the City is at will and for no specific period of time and may be terminated at any time by either you or the City, with or without cause.

### 1.2 INTENT OF POLICIES

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, we recognize that things may not always work out as hoped, and either of us may decide to terminate the employment relationship. Please understand that no 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, state, or federal law or employee group bargaining agreement, the terms of that law or agreement prevail. In all other cases, these policies apply.

Only collective bargaining agreements mutually signed by the Mayor and the appropriate union representative, and personal services contracts are considered valid and binding employment contracts. The Mayor is the only City official who can make binding employment contracts. These contracts must be in writing. Under provisions of State law, the Mayor has the authority to adopt and administer personnel rules, regulations, and policies. The Mayor specifically reserves the right to repeal, modify, or amend the policies, procedures, and other statements made in this handbook at any time. None of these provisions shall be deemed to create a vested contractual right in any employee or to limit the power of the City Council or the Mayor to repeal or modify these rules. Business conditions, Federal and State Law, and organizational needs are constantly in flux and may require that portions of the handbook be rewritten. This is necessary to successfully provide the appropriate employment relationship and to achieve the goals of the City.

Information on changes will be provided to employees via bulletin boards, staff meetings, memo, or by other common methods. It will be the responsibility of employees to stay informed of information affecting their employment in this handbook and any changes that may be announced. For specific policy questions, employees should consult the City's Personnel Policies and Procedure Manual, department policy and procedure manuals, or if they are represented, their current union contract. Employees are also encouraged to ask their supervisor questions concerning all City or department policies. These personnel policies serve as a general guide to the City's current employment practices and procedures. As such, we hope they will help you better understand how the City operates and what is expected of you as an employee. These policies also provide general information about what the City provides you in terms of compensation, benefits, and other support.

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

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

#### **1.4 CHANGING THE POLICIES**

As the need arises, the Mayor may modify these policies, except that the City Council, by ordinance, shall enact any changes in compensation or benefit levels. The Mayor or the Department Head may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the City's citizens. Employees may request specific changes to these policies by submitting suggestions to their department head.

#### **1.5 DEFINITIONS**

Department Head: An employee who is responsible for directing a department of the city.

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

Regular Full-Time Employee: An employee who has successfully completed a probationary period as defined in these policies and who regularly works a minimum of forty (40) hours a week.

Regular Part-Time Employee: An employee who has successfully completed a probationary period as defined in these policies and who regularly works less than forty (40) a week but at least sixteen (16) hours a month.

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

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

Public Safety Employee: Public safety employees are the Police Chief, police officers, and any employees covered by Law Enforcement Officers and Firefighters (LEOFF) agreements.

## **CHAPTER 2**

### **GENERAL POLICIES AND PRACTICES**

#### **2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The City of South Bend 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, merit, 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, veteran or marital status, sexual orientation, gender identity, political ideology, disability, genetic information or any other characteristic protected by law.

This policy covers all aspects of treatment of employees and applicants, including but not limited to employment opportunities, compensation, hours of work, conditions of employment, promotions, demotions, transfers, recruitment, advertising, layoff, and termination.

You should contact the Mayor, the Department Head, or your supervisor, if you have any questions or concerns regarding this policy. If you are aware of any violation of this policy, you must contact one of these City officials. There will be no retaliation or repercussions against employees who take such action in good faith. Any employee found to be violating this policy will be subject to disciplinary action up to and including termination of employment.

#### **2.2 DISABILITY DISCRIMINATION PROHIBITED**

The City will not discriminate against qualified applicants or employees with a sensory, physical, or mental disability. The City will reasonably accommodate qualified individuals with disabilities in accordance with applicable federal and state law. If an employee has a disability and wishes reasonable accommodation, he or she should let the Mayor or Department Head know as soon as possible.

#### **2.3 ANTI-HARASSMENT POLICY**

It is the City's policy to foster and maintain a work environment that is free from unlawful discrimination. Toward this end, the City will not tolerate harassment of any employee based on the employee's sex, race, religion, sexual orientation, gender identity, age, national origin, disability, or any other characteristic protected by law. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status, veteran status, citizenship status, or other protected group status. 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 Discrimination Complaint Procedure, Policy 2.5, for guidance on what to do if you experience harassment.

#### **2.4 SEXUAL HARASSMENT PROHIBITED**

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

Sexual harassment is behavior of a sexual nature, which is unwelcome. It can also be nonsexual, abusive

behavior that is directed at an individual because of his or her sex. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

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

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any conduct that meets the above definition is prohibited at the City. This expressly includes explicitly or implicitly conditioning any term of employment (such as continued employment, wages, evaluation, and advancement, time off, assigned duties or shifts) on the provision of sexual favors.

Sexual harassment may be difficult to recognize in certain circumstances. Although the following examples of specific behaviors may not necessarily constitute sexual harassment, they are prohibited at the City to avoid any possible misunderstandings: continuing to ask a person on a date when that person has indicated that he or she is not interested; touching or grabbing a sexual part of any individual's body; touching or grabbing any part of an individual's body after that person has indicated or it is known that contact is unwelcome; displaying or transmitting sexually suggesting pictures, objects, cartoons or posters; writing sexually suggestive written communications; referring to or calling a person a sexually suggestive name; and telling sexual jokes or using sexually vulgar or explicit language. This is not an exclusive list of prohibited behaviors, but is intended as examples of conduct that violate this policy.

