



# **City of Port Orchard**

## **Personnel Policies Manual**

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## Chapter 1

# Purpose and Scope

- 1.1 Introduction
- 1.2 Purpose
- 1.3 Scope of Policies
- 1.4 City's Right to Modify These Policies

### **1.1 Introduction**

The City of Port Orchard places a high value on our employees and their well-being. The City believes that when the terms and conditions of employment are known and communicated to all, employee job satisfaction is increased. These policies have been prepared to help employees better understand how the City operates and what is expected of employees. Employees are encouraged to ask their supervisor or Department Director any questions they may have regarding interpretation of these policies. The policies serve a variety of objectives including clear communication to employees, guidance to managers and ensuring the public services rendered in positions within the City are performed to a high standard.

### **1.2 Purpose**

#### **IMPORTANT: PLEASE READ**

These personnel policies serve as a general informational guide to the City of Port Orchard's current employment practices and procedures. As a result, these policies are general guidelines only, not promises of specific treatment in specific situations. These personnel policies are not intended to be, nor should they be construed as a contract, express or implied, or as a guarantee of employment for any specific duration. Unless specific rights are granted to you in an individual employment contract, collective bargaining agreement or Civil Service rules, all employees of the City of Port Orchard are considered at-will employees and may be terminated from the City of Port Orchard's employment at any time, with or without cause subject to applicable law. No supervisor, Department Director or representative of the City of Port Orchard has the authority to enter into any agreement with an individual employee for employment for any specified period or to make any written or verbal commitments contrary to the foregoing, unless such agreement is in a written employment contract signed by the Mayor, with appropriate authorization of the Council.

### **1.3 Scope of Policies**

These personnel policies apply to all City employees. In cases where these policies conflict with the provisions of a collective bargaining agreement, employment agreement, Civil Service rules or laws, or other laws, the provisions of that law or agreement shall govern. In all other cases, these policies shall govern (the sole exception is that the Police Department's General Orders and policies shall govern, in regard to City employees working in the Police Department, in the event of a conflict with this Personnel Policies

Manual). The provisions contained in these policies regarding the City's prohibitions against harassment and discrimination apply to employees, volunteers, and elected officials. All participants in providing City services or elected officials who work with City staff must comply with all City policies prohibiting unlawful discrimination, harassment, or any other unlawful conduct.

#### **1.4 City's Right to Modify These Policies**

The City of Port Orchard reserves the right to revise, supplement, clarify, or rescind any policy or provision of this Manual, as it deems necessary and appropriate in its sole discretion, without advance notice unless otherwise required by law or contract. As set forth above, these policies are general guidelines only, and do not constitute promises of specific treatment in specific situations. Further, these policies should not be construed as a contract, express or implied, or a guarantee of employment for any specific duration. Employees will be notified of changes to these policies once changes are adopted; however, unions will be notified in advance of proposed changes that are deemed mandatory subjects of bargaining.

The City also reserves the right to deviate from these policies, as it deems appropriate in its sole discretion in order to achieve the primary mission of serving the City of Port Orchard's citizens. In addition, the Mayor (or Mayor's designee) is empowered with the authority to establish any administrative regulations necessary to further implement these policies.

## Chapter 2

# General Policies and Practices

- 2.1 Equal Employment Opportunity Policy
- 2.2 Life Threatening and/or Serious Illness/Condition Policy
- 2.3 Anti-harassment and Anti-discrimination Policy
- 2.4 Eligibility for Employment
- 2.5 Employee Personnel Records
- 2.6 Reference and Information Requests

### **2.1 Equal Employment Opportunity Policy**

The City of Port Orchard is an Equal Opportunity Employer and provides equal employment opportunities (EEO) to all employees and applicants for employment. The City prohibits unlawful discrimination and harassment against employees and applicants in compensation or other terms, conditions, and privileges of employment because of the employee's race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, sexual orientation (including gender identity and gender expression), genetic information, or any other category protected by federal, state, or local law. The City also prohibits unlawful discrimination and harassment against employees and applicants based upon their association with a person who is a member of a protected class. This Policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

In addition, any employee or applicant who believes that they need a reasonable accommodation because of a physical or mental disability in order to perform the essential functions of their job or to complete the application process should contact the Human Resources Office. Similarly, any employee or applicant who needs an accommodation to perform their job due to their religious beliefs should contact the Human Resources Office. The employee or applicant should advise, in writing, the Human Resources Office of the reason for their accommodation request, the nature of their work limitations, and any suggested reasonable accommodations. The City will then interactively work with the employee or applicant to determine what, if any, reasonable accommodations are appropriate, and whether a suggested accommodation imposes an undue hardship upon the City.

The Human Resources Office, in conjunction with City management, is responsible for implementing this Policy. Any person with questions or concerns regarding Equal Employment Opportunities with the City should contact the Human Resources Office. All persons are also encouraged to review the City's Anti-Harassment and Anti-Discrimination Policy, which supplements this Policy and works to further effectuate the goals of the City's Equal Employment Opportunity Policy.

## **2.2 Life Threatening and/or Serious Illness/Condition Policy**

The City recognizes that employees with life threatening and/or serious illnesses such as cancer, heart disease, acquired immune deficiency syndrome (AIDS), and other serious medical conditions may wish to continue working. The City respects and supports this wish, provided the employee can maintain required performance, production, and attendance standards, perform the essential functions of their job, and the condition does not pose a health or safety threat to the employee, their fellow employees, or the general public.

The City also recognizes that an employee's health condition generally is a private and personal matter, and consequently, will protect the confidentiality of the situation, and any information or documentation relating to it, to the best of its ability and restrict this information to only those appropriate employees who have a legitimate business reason to know. Furthermore, any documentation regarding the employee's medical condition shall be kept in a separate and confidential medical file distinct from their respective personnel file.

The City reserves the right to request medical examinations and/or consultations at its expense regarding the employee's medical condition to the extent necessary to determine that the employee can safely perform the essential functions of employee's job. The evaluation of the potential problems and dangers that accompany these conditions will be handled on a case-by-case basis and may consider existing medical and scientific evidence to the extent appropriate.

In addition to the foregoing, any employee with a medical condition or illness for which the employee believes they may need some type of accommodation should promptly notify the Human Resources Office and advise as to any work limitations covered by the condition and suggested reasonable accommodations. The City will then interactively work with the employee to determine what, if any, reasonable accommodations are appropriate, and whether a suggested accommodation imposes an undue hardship upon the City.

## **2.3 Anti-harassment and Anti-Discrimination Policy**

It is the City of Port Orchard's intent to provide a work environment free from all verbal, physical and visual forms of harassment and discrimination. All employees are expected to be sensitive to and respectful of their co-workers and others with whom they come into contact while representing the City. The City prohibits all forms of harassment and discrimination, whether due to race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, sexual orientation (including gender identity and gender expression), genetic information, or any other category protected by federal, state, or local law. The City also prohibits unlawful discrimination and harassment against employees and applicants based upon their association with a person who is a member of a protected class.

Engaging in workplace harassment or discrimination is unacceptable conduct, which will not be tolerated. Any employee found to have engaged in workplace harassment or discrimination will be subject to appropriate disciplinary action, up to and including

termination of employment.

All employees who have knowledge of workplace harassment or discrimination are required to immediately report the same to City management pursuant to the reporting procedures subsequently set forth in this Policy. The failure to report workplace harassment or discrimination may result in appropriate disciplinary action.

To facilitate a greater understanding of this Policy's requirements, the following is a non-exclusive list of examples of conduct the City prohibits:

- A. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, genetic information, or sexual orientation (including gender identity and gender expression).
- B. Written or graphic material brought to, displayed or circulated in the City's workplace that denigrates or shows hostility or aversion toward an individual or group because of the categories listed above.
- C. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive conduct or remarks that are directed at a person because of the categories listed above.
- D. Using the City's resources (such as voicemail, e-mail, or Internet access) to obtain, deliver, forward, circulate, or store inappropriate or offensive materials.
- E. Other forms of objectively offensive behavior, regardless of whether the behavior rises to the level of unlawful workplace harassment or discrimination.
- F. Retaliation against an employee making a complaint in good faith under this Policy.

To facilitate a greater understanding of this Policy's requirements with respect to sexual harassment, the following is a non-exclusive list of examples of conduct the City prohibits:

- A. Vulgar or sexual comments, jokes, stories, and innuendo.
- B. Graphic or suggestive comments about someone's body or manner of dress.
- C. Gossip or questions about someone's sexual conduct or orientation.
- D. Vulgarity, leering, inappropriate touching and obscene or suggestive gestures.

- E. Displaying, accessing, or circulating in the workplace (including via the Internet or e-mail) sexually suggestive photographs, cartoons, graffiti, jokes and the like.
- F. Unwelcome and repeated flirtations, requests for dates and the like.
- G. Subtle pressure for sexual activity, including unwelcome but apparently sanction-free sexual advances by a supervisor to a subordinate.
- H. Solicitation or coercion of sexual activity, dates, or the like by the implied or express promise of rewards or preferential treatment.
- I. Solicitation or coercion of sexual activity, dates, or the like by the implied or express threat of punishment.
- J. Sexual or other assault.
- K. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive conduct or remarks that are directed at a person because of that person's sex, regardless of whether the remarks themselves are sexual in nature.
- L. Retaliation against an employee for refusing sexual or social overtures, for complaining in good faith about sexual harassment, or for cooperating in good faith with the investigation of a complaint.

Harassment and discrimination can be difficult to define. For this reason, the City strongly urges you to use its reporting procedure set forth below without worrying about whether the conduct involved would be considered harassment or discrimination in a legal sense. If you consider the conduct to be harassment or discrimination, report it. This Policy is intended to assist the City in addressing not only illegal harassment and discrimination, but also any conduct that is offensive and inappropriate.

*See Operating Procedure #310 for the procedure related to reporting harassment or discrimination.*

The Human Resources Director has the primary responsibility for implementing this Policy. Any employee with questions regarding this Policy should contact the Human Resources Director. Please join us in our efforts to make the City of Port Orchard an enjoyable place to work for all employees.

## **2.4 Eligibility for Employment**

### **A. Employment Eligibility Verification**

Federal law requires the City of Port Orchard to comply with the Immigration Reform and Control Act of 1986 and related law. All new employees must complete an “I-9 Form” and provide proof of their identity and eligibility to work in the United States. The City is responsible for obtaining the I-9 Form from each employee and verifying their eligibility to work in the United States.

Employees will be expected to complete the I-9 Form during their first day of work. The City will then properly complete the “Employer Section” of the I-9 Form. If a new employee is unable to provide the necessary documentation within three working days from the date of hire, they must provide proof that they have applied for the required documents. If this is not provided, the employee will be terminated as required by law.

The I-9 Form will be retained for at least three years after the date of hire or one year after the date of the individual’s termination, whichever is later. Former employees who are rehired must also complete the I-9 Form if they have not completed the Form with the City within the past three (3) years, or if their previous I-9 Form is no longer retained or valid.

## **2.5 Employee Personnel Records**

The City of Port Orchard maintains a regular personnel file for each employee. An employee’s regular personnel file may contain the employee’s name, title and/or position held, job description, department to which the employee is assigned, initial application information along with any certifications or transcripts needed to verify the employee’s qualifications, salary or wages, payroll information, changes in employment status, including promotional information, demotions or job reclassifications, any training received, performance evaluations or appraisals, personnel actions affecting the employee including all forms of discipline, and other pertinent information needed by the City to conduct its business or which is required by law. An employee’s I-9 Form is maintained separately. Similarly, an employee’s medical records, if any, are maintained in a separate file.

Employees are permitted reasonable access to inspect their own personnel files, including medical and immigration files, during regular business hours.

All personnel files are kept confidential to the maximum extent permitted by law. Access to employee personnel files is restricted to only those City employees with a legitimate and permissible business purpose. In addition, except for routine verifications of employment or in response to a court order, subpoena, or other legal requirement, no information from an employee's personnel file will be released to the public without the subject employee’s written consent.

Personnel files are kept for the benefit of the City and for effective management of the employee's status, administration of compensation and benefits, and for effective management of the employee's performance. The contents of the file may be subject to statutory provisions on how long the information is retained and the City will abide by any statutory guidelines or regulations regarding record retention.

Supervisors may maintain a working file with notes or documents on issues impacting the employee or the employee's performance. Once information is communicated to the employee, the supervisor's notes or documents may be placed in the employee's personnel file to further explain any action or resolution to an issue impacting the employee or affecting the employee's status. If a supervisor opts not to communicate information in the supervisor's file to the employee, or deems the information irrelevant, the supervisor's file should generally be purged annually, unless prohibited by law or the supervisor determines, in their sole discretion, that the circumstances require that the information be retained for a longer period of time.

