

# **CITY OF SELAH**

## **PERSONNEL RULES AND REGULATIONS**

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# **CHAPTER 1 GENERAL**

## **1.1 PURPOSE/SCOPE**

- (a) This manual is a general informational guide to the City's current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as the City deems necessary and appropriate, without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.
- (b) These personnel policies shall apply to all City employees. They shall not apply to elected officials and independent contractors. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining contract or in cases where the application of these policies would conflict with applicable Civil Service rules and regulations, the provisions of the labor contract and/or the Civil Service rules shall govern. In all other cases, these policies shall govern.

## **1.2 EQUAL EMPLOYMENT OPPORTUNITY**

- (a) The City is an equal opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, medical condition, physical handicap or disability.
- (b) The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential element of the job.
- (c) Employees with life-threatening illnesses, such as cancer, heart disease, or AIDS/HIV conditions, or communicable diseases such as tuberculosis or influenza are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers and the condition does not compromise public health or safety. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a substantial and unusual safety risk to fellow City employees or the public exists.

## **1.3 SEXUAL HARASSMENT**

- (a) It is the policy of the City to provide a work environment for its employees which is free from discrimination and intimidation. The City will not tolerate any form of sexual harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of sexual harassment.
- (b) Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or sexually motivated physical conduct which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or which adversely interferes with or affects an

employee's work performance or job advancement opportunities.

- (c) Any employee who believes he or she is being sexually harassed by supervisors or co-workers should immediately notify his/her Department Director and follow the complaint procedures set out in Section 8.13. In the event that the harassment involves the Department Director, he/she should notify the City Supervisor. The City will not retaliate against an employee who complains of sexual harassment. The City will designate an alternate person to notify for employees who feel more comfortable with the alternate.

#### 1.4 DEFINITIONS

- (a) Department Director: An employee who is responsible to the Mayor for the administration of one or more departments.
- (b) Immediate Family: An employee's immediate family includes the employee's spouse, child, stepchild, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent.
- (c) Regular Full-time Employee: An employee who has completed his/her trial period and who regularly works a minimum of forty (40) hours a week on a continuing basis.
- (d) Regular Part-time Employee: An employee who works fewer than forty (40) but at least twenty (20) hours a week in a budgeted position and is eligible for pro-rated City benefits.
- (e) Temporary Employee: Temporary employees are defined as those employees who hold jobs of limited duration, arising out of special projects, seasonal work requirements, abnormal work loads or emergencies. Temporary employees are not eligible for City benefits.
- (f) Mayor: The term "Mayor" shall mean the Mayor of the City of Selah and/or any individual designated by the Mayor to perform the duties and responsibilities of the Mayor.

#### 1.5 EMPLOYEE PERSONNEL RECORDS

- (a) A personnel file for each employee is kept in a locked file cabinet, and access is limited to the Mayor, City Attorney, Payroll Clerk, City Supervisor, Clerk/Treasurer and Department Directors. 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 allowed by state or federal law.
- (b) An employee has the right to review his/her file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.
- (c) Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without the employee's written release of specific information or as required by court order.
- (d) A working personnel file may be maintained by the Department Director.

## 1.6 REFERENCES

- (a) The City does not give references, other than to confirm the dates of employment and last salary, without the express written consent of the employee. The city reserves the right to decline to give a reference even in situations where an employee gives consent.
- (b) Only the Mayor or his designee will provide employment references on current or former regular City employees.

## **CHAPTER 2 HOURS AND ATTENDANCE**

### 2.1 WORKING HOURS

- (a) Eight (8) consecutive hours, inclusive of rest periods, to exclude one (1) hour meal period, shall constitute a workday. Five (5) consecutive days, Monday through Sunday shall constitute a workweek. 4/10's Option: During the daylight savings time period (April through October) the workweek can be a 4/10's schedule. Ten (10) consecutive hours, inclusive of rest periods, but to exclude a one (1) hour meal period, shall constitute a workday. Four consecutive days, Monday through Sunday shall constitute a workweek. During Holiday weeks (as defined in Article 12.2) any employee working a 4/10 schedule shall automatically work 5/8's during the holiday week. The Mayor or his/her designee shall have sole discretionary power in determining sufficient staffing levels regarding scheduling.
- (b) Part-time and temporary employees will work hours as specified by their Department Directors.

### 2.2 OVERTIME AND COMPENSATORY TIME

- (a) All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA) regulations.
- (b) Non-exempt employees are entitled to additional compensation, either in additional monetary compensation or compensatory time off, when they work more than 40 hours during a work period.
- (c) All work performed in excess of the work day and/or work week as provided in Section 2.1 above, shall be compensated for at one and one-half (1½) times the employee's regular straight time hourly rate. All overtime work must be authorized in advance by the supervisor authorized to sign overtime. Exception: The employee may, at his option, take equivalent time off on the basis of one and one-half (1½) hours of compensatory time off for each one (1) hour of overtime worked. Compensatory time may accrue to a limit of forty (40) hours, with any time in excess of forty (40) hours paid at the applicable rate. Employees taking compensatory time off must use the accrued time within the following month's pay period. If the time off is not taken timely as stated above, the employee will be compensated at the applicable rate in the last pay period in the month following the accrual date. All compensatory time off must be scheduled seven days in advance. The Department Director or his designee, shall confirm or deny the requested compensatory time off.

\*\*Note: Any accrued compensatory time currently on the books must be used prior to December 31, 2002. Any accrued but unused

compensatory time from calendar year 2002 and not used prior to December 31, 2002 shall be paid in the next payroll period.

- (d) When computing overtime, holidays, sick leave and vacation time are not counted as hours worked.
- (e) Exempt employees are not covered by the FLSA overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. The Mayor or his designee shall administer exempt employee compensatory time policies as established by the Mayor.