Employees engaging in harassment are subject to discipline, including termination. See Discrimination Complaint Procedure, Policy 2.5, for guidance on what to do if you experience sexual harassment.

## **2.5 DISCRIMINATION COMPLAINT PROCEDURE**

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

If you believe that you or another employee has been subjected to harassment or discrimination or if you believe that the conduct of any employee or person at the workplace violates any aspect of this policy, you must promptly report such conduct or statements to the Mayor, the Clerk/Treasurer, or your supervisor. This is your obligation as an employee.

Your report will be taken seriously and investigated promptly. The City will protect the confidentiality of those involved to the extent that it is consistent with our need to investigate and resolve the problem. No employee will be retaliated against by the City for good faith voicing of concerns or cooperating in an investigation under this policy. It is a serious violation of this policy for any employee to take any retaliatory action against any person who reports a violation of this policy or who participates in an investigation. All employees are required to comply with this no-retaliation policy at all times. Violations of this policy will result in discipline up to and including termination of employment.

## **2.6 EMPLOYEE PERSONNEL RECORDS**

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

The City may also have a confidential file containing medical information. This file is kept separate from the personnel file, and access to this file is limited to those with a legitimate business need to know the information, which may include the employee's immediate supervisor, the department head, and/or the Mayor who may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations; first aid and safety personnel, when appropriate; to insurance companies; and where disclosure is required by law.

The City shall make an employee's personnel file available for inspection by the employee, within a reasonable time after the employee requests to view the file. A request to view a personnel file should be made to the Clerk/Treasurer. 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.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, unless required by law in response to a written request for such information. Washington State law controls the City's release of such documents. With the exception of certain materials, which violate an employee's right to privacy, that law is required to be broadly interpreted in order to effectuate the release of public documents, which may result in the release of documents contained in personnel files if required by law.

## **2.7 EMPLOYMENT REFERENCES**

Only the Mayor or the Mayor's designee will provide employment references on current or former City employees. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release. If an employee is terminated because of a violation of Washington Criminal code, that information will be available to future employers unless barred by law.

## CHAPTER 3

### RECRUITING AND HIRING

#### 3.1 RECRUITING

Recruiting practices are conducted solely on the basis of ability, merit, qualifications, and competence, without regard to race, color, religion, national origin, sex, sexual orientation, gender identity, marital status, pregnancy, disability, age, or any other characteristic protected by law.

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

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

#### 3.2 HIRING

Recruiting practices are conducted solely within equal employment opportunity guidelines. Each applicant shall submit a resume. An applicant selected to be interviewed shall submit a signed application form in addition to the resume, prior to being considered for any position.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may also conduct certain background procedures as required by law. Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States and 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.

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

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

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

#### 3.3 TEMPORARY EMPLOYEES

If requested by a supervisor and authorized by the Mayor, temporary employees may be used during emergencies or peak workload periods or to temporarily replace regular employees who are on vacation or other leave, to meet peak work load needs, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

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

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

### **3.4 PROBATIONARY PERIOD**

Upon hire or appointment, all employees enter a probationary period that is considered an integral part of the selection and evaluation process. The trial period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate. The normal probationary period is 6 months from the employee's date of hire, rehire or promotion. The Mayor may authorize the department head to extend the probationary period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended absence or a continued need to evaluate an employee's performance. Once the probationary period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the probationary period does not alter the employee's at-will status, create an employment contract or guarantee employment with the City for a specified duration.

Use of Sick Leave/Vacation during Probationary Period: Probationary employees may not use their accrued sick leave or earned vacation until they have successfully completed their probationary period.

### **3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)**

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

1. One of the parties would have authority (or practical power) to supervise, appoint, audit the work of, remove, or discipline the other; or
2. One party would handle confidential material that creates improper or inappropriate access to that material by the other; or
3. Where, in order to avoid the reality or appearance of improper influence or favor, or to protect confidentiality, the City must limit the employment of immediate family members of policy level officers of any agency or organization currently dealing with the City or which could reasonably be expected to deal with the City in the future; or
4. Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
5. Where an immediate family member, other than a spouse, is a member of the City Council. If an employee's spouse is a City Council member, then a prohibited conflict of interest exists if any or all of (1) through (4) above apply.

Change in Circumstances: If two employees marry, become related, or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above 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 or the Department Head can be made to eliminate the potential problem. 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 employee.

### **3.6 PROMOTIONS**

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

Before advertising a position to the general public, the Mayor or the Department Head may choose to circulate a promotional opportunity within the City. The City reserves the right to seek qualified applicants outside of the organization at its discretion. All openings will be posted on the City bulletin board. To be considered for promotion, an employee must have been employed in their current positions for at least six (6) months, and meet the qualifications for the vacant position.