Employees may request additions or removal of information in their personnel records. If the City denies the employee's request to remove information, the employee may file a written statement to be placed in their file. The City may also provide a written statement to be placed in the personnel file as well.

Employees must make any changes to their name, address, phone number or contact information, beneficiary designations or dependents, and emergency contact information into the Self-Service Module, to make certain this information is up to date.

## **2.6 Reference and Information Requests**

Unless otherwise required by law, the City will respond to all reference check inquiries regarding its current or former employees by providing only general information, such as: dates of employment; position(s) held; and job duties. No inference, either positive or negative, should be made from the City's application of this policy. If an employee desires the City to provide additional information, the employee, as well as the prospective employer requesting the information, must sign a release authorizing the disclosure of additional information in a form satisfactory to the City. This release must, among other things, authorize the disclosure of additional information and hold the City and all related persons and entities harmless for the disclosure.

## **Chapter 3**

### **Hiring**

- 3.1 Recruitment
- 3.2 New Hire Selection
- 3.3 Introductory Period
- 3.4 Orientation
- 3.5 Employment of Family Members
- 3.6 Temporary Employees
- 3.7 Volunteers
- 3.8 Community Services Workers and Other Court Referrals
- 3.9 Use of Contract or Special Services
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- 3.11 Promotions
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- 3.14 Reclassifications
- 3.15 Pay Range Adjustments
- 3.16 Acting Assignments
- 3.17 Overlap of Employees Due to Pending Departure

#### **3.1 Recruitment**

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence (as determined in the City's discretion), without regard to any individual's sex, race, color, religion, national origin, sexual orientation (including gender expression or identity), pregnancy, age, marital status, military status, disability, genetic information or any other characteristic protected by law.

Each applicant for employment shall complete and sign a City of Port Orchard application form. Resumes may supplement, but not replace, the official City application. Applications are only accepted for open positions. Applications may be maintained in the City archives for one year.

Any applicant for employment with the City who has made a false or misleading statement or has practiced any deception, fraud or misconduct in connection with their application or the hiring process may be eliminated from consideration for employment at the City. Any employee who is discovered to have made a false or misleading statement or has practiced any deception, fraud or misconduct in connection with their application or the hiring process is subject to disciplinary action, up to and including termination.

#### **3.2 New Hire Selection**

When a position becomes vacant, the Department Director will review the position, its job description, and the need for such a position prior to any posting or advertisement of the vacancy.

In considering an applicant for employment or a volunteer position, the City may conduct an investigation of the applicant's background. The investigation may include, but is not necessarily limited to, inquiries into the applicant's references, prior and present employers, credit history (only if it pertains to the job), criminal conviction record and a review of the applicant's listed education and work history. As a condition of employment, after an offer of conditional employment has been made and prior to commencement of employment, successful applicants may be required to submit to and pass a pre-employment urine drug screen.

The City reserves the right to seek qualified applicants outside of the organization whenever it determines appropriate in its discretion. Before advertising a position to the general public, the Department Director, after consideration of the minimum qualifications for the position, the needs of the department, and similar factors, may request human resources to post the position internally before or in conjunction with an external recruitment.

The Mayor delegates authority to Department Directors to hire and terminate staff within each of the director's respective departments, after consultation with the Mayor, Human Resources, as well as ensuring we have met any requirements of our insurance provider and applicable employment laws. The Mayor will make hiring and termination decisions for the positions that report directly to the Mayor, unless council approval is required by municipal code or other law.

### **3.3 Introductory Period**

Upon hire, all employees enter an introductory period (aka probationary period). The introductory period is designed to give the employee time to learn the job and to give the City time to evaluate whether the match between the employee and the job is appropriate.

Current employees promoting, demoting or transferring from one position to another will serve an introductory period starting at the date of the employee's appointment to the new position.

The general introductory period is twelve (12) months from the employee's date of hire or rehire. At the discretion of the City, this introductory period may be extended.

Satisfactory completion of the introductory period does not create an employment contract or guarantee employment with the City for any specified duration, nor does completion of the introductory period guarantee the employee "permanent" employment. Any employee who successfully completes their respective introductory period shall remain an "at-will" employee, unless the employee is afforded additional rights by the Civil Service rules and laws, an individual employment contract, or a collective bargaining contract. Nothing in this Policy should be construed as altering the at-will status of each City employee.

### **3.4 Orientation**

New hires will participate in an orientation program conducted by the Human Resources Office. During this program, information regarding the City's policies, benefits programs, and other information will be provided. New hires will be asked to complete all necessary paperwork, such as medical benefits plan enrollment forms, beneficiary designation forms, and appropriate federal, state and local tax forms. Direct Deposit for paychecks is a requirement of the City for all paid employees. The City will also require information establishing identity and eligibility to work in the United States in accordance with applicable federal law.

### **3.5 Employment of Family Members**

Individuals who are related by blood or marriage, or are in a committed relationship with current City of Port Orchard employees or officials, are eligible for employment at the City, provided no direct reporting or supervisor-to-subordinate relationship exists. That is, no employee is permitted to work within the "chain of command" when one family member's work responsibilities, salary, hours, career progress, discipline, benefits or other terms and conditions of employment could be influenced by another family member. This includes volunteer positions and temporary appointments. This Policy serves the objective of avoiding potential conflicts of interest and the appearance that employment decisions will be made not on merit, but based on the relationship of the family member to a decision maker within the chain of command.

Change in Circumstances: If two employees marry, become family members, or domestic partners, as defined below, and, in the City's judgment, the potential problems noted above exist, or reasonably could exist, it is the responsibility of the employees to disclose the relationship to human resources. Only one of the employees will be permitted to remain employed with the City, unless reasonable accommodations, as determined by the City, can be made to eliminate the potential problem. If no accommodation can be made, the decision as to which employee will remain employed by the City must be made by the two employees within thirty (30) calendar days of the date they marry, become family members, or domestic partners with each other. If no decision is made during this time, the City reserves the right to terminate either employee.

For purposes of this Policy, a "family member" is defined as a spouse, domestic partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" or "half" relation, or equivalent member of the employee's household. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, City of Port Orchard employee or official has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

### **3.6 Temporary Employees/Interns**

The City may use temporary employees or interns to meet peak workload needs, to temporarily replace regular employees who are on vacation or other leave, to temporarily fill a vacancy until a regular employee is hired, or when otherwise determined appropriate by the City. When applicable, the City will comply with any provisions of a collective bargaining contract establishing the nature or duration of any temporary or intern positions.

Compensation/Benefits: Temporary employees and interns are eligible for overtime pay as required by law. Temporary employees and interns do not receive retirement, vacation, personal and family leave, health insurance, holidays or any other benefits unless otherwise required by law.

Temporary employees are limited to employment of no more than six (6) months.

### **3.7 Volunteers**

Volunteers may be recruited by individual Department Directors or the City to assist with the provision of City programs/services. All volunteers will complete a standard City Volunteer application form, including references. All volunteers will be supervised by a regular employee or designated volunteer supervisor. Volunteers are expected to follow the same personnel policies as regular employees.

### **3.8 Community Services Workers and Other Court Referrals**

As appropriate, the City may consider the placement of individuals who are referred by the courts to perform community service or other needed tasks.

### **3.9 Use of Contract or Special Services**

From time to time, the City may need to hire an individual or business entity to provide services to the City that fall outside the expertise of City staff, for work on a project that cannot be accomplished by City staff on a timely basis, or for other reasons that demonstrate a decision to work with an outside entity may be in the best interests of the City. The City will comply with all procedures required by law when a bidding process is needed or any relevant requirements imposed by a collective bargaining contract.

Service providers hired to assist the City for specific projects or designated services are not City employees and are not eligible for the benefits listed as exclusive benefits for City employees. Individuals who contract to provide services to the City must be properly licensed in their respective professions or trades and must carry their own liability insurance for the benefit of the City in the event they perform their professional services negligently or below an acceptable standard of care.

Services provided pursuant to an interlocal agreement will not result in service providers being construed as City employees, even if they provide services along with City of Port Orchard employees. Each agency participating in an interlocal agreement is responsible for the employees assigned to the project, task or special event, including the

provision of coordinated police or emergency services activities. The City shall not be required to provide insurance coverage for employees of another agency participating in an interlocal agreement for services, unless the agreement entered into between the City and agency specifically designates such coverage is required and the coverage requirements mutually benefit the City of Port Orchard.

### **3.10 Employee Referral Program**

At the discretion of the Mayor, the City may provide a Referral Incentive to an Eligible Referring Employee who refers to the City a qualified applicant who is subsequently selected and successfully employed in an Eligible Position.

#### **A) Definitions**

**Applicant:** Persons who are not former employees or currently employed by the City in any capacity including temporary, seasonal, or limited term.

**Eligible Position:** Positions eligible for this program must be determined by the Mayor to be “hard to fill” positions. The following factors should be considered when designating a position as “hard to fill”:

- how critical the position is to the City’s operation and mission,
- the success of recent efforts to recruit candidates and retain employees in like positions,
- the availability in the labor market of well-qualified candidates for employment,
- recent turnover in similar positions,
- special qualifications needed for the position, and
- other unique factors that demonstrate difficulty in filling the position.

**Eligible Referring Employee:** City employee occupying a regular status position with the exception of:

- Any elected official,
- Director, manager, supervisor and other person(s) associated with the selection of the candidate,
- All Human Resources staff members,
- Any employee assigned to perform recruitment functions on behalf of their department and/or the City, and
- Family members (as defined in Personnel Policy 3.5) of the Applicant.

**Referral Incentive:** A cash payment to the Eligible Referring Employee when an Applicant has been successfully employed by the City

**B) Referral Incentive Payment.** A referral incentive is payable to an Eligible Referring Employee when the position has been designated as an Eligible Position by the Mayor at some stage of the recruitment process, prior to selecting a final candidate. A \$500 incentive is payable in the next available paycheck to the Eligible Referring Employee after the Applicant’s first day of employment. An additional \$500 is payable in the next available paycheck to the Eligible Referring Employee after the Applicant’s completion of their probationary period.

**C) Referral Incentive Program Administration.**

1. Referral Incentives are awarded at the discretion of the Mayor, who has the final decision. The Mayor has the discretion to end this program at any time.
2. If the Referral Incentive Program is ended by the Mayor, any Eligible Referring Employee who is due the second payment for a referral will be eligible for the Incentive Payment provided that all other components of this policy are met.
3. Referral Incentives are intended to be a financial incentive for Eligible Referring Employees to reach out to qualified Applicants as a first contact from the City regarding specific employment opportunities.
4. The City will require the Applicant to identify the Eligible Referring Employee. In the event more than one Eligible Referring Employee is identified by the Applicant and a Referral Incentive is payable, a random drawing of names submitted by the Applicant will be conducted to achieve a single Eligible Referring Employee.
5. The Eligible Referring Employee must be a City employee at the time any Referral Incentive payment is paid.
6. The hiring process will be fair and consistent with City policies, with no bias for or against candidates whose selection might make another employee eligible for a Referral Incentive. All information regarding the hiring decision will remain confidential.

**3.11 Promotions**

A promotion is an appointment to a position which has a higher maximum salary rate than the employee's present position. When an employee is promoted, the Mayor or designee has the discretion to determine the entry point of the new range based on the qualifications of the employee. Generally, the City strives for a minimal 5% increase between the employee's present pay rate and the assigned salary step within the new position's salary range. When, at the time of the promotion, the employee is within one (1) month of an anticipated step date in their present position, the employee's pay is assumed to be at the higher step before the promotional pay rate is established. The next step increase date, if any, will be reset based upon the employee's promotion date.

**3.12 Demotions**

A demotion is a voluntary or involuntary appointment to a position which has a lower maximum salary rate than the employee's present position. When a demotion occurs, the department manager will recommend to the Mayor a salary for the demoted employee within the salary range of the lower classification which is less than or equal to the employee's present salary. The next step increase date, if any, will be reset based upon the employee's demotion date.

### **3.13 Transfers**

A transfer is a voluntary or involuntary appointment to a position which has a salary range identical to that of the employee's present position. When a transfer occurs the employee retains their current placement within the salary range. There is no change or adjustment to the timing of the employee's next scheduled step increase date, if any.

### **3.14 Reclassifications**

A reclassification may occur when the duties and responsibilities of an existing classification are changed based on an analysis of the employee's written job description compared to actual job requirements. Department Directors must, in consultation with Human Resources, request the reclassification in writing to the Mayor or designee. The Mayor or designee will determine whether the present classification is correct or whether a reclassification is necessary.