### 2.3 ATTENDANCE

- (a) Punctual and consistent attendance is a condition of employment. Each Department Director is responsible for maintaining an accurate attendance record of his/her employees.
- (b) Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one (1) day, the employee is responsible for reporting in each day. If the supervisor is unavailable, the employee may leave a message with the Department Director stating the reason for being late or unable to report for work.
- (c) Employees are expected to be at work even during inclement weather. Department Directors may allow employees to be late or leave early during severe weather conditions; however, nonattendance may be counted as absence from work and may be charged to accrued leave time.
- (d) An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

### 2.4 BREAKS AND MEAL PERIODS

Employees may take one (1) fifteen (15) minute break for every four (4) 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 Director. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one (1) hour in length.

### 2.5 STAND-BY

Many City positions are subject to periodic stand-by responsibilities. Unless the employee is specifically restricted to his home, work-site or other identified location during periods of stand-by, such time is not considered hours worked and is not eligible for compensation.

### 2.6 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 is grounds for immediate disciplinary action, including possible termination. An employee should not respond to a call-back request if the employee has consumed alcohol or drugs which may affect the employee's ability to safely conduct his or her work. The employee shall inform the supervisor of the reason for failure to respond at the time the call-back is requested. Employees called back to duty will be paid their appropriate rate of pay for hours worked, including overtime pay, if applicable.

Non-exempt employees will be credited with a one (1) hour minimum for reporting back to work after completion of a normal work day.

## 2.7 PAYROLL RECORDS

The official payroll records are kept by the Clerk/Treasurer. Each Department Director shall turn in on a semi-monthly basis a signed work record for each employee within their department, noting time not worked and reason, i.e., vacation, sick leave, etc. Each work record shall be signed by the employee and approved by the Department Director. The Mayor or his designee shall approve work records for Department Directors.

# CHAPTER 3 RECRUITING AND HIRING

## 3.1 RECRUITING

- (a) Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, physical handicap, disability or age.
- (b) Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application.
- (c) Any applicant supplying false or misleading information is subject to immediate termination, if hired.

## 3.2 HIRING

- (a) When a position becomes vacant, the Department Director shall review the position, its job description and the need for such a position prior to any posting or advertisement of the vacancy. The Department Director will prepare and submit a written request to fill the position to the Mayor or his designee. The position will be posted and/or advertised only after the Mayor or his designee has approved the request.
- (b) 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. The City may establish response time requirements for public safety and other positions.
- (c) Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Special licenses may be required to operate certain vehicles. 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.
- (d) The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.

- (e) After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination, and shall require testing for alcohol and other controlled substances as allowed by law. The purpose of the examinations 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 wellbeing of other employees or the public. The offer of employment may be conditioned on the results of the examination.
- (f) A candidate may be disqualified from consideration if: (1) the candidate is found physically unable to perform the duties of the position, and the individual's condition cannot reasonably be accommodated in the work place; (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the exam reveals use of alcohol or other controlled substances.

### 3.3 TEMPORARY EMPLOYEES

- (a) With approval of the Department Director, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, vacation or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- (b) Temporary employees may be hired without competitive recruitment or examination.
- (c) Temporary employees are in positions not expected to last more than 1 year (may be extended to 2 years in some cases). Temporary employees are not eligible for benefits (insurance, retirement, holiday pay, vacations, etc.) regardless of hours worked.
- (d) Temporary employees are eligible for overtime pay as required by law.

### 3.4 TRIAL PERIOD

- (a) All newly hired employees or employees promoted to a new classification enter a trial period which is considered an integral part of the selection and evaluation process. During the trial period an employee is required to demonstrate suitability for the position through actual work performance.
- (b) The normal trial period is six (6) months from the employee's date of hire or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual or unique skills or qualifications.
- (c) An employee's trial period may be extended for up to an additional six (6) months (when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance) to properly evaluate the employee's performance. The trial period will not be shortened for any reason.
- (d) Trial employees accrue and may use sick leave. Vacation leave does not vest or become available for use until after the trial period is completed.
- (e) During the trial period, the employee may be terminated at any time without cause and without the right of appeal.
- (f) When a Department Director determines an employee has satisfactorily completed the trial period, the



Department Director shall prepare a written performance evaluation, which will be reviewed by the Mayor or his designee. If the trial period is satisfactorily completed, the employee may be certified to regular employment status.

### 3.5 EMPLOYMENT OF RELATIVES (NEPOTISM)

- (a) Employees' immediate family members will not be employed by the City under any of the following circumstances:
  - (1) Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
  - (2) Where one party would be responsible for auditing the work of the other;
  - (3) Where both parties would report to the same immediate supervisor;
  - (4) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
  - (5) Where one of the parties is a Council Member or Mayor of the City.

### 3.6 PROMOTIONS AND TRANSFERS

- (a) The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the Department Director's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.
- (b) Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his/her trial period and possess the qualifications for the vacant position, unless such requirements are waived by the Mayor or his designee in the best interests of the City.

## **CHAPTER 4 COMPENSATION**

### 4.1 SALARY CLASSIFICATION AND GRADES

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

### 4.2 EMPLOYEE PAY RATES

- (a) Employees shall be paid within the limits of the wage range to which their positions are assigned.
- (b) Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.

- (c) Pay increases are contingent on satisfactory performance.
- (d) The Mayor or his designee may propose and the City Council may grant an across the board pay adjustment (cost of living increase) from time to time, raising the salaries of all positions by a specified amount within a defined group of classifications. Such adjustment, if any, will not change an employee's pay anniversary date.

#### 4.3 PAYDAY

City employees are paid on the 15th and last day of each month. If a regularly scheduled payday falls on a weekend or holiday, paychecks will be distributed on Friday.