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

## CHAPTER 4

### HOURS AND ATTENDANCE

#### 4.1 WORKING HOURS

The City Hall is open to the public from 7:30 a.m. to 4:00 p.m. Monday through Friday.

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

Part-time and temporary employees work hours will be specified by their department heads.

#### 4.2 HOURS OF WORK AND OVERTIME

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. You will be informed of your status by the City.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than forty (40) hours during a work period. All overtime must be authorized in advance by the employee's department head. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period.

The accrual of compensatory time-off must be pre-approved by the Mayor or the Department Head prior to working the overtime hours upon which the compensatory time is based, except for work performed on an emergency call out.

Work performed by non-exempt employees for an emergency callout will be paid as overtime, regardless of total hours worked in the pay period. Emergency callout is any unscheduled work period that occurs outside of the hours between 7:30 a.m. and 4:00 p.m. on weekdays and anytime on weekends.

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 workweek. In recognition of the extra time demands of certain exempt positions, paid leave may be taken, as mutually agreed upon by the employee and the Mayor.

#### 4.3 COMPENSATORY TIME

Non-exempt employees entitled to compensatory time off may request cash payment instead of compensatory time. This is approved on a case-by-case basis by the Mayor. The City is not required to grant overtime pay instead of compensatory time. Compensatory time is calculated at one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to eighty (80) hours for non-exempt employees and must be used "within a reasonable time." The City encourages the use of all compensatory time during the month of accrual.

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

normally permitted. The City reserves the right to direct employees to use compensatory time during periods chosen by the City.

Employee compensatory time balances may be reviewed at least annually as part of the City's budget process and may be cashed out, at the City's discretion.

#### **4.4 ATTENDANCE**

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

Employees unable to work or unable to report to work on time should notify their supervisor 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 no later than thirty (30) minutes after the employee's regularly scheduled start time, unless the employee has been authorized for an extended absence. Leaves of absences are taken without pay unless previously accrued benefits are used to offset loss of pay during the leave.

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

#### **4.5 UNUSUAL WEATHER CONDITIONS**

During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. The Mayor may allow employees to be late or leave early during severe conditions.

The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

#### **4.6 BREAKS AND MEAL PERIODS**

Employee may take one (1) fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. Meal periods shall be scheduled by the employee's department head. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and may be from thirty (30) minutes to one (1) hour in length.

#### **4.7 LACTATION BREAKS FOR NURSING MOTHERS**

Nursing mothers who wish to express breast milk during the work day may take reasonable break times in order to express breast milk.

#### **4.8 CALL BACK**

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

#### **4.9 PAYROLL RECORDS**

The official payroll records are kept by the Clerk/Treasurer. Each Supervisor shall turn in on a monthly basis a signed work record for each employee within his or her department, noting hours worked, and leave taken, and overtime worked.

## **CHAPTER 5**

### **COMPENSATION**

#### **5.1 SALARY CLASSIFICATION AND GRADES**

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

#### **5.2 EMPLOYEE PAY RATES**

The Mayor is authorized to use good judgment in setting employee wages within the limits of the wage range to which their positions are assigned. Pay increases are contingent on satisfactory performance and budgetary limitations. The Mayor may propose and the City Council may grant an across-the-board pay adjustment (cost-of-living adjustment) from time to time, adjusting the salaries of all positions by a specified amount within a defined group of classifications. Such adjustments, if any, will not change an employee's pay anniversary date.

#### **5.3 PAYDAYS**

City employees are paid monthly on the last working day of each month. An employee may request a draw on the 15<sup>th</sup> of each month. The draw cannot exceed what that employee has accrued in hours up to that date, less any benefits paid. If a regularly scheduled payday or draw day falls on Saturday or Sunday or on a holiday, paychecks will be distributed on the previous scheduled working day.

#### **5.4 DEDUCTIONS**

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

#### **5.5 TRAVEL AWAY FROM THE CITY**

All travel away from the City must be approved in advance by the Mayor or the Department Head. If private automobiles are used, employees will be reimbursed at the Internal Revenue Service established rate per mile.

#### **5.6 TRAVEL EXPENSE REIMBURSEMENT**

City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Maximum daily allowance for travel expenses shall be the State of Washington's Office of Financial Management's (OFM) Per Diem rates. Tips, not to exceed 20%, for meals, taxis, or baggage handling are reimbursable. Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and department head.

#### **5.7 COMPENSATION UPON TERMINATION**

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

1. Regular wages for all hours worked up to the time of termination which has not already been paid.
2. Any overtime or holiday pay due.

3. A lump sum payment of any accrued but unused vacation time unless employment is terminated within the first year of employment.
4. A lump sum payment of one-half (1/2) of accrued but unused sick leave time provided the employee has worked for the City for a period in excess of one year. Please refer to your union or employment contract for specific pay out language.