- A. When a reclassification occurs, an employee occupying the position may be retained in the position, provided that the Mayor, or designee, determines that the reclassification results from an official recognition of a change in duties and responsibilities which has already occurred and which has historically been performed by the employee in that position.
- B. If the reclassification results in a higher maximum salary, this constitutes a promotion and the rules governing promotion with regard to salary apply. If the reclassification results in a lower maximum salary, this constitutes a demotion and the rules governing demotion with regard to salary apply.
- C. Nothing in this policy is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification as part of a short-term assignment.

### **3.15 Pay Range Adjustments**

The City strives to provide competitive salaries in the marketplace for purposes of recruitment and retention. From time to time the City will conduct a comprehensive salary study to review the established salary range of positions. Department Directors may request a review of individual position salaries when the Director has reason to believe that the current salary range is out of market. Such requests must be submitted to the Mayor, or designee, with a written justification for the request. At the direction of the Mayor, Human Resources will conduct or arrange for the salary review.

- A. If a salary adjustment is warranted and the adjustment results in a higher pay range, as approved by the City Council, the employee's salary will be adjusted to the same step on the newly established pay range.
- B. If a salary adjustment is warranted, as approved by the City Council, and the adjustment results in a lower salary range, and an employee is at the top of the pay range, the employee's salary will be frozen in place until the pay range catches up to the employee's pay. Until that time, the employee is not eligible for step or cost of living increases. Once the pay range exceeds the employee's

- frozen pay rate, the employee will be placed on the top step of the approved pay range as soon as the pay range becomes applicable to the position.
- C. If a salary adjustment is warranted, as approved by the City Council, and the adjustment results in a lower salary range, and the employee's current pay is within, but not at the top of, the range, the employee's pay rate will be set on the step closest in value to the employee's current pay, prior to any adjustment (i.e. cost of living increase), so that the employee does not receive a pay decrease. This placement has no effect on the employee's scheduled step increase date and the employee will progress to the next step in the range on their previously established step increase date.
  - D. If a salary adjustment is warranted and the adjustment results in a lower salary range, as approved by the City Council, the employee's salary will be frozen in place until the pay range catches up to the employee's pay. Until that time, the employee is not eligible for step or cost of living increases. Once the pay range exceeds the employee's frozen pay rate, the employee will be placed on the top step of the approved pay range as soon as the pay range becomes applicable to the position.
  - E. Nothing in this policy is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time.

### **3.16 Temporary or "Acting" Assignments**

When the need arises to fill a position due to an approved leave of absence, disciplinary actions or when a vacancy exists, a current regular status employee may be appointed to an "acting" position with a higher pay range. Such appointments are for a limited time to fill a temporary vacancy. Employees will not attain regular status in the higher position from the acting appointment and will be returned to their previous position. No introductory period is required for an acting appointment.

An employee assigned an "acting" appointment status will be compensated in the higher pay range in a manner similar to that of promotion. However, any pending or scheduled step increases will not be considered when placed within the new pay range. The employee will remain eligible for a step increase, if any, based upon their placement date into their present position (before assignment to an "acting" position).

If the employee is later promoted into the higher paid position, the timing of the employee's next step increase, if any, will be determined based off the date of their assignment into the same "acting" position. The employee will serve an introductory period based off the date of appointment to the regular (non-acting) position.

Nothing in this policy is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time without placing them in an official "acting" capacity.

### **3.17 Overlap of Employees Due to Pending Departure**

In situations where an employee has given notice of separation from employment and a successor employee is chosen prior to the departure of the incumbent employee, the Department Director may request approval of the Mayor to hire the successor employee such

that there is a maximum of thirty (30) calendar days of overlap between the outgoing and incoming employees. The purpose of this overlap is to aid in the transition and training period for the new hire. This authorization may also provide coverage of the position if the outgoing employee is on extended paid or unpaid leave. Prior to approval the Director must confirm that the department has the funds in the existing budget to cover the associated personnel costs. Situations in which the department does not have available funds or the requested overlap period is greater than thirty (30) days require City Council approval. The incoming employee will be provided all benefits associated with their appointment to the position.

### **3.18 Underfilling a Budgeted Position**

When the City is unsuccessful in recruiting a desirable candidate who meets the minimum requirements for a position requiring a specialized credential or a minimum education level or years of experience, the Department Director may request approval from the Mayor to advertise and/or underfill the vacancy within that Department at a lower classification until such time as the employee obtains the minimum qualifications to be promoted into the position classification initially budgeted for and approved by the City Council.

Any employee selected to underfill a budgeted position will be eligible for promotion at the discretion of the Department Director upon meeting the minimum qualifications for the budgeted position. If the employee does not meet the minimum qualifications for the higher-level position after being employed for one year, the City may, in its discretion, reclassify the position into the lower-level position by amending the staffing chart in the approved budget, thereby eliminating the automatic promotion authority. If the position is reclassified to the lower-level position and the employee then achieves the necessary credentials for the higher-level position, the Department must request a budget amendment to create the higher-level position. Any movement from a lower-level position to a higher-level position will be deemed a promotion and rules related to promotion will apply. Conversely, the City may condition an employee's underfilling of a position upon the employee meeting the minimum requirements by a specified time, in which case the employee may be terminated or demoted if the employee fails to meet the conditions of their placement into the position. This policy does not guarantee that a position will be reclassified for an employee who fails to meet the minimum qualifications for a position.

This policy may also be used to appoint an employee into an acting role when a temporary replacement is needed due to a position vacancy (for example, because of a leave of absence, military leave, or other prolonged absence), without the need to advertise and interview candidates for the vacancy. Generally, such acting roles will last no longer than two (2) years, but may be extended as the situation dictates. In these situations, the appointed employee will be provided all benefits associated with their appointment to the acting position.

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## Chapter 4

# Hours and Attendance

- 4.1 Working Hours
- 4.2 Attendance
- 4.3 Reporting Work Hours
- 4.4 Unusual Weather Conditions, Natural Disasters or Other States of Emergency
- 4.5 Pandemic or Public Health Emergency Response and Recovery
- 4.6 Breaks and Meal Periods for Non-exempt Employees
- 4.7 Payroll Records
- 4.8 Telecommuting

### **4.1 Working Hours**

The City's business hours are Monday through Friday from 8:00 a.m. to 4:30 p.m. A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek, from Sunday through Saturday. Different work schedules and defined workweeks may be established by the City to meet job assignments and to accomplish the necessary business of the City and comply with Commute Trip Reduction. Each employee's supervisor will advise the employee of their specific working hours.

### **4.2 Attendance**

Punctual and consistent attendance is a condition of employment and critical to the efficient operation of the City. Each employee is responsible for maintaining an accurate record of their attendance.

All employees are expected to report to work as scheduled, give their best efforts, and perform productive work for the City during their scheduled work shifts. Physical attendance at the City on a regular and consistent basis is considered an essential function of the job for all City employees. Depending upon the position and the business needs of the department some employees may apply to work from home in accordance with the City's Telecommuting Policy. The flow of City business and services to the public, including our public safety responsibilities, depend on reliable employees to attend to their assigned duties on a regular basis. This means that each employee is responsible for being present every scheduled workday at the correct time, fully able and ready to work.

Absences from work, late arrivals and early departures must be approved by a supervisor (or a designee) for all hourly (non-exempt) employees. Employees are required to report any such changes to their supervisor as soon as possible and no later than 30 minutes before the start of their shift, or when the change is to occur. In situations where an employee is unable to report the need for time off in advance, the employee must notify their supervisor as early as possible if they are unable to report to work at a scheduled or expected time. Only approved reported absences will be excused.

Tardiness for work includes any failure to report to or be ready for work at the employee's designated starting time for non-exempt employees. Absences during the work day, or handling personal business during working hours, or neglecting work duties during working hours will all be treated similarly. Excessive or chronic unauthorized absences or tardiness (as determined in the City's discretion) will result in appropriate disciplinary action, up to and including termination of employment.

An employee who is absent without proper authorization or notification may be considered to have voluntarily abandoned their job and their employment may be terminated.

#### **4.3 Reporting Work Hours**

Non-exempt employees must accurately record their time for each payroll period through the online Employee Self-Service Module

It is the employee's responsibility to fill in their time record to certify the accuracy of all time recorded. The applicable Department Director (or Director's designee) will review and then approve the time record before submitting it for payroll processing. Failure to input time on a designated workday after submittal will automatically default as vacation time. In the event of an error in reporting time, immediately report the problem to the department timekeeper to be rectified.

Altering, falsifying, or tampering with time records, recording time on another employee's time record, or otherwise failing to accurately record hours worked will result in appropriate disciplinary action, up to and including termination of employment.

#### **4.4 Unusual Weather Conditions, Natural Disasters or Other States of Emergency**

The City will normally continue to operate even during times of inclement weather or natural disaster, unless the City notifies employees otherwise. Many City services are of primary importance during emergency conditions. Every effort will be made to maintain City services at a normal level, or modified, as conditions warrant. At these times, employees may be asked to perform duties outside their normal job description to assist with providing priority services.

If unusual weather conditions prevent an employee from reporting to work, it is the employee's responsibility to notify their supervisor as soon as possible. A non-exempt employee who is unable to get to work, or leaves work early because of unusual weather conditions may charge the time missed to: vacation or compensatory time (if available), or leave without pay, subject to Department Director approval. Employees may be permitted to leave early to ensure their safety, however, no department shall be closed without the prior approval of the Mayor or Mayor's designee.

If at any time, the Mayor or Mayor's designee, closes City Hall due to inclement weather or a state of emergency, non-essential employees will not be required to report to work. The City will pay non-essential employees for the equivalent time of their regular working hours for that day, and they will not be required to use leave for the applicable period. This will not apply to interns, seasonal, or temporary employees.

Employees designated as essential will need to coordinate with the supervisor regarding their schedule. Essential non-exempt employees who are required to stay and work by the Employer shall be credited the equivalent time of the closure into their vacation leave banks.

The foregoing shall not apply to situations in which City Hall is closed to the public but remains open for employees to work. This section will not apply to employees that were previously scheduled to use leave (i.e. vacation, personal holiday, sick or other leave categories) or would have otherwise been unable to report to work due illness, travel plans, childcare needs, etc. during the closure.

Each Department Director will determine which employees and/or duties are essential. The determination of essential personnel and duties may vary depending upon the nature of the emergency and/or the business needs of the City at the time of the emergency. In some cases, essential duties of hourly employees may be temporarily performed by FLSA exempt employees when it is more efficient, in the determination of the management of the City, to do so.

#### **4.5 Pandemic or Public Health Emergency Response and Recovery**

The purpose of this policy is to provide guidance and establish procedures in the event a pandemic illness or public health emergency is expected to, or currently is taking place, which may affect the operations of the City and/or pose a risk to the health or safety of staff and the community at large. This policy applies to all departments and employees. Departments should also have specific operating procedures that would apply in such situations.

##### **A. Declaration of Pandemic and/or Public Health Emergency.**

Public health professionals at organizations such as the Centers for Disease Control and Prevention (CDC), Washington State Public Health Department, Washington State Governor, and/or Kitsap County Public Health Department may declare that a pandemic, outbreak, or public health emergency exists. Such declarations may contain instructions or recommendations to both private and public sector entities. The City will follow all mandatory instructions and will implement recommendations to the extent it determines these to be applicable and/or feasible or practicable under the particular circumstances.

##### **B. Proclamation of Emergency/Disaster Due to Pandemic.**

Upon the City's proclamation of emergency/disaster due to pandemic, the following shall apply:

- 1) Employees who have a communicable illness or are experiencing flu-like symptoms (as then-defined by the applicable health authorities), are prohibited from coming to work and are encouraged to consult their physician.
- 2) Employees reporting to work who exhibit symptoms of a communicable illness will be sent home and encouraged to consult their physician. Unless

otherwise prohibited by law, the employee shall be required to utilize accrued leave, if any, pursuant to adopted Personnel Policies or applicable collective bargaining agreement if they are sent home due to symptoms of an illness.