#### 4.4 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, applicable union contract, or statute.

#### 4.5 TRAVEL - GENERAL

- (a) Travel is defined to include meals, lodging, public transportation, mileage reimbursement for private auto, and incidental expenses of travel. Rental auto expense shall be reimbursable only with the prior authorization of the Department Director.
- (b) City vehicles should be used for travel when assigned for such purposes. City vehicles shall only be used to transport City employees and persons directly involved in City operations.
- (c) When private transportation is used, mileage shall be advanced or reimbursed at the per mile rate approved by the Internal Revenue Service, from the work site to the destination and return.
- (d) Meal expense in local restaurants is not reimbursable unless the employee is attending a meeting or workshop at the restaurant and the meal is an integral part of the program. Business luncheons and dinners are reimbursable with the authorization of the City Supervisor. Reimbursements shall be for actual costs, including tips, limited by the applicable meal rates set in section 4.6(g). Receipts are required. Alcoholic beverage expenses will not be reimbursed. The procedure used for requesting an advance or reimbursement is the same as for out-of-town travel.
- (e) City credit cards shall not be used for private purposes.

#### 4.6 OUT OF TOWN TRAVEL

- (a) All out-of-town travel, with the exception of routine travel within Yakima County, must be approved. Travel requests shall be forwarded to the Department Director for approval (Council members are exempt from this requirement). Unauthorized travel is not reimbursable.

- (b) Travel requests should be submitted at least seven (7) days before anticipated travel on the “Travel Request and Expense Report” form.
- (c) Travel approval will be conditional upon whether the travel will benefit the City or the employee’s performance of assigned duties, whether the travel was budgeted, whether sufficient budgeted funds remain in the travel line item and how the employee’s absence will impact City operations.
- (d) Request for travel advances should be submitted in sufficient time to be processed within the regular accounts payable schedule. Travel advances are for travel costs only and not for direct payment to vendors, pre-registration fees, airline tickets, etc.
- (e) Overnight travel shall be authorized only when made necessary by meeting schedules.
- (f) Lodging compensation: Receipts are required for reimbursement of lodging.
- (g) Meals: Meal entitlement will be paid by the City in a set amount approved by the Council in advance of travel. Meal entitlements may vary depending on the location of the conference or meeting.

Approved amounts shall include tips. Meal entitlements will not be paid when meals are included in the conference or meeting fees.

- (h) Reimbursement for miscellaneous expenses incidental to the travel may be approved when demonstrated to be necessary. Receipts are required.
- (i) Requests for travel reimbursement must be submitted on the “City Travel and Expense Report” form. Receipts must accompany reimbursement for lodging, commercial transportation and miscellaneous expenses.
- (j) If the traveler is authorized to use a City credit card for the travel, a copy of the credit receipt for each charge shall be attached to the travel form and the specific amount entered in the appropriate category.
- (k) Expense claim forms and travel advance reconciliations shall be submitted to an immediate supervisor within ten (10) days of return from travel. Class or seminar agendas are to be attached.
- (l) Travelers shall not receive double reimbursement for travel. Reimbursement from other agencies shall be deposited with the City if the traveler is reimbursed by the City. Employees shall travel under the expense guidelines of the reimbursing agency when such guidelines exist.

#### 4.7 COMPENSATION UPON TERMINATION

When an employee’s employment with the City is terminated, the employee will receive the following compensation:

- (a) Regular wages for all hours worked up to the time of termination, which have not already been paid.
- (b) Any overtime or holiday pay due.

- (c) A lump sum payment of any accrued but unused vacation.
- (d) Non-exempt employees will receive compensation for accrued compensatory time.

## **CHAPTER 5 PERFORMANCE EVALUATIONS AND TRAINING**

### **5.1 PERFORMANCE EVALUATIONS**

- (a) To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts periodic performance evaluations for all positions.
- (b) The City Supervisor is responsible for developing and maintaining the City's performance evaluation program.
- (c) Employees should be evaluated by their Department Directors at the midpoint and again prior to completion of their trial period and then at least once every twelve (12) months thereafter on the employee's anniversary date with the City.
- (d) The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a step increase, or is to be promoted, transferred, demoted, laid off, or terminated.
- (e) Failure to receive an evaluation should not be construed as approval or disapproval of job performance.

### **5.2 TRAINING POLICY**

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

## **CHAPTER 6 BENEFITS**

### **6.1 RETIREMENT BENEFITS**

- (a) The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.
- (b) All regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officers and Firefighters Retirement System (LEOFF). Benefit levels and contribution

rates are set by the State of Washington.

- (c) All regular full-time and eligible part-time, non-uniformed employees are covered under the Public Employees' Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.
- (d) Employees intending to retire should notify their Department Director of their intent to retire at least three (3) months prior to the date of retirement.

## 6.2 DISABILITY BENEFITS

- (a) All employees are covered by the State Industrial insurance program (worker's compensation). This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial insurance will pay the employee for workdays lost for any disability resulting from job-related injuries or illnesses. All job-related accidents should be reported immediately to the Department Director.
- (b) When an employee is absent due to an on-the-job injury or accident, he/she is required to file a claim for Worker's Compensation. If the employee files a report to the Department of Labor & Industries, the City will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Worker's Compensation benefits.
- (c) When the employee receives Worker's Compensation benefits, he/she is required to repay to the City the amount covered by Worker's Compensation previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.
- (d) The City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the duties and responsibilities of the position.

## 6.3 INSURANCE BENEFITS

- (a) Regular full-time and regular part-time employees are eligible (and in some cases may be required) to participate in the City's insurance programs. Waiting/eligibility periods may apply to certain insurance programs. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- (b) Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.
- (c) While an employee is receiving Worker's Compensation benefits, the City may continue to pay the employee's health insurance premiums for one (1) month, after which the employee may choose to use his/her COBRA rights and self-pay insurance premiums.