## **5.8 EMPLOYEE RECOGNITION**

1. The City of South Bend or its individual departments or work units may, subject to budgetary authority, expend funds for the purpose of employee recognition, longevity of employment and/or retirement.
2. The expenditure of funds for a token of appreciation, prize plaque, award, or similar item is limited to no more than \$150 total per employee per year.
3. The expenditure of funds for recognition of longevity of employment and/or retirement shall be limited to the amount in 5.8.2. This limit does not include sales tax, shipping and handling, and engraving charges.
4. The expenditure of funds for meals related to an employee recognition event must be authorized by the Mayor or designee in advance.
5. The Mayor or designee must approve the expenditure of funds for use of facilities, entertainment, or similar costs for the purpose of employee recognition in advance.

## **5.9 MEALS WITH MEETINGS**

1. The City of South Bend or its individual departments or work units may, subject to budgetary authority, expend funds for the purpose of providing meals with meetings or trainings.
2. Examples of appropriate meal expenditures include but are not limited to:
  - Meals associated with Council, Board, or Commission meetings or work sessions
  - Retreats or monthly meetings that span a normal meal break
  - Meetings with vendors or consultants; staff from other jurisdictions; elected officials or dignitaries which run through a normal meal period.
  - Lunch or breakfast meeting necessary to accommodate scheduling conflicts.
  - In-house training meetings where a meal break is not included
  - Public events or receptions

## **CHAPTER 6**

### **PERFORMANCE EVALUATIONS AND TRAINING**

#### **6.1 PERFORMANCE EVALUATIONS**

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. The Mayor or the Department Head is responsible for developing and maintaining the City's performance evaluation program. Employees are to be evaluated by their department heads prior to completion of the probationary period and usually once every 12 months thereafter. The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

#### **6.2 TRAINING POLICY**

The 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: workshops, seminars, and classes as requested by the supervisor and approved by the Mayor or the Department Head.

## **CHAPTER 7**

### **BENEFITS**

#### **7.1 RETIREMENT BENEFITS**

The City participates in the Washington Public Employees Retirement System (PERS or LEOFF) for all eligible employees.

Employees intending to retire should notify their department head of their intent to retire at least three months prior to the date of 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 workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor.

When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the 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 employee will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.

The 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, with or without a reasonable accommodation.

#### **7.3 HEALTH INSURANCE BENEFITS**

Regular full-time employees and their dependents are eligible to participate in the City's various insurance programs on the first day of the month following employment. The programs and criteria for eligibility will be explained upon hire. The 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. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees. Temporary employees will not be eligible for insurance coverage.

## CHAPTER 8

### LEAVES

#### 8.1 VACATION LEAVE

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

0-1 year	8.0 hours/month
2-3 years	10 hours/ month
4-7 years	13.3 hours/month
10 years and thereafter	16.7 hours/month

*All new employees must satisfactorily complete six (6) months employment before being eligible to use vacation.* Temporary and part time employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay. Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted to the employee's supervisor for approval at least two weeks prior to taking vacation leave.

Vacation leave shall not be accrued above a two hundred (200) hours (25 day) maximum.

#### 8.2 SICK LEAVE

All regular full-time employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay. Sick leave shall not be accrued above a seven hundred and twenty (720) hour (90) day maximum. *All new employees must satisfactorily complete six (6) months employment before being eligible to use sick leave.*

#### 8.3 USE OF ACCRUED LEAVE TO CARE FOR SICK FAMILY MEMBER

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave (e.g., vacation, sick leave, compensatory time off) that they have available for their own use in order to care for their child, spouse, registered domestic partner, parent, parent-in-law or grandparent.

An employee may use available paid time off to care for his/her child where the child has a health condition requiring treatment or supervision, or where the child needs preventive care (such as medical, dental, optical or immunization services).

An employee may use available paid time off when a spouse, registered domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition", which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in a period of incapacity or treatment or recovery following inpatient care;

- Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e., demanding immediate action).

Employees are required to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming a family member's serious or emergency health condition when available leave is used to care for that family member.

#### **8.4 LEAVE WITHOUT PAY**

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

#### **8.5 JURY AND WITNESS LEAVE**

Jury Duty. The City provides all employees leave for the full period of jury duty service. Regular full-time employees who have completed their probationary period receive paid jury duty leave. You must provide your supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your supervisor with proof of jury service. Employees are required to report back to their supervisor if released prior to the end of their regular shift hours.

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 called as a witness by the City in a case involving the City. For exempt salaried employees, however, salary payment will continue except for full-day absences..

#### **8.6 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 an investigation or other administrative proceeding.

#### **8.7 MILITARY / MILITARY FAMILY LEAVE**

We provide 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 21 [See RCW 38.40.060] working days per year for military service. In general, if military service extends beyond 21 working days, the additional leave will be unpaid. Exempt salaried employees who serve longer than two weeks should contact the Mayor or the Department Head to discuss whether further paid leave will be provided. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Military service includes active military duty and Reserve or National Guard training. You are required to provide your supervisor

with copies of your military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

During time of military conflict, the spouse of a member of the Armed Forces, National Guard, or Reserves, is allowed a total of fifteen (15) days of unpaid leave when the spouse has been notified of an impending call to active duty or of a leave from deployment. The employee must provide the City notice within five (5) days of receiving official notice of the impending call to active duty or of their spouse's leave from deployment to take advantage of military family leave.