- 3) If the illness of an employee or member of an employee's household interferes with reporting to work in a timely manner, the employee is responsible for notifying their supervisor pursuant to the provisions of the Personnel Policies or applicable collective bargaining agreement. Employees must not return to work until they have been free of illness symptoms (fever, chills, sore throat, etc.) for at least 24 hours (or any longer applicable incubation period determined by the appropriate health authority) or are deemed no longer infectious by a medical professional.
- 4) Except as otherwise prohibited by law, employees are required to first utilize their accrued sick leave and then any other accrued paid time off (vacation leave, compensatory time, or personal holidays) while recovering from, or caring for a spouse or dependent recovering from, illness.
- 5) If the school or place of care of an employee's child is closed due to pandemic, the employee may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave), to care for the child.
- 6) When quarantine of an employee is ordered by State or County Health Officials due to a pandemic illness, employees may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave) for the period of quarantine.
- 7) At the discretion of the Mayor (or designee), the City may alter its business practices, hours of business, and services provided. Examples of potential measures that could be taken include but are not limited to:
  - a) Implementing temporary emergency procedures to minimize in-person contact between employees. Such measures may include greater use of e-mail, phone, and teleconferences as opposed to in-person meetings and contact.
  - b) Reduced Reception and Front Counter Service: The City may alter how it conducts business with the public by limiting or halting services at counters/areas of the City Hall and other facilities where front-line services are typically provided.
  - c) Partial Work from Home Schedules: Some staff may be permitted or assigned to perform some work from home temporarily when it is in the best interests of the City for them to do so.

#### **4.6 Breaks and Meal Periods for Non-exempt Employees**

##### Meal Periods

All non-exempt employees who work more than five (5) consecutive hours in a workday shall be allowed an unpaid meal period of at least thirty (30) minutes. This meal period shall commence no less than two (2) hours nor more than five (5) hours from the beginning of their respective shift. Meal periods shall be scheduled by the employee's

supervisor. The scheduling of meal periods may vary depending on department workload and shall comply with applicable law. Meal periods are not counted toward hours worked. However, if the operational needs of the employee's respective department are such that the employee is required to remain on duty during their meal period, the employee shall be paid for the meal period in accordance with applicable law. In this event, the employee must obtain approval from their supervisor in writing before remaining on duty during their meal period.

Non-exempt employees working three (3) or more hours longer than a normal work day shall be allowed at least one (1) thirty (30) minute meal period prior to or during the overtime period.

Meal periods for Commissioned Police Officers are governed by the Police Department's General Orders in compliance with applicable law.

#### Rest Breaks

Non-exempt employees are allowed one (1) paid fifteen (15-minute rest break for every four (4) hours worked. All breaks shall be arranged to minimize disruption to City business. No employee shall be required to work more than three (3) hours without a rest break. Employees shall not be permitted to "work through" a rest break in order to have an abbreviated workday.

#### **4.7 Payroll Records**

The official payroll records are kept by the City Finance Department. All employee time records must be reviewed and approved by the Department Director (or Director's designee). Requests for use of compensatory "comp" time must be approved prior to their submission to payroll. All hours worked by the employee, whether authorized or not, must be recorded and submitted so that the City can ensure the employee is paid for all hours worked.

#### **4.8 Telecommuting**

##### **4.8.1 Purpose:**

- A. Telecommuting is a mutually agreed upon arrangement between the employee and supervisor, and subject to the approval of the Department Director and the Mayor. Telecommuting is not an entitlement and in no way changes the terms and conditions of employment. Telecommuting is only viable in cases where the employee and their supervisor mutually agree that the characteristics of the job and work style of the employee are well suited to an alternative work location. Telecommuting may be appropriate for some employees and some duties, but may not necessarily be viable for every employee or all of their duties.
- B. The City recognizes the value of telecommuting to adequately staff departments to meet the needs of the citizens under certain circumstances. For example, telecommuting may be used when insufficient workstations are available, and the need to share workstations (or place them closer together) may increase the potential for staff working in close proximity to spread of

contagious illness. The City also recognizes the potential benefits that may come from allowing an employee to work from home when that employee is experiencing temporary or longer-term extenuating personal circumstances, where a viable amount of work may more easily be performed away from City premises (this falls outside of ADA- and FMLA-related accommodations).

- C. In accordance with the purpose of this policy and the terms contained herein, the City includes telecommuting as a work option in management-approved circumstances, for certain positions. When appropriately applied, telecommuting may allow a more effective use of workspace, improve productivity for certain jobs/employees, help attract and retain a diverse and talented workforce, and aid in reducing stress on employees in a variety of ways, including a reduction in commuting trips to and from work during high volume traffic times as part of the City's Commute Trip Reduction efforts.
- D. **This policy does not replace nor supersede employee rights in ADA- or FMLA-related circumstances or other federal and state laws.** This policy is in addition to any telework arrangements as part of the City's response to a proclamation of emergency or disaster due to a pandemic.
- E. For the purpose of this section "telecommuting" is a work option in which the employee works from home (or other approved location) for either a portion of the work week or for the entire work week, for a specified duration. Any telecommuting from a location out of state must be evaluated by the supervisor in consultation with human resources to determine applicability of relevant payroll taxes. The City may deny any request to telework from an out of state location that causes payroll tax withholding for that location due to the duration of the employee's stay or the amount of wages earned while working from that state.

#### 4.8.2 **Requests:**

A request for telecommuting may be generated by either the City or the employee.

- A. **At the City's Request or Direction** – the City may request or direct an employee to telecommute for reasons including, but not limited to, emergency conditions and workspace constraints. When possible, the City will seek for the telecommuting arrangement to be by mutual agreement. In this case, no special action is required by the employee, other than to fill out a Telecommuting Application which is available from Human Resources.
- B. **At the Employee's Request** – an eligible employee may request of their supervisor the ability to telecommute by completing a Telecommuting Application. Telecommuting is not an entitlement. To be eligible, an employee must be
  - 1) In a non-represented (non-union) position,

- 2) An employee of the City for at least three (3) months, and
  - 3) Not been subject to a Performance Improvement Plan, employment investigation that resulted in disciplinary action, or any other disciplinary action involving a written reprimand or greater, either currently or in the previous 12-month period prior to the telecommuting request, subject to the Mayor's discretion.
- C. It is strongly suggested that the employee confer with their supervisor before proceeding with the request, in order that the appropriate criteria may be established and provided as part of the formal request. The completed Telecommuting Application shall be signed by the employee and routed for the noted managerial signatures. The requesting employee's supervisor will respond to the employee's request to telecommute within five (5) working days of the request by either advancing the request to the next level or discussing with the employee the reasons why the request is not approved.
- D. When telecommuting is requested by the employee, the City will consider the request utilizing the following criteria and factors:
- 1) The needs of the position, department, and the City;
  - 2) The employee's past and present levels of performance, including trust, dependability, self-initiative, self-sufficiency and the ability to work unsupervised;
  - 3) The employee's attendance record;
  - 4) Whether the employee's department will be adequately staffed to meet minimum customer service demands;
  - 5) Whether the employee can participate (even through remote means) in necessary meetings and communications, including email, during regular City hours;
  - 6) Whether the performance of the employee's duties is dependent upon the location of their workplace; and
  - 7) Whether assigned employee tasks are capable of progress monitoring and demonstration on a daily or weekly basis.
- E. The Mayor or designee reserves and retains the discretion to waive or modify eligibility criteria and factors depending on individual circumstances.
- F. Exempt employees do not need to complete a Telecommuting Application for telecommuting arrangements that have been approved by their Department Director provided that the arrangement does not exceed the limitations set forth in this policy for non-exempt employees.

#### 4.8.3 **Types of Telecommuting Arrangements:**

The City may authorize two different telecommuting arrangements - Temporary Telecommuting and Routine Telecommuting:

- A. **Temporary Telecommuting** – Temporary telecommuting may be granted when the employee is working on a specific project requiring uninterrupted

focus or as a result of a temporary need or situation, as determined by the Mayor or designee (e.g., contagion/pandemic mitigation; recuperation from surgery). The following are the two types of temporary telecommuting:

- 1) **Temporary Short-term Telecommuting** – Applies to situations expected to be short-term in nature (e.g., two weeks or less), including inclement weather that would make commuting dangerous when City Hall remains open or for a work project of limited duration that requires the employee to have uninterrupted focus. Supervisors may informally approve telecommuting in advance of these situations, particularly in anticipation of inclement weather or knowledge of a targeted work project.

Temporary short-term telecommuting situations do not require submission of a Telecommuting Application if the completion of the application will unnecessarily prevent the employee from working. In those situations, an email (whenever practical) prior to commencement of the arrangement from the supervisor, Department Director, Mayor or Mayor's designee, will suffice.

- 2) **Temporary Medium-term Telecommuting** – Applies to situations not intended to last as long as a regular work schedule, but longer than two (2) weeks and up to three (3) months, including but not limited to, a longer-term work project requiring uninterrupted focus, emergency mitigation, or recuperation from surgery. Temporary medium-term telecommuting requires management approval through completion of a Telecommuting Application.

- B. **Routine Long-term Telecommuting** – Routine long-term telecommuting is a continuous telecommuting request intended as the normal work schedule without an anticipated end date. Routine long-term telecommuting requires management approval through completion of a Telecommuting Application. Routine long-term telecommuting arrangements will be evaluated at least annually. Additionally, either party, the employee or the City, may revoke or revise the arrangement at any time by providing the other party with thirty (30) days written notice.

Employees requesting a routine long-term telecommuting arrangement and who work an approved alternative work schedule (e.g. 9/80 or 4/10's, or other arrangement) will be limited to two (2) days of telecommuting per week in the weeks in which their non-working day falls, thereby requiring the same number of days on site as an employee who works a regular 5 day a week schedule. Employees requesting a long-term telecommuting arrangement who do not work an alternative work schedule will be limited to three (3) days of telecommuting per week. Exceptions to this may be approved on a case-by-case basis by the Mayor upon the recommendation of the Department Director.

*See Operating Procedure #320 for information related to the application to telecommute.*

## **Chapter 5**

# **Compensation**

- 5.1 Employee Pay Rates
- 5.2 Employee Classifications
- 5.3 Job Sharing
- 5.4 Paydays
- 5.5 Designated Work Week
- 5.6 Timekeeping Requirements
- 5.7 Deductions
- 5.8 Eligibility for Overtime
- 5.9 Compensatory Time
- 5.10 Compensation Upon Termination
- 5.11 Exit Interviews
- 5.12 Policy Prohibiting Improper Deductions from Employee Paychecks

### **5.1 Employee Pay Rates**

Employee compensation is based on a variety of factors including, but not limited to, job performance, experience, training or proven capability, initiative, and the City budget. Pay increases (if any), other than the yearly step increases that may be built into some of the salaries or those required by a collective bargaining agreement or other contract, shall be implemented at the discretion of the Mayor and as approved by the City Council as part of the budget process, or at any time during any determination of employees' salary or compensation.

- 5.1.1 New employees shall generally be placed on Step 1 of the established pay scale for their position on their date of hire and shall progress to Step 2 upon satisfactory completion of six (6) months of employment and to Step 3 upon satisfactory completion of an additional six (6) months of employment. Progression between all other steps will occur upon satisfactory completion of 12 months of employment or as otherwise provided for in these policies.
- 5.1.2 In recognition of previous work experience, upon the request of the hiring authority and approval of the Mayor, new employees may be placed at a step higher than Step 1 but lower than the top step. New employees starting at any step above Step 1 will advance to the next Step upon satisfactory completion of 12 months of employment.

### **5.2 Employee Classifications**

The City uses a 12-month introductory period to evaluate a new employee's job skills, starting at the time of hire. An employee retained after expiration of their 12-month introductory period is still considered an "employee at-will," meaning the employee has not been promised a specific tenure of employment and the City may terminate or lay off the employee at any time for any reason not otherwise prohibited by law. Similarly, the

employee can terminate employment with the City at any time. Please also see Policy No. 3.3.

The City may employ full-time, part-time, and temporary employees. Each employee will be notified of their classification at the time of hire.

Some employees may be eligible for certain benefits provided by the City. Please see the City's Human Resources Office for eligibility requirements and information as to specific benefits for which you may be eligible.

### **5.3 Job Sharing**

Employees may seek a job sharing arrangement for their own position by discussing the feasibility of such arrangements with their Department Director. The Department Director, along with the Mayor, must first approve any job sharing arrangements. The City reserves the right to approve or deny any request for a job sharing arrangement as it deems appropriate in its sole discretion. No employee is "entitled" to participate in a job sharing arrangement.

Each employee who receives approval to participate in the job sharing arrangement will be advised as to the conditions of the job sharing arrangement, to include work hours, compensation rates, and any applicable benefits.

Both employees participating in a job sharing arrangement will be considered part-time employees. To the extent an employee in a job sharing arrangement is eligible for benefits, said benefits will be based on the accrual for part-time employees and will accrue at a pro rata share when compared to full-time hours for the position.