- (d) Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA.
- (e) An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights.
- (f) The City will review annually its contribution toward employee health, vision and dental insurance benefits.

6.4 UNEMPLOYMENT COMPENSATION

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

6.5 TUITION PAYMENT

- (a) Any regular full-time employee shall be eligible and receive educational incentive pay for college degrees earned while in service as an employee with the City in fields related to job function or classification.

AA Degree - \$25.00 per month

BA Degree - \$50.00 per month

Masters Degree - \$75.00 per month

The City will reimburse any eligible employee for tuition cost incurred when attending job-related and accredited courses approved in advance. The employee must first utilize monies under other education subsidy programs utilizing State, Federal, or Private funds. Tuition repayment will be made upon presenting evidence of satisfactory completion to the City. Satisfactory completion means a final grade of C (2.0) or better. Thereupon, reimbursement will be made within the next pay period.

- (b) Any employee who utilized the Tuition Assistance Program cannot receive education incentive pay until the amount of assistance paid by the City has been repaid to the City at the rate of the degree earned. Upon completion of payment for the assistance received, the employee will then be eligible for degree monthly payments as appropriate to the degree earned.

The City will pay tuition costs for employees' job-related approved courses, unless tuition funds are available under other subsidized plans, such as L.E.A.P. The Department Directors will have the authority to identify courses as job-related. When employees are required to attend training sessions, they will be reimbursed for food, lodging, and transportation expenses in accordance with Sections 4.5 and 4.6. Tuition or seminar costs for required training sessions will be paid in advance by the City if notification has been provided to the Clerk/Treasurer's office within a reasonable time prior to the class.

6.6 LONGEVITY INCENTIVE PAY

Each regular part time and regular full time employee of the City of Selah shall be eligible to receive longevity pay, based on the schedule below as a separate check with their mid-December payroll, less standard deductions. Once a regular part time or regular full time employee has become eligible for longevity pay, they shall continue to be eligible so long as they remain either a regular full time or regular part time employee. In order to receive the longevity incentive pay an employee must be on the payroll of the City as of December 15 for the year longevity incentive pay is claimed. There will be no proration for employees who leave the City's employment prior to the December 15<sup>th</sup> cutoff date. Notwithstanding any statements to the contrary above, the Mayor, in his or her sole discretion may deny longevity incentive pay to an employee who has used excessive paid leave during the year of the claimed longevity incentive pay.

By way of example and not by limitation, the following example illustrates a situation where the Mayor would be justified in denying longevity incentive pay:

Employee is eligible to receive longevity pay. Employee commits conduct which would be grounds for termination by the City. Prior to official termination by the City, the employee, with a note from a doctor, takes sick leave. The employee remains on sick leave until December 15 of that year. The Mayor may deny longevity incentive pay.

Length of Service	Incentive Pay
0 to 60 months of service	0
61 to 120 months of service	2% of gross annual salary
Over 120 months of service	5% of gross annual salary

#### 6.7 EMPLOYEE ASSISTANCE PROGRAM

The purpose of the City Employee Assistance Program is to establish a voluntary program of professional and confidential counseling and assistance to regular full-time and regular part-time employees whose job performance, health, or well-being are adversely affected by personal problems. The City recognizes that a wide range of personal problems, such as emotional or mental stress, marital or financial difficulties, or drug or alcohol dependency, can affect an employee's performance. These problems may or may not be caused by or related to the individual's responsibilities as an employee, but nevertheless, they have an effect on work performance, safety, or overall welfare of that employee, co-workers, and the City. Many times the employee is able to overcome these problems independently, once the fact that work performance is being affected is brought to his or her attention. However, in other instances, professional assistance may be needed to aid the employee in recognizing and overcoming personal difficulties.

In an effort to provide a means for assisting employees and their families in identifying, beginning to deal with, and hopefully overcoming problems of this nature, the City has established an Employee Assistance Program (EAP). The program is designed to allow the employee and his or her family to voluntarily and confidentially seek professional assistance from an independent counseling service. An EAP agency is an independent agency which provides professional and confidential diagnostic, counseling and referral service to City employees and their families by contract and at no cost to the employee.

When work performance problems are identified and cannot be corrected by the supervisor through normal corrective actions, use of the EAP will be suggested by the supervisor. The existence of non-work related personal problems does not release the employee from the responsibility to perform his/her job responsibility satisfactorily. Participation in the EAP will in no way jeopardize an employee's professional status, job security or promotional status. Utilization of the EAP agency during normal working hours will be subject to the use of sick leave.

The employee and his or her family may choose to use the agency's services independently without the suggestion of a supervisor. The self-initiated contact between the employee, his or her family and the agency will be confidential and records are not accessible to either the supervisor or the City. The EAP agency will provide up to three diagnostic sessions and, if necessary, a referral to potential service agencies for specific treatment. Coordination of medical benefits for the additional counseling or referral assistance by the EAP is determined by the medical plan covering the individual employee. Questions concerning insurance coverage can be referred to Human Resources.

## **CHAPTER 7 LEAVES OF ABSENCE AND TIME OFF**

### **7.1 LEAVES**

The City has eight (8) different types of leave:

- (a) Vacation leave
- (b) Sick leave
- (c) Leave without pay
- (d) Jury and Witness leave
- (e) Administrative leave
- (f) Military leave
- (g) Maternity leave
- (h) Childbirth leave
- (i) Performance leave

### **7.2 VACATION**

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

Years of Employment	Vacation Hours Earned
0-7 years	80 hours/2 weeks
8-10 years	120 hours/3 weeks
10+ years	144 hours/3 weeks + 3 days
15+ years	160 hours/4 weeks

- (b) An employee's vacation shall vest as of the completion of their probationary period. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits.
- (c) Each department director is responsible for scheduling his/her employees' vacations without undue disruption of department operations. Leave requests shall be submitted at least two (2) weeks prior to taking vacation leave.
- (d) Vacation hours may be accrued; however, employees may not carry more than 240 hours at year-end. Employees will be paid for unused vacation time up to 240 hours, upon termination of employment.