## **8.8 DOMESTIC VIOLENCE LEAVE**

Leave is available to employees who are victims of domestic violence, sexual assault, or stalking, or have a family member (spouse, children, parents, parents-in-law, grandparents, or a person with whom the employee has a dating relationship) who is a victim of such abuse.

An eligible employee may take reasonable leave, including leave on an intermittent or reduced-schedule basis, to engage in specified remedial activities relating to the abuse. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use his/her accrued paid leave (e.g., vacation or sick leave) in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

The City may request verification that the employee or her/his family member is a victim of abuse, and that the leave is for one of the covered remedial activities. Verification is satisfied by one or more of the following: (1) a police report indicating the employee or family member was a victim of abuse; (2) a court order protecting the employee or family member; (3) documentation from an attorney, clergy member, medical provider, or other professional from whom assistance was sought; or (4) the employee's own written statement that s/he or a family member is a victim and needs the leave to seek assistance. Except where disclosure is authorized or required by law, or where an employee authorized disclosure of certain information, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

## **8.9 BEREAVEMENT LEAVE**

The City provides regular full-time employees with paid leave for up to three (3) days in the event of the death of an immediate family member.

An regular employee who wishes to take more time off, or time off for the death of someone who is not an immediate family member, or who is a temporary employee, may request the use of accrued vacation leave, compensatory time off, or unpaid time off.

## **8.10 PREGNANCY DISABILITY LEAVE**

Under Washington State Law, pregnant employees are entitled to unpaid leave for the period of time that the employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer. The leave is unpaid unless the employee has available sick and vacation leave (which may be used during this leave). This policy will be administered according to any applicable state and federal law.

Pay and Benefits during Leave: The employee may elect to use sick leave, compensatory or other paid time off or may take unpaid leave. To the extent allowed by law (for example, by the applicable benefits plan) the City will maintain the employee's health care coverage as if the employee had not taken leave.

The employee will be restored to the position held before the leave commenced or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment.

## **8.11 SHARED LEAVE PROGRAM**

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

To be eligible to donate either vacation or sick leave an employee must have over sixty (60) hours of accrued vacation leave and two hundred (200) hours of accrued sick leave. In no event shall a leave donation result in the donor reducing their vacation leave balance to less than sixty (60) hours or sick leave balance to less than two hundred (200) hours. Transfer of leave will be in increments of eight (8) hours (1 day). Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient.

- a. The donee must have depleted the total of accrued vacation, compensation time, sick leave, holiday or any other leave available. The recipient shall be ineligible for State Industrial Insurance Benefits.
- b. The donee must suffer from an illness, injury, impairment, or physical or mental condition which is extraordinary or severe which has caused or is likely to cause the employee to take LWOP or terminate employment.
- c. The donee must provide a physicians statement regarding the said condition.

- d. The recipient's condition must make them unable to work for a minimum of 10 working days as deemed by the physician.

### 8.12 HOLIDAYS

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

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve	December 24
Christmas Day	December 25
3 Additional Floating Holidays	

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

### 8.13 RELIGIOUS HOLIDAYS

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

Employees are entitled to two unpaid holidays per calendar year for reasons of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" means significant difficulty or expense, taking into account factors such as the effect of your absence on operations and the number of other employees requesting leave, and the impact on other employees' leave entitlements.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of 10 days prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor.

The two unpaid holidays allowed by this section must be taken during the calendar year, if at all, they do not carry over from one year to the next.

#### **8.14 LEAVE ACCRUAL**

Leave is considered accrued on each pay date. Leave not accrued yet cannot be used for time taken off prior to the accrual date.

#### **8.15 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES**

Benefits for regular part-time and temporary employees are not provided.

## CHAPTER 9

### EMPLOYEE RESPONSIBILITIES AND CONDUCT

#### 9.1 GENERAL CODE OF CONDUCT

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

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

The City is a relatively small organization. To function as efficiently as possible, we may ask you to perform duties that are outside your regular assignments. This is no reflection on your worth to the City, but a necessary arrangement for most small organizations.

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

#### 9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the 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 regular 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 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.

## 9.3 REPORTING IMPROPER GOVERNMENTAL ACTION

### General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by City officials or employees without 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: any action by a City officer or employee that is:

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

Retaliatory Action: Any adverse change in the employee's employment status, or the terms and conditions of employment or hostile actions by another employee towards the reporting employee that were encouraged by a supervisor or senior manager or official.

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

### Procedure for Reporting Improper Government Action:

City employees who become aware of improper governmental action should follow this procedure.

1. Bring the matter to the attention of his/her supervisor, if not involved, in writing, stating in detail the basis for the employee's belief that an improper governmental action has occurred. This should be done as soon as the employee becomes aware of the improper action.
2. Where the employee believes the improper governmental action involves the supervisor, the employee may raise the issue directly with the Mayor or the City Attorney.
3. The Department Head, the Clerk/Treasurer, or the Mayor, as the case may be, shall promptly investigate the report of improper governmental action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

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

the governmental action directly to the appropriate government agency responsible for investigating the improper governmental action.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper government action occurred, 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.