The City reserves the right to require one employee working in a job sharing arrangement to work full time in the absence of the other employee participating in the arrangement.

The City reserves the right to rescind the job sharing arrangement at any time, with or without notice, as it deems appropriate in its sole discretion in order to serve the best interests of the City and its citizens. Nothing in this Policy shall be construed as altering the at-will nature of every employee's employment with the City. Along these same lines, this Policy does not constitute the promise of specific treatment in specific circumstances and does not constitute a contract of employment. No employee participating in a job sharing arrangement has any expectation of continued employment or guaranteed employment for any length of time.

### **5.4 Paydays**

Employees are paid every two weeks on Fridays. The paychecks cover the two-week pay period ending the previous week.

## **5.5 Designated Work Week**

For non-exempt, non-emergency personnel covered by federal and state overtime laws, the designated workweek is 40 hours within a seven (7) day work period. The workweek begins Sunday at 12:00 a.m. and shall end the following Saturday at midnight unless otherwise specified. Full-time, non-exempt, non-represented employees may request a variation from the standard work week in order to accommodate alternative work schedules (e.g. a 9/80 schedule) on a form approved by the City. All such requests must be approved by both the Department Director and Mayor. Either party may revoke authorized alternative work schedules with two weeks written notice to parties involved. This Policy supplements Personnel Policy No. 4.1 (Working Hours).

## **5.6 Timekeeping Requirements**

This Policy should be read in conjunction with Policy No. 4.3. In order to meet its obligations under state and federal law, the City requires that all non-exempt employees accurately record all the time they worked, whether that work takes place off or on City property. The Employee Self-Service Module is the primary means of recording the employee's working time or time away from work. These reports are relied on for payroll calculations and must be accurate at all times. The reports should be filled out daily, and submitted as accurate by the employee, which in turn is approved by their designated supervisor for the payroll period.

## **5.7 Deductions**

Some regular deductions from employee earnings are required by law; other deductions may be specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee in writing. City employees who incur personal expenses which are billed to the City, such as through cell phone programs, are required to sign a written agreement authorizing deductions from employee pay for any amounts the employee fails to pay on a timely basis, including any payments due prior to, or coming due after, issuance of the employee's final paycheck.

## **5.8 Eligibility for Overtime**

For the purpose of paying any applicable overtime compensation, all City positions are designated as either "exempt" or "non-exempt" under state and federal wage and hour laws from overtime compensation. This determination shall be made by the City in compliance with applicable law. All employees will be notified of their status at the time of hire, or at the time their status changes. Employees with questions as to whether their respective job is classified as "exempt" or "non-exempt" should contact the Human Resources Office.

### **Non-Exempt Employees:**

The City will pay time and one-half of a non-exempt employee's regular rate of pay for hours paid in excess of 40 hours per designated workweek in compliance with state and

federal law. Employees are required to report all of their time worked, including any time spent working outside City premises or work sites using a PDA, Blackberry, Smart-Phone and the like for work-related matters, as well as logging onto the City's computer system remotely for work-related matters. Non-exempt employees are not, however, expected or required to spend time outside their regular working hours checking e-mails, voice-mails and the like unless otherwise notified by their supervisor. The City shall compensate non-exempt employees for all hours worked.

All overtime hours and standby duty worked must be approved by the employee's supervisor in advance. The employee on standby duty must be able to respond within 45 minutes and shall not have consumed alcohol or non-prescription medications which could impair the employee's ability to safely perform their job duties. No employee on limited or light duty shall be eligible for standby duty. Any employee who works overtime without proper authorization will be subject to appropriate disciplinary action, up to and including termination of employment.

Any work off City premises or work sites must also be pre-approved by the employee's Department Director. This determination shall be made as deemed appropriate in the City's sole discretion.

### **Exempt Employees:**

Exempt employees are not entitled to receive overtime compensation. Exempt positions typically require more than forty (40) hours per week and may require employees to work on evenings and weekends. Exempt positions cannot be restricted to a specific number of hours in a workday or workweek. To this end, exempt employees are paid a salary and do not receive either overtime pay or compensatory time in lieu of overtime pay for hours worked in excess of 40 per week or any other work period designation applicable. Exempt employees will not be subject to pay deductions for partial day absences (e.g. personal time off for errands or appointments) unless authorized by law, but will be required to deduct for any full day or half day absences from sick leave, vacation or applicable leave banks. Exempt employees must maintain good work habits, be accountable and available to their staff and supervisor, and regularly make themselves available during working hours in order to allow City business to be accomplished. Exempt employees who fail to timely and appropriately complete the job duties expected of their respective position will be subject to appropriate disciplinary action, up to and including termination of employment.

### **5.9 Compensatory Time**

Public sector employers are permitted, but not required, to offer compensatory time off to their employees in lieu of overtime.

Use of compensatory time may also be governed by collective bargaining agreements as applicable. If not applicable, compensatory time shall be governed by the following guidelines. Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. The decision of whether to grant compensatory time is made on a case-by-case basis by the employee's Department Director or designee. If the compensatory time off option is exercised, the employee is credited with

one and one-half times the hours worked in lieu of a cash payment for overtime earned. Maximum accruals of compensatory time off shall be limited to forty (40) hours for regular employees. After maximum accrual, overtime compensation will be paid.

Any accrued and unused compensatory time shall be paid out each year in the first paycheck of December. Upon separation from employment for any reason, accrued and unused compensatory time shall be paid out. Requests for compensatory time off require planning for staffing and City business needs and must be made in advance in accordance with your department's policy.

Exempt employees are not entitled to compensatory time.

### **5.10 Compensation Upon Termination**

When an employee's status as an employee with the City is terminated (whether voluntarily or involuntarily), the employee will receive their final paycheck on the next regularly scheduled payday:

Employees who depart in good standing may also receive a lump sum payment of accrued, but unused, vacation time (if applicable), in accordance with Personnel Policy 8.1(H) (less any unpaid personal expenses incurred by the employee for which they have failed to previously reimburse the City).

Employees who have engaged in any form of misconduct, dishonesty or conduct that may expose the City to liability or claims (as determined in the City's discretion) shall receive payment for any remaining wages due for the period of time the employee actually provided services to the City, including overtime or accrued compensatory time, but will not be paid for any accrued but unused vacation time.

To the extent authorized by law, the City may deduct any unpaid personal expenses incurred by the employee for which they have failed to previously reimburse the City from the employee's final paycheck (regardless of whether the employee receives payment for accrued but unused vacation leave).

### **5.11 Exit Interviews**

An exit interview is generally set up with the Human Resources Office for the return of City property such as office keys and ID cards. Departing employees have the option, during the exit interview to share their work experience with the Human Resources Office to discuss how City operations could be improved. Exit interviews, if conducted, are maintained for use by City management and not for general disclosure unless otherwise required by law.

## **5.12 Policy Prohibiting Improper Deductions from Employee Paychecks**

It is the policy of the City to comply with federal, state, and local law regarding payment of wages to our employees. Therefore, we prohibit all improper deductions from the wages of employees. We want employees to be aware of this Policy and that the City does not allow deductions that violate the law.

The City strives to ensure that every employee's paycheck is completely accurate. However, in the event that you believe an error or improper deduction has been made in regard to your paycheck, you must immediately report the situation to your immediate supervisor or the Human Resources Office.

Reports of improper deductions will be promptly investigated. If it is determined that an error or improper deduction has occurred, you will be promptly reimbursed for any error or improper deduction made.

## Chapter 6

# **Performance Evaluations and Training**

- 6.1 Performance Evaluations
- 6.2 Training and Education
- 6.3 Employee Special Training Obligations
- 6.4 Educational Assistance Program for Non-union City Employees

### **6.1 Performance Evaluations**

To achieve the City of Port Orchard's goal to train, promote and retain the best-qualified employees for every job, the City may conduct periodic performance evaluations for all positions. Employees are generally evaluated by their supervisor prior to completion of their introductory period and usually once every year, on or around their hire date, thereafter. However, the City reserves the right to modify this schedule in its sole discretion and to conduct or not conduct performance evaluations as it deems most appropriate.

Performance evaluations are part of an employee's personnel record and may be a factor in determining whether the City will continue to employ the subject employee, and whether the employee will be promoted, transferred, demoted, laid off, or terminated. Employees may be evaluated on a variety of job skills, including technical skills, communications skills, teamwork and attitude, initiative and other skills that make up an exemplary employee.

As set forth above, the timing, manner, and nature of performance evaluations shall be determined by the City as determined appropriate in its sole discretion.

### **6.2 Training and Education**

City sponsored training which is required for the performance of an employee's job duties shall be arranged whenever possible during regularly scheduled work hours. An employee's respective Department Director may change the employee's regular schedule to accommodate required attendance at training activities during normally off-duty hours. Schedules may also be adjusted to allow employees to attend non-required training, provided the training activity is designed to increase the knowledge, skills and abilities of an employee for the position the employee presently occupies. Pre-approved training attendance is considered time worked except where the training is voluntary, occurs outside regular business hours, is not job related, and the employee performs no work during the training. Absences due to training must have prior approval by the employee's Department Director.

### **6.3 Employee Special Training Obligations**

Employees who attend courses, conferences, or special schooling/training (collectively referenced in this Policy as the “program”) that is paid for by the City may be required to sign an agreement regarding the conditions under which the City shall be reimbursed by the employee for the cost of the respective program (including travel, meals, and lodging) as a condition of the employee being permitted to participate in the program. These conditions may include the employee being required to reimburse the City for the cost of the employee’s attendance at the program if the employee voluntarily leaves the employ of the City within a specified time period after the program.

### **6.4 Educational Assistance Program for Non-union City Employees**

The City has established an educational assistance program through Educational Incentive Pay or Tuition Reimbursement to provide employees with the opportunity to enhance their development, to increase their knowledge and skills, and to earn undergraduate and advanced degrees that are related to their work. Courses must be directly related to the employee's current job, an advanced position within the City, or an identifiable career path within the City in order to qualify for reimbursement. Classes must not interfere with an employee's normal work schedule and the time spent in such classes is not compensable work time. The number of classes approved per semester/quarter will depend on the current department’s budget.

#### **6.4.1 Eligibility**

Regular, full-time employees who have completed 12 months of continuous employment are eligible to apply for the program. Employees hired before August 1, 2010 are either eligible for Educational Incentive Pay **or** Tuition Reimbursement. Employees hired after August 1, 2010 are only eligible for Tuition Reimbursement.

#### **6.4.2 Educational Incentive Pay**

Education Incentive Pay is eligible to only employees hired before August 1, 2010. Employees who are not required to have an Associate, Bachelor degree or Master’s degree as a qualification for their job duty, shall be eligible to receive the educational incentive pay. If the employee receives an Associate degree from an accredited college or university in an eligible course of study **during** employment with the City, the employee shall be eligible to receive a 1% increase in their base pay per hour. If the employee receives a Bachelor or Master’s degree from an accredited college or university in an eligible course of study **during** employment with the City, the employee shall be eligible to receive a 2% increase in their base pay per hour.

In order to be eligible for education incentive pay under this Policy, the employee must:

1. Be a regular full-time employee of the City of Port Orchard **and hired before August 1, 2010;**
2. Provide an official transcript, diploma, and/or any other documentation

- required by the City. All such documentation must be in a form satisfactory to the City in its discretion; and
3. Obtain written approval by the Mayor (or Mayor's designee) for the employee to receive education incentive pay under this Policy.

The City reserves the right to discontinue this Education Incentive Pay Policy at any time determined appropriate in the City's discretion.

This Policy shall not apply to unionized City employees or employees with an individual employment contract. Educational incentives, if any, for these employees are governed by the applicable collective bargaining agreement or employment contract.

### **6.4.3 Tuition Reimbursement**

Upon the approval of the Mayor (or Mayor's designee), the City of Port Orchard may reimburse an employee tuition expenses for a formal course of study from an accredited college or university to obtain an Associates, Bachelor's or Master's degree which will increase the employee's knowledge and skills vis-à-vis their present job duties at the City and thus be beneficial to the City. Any such tuition reimbursement shall be subject to the parameters and rules in this Policy.

Time spent by an employee in attendance at courses under this Policy shall be considered the employee's personal time and shall not be compensated by the City. Any books, supplies, or other non-tuition expenses incurred by the employee relating to their respective course of study taken under this Policy will be at the sole expense of the employee. In addition, the City shall not reimburse any employee for tuition costs that have or will be paid by a third party or entity.