### **7.3 SICK LEAVE**



- (a) All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment.
- (b) Employees accrue and may use sick leave during their trial periods. Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.
- (c) Sick leave covers those situations in which an employee is absent from work due to:
  - (1) Physical injury, illness of the employee or preventive health care;
  - (2) The need to care for (a) a child of the employee with a health condition that requires treatment or supervision or (b) a spouse, parent, parent-in-law or grandparent of the employee who has a serious health condition or an emergency condition.
  - (3) Medical or dental appointments for the employee, dependent child, or other dependent family member if the employee is their primary caretaker, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day.
  - (4) Exposure to a contagious disease where 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;
  - (6) Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability; vacation leave, performance leave, compensatory time, or leave without pay may be used.
  - (7) The death of an immediate family member, not to exceed three (3) days without supervisor approval.
- (d) An employee may be required to provide a letter from a physician verifying an illness when absent in excess of three (3) consecutive days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City. The City may require a written release from a physician prior to allowing the employee to return to work.
- (e) Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with the Department Director's prior approval, take leave without pay.
- (f) Employees leaving City service for any reason will not be paid for any unused sick leave accrued prior to December 31, 1999.
- (g) Sick Leave Incentive Program: Sick leave accrued after January 1, 2000 will be accounted for such that employees may, upon retirement (which shall be defined as immediately receiving PERS or LEOFF payments), exercise an option to convert any of this unused sick leave at a rate equal to one (1) full day of the employee's monetary compensation for each four (4) full days accrued sick leave up to a maximum of 180 days converted to a maximum of 45 days pay.

#### 7.4 LEAVE WITHOUT PAY

- (a) The Department Director may grant leaves of absence without pay for absence from work not covered

by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) days per year.

- (b) The following requirements apply to leave without pay:
- (1) Leave may be granted to an employee for a period of up to ninety (90) days upon the approval of the Mayor or his designee. Further extensions are at the discretion of the Mayor or his designee.
  - (2) Accrued compensatory time, if any, must be exhausted prior to taking any leave without pay.
  - (3) An employee's benefits may be suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits may not accrue while an employee is on leave without pay.
  - (4) In certain circumstances, self-payment of benefits may apply. See Section 6.3 Insurance Benefits.
  - (5) An employee who fails to report promptly at the end of the unpaid leave is presumed to have abandoned the position. An employee returning from an unpaid leave may, at the City's option, return to the same position or similar position at a comparable rate of pay.
  - (6) If the leave without pay is due to an illness, the City may require a written release from a physician stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position.

#### 7.5 JURY AND WITNESS LEAVE

- (a) Employees may be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.
- (b) An employee granted such leave shall reimburse the City for any pay received while serving as a juror or witness.

#### 7.6 ADMINISTRATIVE LEAVE

On a case-by-case basis, the City may place an employee on administrative leave with pay for an indefinite period of time, as determined by the Mayor or his designee to be in the best interests of the City.

#### 7.7 MILITARY LEAVE

Employees who are members of the National Guard or federal reserve military units may be absent from their duties, with pay, for a period of up to fifteen (15) days per calendar year when they are performing ordered military training duty and while going to and from that duty.

7.8 MATERNITY LEAVE/CHILDBIRTH LEAVE

The City shall comply with all State and Federal laws regarding maternity leave and childbirth leave.

7.9 PERFORMANCE LEAVE

The Mayor may grant to selected employees additional paid leave as a reward for superior performance. Employees will not be paid for unused performance leave upon termination, resignation or retirement.

7.10 HOLIDAYS

(a) The following holidays are recognized by the City:

New Year's Day	January 1
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1 <sup>st</sup> Monday in September
Veterans' Day	November 11
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25
Floating Holiday	Upon Approval of Department Director

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

(c) Non-exempt regular full-time or part-time employees will be paid for the holiday plus their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the Department Director.

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

(e) New employees hired prior to July 1 will be entitled to a floating holiday for that year. New employees hired after that date will receive one half day floating holiday in the year hired. A floating holiday must be taken during the calendar year in which it is earned unless the employee has requested a personal holiday and the request has been denied. Upon termination of employment, an employee will not be compensated for an unused floating holiday.

7.11 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 Director's approval, take the day off using vacation, compensatory time, or leave without pay.

## **CHAPTER 8**

### **EMPLOYEE RESPONSIBILITIES AND CONDUCT**

#### **8.1 GENERAL POLICY**

- (a) All City employees are expected to represent the City 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 the position and Department Director.
- (b) 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 supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost-efficient services to its citizens.

#### **8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

- (a) Employees shall not, directly or indirectly, engage in any outside employment or financial interest 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.
- (b) An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she obtains prior approval from the Mayor or his designee. Each employee engaged in outside employment shall file a notice of intent to continue such employment prior to December 31 of each year.

#### **8.3 POLITICAL ACTIVITIES**

- (a) 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.

- (b) 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 partisan political cause contribution.
- (c) Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendments Rights.

#### 8.4 TOBACCO USE POLICY

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

#### 8.5 USE OF CITY VEHICLES AND EQUIPMENT

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

#### 8.6 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the mayor or his designee.

#### 8.7 CONTACT WITH NEWS MEDIA

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

#### 8.8 SEAT BELT POLICY

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

#### 8.9 DRIVER'S LICENSE REQUIREMENTS

- (a) As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license.
- (b) If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her Department Director 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 Director.

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

#### 8.10 SAFETY

- (a) Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her Department Director. The City will make every effort to remedy problems as quickly as possible.
- (b) In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify the Department Director who shall immediately provide the Mayor or his designee with a written report of the nature, cause and extent of the accident.