The following is a list of agencies responsible for enforcing federal, state, and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the Clerk/Treasurer.

	<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>	<b>Phone</b>
City Attorney William Penoyar	P.O. Box 425	South Bend	WA	98586	360-875-5321
Pacific County Prosecutor	P.O. Box 45	South Bend	WA	98586	360-875-9361
South Bend Police Dept.	P.O. Box 9	South Bend	WA	98586	360-875-5444
Attorney General’s Office – Fair Practices Division	900 4 <sup>th</sup> Ave S, Ste 2000	Seattle	WA	98164	206-464-6684 800-551-4636
State Auditor’s Office – Whistleblower	PO Box 40021	Olympia	WA	98504-0021	360-902-0090
State Dept. of Ecology – NW Regional Office	3190 160 <sup>th</sup> Ave	Bellevue	WA	98008-5452	425-649-7000
Human Rights Commission	711 W. Capitol Way #402 PO Box 42490	Olympia	WA	98504-2490	360-753-6770
U.S. Customs Service Office of Enforcement	1000 2 <sup>nd</sup> Ave Ste 2300	Seattle	WA	98104	206-553-7531
U.S. Dept of Education – Office of Inspector General	915 2 <sup>nd</sup> Ave	Seattle	WA	98174	206-553-0657 206-553-1482
Environmental Protection Agency Criminal Invest.	1200 6 <sup>th</sup> Ave	Seattle	WA	98101	206-553-1200

Federal Trade Commission	2896 Federal Bldg 915 2 <sup>nd</sup> Ave	Seattle	WA	98174	877-382-4357
Dept of General Administration	PO Box 41000 210 11 <sup>th</sup> Ave SW	Olympia	WA	98504-1000	360-902-7300
Dept of Health & Human Services Food & Drug Administration	101 Israel Road SE	Tumwater	WA	98501	360-236-4580
Dept of Housing & Urban Development	909 First Ave, Ste 200	Seattle	WA	98104-1000	206-220-5101
Interstate Commerce Commission	915 2 <sup>nd</sup> Ave, Room 1894	Seattle	WA	98174	206-553-5421
Equal Employment Opportunity Commission (EEOC)	909 1 <sup>st</sup> Ave, Ste 400	Seattle	WA	98104-1061	206-220-6883
Pacific County Dept of Emergency Management	P.O. Box 101	South Bend	WA	98586	360-875-9340
Dept of Labor & Industries	315 5 <sup>th</sup> Ave S, Ste 200	Seattle	WA	98104-2607	206-515-2800
State Liquor Control Board – Seattle Enforcement Office	4401 E. Marginal Way S.	Seattle	WA	98134-9947	206-464-6094
Dept of Natural Resources	PO Box 47001	Olympia	WA	98504-7001	360-902-1004
Puget Sound Water Quality Authority	PO Box 40900	Olympia	WA	98504-0900	800-54-SOUND
Dept of Social & Health Services Constituent Services	PO Box 45130	Olympia	WA	98504-5130	800-737-0617
Department of Agriculture	PO Box 42560 1111 Washington St SE	Olympia	WA	98504-2560	360-902-1800
State Dept of Health	1112 SE Quince St PO Box 47890	Olympia	WA	98504-7890	360-236-4010
ATF – Seattle Field Division	915 2 <sup>nd</sup> Ave Rm 790	Seattle	WA	98174-1093	206-389-5800

Dept of Commerce Economic Dev. Adm. Regional Office	915 2 <sup>nd</sup> Ave Ste 1856	Seattle	WA	98174	206-220-7660
Consumer Product Safety Commission					800-638-2772
Dept of Justice Drug Enforcement Administration	220 W. Mercer Ste 300	Seattle	WA	98119	206-553-5443
Dept of Labor OSHA	1111 3 <sup>rd</sup> Ave Ste 715	Seattle	WA	98101- 3212	206-553-5930
Dept of the Interior US Fish & Wildlife	Special Agent Office 14852 NE 95 <sup>th</sup>	Redmond	WA	98052	425-883-8122
National Transportation Safety Board	19518 Pacific Hwy S	Seattle	WA	98188	206-764-3782
Securities & Exchange Commission	Pacific Regional Office 5670 Wilshire Blvd Ste 1100	Los Angeles	CA	90036- 3648	363-965-3998 800-SEC- 0330
Dept of Transportation	Office of Inspector General 915 2 <sup>nd</sup> Ave	Seattle	WA	98174	206-440-4000
Dept of the Treasury – Law Enforcement Division	Bureau of Alcohol, Tobacco & Firearms 915 2 <sup>nd</sup> Ave, Rm 806	Seattle	WA	98174	
Dept of Veteran’s Affairs	Office of Inspector General 915 2 <sup>nd</sup> Ave	Seattle	WA	98174	800-488-8244

Protection against Retaliation:

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

Procedure for Seeking Relief against Retaliation:

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

2 The Supervisor, the Clerk/Treasurer, or the Mayor, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.

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

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

Policy Implementation: The Mayor or the Clerk/Treasurer is responsible for implementing these policies and procedures. This includes posting the policy on the City bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Department Heads and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

#### **9.4 POLITICAL ACTIVITIES**

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 the responsibilities of the employees in 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.