Employees may be eligible for tuition reimbursement under this Policy by meeting the following conditions:

1. The employee must be a regular full-time employee of the City of Port Orchard;
2. Prior to enrollment, the Mayor (or Mayor's designee) must have pre-approved, in writing, the employee's participation in this program, as well as the employee's choice of educational institution and course of study;
3. The employee's application for tuition reimbursement must be made within sixty (60) days following the successful completion of the respective course for which the employee seeks tuition reimbursement;
4. The employee must complete the course(s) for which they seek reimbursement with a passing grade. The employee shall provide appropriate documentation (as determined by the City in its discretion) to the Mayor (or Mayor's designee) from the applicable university or college which substantiates the grade in the course(s) for which the employee seeks reimbursement and the amount of the reimbursement requested by the employee; and

5. Funds to reimburse the employee for tuition must be available in the current applicable department budget. The City reserves the right to discontinue this Policy at any time determined appropriate in the City's discretion. In addition, the City reserves the right to refuse to allow any employee to participate in this program and to discontinue any employee's participation in this program at any time, for any reason, determined appropriate in the City's discretion.

Any employee choosing to participate in this program may be required to sign an Agreement obligating the employee to repay the City for the cost of all tuition reimbursement paid by the City to the employee under this Policy for the preceding two (2) years in the event that the employee terminates employment with the City (measured backward from the employee's last day of employment with the City). This Agreement shall contain, among other things, authorization by the employee for the City to deduct monies owed to the City by the employee under this Policy from the employee's paycheck(s).

This Policy shall not apply to unionized City employees or employees with an individual employment contract. Tuition reimbursement, if any, for these employees are governed by the applicable collective bargaining agreement or employment contract.

## **Chapter 7**

### **Benefits**

- 7.1 Retirement Benefits
- 7.2 Workers' Compensation
- 7.3 Light Duty Policy
- 7.4 Health and Welfare Insurance Benefits
- 7.5 Continuation of Insurance Coverage
- 7.6 Longevity Pay
- 7.7 Employee Assistance Program

#### **7.1 Retirement Benefits**

The City makes contributions as required by law on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.

All regular full-time and part-time employees may also be eligible (as applicable) for retirement benefits under the State of Washington's Public Employees' Retirement System ("PERS"), the Law Enforcement Officers and Fire Fighters' Retirement System ("LEOFF") for the State of Washington, or other retirement plans as long as their compensated hours continue to qualify them for service credit under an applicable plan. State law may require the participation of eligible employees in these programs. Participating employees shall pay any required amounts toward contribution costs by means of an authorized payroll deduction. For coverage and other information relating to these benefits, please contact the Human Resources Office.

Employees intending to retire are requested to notify their Department Director and the Human Resources Office of their intent to retire at least three months prior to the date of retirement.

#### **7.2 Workers' Compensation**

- A. Employees are generally covered by the State of Washington Workers' Compensation Program administered through the Department of Labor and Industries (L&I). This insurance covers eligible employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, Workers' Compensation may provide for medical and hospital expenses and for partial compensation for time lost from work due to job-related injuries or illnesses.
- B. All job-related accidents, injuries, or illnesses (regardless of nature) must be reported as soon as possible to the employee's supervisor. The employee's supervisor will notify the City's Human Resources Office. The failure of any employee to timely report a job-related accident, injury, or illness to their supervisor may result in the delay or denial of Worker's Compensation benefits. All such reports will be investigated to the extent necessary and processed in accordance with applicable law. If appropriate, the investigation may address ways in which the incident can be

avoided in the future.

- C. Employees reporting an on-the-job injury or illness will receive immediate and appropriate medical treatment to the extent appropriate and possible. When an employee sustains an injury that requires outside medical treatment, is involved in a job-related accident, or in other circumstances determined appropriate by the City, the employee may also be subject to testing for the presence of drugs and/or alcohol in their system to the extent permitted by law. Employees may be subject to discipline, up to and including termination, for refusing to take such a test.
- D. When an employee is absent for one or more days, and seeks treatment, due to an on-the-job accident, injury, or illness, the employee is required to file a claim for Workers' Compensation. If the illness or injury is one for which time-loss payments are provided through the workers' compensation system, the employee will indicate, via their electronic timesheet, to receive only such time-loss payment or to use paid leave in combination with workers' compensation benefits as follows:
  - (1) An employee choosing to receive only such time-loss payment as provided by workers' compensation will indicate "Leave without Pay" or alternative designation set up by payroll to indicate their choice to collect only the workers' compensation time-loss.
  - (2) An employee choosing to take any type of available paid leave while receiving workers' compensation benefits will receive the full value of such paid leave in addition to their time-loss payments.
- E. Employees do not have the option to "buy back" accrued leave with their L&I check unless otherwise specifically required by law or contract.
- F. Employees do not accrue vacation or sick leave (or any other employment benefits) while on leave (except to the extent that the employee uses accrued paid leave for the absence), unless otherwise specifically required by law, City policy, or contract.
- G. The City may require any leave of absence under this Policy to run concurrently with any other leave of absence such as FMLA leave to which the employee may be entitled. The employee's healthcare benefits will continue while an employee is on unpaid FMLA leave in the same manner such benefits were paid while the employee was actively working.

### **7.3 Light Duty Policy**

Light-duty assignments under this policy are temporary job assignments for employees who suffer an on-the-job illness or injury that temporarily limits their ability to perform their regular work assignment. Such light-duty assignments are temporary assignments only, are not vacant or permanent positions within the City's workforce, and are not available to employees on a "permanent" basis. The availability of such light-duty assignments depends upon the employee's restrictions and the business needs of the City at that time. The existence of this light duty policy does not in any way guarantee that light duty will be available at any given time or for any particular duration; however, the offering and availability of light duty assignments shall be evenly applied to all City employees to

the extent feasible. The City reserves the right, in its discretion, to determine whether to offer a light duty assignment. No employee shall be “entitled” to receive a light duty assignment under this policy.

This policy is not intended to address circumstances where an employee is medically determined to have sustained permanent restrictions upon their ability to perform their respective essential job functions. In such cases, the City will review the employee’s situation separately and in compliance with the Americans With Disabilities Act (ADA), any other applicable law, as well as any other applicable City policies in order to determine what, if any, reasonable accommodations may be appropriate and any other legal requirements. Similarly, the City shall review and process situations where an employee suffers an off-the-job injury or illness in full compliance with the ADA and any other applicable authority to determine what, if any, reasonable accommodations may be appropriate.

*See Operating Procedure #350 for the procedure related to light duty.*

#### **7.4 Health and Welfare Insurance Benefits**

Regular full-time and part-time employees of the City of Port Orchard may be eligible to participate in the City’s various insurance programs. The programs and criteria for eligibility will be explained upon hire. The City reserves the right to make changes in the carriers and provisions of these programs (including the elimination or modification of any or all programs) when deemed necessary or advisable in its discretion. For more information regarding these benefits and eligibility requirements, please see the Human Resources Office.

The terms and conditions of health insurance benefits for the City’s unionized employees are governed by the applicable collective bargaining agreement. Temporary employees are not normally eligible for health insurance coverage.

- A. Medical Coverage. For regular full-time employees and part time employees working 30 or more hours per week per ACA statute, the City provides medical insurance coverage (these employees shall pay a portion of the premium for this insurance, as determined appropriate by the City in its discretion).

For regular part-time employees working less than 30 hours per week, the City pays 50% of the medical insurance premium for the employee only if the employee elects to pay 50% of the premium by payroll deduction. The employee may elect to purchase medical insurance coverage for their spouse/registered domestic partner and/or dependents at their own expense by payroll deduction.

- B. Dental Coverage. For regular full-time employees and part time employees working 30 or more hours per week per ACA statute, the City provides dental insurance coverage for the employee, spouse/registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer dental insurance coverage to part-time employees or their dependents.

- C. Vision Coverage. For regular full-time employees and part time employees working 30 or more hours per week per ACA statute, the City provides vision insurance coverage for the employee, spouse/registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer vision insurance coverage to part-time employees or their dependents.
- D. Life Insurance. The City may self-insure or purchase a \$50,000 life insurance and accidental death and dismemberment policy for the employee (subscriber) only. Employees may be able to purchase additional insurance for themselves and their spouse. Life Insurance is not available to temporary employees or part-time employees regularly working less than 30 hours per week.
- E. Waiver of Medical Care Coverage. Employees waiving coverage are subject to verification for waiver eligibility as requested by the Employer. In the event, in an open enrollment period, the number of potential waivers exceeds the available capacity, there will be a lottery for the available spots. Those employees wishing to waive medical coverage but not being drawn in the lottery will be placed on a waiver waiting list. When there are names on the waiver waiting list, no employees will be allowed to waive coverage until the next open enrollment period. If no waiver waiting list exists, employees will be allowed to waive coverage on a first-come, first-served basis as determined by the timing of the request. Participants will not be unenrolled from their medical plan until the City has verified that the employee is eligible to waive their participation in the Employer's group medical care coverage.
- F. HRA VEBA Contribution for Non-Participants. If a full-time employee (including those working 30 or more hours per week) who is otherwise eligible to participate in the City's medical care coverage as provided for in this policy 7.4 elects to waive such coverage (and provided the related insurance companies involved allow for such waiver), the City shall contribute five hundred dollars (\$500) per month towards an HRA VEBA account established for such employee, in lieu of such medical care coverage. The HRA VEBA contribution shall be made directly into the applicable account, in accordance with the Employer's normal payroll processes, at the end of the last payroll period of the applicable month. Such contribution shall only be made for those full months in which the employee's waiver is in effect; no prorated contribution for partial months shall be made. Employees who waive the City's group medical care coverage may not be eligible to return to such medical coverage until open enrollment periods as outlined by the insurance carrier.
- G. Additional eligibility criteria. In addition, in order to be eligible to receive health and welfare benefits, the employee must meet the minimum hours of work per month as described below (as well as all other requirements of the plan provider).
- 1) New and current qualifying employees must be compensated for a minimum of 40 hours in the preceding month in order to be eligible for insurance benefits in the following month. (e.g. must be paid for at least 40 hours in February in order to receive insurance benefits for the month of March.)

- 2) Employees separating from employment will lose benefits at the end of the month in which they separate, even if they have been compensated for 40 or more hours in that month. (e.g. last day of employment is March 25, coverage ends March 31.)
- 3) Employees on leave under Washington Paid Family Leave or federal Family and Medical Leave will have insurance paid in accordance with the applicable rules and regulations.

#### **7.4.1 HRA VEBA**

A health reimbursement arrangement (HRA) is a type of health plan that reimburses out-of-pocket health care costs incurred by you, your spouse, and qualified dependents. All contributions, investment earnings, and withdrawals (claims) are tax-free. The HRA VEBA plan is offered by the non-profit HRA VEBA Trust.

- A. City Contributions. The City may contribute an amount to an employee's HRA VEBA account as approved by the City Council through the budget process, personnel policy, resolution or ordinance.
- B. Department participation. City departments may participate and those non-union department employees contribute to a VEBA via payroll deduction. All non-union employees, current and new hires (excluding temporary or seasonal employees), within a participating department are mandated to contribute the amount determined per department. Contributions are deducted bi-monthly (2 times per month) from the employee's paycheck. Smaller departments have been combined for the ease of administration and constitute one "department" for the purposes of this policy. *See Operating Procedure 370 for the procedure related to voting.* Contact Human Resources for the list of departments and department members.
- C. Amounts may be revaluated from time to time and changed as agreed to by the department, City and IRS regulations.
- D. The employee shall be responsible for all fees charged by HRA VEBA for their account.

#### **7.5 Continuation of Insurance Coverage**

Employees may be eligible, at their expense, to continue to receive their City health insurance benefits for a defined period of time upon termination from City employment or upon commencement of an unpaid leave of absence in accordance with the provisions of the federal Consolidated Omnibus Reconciliation Act ("COBRA"). Specific information regarding continuing coverage will be provided in appropriate circumstances. In addition, requests for information regarding COBRA may be directed to the Human Resources Office.

#### **7.6 Longevity Pay**

All non-union represented employees hired before November 1, 2001, shall be eligible for longevity pay as follows:

After completion of two (2) years full-time employment, an employee shall be

eligible for longevity pay. Such longevity pay shall be the employee's base pay plus one-quarter of one percent (.25%) for each additional year of employment. Each longevity pay increase shall commence in the pay period that the employee's anniversary date of the employment occurs as calculated by the payroll software, and each longevity increase shall be calculated on the base pay for the position held by the employee.

Longevity pay will be granted to eligible employees and adjusted thereafter on their anniversary date of their employment.

Employees hired after November 1, 2001 shall not be eligible to receive longevity pay.