#### 8.11 MEDICAL EXAMS

- (a) Any physical examination, T.B. skin test, X-rays, required by the Employer shall be taken on Employer time whenever practical, and shall be paid by the Employer, provided said services are by a physician or institution specified by the Employer. All full-time regular employees will be subject to random urinalysis drug testing. The cost of the urinalysis shall be paid by the Employer and the testing shall occur on Employer time.

#### 8.12 SUBSTANCE ABUSE POLICY

- (a) Purpose - The City of Selah recognizes that employees are its most important resource. In order to ensure that health, welfare, and safety of its employees, and the citizens whom they serve, the following policy regarding substance abuse in the work place is adopted.
- (b) Objectives:
  - (1) It is the policy of the City of Selah to provide a drug free work place for its employees.
  - (2) The City's philosophy on substance abuse is to emphasize training and rehabilitation. Counseling and support will be made available through an Employee Assistance Program, and the employees' right to privacy will be respected at all times.
  - (3) The following sections provide guidelines for employees and supervisors for the detection and deterrence of substance abuse. This is provided through pre-employment screening, supervisor and co-worker education, and, where reasonable cause exists, verified testing of current employees. The standards by which such tests will be conducted are set out. Acts which constitute a violation of this policy are defined, and the consequences for violation, are established.
- (c) Applicability - This policy applies to all permanent and temporary employees of the City of Selah. It is a condition of employment that the employee abide by the terms of this policy.
- (d) Definitions - For the purpose of this directive, the following terms have the meanings indicated:

- (1) Substance abuse means the use of a substance, including medically authorized drugs, which impairs job performance or poses a hazard to the safety and welfare of the employee, the public, or other employees.
- (2) Reasonable cause means all of the facts and circumstances available at the time of an incident which would lead any reasonable person to the same conclusion.
- (3) Medically authorized drugs or substances means a drug or substance prescribed by a licensed practitioner/physician or dentist for use in the course of medical treatment.
- (4) Controlled substance means a substance whose dissemination or use is controlled by regulation or statute, including, but not limited to alcohol, narcotics, depressants, stimulants, hallucinogens and cannabis.
- (5) Conviction means a finding of guilt (including a plea of nolo cotendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of Federal, State or City drug laws.
- (6) Criminal drug statute means a criminal law involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
- (7) Written medical authorization means a prescription or other written approval from a licensed practitioner/physician or dentist for the use of a drug in the course of medical treatment. The authorization must include the name of the substance, the period of authorization, and whether the prescribed medication may impair job performance.
- (8) Unreasonable delay means a delay of the testing procedure for a period of time which would render the test useless or inaccurate.
- (9) Counseling means participation in a substance abuse counseling program provided through the City of Selah Employee Assistance Program (E.A.P.)

(e) Education

- (1) The City of Selah recognizes the need to provide education and training in the areas of substance abuse and the major factors which contribute to it.
- (2) The City recognizes that substance abuse can be successfully treated, enabling an employee to return to satisfactory job performance. Employees who are concerned about their own substance abuse are encouraged to voluntarily seek assistance through the City Employee Assistance Program. All such Voluntary Requests for assistance will remain confidential.
- (3) An employee who has not received substance abuse awareness training shall not be subject to disciplinary action under this policy.

(f) Employee Rights and Responsibilities

- (1) Any voluntary request by an employee for assistance with his/her own substance abuse problem will remain confidential and shall not be used as the basis for any disciplinary action, provided that the request for assistance is initiated prior to a substance abuse related on-the-

job incident.

- (2) Each employee using medically authorized drugs or substances which can impair job performance shall report this fact to his/her supervisor prior to beginning duty, and shall provide proper written medical authorization to work. It is the employee's responsibility to determine from the physician whether or not the prescribed drug would impair his/her job performance.
- (3) In accordance with the Drug Free Work Place Act of 1988, an employee who is convicted of any criminal drug statute for a violation occurring in the work place shall notify the City Personnel Office no later than five days after such conviction.
- (4) Each employee who observes or has knowledge of another employee in a condition which impairs his/her ability to perform job duties or poses a hazard to the safety and welfare of others shall promptly report the incident to his/her immediate supervisor.
- (5) An employee who is the subject of a substance abuse investigation, or who requests or is required to submit to a Substance Abuse Examination in accordance with this policy, shall be entitled to have a Union Representative or other observer of his/her own choosing present during the investigation, provided that such a request for an observer does not cause an unreasonable delay.

(g) Detection

- (1) Pre-employment Examination. All prospective employees of the City of Selah shall undergo a drug screening test prior to employment. A confirmed positive test for controlled substances, or refusal to take the examination, will result in disqualification for employment for a period of six months.
- (2) Examination for reasonable cause. An employee may be required to undergo a Substance Abuse Examination when reasonable cause exists to believe the employee is under the influence of a controlled substance and the steps outlined in the attached "Supervisors Checklist for Substance Abuse" are followed. The decision to conduct a Substance Abuse Examination shall be made only by the supervisor's Department Director or the Department Director's management level designee.
- (3) Searches of City owned property. The City reserves the right to search, without employee consent, all City owned property, and any property or area jointly or fully controlled by the City when reasonable cause exists to believe the search will reveal evidence of violation of this policy. Nothing herein shall be construed to permit the City to the warrantless search of employee owned vehicles.