#### **9.5 NO SMOKING POLICY**

For health and safety considerations and in accordance with the law, 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 TELEPHONES**

The City's telephones are primarily for business use. It may be necessary for you to occasionally place or receive personal telephone calls during normal work hours, but please keep the personal use of business phones to a minimum and of short duration to avoid interfering with business operations. Long distance calls will normally not be permitted except for emergency purposes, unless you use a personal calling card. If you need to make an emergency long-distance call, you must first obtain your supervisor's approval.

## **9.7 VOICE MAIL**

Voice mail provides a convenient and efficient means to communicate with fellow employees and others. Remember that voice mail messages left in your absence will not receive a response unless you, or someone you designate, intercept them. If you will be away from your telephone for more than one business day, you should leave a message informing callers of that fact. Any messages left on the City's voice mail system are considered City property and may be accessed, played, or recorded by the City at any time.

## **9.8 COMPUTER SYSTEM, E-MAIL, AND INTERNET**

All information, documents, and files transmitted or stored on the computer system in any form are the property of the City and may be accessed, used, or reviewed by the City at any time.

The electronic mail system accessible on some computers may be used for business or limited personal communication. All communication over the e-mail system must be appropriate to a business setting and consistent with the City's standards of conduct and workplace expectations. The City may access, read, review, copy, use, or delete any messages, including personal communication, transmitted over its e-mail system at any time. There should be no expectation of privacy in such communications. Employees should be aware that even when a message has been erased, it still may be possible to retrieve it from a backup system. Therefore, employees should not rely on the erasure of messages to assume a message has remained private.

Although the internet is accessible from most City computers, it is primarily for City business. Limited personal use of the internet is available so long as you use it during breaks, lunch, or after hours and do not disrupt City business. Display or transmission of sexually explicit images is prohibited. Display or transmission of messages, cartoons, or any other communication that can be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, or other protected class will not be permitted.

## **9.9 USE OF CITY VEHICLES AND EQUIPMENT**

City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, e-mail, internet, vehicles, equipment, or supplies can result in disciplinary action including termination.

## **9.10 CONTACTS WITH THE NEWS MEDIA**

The Mayor or the Mayor's designee shall be responsible for all official contacts with the news media regarding city business, 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 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, and in the employee's possession, the employee shall promptly notify his/her department head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department head. Depending on the duration of license suspension, revocation, or other inability to drive, an employee may be subject to termination due to the failure to maintain the qualifications necessary to perform the job.

## **9.12 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 department head. 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 their department head and complete a worker compensation claim form.

Since being exposed to a blood borne pathogen may lead to illnesses such as hepatitis, HIV/ AIDS, or malaria, and since the City wants to assure our employees as safe and health 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.

### **9.13 SUBSTANCE ABUSE**

The City's philosophy on substance abuse has several focuses: (1) a concern for the well being of the employee, (2) a concern for the safety of other employees and members of the public, and (3) a concern for work attendance and the quality of work performance.

Availability of Rehabilitation or Treatment: As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment, and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to helping employees who voluntarily come forward prior to violating City policy 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.

Consistent with this commitment is the City's goal to maintain a drug and alcohol free workplace.

#### **Drug Policy**

The following rules represent the City's policy concerning substance abuse.

They will be enforced uniformly with respect to all employees.

1. Employees are prohibited from the use, possession, manufacture, distribution, or sale of illegal drugs on City property or while performing city business.
2. Employees are prohibited from being under the influence of illegal drugs during working hours, on callback, or on standby duty.
3. Employees who are taking prescription drugs or medications that could adversely affect the employee's alertness, coordination, reaction, response, or safety should discuss the situation with their Department Head or designee, or the Mayor.
4. Prescription drugs should be used only in the manner, combination, and quantity prescribed and only by the person for whom they are prescribed.
5. For purposes of this policy, "drug" means any substance other than alcohol, capable of altering an individual's mood, perception, pain level, or judgment. A "prescription drug" is any substance prescribed for individual consumption by a licensed medical practitioner. An "illegal drug" is any drug or controlled substance the sale or consumption of which is illegal.

## **Alcohol Policy**

Employees must not report for duty (including callback and standby duty) or perform service under the influence of alcohol, marijuana and/or THC infused substances. Possession and use of alcohol, marijuana and/or THC infused substances on City property (including City vehicles) or while on duty is strictly prohibited.

## **Drug and Alcohol Testing Policy**

The City reserves the right to drug and alcohol test employees. The drug or alcohol testing will be conducted in the following manner:

### **1. Employees Will Not Receive Advance Notice**

Employees will not receive advance notice that they will be tested. The purpose of random drug or alcohol testing is two-fold. Random testing allows employers to detect and discipline illegal drug users who may create safety hazards in the workplace. The purpose of random drug testing would be compromised if the City were to provide individual employees with advance notice of its intention to test them.