### **7.7 Employee Assistance Program**

Full-time and regular part-time employees may be eligible to participate in an Employee Assistance Program (EAP) consisting of professional and confidential counseling and assistance to 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 may have an effect on work performance, safety, or overall welfare of that employee, co-workers, and the City. 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 EAP. The program is designed to allow the employee and their 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.

In addition, when work performance problems are identified and cannot be corrected by the supervisor through normal corrective actions, use of the EAP may be suggested by the supervisor. The existence of non-work related personal problems does not release the employee from the responsibility to perform their job responsibility satisfactorily. Utilization of the EAP agency during normal working hours will be subject to the use of sick leave.

The employee and their family may also choose to use the EAP agency's services independently without the suggestion of a supervisor. The self-initiated contact between the employee, their 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 or the EAP in general can be referred to Human Resources Office.

## Chapter 8 Leave

- 8.1 Vacation Leave
- 8.2 Leave Sharing
- 8.3 Personal Holidays
- 8.4 Sick Leave
- 8.5 Bereavement Leave
- 8.6 Leave Without Pay
- 8.7 Jury and Witness Leave
- 8.8 Domestic Violence Leave
- 8.9 Administrative Leave
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### 8.1 Vacation Leave

- A. Regular full-time and part-time employees may be eligible to earn vacation leave as outlined in the applicable collective bargaining contract, or employment agreement. Accordingly, the foregoing documents must be read in conjunction with this Policy to the extent they are applicable to any respective employee.
- B. FLSA Non Exempt Employees (i.e. overtime eligible employees)

All regular FLSA Non-Exempt employees shall accrue vacation leave at the rates below per regular paid straight time hour (excluding overtime and leave cashout):

Employment Year	Months of Employment	Accrual Rate	Max accrual per pay period	Illustrative Accrual per Year
1	0-11	0.0385	3.08	80.08
2	12-23	0.0423	3.38	87.88
3	24-35	0.0500	4.00	104.00
4	36-47	0.0538	4.30	111.80
5	48-59	0.0577	4.62	120.12
6	60-71	0.0615	4.92	127.92
7	72-83	0.0654	5.23	135.98
8	84-95	0.0692	5.54	144.04
9	96-107	0.0731	5.85	152.10

Employment Year	Months of Employment	Accrual Rate	Max accrual per pay period	Illustrative Accrual per Year
10	108-119	0.0769	6.15	159.90
11	120-131	0.0808	6.46	167.96
12	132-143	0.0846	6.77	176.02
13	144-155	0.0885	7.08	184.08
14	156-167	0.0923	7.38	191.88
15	168-179	0.0962	7.70	200.20
16	180-191	0.1000	8.00	208.00
17	192-203	0.1038	8.30	215.80
18	204-215	0.1077	8.62	224.12
19	216-227	0.1115	8.92	231.92
20 or more	228 plus	0.1154	9.23	239.98*

\* This number shall be interpreted to mean the maximum accrual limit applicable to positions covered by this chart.

C. FLSA Exempt Employees (i.e. employees exempt from overtime)

All regular FLSA Exempt employees shall accrue vacation leave at the rates below per regular paid straight time hour (excluding overtime and leave cashout):

Employment Year	Months of Employment	Accrual Rate	Max accrual per pay period	Illustrative Accrual per Year
1	1-11	0.0769	6.15	159.90
2	12-23	0.0769	6.15	159.90
3	24-35	0.0808	6.46	167.96
4	36-47	0.0846	6.77	176.02
5	48-59	0.0885	7.08	184.08
6	60-71	0.0923	7.38	191.88
7	72-83	0.0962	7.70	200.20
8	84-95	0.1000	8.00	208.00
9	96-107	0.1038	8.30	215.80
10	108-119	0.1077	8.62	224.12
11	120-131	0.1115	8.92	231.92
12	132-143	0.1154	9.23	239.98
13	144-155	0.1192	9.54	248.04
14	156-167	0.1231	9.85	256.10
15	168-179	0.1269	10.15	263.90
16	180-191	0.1308	10.46	271.96
17	192-203	0.1346	10.77	280.02
18	204-215	0.1385	11.08	288.08
19	216-227	0.1423	11.38	295.88
20 or more	228 plus	0.1462	11.70	304.20*

\* This number shall be interpreted to mean the maximum accrual limit applicable to positions covered by this chart.

D. Regular Part-Time Employees

All vacation leave benefits shall only apply to regular part-time employees who regularly work at least 20 hours per week.

E. Other Terms and Conditions of Vacation Leave:

- 1) The hourly vacation accrual rate listed above for both Non-Exempt and Exempt employees is pro-rated in the event less than a full hour of pay is earned.
- 2) Vacation will be taken in a minimum of quarter-hour increments unless an employee is exhausting their vacation leave balance prior to going on leave without pay or upon cashout as a result of separation of employment.
- 3) Temporary employees are not eligible for vacation benefits.
- 4) Employees do not accrue vacation benefits during leave without pay.
- 5) Vacations should be scheduled in order to minimize disruption to City operations. Leave requests should be submitted through Employee Self-Service Module as far in advance as possible (and at least two weeks prior) to taking vacation leave. Vacation requests will be granted or denied based upon City operational needs as determined in the supervisor's discretion.
- 6) Holidays observed during an employee's vacation leave shall not be counted as vacation leave taken.
- 7) All leave is paid at the employee's regular hourly rate.
- 8) If an employee becomes ill or injured during their vacation leave, the employee may request that the time be counted as sick leave, rather than charged against accrued vacation leave. Substitution of sick leave for vacation leave must be approved by the employee's supervisor and satisfactorily confirmed by the employee's healthcare provider.
- 9) The Mayor may authorize the appointing authority and Human Resources to credit an employee with a maximum of 40 hours of vacation leave accrual for purposes of recruitment. The amount of the lump sum will be at the sole discretion of the Mayor.

F. Annual Usage Recommendation

Employees are encouraged to take forty (40) consecutive hours of paid vacation leave annually for purposes of rest and relaxation. Department Directors and supervisors are encouraged to approve these scheduled absences in support of employee mental health and wellbeing.

G. Maximum Annual Carry-Over

- 1) The maximum amount of vacation leave for any employee that may be carried over from one calendar year to the next is 320 hours.
- 2) Any accrued vacation in excess of the amounts indicated above which is not used by the end of the calendar year (December 31st) will be forfeited without compensation, except in cases where the City has specifically informed the Non-Exempt employee that City operational need has made it impractical for the employee to use vacation time. In that instance, the Non-Exempt employee will

be paid in cash (at their regular rate of pay) for the value of the specific vacation leave which the City informed the Non-Exempt employee they would not be able to use. No Non-Exempt employee shall be eligible to receive this cash payment, however, for any vacation leave which was not previously scheduled prior to December 1st. Exempt employees are not eligible for the cash-out provision of this paragraph.

#### H. Cashout upon Separation of Employment

- 1) Subject to the limitations set forth in this subsection and in Personnel Policy 5.10, Exempt and Non Exempt employees may receive pay for any portion of their vacation leave which is earned, but not taken, as of their effective termination date; provided, that in case of a voluntary termination, the employee shall have given at least fourteen (14) calendar days' written notice of such termination before being entitled to receive such pay (a failure to provide the required 14-day notice period shall result in the employee forfeiting a cashout of their accrued but unused vacation leave).
- 2) Upon date of termination the employee shall be compensated, at the employee's regular rate of pay, for up to two hundred forty (240) hours of their vacation leave accrued but not used.
- 3) If an employee has accrued vacation in excess of 240 hours, the employee may request (pending approval in the City's sole discretion) to be continued on the payroll for the time equivalent to the amount of time in excess of 240 hours of accrued vacation leave. If an employee is not approved to continue on the payroll, any vacation leave accrued in excess of 240 hours shall not be cashed out to the employee and shall be forfeited.
- 4) Upon the death of an employee, vacation leave will be cashed out in accordance with this policy.
- 5) Accrual rates do not apply to cash-out hours.

### **8.2 Leave Sharing**

An employee may only donate vacation leave to another employee. Sick leave, accrued compensatory time, floating holidays or other type of leave are not eligible for donation to another employee. *See Operating Procedure #380 for the procedure related leave sharing.*

### **8.3 Personal Holidays**

Unless otherwise governed by collective bargaining contract, employment agreements or benefits resolutions, employees shall receive sixteen (16) hours in their personal holiday leave bank each year to be used by the employee upon request and approval of their supervisor or as required by law. Regular part-time employees accrue Personal Holiday leave on a pro-rata basis based on the FTE percentage for the position as shown in the personnel table in the budget adopted by the City Council. Temporary employees are not eligible for Personal Holidays. Personal Holidays hours must be used before the end of the year or they will be forfeited and have no cash value upon separation of employment.

## 8.4 Sick Leave

A. Regular full-time and part-time employees may be eligible to earn sick leave as outlined in the applicable collective bargaining contract or employment agreement. Accordingly, the foregoing documents must be read in conjunction with this Policy to the extent they are applicable to any respective employee.

B. Accrual Rates for Regular Employees

Regular full-time and part-time employees accrue sick leave at a rate of 0.0462 hours per regular straight-time hour paid.

C. Accrual Rates for Temporary Employees

Temporary employees will be eligible to earn 0.025 hours of paid sick leave for every one (1) regular straight time hour an employee works. Once a temporary employee has been employed for 90 days they may use accrued sick leave per the city's policy.

D. Maximum Annual Carry-Over

The maximum amount of sick leave for any employee that may be carried over from one calendar year to the next is nine hundred sixty (960) hours. Any accrued sick leave in excess of this amount which is not used by the end of the calendar year (December 31st) will be forfeited without compensation.

E. Other Terms and Conditions of Sick Leave

- 1) Sick leave is a conditional benefit based on the existence of a qualifying medical condition. Each employee is expected to manage their sick leave balance in order to adequately cover their needs. There is no entitlement to sick leave outside of the allowable uses outlined in these policies or granted under state or federal law.
- 2) If an employee is on leave under the FMLA, all accrued sick and vacation leave must be used concurrently as part of the FMLA leave. Please also refer to the City's FMLA Policy.
- 3) Accrued but unused sick leave shall have no cash value upon separation of employment (whether voluntary or involuntary) and may not be "cashed-out" by an employee.
- 4) Sick leave shall not accrue for any pay period during which an employee is absent, except for pay periods during which the employee is paid by the City for all absences by the use of accrued paid time off. (For example, employees shall not accrue sick leave while on unpaid leave or while exclusively receiving time loss benefits from L&I).
- 5) This Policy is intended to comply with Washington's Family Care Act, the Paid Sick Leave Act and any other applicable law. In the event of a conflict between any applicable law and this Policy, the applicable law shall govern.
- 6) Allowable Uses of Paid Sick Leave: Paid sick leave may be used by the employee to cover those situations in which an employee is absent from work due to:
  - a. An absence resulting from an employee's own mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;

- b. To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care. Family member is defined under Paid Sick Leave Law as:
    - A child, including a biological, adopted, or foster child, a stepchild, a child's spouse or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
    - A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to the employee when the employee was a child;
    - A spouse (a husband or wife, as the case may be);
    - A state registered domestic partner;
    - A grandparent (a parent of the employee's parent);
    - A grandchild (a child of the employee's child);
    - A sibling; or
    - Any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that person depends on the employee for care. Individuals who simply reside in the same home with no expectation that the employee care for the individual are not included.
  - c. When the City facility at which the employee works has been closed by order of a public official for any health-related reason, and there is no other City facility or remote work option available to the employee, or when an employee's child's school or place of care has been closed for such a health-related reason or after the declaration of an emergency by a local or state government or agency, or by the federal government; and
  - d. For absences that qualify for leave under the state's Domestic Violence Leave Act (DVLA).
  - e. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others; or
  - f. Use of a prescription drug that impairs job performance or safety.;
- 7) Sick leave may not be taken until it is earned. If sick leave is exhausted, accrued vacation leave, if any, will be used in its place (subject to eligibility requirements).
  - 8) Sick leave pay will not be granted for hours beyond what is considered the employee's regularly scheduled hours. Employees must notify their direct supervisor with as much notice as possible before they are scheduled to begin work if they intend to use sick leave. Employees request their sick leave for approval by their supervisor through the online Employee Self-Service Module.
  - 9) The City may require an employee to provide proof of illness, injury or health condition from a qualified healthcare provider for absences in excess of three (3) consecutive days unless such verification would result in an unreasonable burden or expense to the employee, as established pursuant to Washington state

regulation. If an employee believes that the required verification will result in an unreasonable burden or expense, the employee should notify the City, preferably in writing, of this and provide an explanation that (i) the employee's use of the sick leave is for one of the reasons listed above and (ii) how the verification requirement will result in an undue burden or expense. Upon receipt of such notice from the employee, the City will consider the employee's explanation and proceed in accordance with the process set forth in WAC 296-128-660. Otherwise, failure to provide the required verification may result in a loss of leave benefits for that work period and/or may result in further disciplinary action. The City may also request the opinion of a second doctor at the City's expense. When indicated, the City may request an employee be evaluated at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs the employee's ability to perform the essential functions of their job, to assist in evaluating the employee's return to work options and to determine issues relating to any request for an accommodation.