(h) Rehabilitation

- (1) The City recognizes the value of trained, experienced employees, and, to the extent it deems treatment and rehabilitation are effective, it will pursue those avenues prior to resorting to disciplinary measures.
- (2) Any counseling required or agreed to under this policy shall be at City expense. Further, appointments with the E.A.P. may be scheduled on City time with prior approval of the



employee's supervisor, for up to three (3) visits per year. The E.A.P. counselor may contact the Department Director for authorization for additional time off. Sick leave or other accrued time shall be used for time spent beyond the above limit request for the purpose of extended counseling or treatment. If the employee requests that the leave not be disclosed to his/her immediate supervisor, the Department Director shall maintain confidentiality regarding the reason for the leave.

- (3) The cost of treatment and rehabilitation beyond counseling by the E.A.P. shall be born by the City to the extent covered by existing labor contracts and health benefit plans.

(i) Testing Protocol

- (1) All Substance Abuse Examinations required under this policy shall be administered at Central Washington Occupational Medicine.
- (2) The employee shall provide samples of urine to test for the presence of alcohol and/or drugs, and shall sign an authorization to release the results of those tests to the City Personnel Office.
- (3) Whenever a test sample of urine is required by this directive, it shall be administered in accordance with the following procedure:
  - (i) The urine sample is produced by the employee alone in a rest room. Hospital personnel examines the rest room before and after to ensure that no other samples were present and that no substances were available for tampering. Each sample shall be subjected to a laboratory testing protocol to detect tampering.
  - (ii) Hospital personnel takes the samples, seals them, labels them with the employee's identification, and signs a document which begins a formal chain-of-possession procedure. Each person who handles the samples, including the person who performs the test, must sign this document. When not being handled, the samples are stored appropriately. The purpose of this procedure is to insure that samples do not get switched during testing.
  - (iii) The laboratory test is conducted in two steps. The first is a general screen test for the major drugs of abuse and alcohol using the EMIT or comparable test. If any positive result is obtained, a second test is performed using a gas chromatograph/mass spectrometer (GC/MS) which provides molecular identification of the substances found in the sample. If alcohol is detected in the urine, the blood sample will be used for confirmation and to determine an accurate Blood Alcohol Level. 30
- (4) Examination results will be delivered only to designated City personnel who shall notify the employee's Department Director. The results may be made known to other management level City Personnel who are required to know for the purpose of determining appropriate discipline or counseling, but otherwise shall be kept confidential. Provided the personnel division has the employee's current address and telephone number, the employee will be notified immediately when the results are received.

(j) Prohibited Acts

- (1) Reporting for work while under the influence of alcohol or drugs, or any substance which impairs an employee's mental or physical capacity, is prohibited.
- (2) The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the work place, is prohibited.
- (3) Refusal to submit to or willful interference with any Substance Abuse Examination required in

- accordance with this policy is prohibited.
- (4) Failure to notify the Department Director within five (5) days of conviction of criminal drug statute violated in the work place is prohibited.
  - (5) Failure to attend and cooperate in counseling when required in accordance with this policy is prohibited.

(k) Treatment/Discipline

- (1) In all cases of suspected substance abuse in the work place, the supervisor's Substance Abuse Incident Report shall be forwarded to the employee's Department Director for further action. An employee suspected of substance abuse shall be relieved of duty, with pay, following any required examination, and shall be required to notify the office of his/her Department Director of his/her whereabouts at all times for the duration of the investigation. The Personnel Officer and the Department Director will determine the course of treatment or discipline as provided below.
  - (2) Disciplinary action resulting from enforcement of this policy shall be in accordance with applicable bargaining agreement, City Administrative Code, and Civil Service rules. All established grievance procedures shall apply.
  - (3) The emphasis of this policy is training and rehabilitation. Disciplinary action for job misconduct in violation of this policy will be imposed, up to and including termination, when an employee does not make use of an approved treatment opportunity and the City finds discipline to be an appropriate response to the misconduct. An employee who has had treatment through the E.A.P. and who subsequently commits misconduct in violation of this policy may or may not be offered another opportunity for treatment in place of discipline, depending on the seriousness of the job misconduct and the lapse of time since last in treatment through the E.A.P.
  - (4) As required by the Federal Drug-Free Work Place Act of 1988 (Pub. L. 100-690, Title V, Subtitle D), within thirty (30) days of the City's receiving notice that an employee has been convicted of violating a criminal drug statute in the work place, the City will either take appropriate personnel action, up to and including termination, or require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved by a federal, state, or local health, law enforcement, or other appropriate agency.
- (1) Savings Clause - It is understood that all provisions of this policy are subject to applicable Federal, State, and Local laws, and if any provision of any section of this agreement is held or found to be in conflict therewith, said provision shall be void. However, such invalidity shall not affect the remaining sections of this policy.

8.13 DRUG-FREE WORK PLACE

- (a) 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.
- (b) Employees must notify the City prior to the next work shift of any conviction for a drug violation in the work place.
- (c) Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete an assigned rehabilitation program is grounds for termination.

#### 8.14 COMPLAINT PROCEDURES

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

- (a) Step 1: An employee should first try to resolve any problem or complaint with his/her supervisor.
- (b) 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 his/her Department Director. The Department Director will respond to the employee in writing within five (5) days after meeting with him/her, if possible.
- (c) Step 3: If the employee is not satisfied with the response from the Department Director, the employee may submit the problem, in writing, to the Mayor or his designee. The written complaint must contain, at a minimum:
  - (1) A description of the problem;
  - (2) A specific policy or procedure which the employee believes has been violated or misapplied;
  - (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
  - (4) The remedy sought by the employee to resolve the complaint.