### **2. How Employees Will Be Notified**

Employees will be notified orally by a representative of the City immediately prior to the employee's test. In an effort to protect employees from unnecessary embarrassment, the test (and notification of it) will be conducted in a discrete, respectful, and private manner. The City has contracted with a private agency that will perform the tests on site or at location that is not accessible to other employees during the testing. The fact that the City is randomly testing a particular employee should not be interpreted as an indication that the City suspects that the employee is using illegal drugs.

### **3. How Employees Will Be Tested**

The private agency that conducts the tests will request either a urine or blood sample. The ability of the employee to return to work will be the decision of the employee's Department Head and the Mayor.

### **4. What Will Be Done With the Results of the Drug Test**

If an employee tests negative, the City's test administrator, will be informed of the test results. If the employee tests positive, the test results will also be communicated to the employee, the Mayor, and the employee's Department Head. If an employee tests positive, the employee may request a review of the results of the test. Any request for a review should be communicated to their Department Head or the Mayor. If an employee requests review of a positive test result, the employee will be placed on unpaid administrative leave until the review is completed.

### **5. Not all Employee Are Randomly Selected for Testing**

The City maintains the right to test employees who it suspects of using illegal drugs or alcohol in violation of this policy. The City may also refer employees for drug testing after the employee is involved in a workplace accident that involved personal injury or damage to property. All employees who hold a commercial driver's license will be tested in accordance with state and federal laws.

### **6. Employees May Refuse a Test**

Employees maintain the right to refuse a test. Refusal of the test may result in immediate termination.

**Drug-Free Workplace:** Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession, and 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 for a drug violation in the workplace. Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.

## CHAPTER 10

### DISCIPLINE AND TERMINATIONS

#### 10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

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

1. Misrepresentation or withholding of pertinent facts in securing employment.
2. Unauthorized use or possession of City facilities/property.
3. Unauthorized use of position with the City for personal gain or advantage. Accepting unlawful gratuities or bribes, lying.
4. Smoking in any unauthorized posted area or creating of fire hazards in any area.
5. Violation of dress standards.
6. Failure to report an occurrence causing damage to the City, customer, or public property. Failure to properly secure the City facilities or property.
7. Vending, soliciting, or collecting contributions for any purpose whatsoever during working time or on the City premises without the permission of your supervisor.
8. Unauthorized operation or using machines, tools, or equipment to which the employee has not been specifically assigned.
9. Absence from work without first notifying their supervisor.
10. Habitual absence or tardiness.
11. Making malicious or false statements or derogatory statements on or off duty that are intended or could reasonably be expected to impact the work environment, impede the performance of the employee's duties or interfere with the regular operation of the City. Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of profanity or obscene language, gesture or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.
12. Intentional falsification of records/paperwork required in the transaction of the City business.
13. Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work.
14. Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in injury to others. Failure to wear required safety clothing and equipment.
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 other's property from the premises, or any job site.
17. Possession, use, sale, or being under the influence of alcohol, marijuana, THC infused substances and/or controlled substances while on City business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe and/or

efficient work performance.

18. Possession of explosives or weapons on the premises or at any job site. Public safety employees may carry weapons.

19. Violation of the city's anti-discrimination, harassment and retaliation policies.

20. Insubordination or failure to perform assigned duties.

## **10.2 POSSIBLE DISCIPLINARY ACTIONS**

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

Oral Warning.

Written Reprimand.

Suspension

Demotion

Termination.

The choice of what discipline to apply in any particular case is solely the City's.

## **10.3 PRE-DISCIPLINARY HEARING**

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

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

Pre-disciplinary hearings will be presided over by the Mayor or Clerk/Treasurer or a designated representative. The hearings are intended to be informal.

The employee may show cause why he/she should not be suspended, demoted or terminated. The employee may bring one person to the hearing as a representative.

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

## **10.4 LAYOFF**

From time to time it may be necessary to reduce the City's workforce based upon the changing needs of the City. To determine the employees to be laid off or terminated, the City normally considers relevant factors such as the employee's position, the needs of the City, work experience, skills, productivity, job performance, and length of service with the City. In no event are such selections based upon any prohibited criteria, such as age, gender, race, religion, national origin, or disability. The City is not legally obligated to provide severance pay under any circumstance.

Employees who are laid off may reapply for positions within the City that may become available. The City may send out notices of each new position that becomes open, so employees who have been laid off are encouraged to contact the City periodically to determine if there are suitable open positions available for which they may apply. Employees who have been laid off are eligible to apply for all such positions, and the hiring decisions for such positions will be made based on the usual criteria such as qualifications, experience, and work history.

### **10.5 RESIGNATION**

If possible, an employee should provide four (4) weeks' or as much time as possible with a minimum of two (2) weeks' notice of resignation.

## **CHAPTER 11**

### **COMPLAINT PROCEDURES**

#### **11.1 COMPLAINT PROCEDURES**

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 attempt to resolve the problem with the Clerk/Treasurer. The Clerk/Treasurer will usually respond to the employee within five (5) working days after meeting with him/her, if possible.

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

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

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

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.

"At-will" employees may not use the grievance procedure to grieve employment termination.