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

- (d) The mayor or his designee may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) days of the meeting. The Mayor or his designee's response and decision shall be final and binding.
- (e) Certain employees may have more than one source of dispute resolution rights, i.e. the City's Civil Service rules, a collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

#### 8.15 WHISTLE BLOWER POLICY

The City of Selah adopts this policy on procedures for reporting improper governmental actions as required by the Local Government Employee Whistleblower Protection Act, Chapter 44 Laws of 1992 (SSB 6321). It is the policy of the legislature that local government employees should be encouraged to disclose, to the extent not expressly prohibited by law, improper governmental actions of local government officials and employees. It is the purpose of the Act to protect local government employees who make good-faith reports to appropriate governmental bodies and to provide remedies for such individuals who are subjected to retaliation for having made such reports. This policy sets forth the appropriate procedures to follow for reporting such information. The adoption of this policy on procedures creates no affirmative duty not otherwise existing upon any employee to report improper governmental actions; creates no duties or obligations upon the City not otherwise existing; creates no benefit or right in any third party or employee not otherwise existing; and does

not create, amend, or enlarge any contract between the City and any person.

- (a) Definitions - Unless the context clearly requires otherwise, these definitions apply throughout this policy on procedures:
  - (1) “Improper governmental action” means any action by a local governmental officer or employee:
    - (i) That is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and
    - (ii) That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
  - (2) “Improper governmental action” does not include personnel actions. Personnel actions include but are not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and civil service laws, alleged labor agreement violations, reprimands, or any action that may be taken under Chapter 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180.
  - (3) “Retaliatory action” means any adverse change in a local government employee’s employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action.
  - (4) “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.
- (b) Procedures for Reporting - City employees who fail to make a good-faith attempt to follow these procedures in reporting improper governmental action shall not receive the protections provided by the Local Government Employees Whistleblower Protection Act.

The employee may also report the information to the Yakima County Prosecutor. Except in case of an emergency, before a City employee provides information of an improper governmental action to a person or entity who is not listed above, the employee must submit a written report to the City.

The supervisor, the Mayor or his designee, as the case may be, shall take prompt action to assist the City in properly investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

City employees who fail to make a good-faith attempt to follow these procedures in reporting improper governmental action shall not receive the protections provided by the Local Government Employees Whistleblower Protection Act.

- (c) Employee Protection Against Retaliatory Action - The City of Selah shall not take retaliatory action against any employee because the employee in good-faith provided information that an improper governmental action occurred in accordance with the Local Government Employee Whistleblower Protection Act. To obtain relief under the Act, any employee who believes he/she has been retaliated against for reporting improper governmental action shall provide a written notice of the charge of

retaliatory action to the City of Selah Council. The notice shall specify the alleged retaliatory action and the relief requested. The charge must be delivered to the City no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City shall have thirty (30) days to respond. After receipt of the City's response or after the last day upon which the City could respond, the employee may within fifteen (15) days request a hearing to be held before an administrative law judge. The employee's request for hearing shall be delivered to the Mayor or the Mayor's designee within the fifteen (15) day period. Upon receipt of request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. At the hearing, the employee carries the burden of proving his or her claim by a preponderance of the evidence. The final decision of the administrative law judge is subject to review as set forth in the Act.

- (d) Availability/Amendment of Policy on Procedures - The City will post this policy on procedures, or a summary thereof, in a place where all employees will have reasonable access to it. A copy of this policy on procedures, or a summary thereof, will be made available to any employee upon request. The City reserves the right to amend this policy on procedures at any time and at will, and will post and make available upon request any such amendments.

## **CHAPTER 9**

### **DISCIPLINE AND TERMINATIONS**

#### **9.1 DISCIPLINE**

- (a) All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.
- (b) Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- (c) The Mayor or his designee, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- (d) The following are examples of the types of behavior which may result in discipline:
  - (1) Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.
  - (2) Violation of a lawful duty.
  - (3) Insubordination.
  - (4) Absence from work without first notifying and securing permission from the supervisor.
  - (5) Habitual absence or tardiness for any reason.
  - (6) Unsatisfactory job performance, as determined by the City.
  - (7) Conviction of a felony or a misdemeanor involving moral turpitude.
  - (8) Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City.

- (9) Inability, refusal or failure to perform the duties of the assigned job.
- (10) Violation of duties or rules imposed by this manual or by any other City rule, regulation or administrative order.

This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above.

- (e) In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:
  - (1) Oral Warning. An oral warning is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the supervisor shall provide the Mayor or his designee with documentation of the oral warning, a copy of which shall be placed in the employee's personnel file.
  - (2) Written Reprimand. A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file.
  - (3) Upon request by an employee, documentation of an oral warning or a written reprimand may be removed from an employee's personnel file with authorization by the Mayor and/or his/her designee.
  - (4) Suspension. A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made part of the employee's permanent record.
- (f) Suspensions with pay, where the employee is placed on administrative leave, may be utilized by the Mayor or his/her designee pending the results of an investigation or disciplinary action where the Department Director determines that factors such as public confidence, the safety of the employee or the efficient functioning of the City call for such a suspension.

## 9.2 TERMINATION

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

- (a) In the event a Department Director desires to terminate an employee, the employee (other than at-will or trial employees) shall be provided with a notice of the recommendation for termination. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-termination hearing. If the employee fails or refuses to appear, the termination may proceed.
- (b) Pre-termination hearings will be presided over by the mayor or his designee or a designated representative.
- (c) At the hearing, the employee may show cause why he/she should not be terminated. The employee may bring one person to the hearing as an observer who is not allowed to participate in the hearing or

interfere with its orderly process.

- (d) The Mayor or his/her designee will within a reasonable period of time issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support termination. If the Mayor finds the charges credible, the termination may proceed. If the Mayor finds the charges questionable or insufficient for termination, the matter returns to the Department Director for further investigation or other disciplinary action short of termination.

### 9.3 LAYOFF

- (a) The Mayor or his/her designee may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.
- (b) Temporary employees or employees who have not completed their trial period will be laid off before regular employees are affected.
- (c) In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
- (d) Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

### 9.4 RESIGNATION

An employee should provide two (2) weeks notice of resignation. This time limit may be waived by the Mayor or his designee.

### 9.5 DEATH

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