- 10) Employees who are habitually absent due to illness or disability may be terminated if they are unable to perform the essential functions of their job with or without a reasonable accommodation and/or their disability cannot be reasonably accommodated and the employee's absenteeism prevents the orderly and efficient running of the City's business. The City will comply with all applicable laws when making determinations in this regard.
- 11) Employees who use all of their accumulated sick leave and require more time off work due to personal illness or injury may, with the Department Director's approval, be placed on a leave without pay. (See Personnel Policy No. 8.6 regarding leave without pay.) No employee, however, is entitled to receive leave without pay unless otherwise required by law. The decision as to whether an employee may receive leave without pay shall be made on a case-by-case basis as determined appropriate in the City's sole discretion.
- 12) Employees who abuse sick leave privileges shall be subject to appropriate discipline, up to and including termination of employment.

## **8.5 Bereavement Leave**

Employees shall be allowed up to twenty-four (24) hours bereavement leave for death in the immediate family upon approval and authorization of the Department Director or designee. The Department Director or designee may require verification of the family member's death. For travel out of state, an employee shall receive, subject to the approval of the Department Director or designee an additional sixteen (16) hours. Regular part-time employees are eligible for bereavement leave on a pro-rata basis according to their normally scheduled work hours. If an employee would like to attend the funeral of an individual not listed in this section, upon approval and authorization of the Department Director or designee, the employee may do so either by using accrued vacation leave, or if the employee has no vacation leave available, leave without pay. The timelines set forth above, will apply to such leave. The provisions of requiring exhaustion of sick leave before leave without pay will not apply to Bereavement Leave.

For purposes of this section, “immediate family” means the employee’s spouse (or Washington State registered domestic partner as defined by Chapter 26.60 RCW), and both the employee’s and the spouse’s/domestic partner’s child, step-child, grandchild, child’s spouse, sibling, parent, grandparent, parent’s sibling, sibling’s children as well as any “step or foster” relation and any other familial inhabitant of the employee’s household.

## **8.6 Leave Without Pay**

The City may grant a leave of absence without pay to employees who require a leave of absence from work which is not covered by any other type of leave and who have exhausted all available paid leave unless otherwise prohibited by law. No employee is entitled to receive leave without pay unless otherwise required by law. The decision as to whether an employee may receive leave without pay shall be made on a case-by-case basis as determined appropriate in the City’s sole discretion. This decision will be made by the employee’s Department Director or designee (or by the Mayor or designee if the subject employee reports to the Mayor). The employee should make a written request for leave without pay in as far as advance as possible. A leave of absence will not be granted to allow an employee time off to seek employment elsewhere or to work for another employer. Employees who begin employment elsewhere while on an unpaid leave of absence, except military reserve duty, may be considered to have quit voluntarily.

The City reserves the right to require any employee requesting leave without pay due to a medical condition to present an appropriate medical certification verifying the need for the leave. The City also reserves the right to otherwise verify the necessity of the leave, and to require supporting documentation, to the extent appropriate and permitted by law.

In order for the City to effectively and efficiently operate, leave without pay, if granted to an employee, shall generally be of a temporary duration unless otherwise required by law. If an employee is unable to return to work after receiving leave without pay, their employment may be terminated.

Employees receiving leave without pay under this Policy may not receive or accrue any employment benefits while on unpaid leave, unless otherwise required by law. Employees may, however, be able to continue their health insurance, at their expense and under qualifying circumstances, during a leave without pay under this Policy. Please see the Human Resources Office for additional information in this regard and to make any appropriate arrangements.

The City reserves the right to require any employee returning from an unpaid leave of absence necessitated by their own illness or health condition to present a statement from their healthcare provider certifying that they are fit to return to work.

Upon the expiration of leave under this Policy, the employee may be returned to their former position if available. If the employee's position is not available, the employee may be offered another available position for which the employee is qualified. If no position is available when the employee is able to return to work, the employee may be terminated, unless otherwise prohibited by law.

Failure to report to work on the first day after the expiration of the leave of absence, without approval, will be considered a voluntary quit.

If applicable, the City may require any unpaid leave of absence to run concurrently with leave under the FMLA or any other leave of absence from the City.

### **8.7 Jury and Witness Leave**

Jury Duty: The City provides all employees with leave for the full period of jury duty service. You must provide a copy of the jury duty summons to your supervisor as soon as possible after receiving it. Because state law, RCW 2.36.150, provides that payments received by jurors from the court for each day's attendance constitute "expense payments," the City does not require employees to remit such payments to the City, including for periods of paid leave. The employee must give the City prompt notice of the call for jury duty, and if requested by the supervisor, must furnish the City a written statement from the court showing the dates and times of jury duty served. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from jury duty. All regular full- and part-time employees will receive pay for the hours of jury duty service in accordance with their normal work schedule. Employees on Jury Duty Leave are required to report back to work if released from Jury Duty during their normal working 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 for non-exempt employees unless you are a witness in a case involving the City (exempt employees shall generally be paid for witness duty leave if they perform other work on behalf of the City during the designated workweek).

### **8.8 Domestic Violence Leave**

In accordance with the Washington Domestic Violence Leave Act, Chapter 49.76 RCW, the City will provide reasonable leave from work, including leave on an intermittent or reduced-schedule basis, for employees who are victims of domestic violence, sexual assault, or stalking for the following purposes: (a) to seek legal remedies or an enforcement action against the perpetrator; (b) to obtain medical treatment for physical or mental injuries; (c) to obtain services from a domestic violence shelter or other crisis center; (d) to obtain social services support or mental health counseling; or (e) to relocate or devise a safety plan.

This law allows employees to take leave for themselves or to assist a "family member" (as defined under this law) who is a victim of domestic violence, sexual assault, or stalking to take any of the steps outlined above.

The employee may elect to use sick leave, vacation, compensatory time, or other accrued paid time off (if any) or may take unpaid leave. Domestic violence leave, including documentation of such leave, will be applied and administered in accordance with the provisions of the Ch. 49.76 RCW. Nothing in this Policy shall be construed to provide

greater or lesser leave rights to employees than that which is required by Ch. 49.76 RCW. Employees requesting Domestic Violence leave under this Policy are required to notify the Human Resources Office for the necessary forms.

### **8.9 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, or designee, or applicable Department Director in their discretion during an investigation or other administrative proceeding or as otherwise determined appropriate. The fact that an employee has been placed on administrative leave shall not be considered a disciplinary action. Employees placed on paid administrative leave will be paid in accordance with their normal work schedule.

### **8.10 Military Leave**

The City provides all employees leave while performing military service in accordance with federal and state law. Military service includes active military duty and reserve or National Guard training.

Under the terms set forth in RCW 38.40.060, all employees shall be entitled to receive a paid military leave of absence of up to twenty-one (21) days during each year beginning October 1st and ending the following September 30th for military service.

Employees are required to provide the Human Resources Office with copies of their military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

### **8.11 Holidays**

The following are generally recognized as paid holidays for all regular full and part-time employees of the City:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Juneteenth
- July 4th
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- December 25th

Any holiday falling on Saturday may be celebrated on the preceding Friday. Any holiday falling on Sunday may be celebrated on the following Monday. The City reserves

the right to modify or rescind the foregoing holiday schedule, as it deems appropriate in its sole discretion, unless otherwise required by law or contract.

Regular part-time employees are paid holiday leave on a pro-rata basis according to their total scheduled hours for the week. Regular full-time employees working a flexible work schedule (i.e. 9/80 or 4-10's) will receive a maximum of 8 hours of pay for the holiday, regardless of the number of regularly scheduled work hours.

In the event a holiday falls on a regular day off for a regular part-time or full-time employee, the employee may:

- 1) take the holiday during the same work week the holiday otherwise would have been taken, or
- 2) with supervisor approval, report the appropriate number of hours for the holiday, even if not scheduled to work that day, then work the remainder of their regularly scheduled work hours for the week.

In the event a part-time employee is scheduled for more work hours on a day that falls as a holiday, in order to account for the hours not covered by the pro-rated holiday leave, the employee may:

- 1) take leave without pay for those hours, or
- 2) supplement the pro-rated holiday leave with vacation, comp or personal holiday leave, or
- 3) with the approval of the supervisor, make up the hours not covered by the pro-rated holiday leave by working additional hours during the same workweek in which the holiday occurred.

Temporary employees are not eligible to receive holiday leave. Union represented employees receive holidays as provided for in the applicable collective bargaining agreement.

Employees who are on unpaid leave on their normal workday immediately preceding and their normal workday immediately following the holiday are not eligible for holiday pay unless otherwise required by law.

Regular non-exempt employees required to work during a holiday may be paid one and one-half times their regular rate of pay for actual time worked on the holiday.

## **8.12 Religious Holidays**

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

The specific days shall be selected by the employee after consultation with their supervisor and shall be allowed unless the employee's absence would impose an undue hardship on the department, or the employee is necessary to maintain public safety.

### **8.13 The Federal Family and Medical Leave Act of 1993 (FMLA) and Related Leave Under Washington Law**

The City fully complies with the federal Family and Medical Leave Act of 1993 (FMLA) and all related Washington State law regarding medical leave, family care leave, and any other required leave. The City may not interfere with an individual's FMLA rights or retaliate against someone using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceedings under or related to the FMLA. The statutory requirements for these various laws have incorporated into this Policy, the City's Sick Leave Policy, and the City's other applicable policies contained in this Personnel Policies Manual.

#### Overview of General FMLA Leave Eligibility

The FMLA provides up to 12 weeks of unpaid, job protected leave every 12 months to eligible employees for specified family care and medical reasons. To be an eligible employee, you must have worked for the City for a total of 12 months and worked a minimum of 1,250 hours over the previous 12 months as of the date leave is requested. The City uses a "rolling" method to determine eligibility, meaning FMLA leave eligibility will be determined from the time of the initial request for leave by looking at the employee's prior 12-month work history. The 12-week leave period will begin at the date the employee's request is granted and will provide for up to 12 total weeks of leave, whether taken at one time or intermittently (as discussed below in this Policy), in the 12 months that follow.

Upon return from FMLA leave, the employee will generally be restored to their original, or an equivalent, position. However, an employee shall have no greater right to reinstatement than if the employee had been continuously employed during the FMLA leave period. Accordingly, an employee who would not have otherwise been employed at the time of reinstatement is requested shall not be entitled to reinstatement. For example, entitlement to reinstatement shall not apply if the employee's position is eliminated by reorganization or layoff, the employee takes another job while on FMLA leave, or the employee's employment would have otherwise been terminated. In addition, if an employee fails to return at the end of the FMLA leave, the employee may be considered to have voluntarily resigned their position with the City.

#### Reasons for Taking FMLA Leave

Unpaid FMLA leave is granted to eligible employees, based on the 12-month rolling method described above, for any of the following reasons:

- A. The birth of a child or placement of a child for adoption or foster care;
- B. To bond with a child (leave must be taken within 1 year of the child's birth or placement);
- C. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- D. For the employee's own qualifying serious health condition that make the employee unable to perform the employee's job;

- E. For qualifying exigencies related to foreign deployment of a military member who is the employee's spouse, child or parent.

For purposes of this Policy, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves "inpatient care" (i.e., an overnight stay in a hospital, hospice or residential medical-care facility, including any period of "incapacity", or any subsequent treatment in connection with such inpatient care) or continuing treatment by a health care provider as defined below:

A "serious health condition" involving "continuing treatment by a health care provider" means any one or more of the following:

- a. Incapacity and Treatment. A period of "incapacity" (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom) of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- (i) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

- (ii) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

\* The requirements above for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

\* Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

- b. Pregnancy or prenatal care. Any period of incapacity due to pregnancy, or for prenatal care.

- c. Chronic Conditions. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

- (i) Requires periodic visits (meaning at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

- (ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - (iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
- d. Permanent or long-term conditions. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.
- e. Conditions requiring multiple treatments. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:
  - (i) Restorative surgery after an accident or other injury; or
  - (ii) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

If an employee takes leave for a condition that progresses into a serious health condition and the employee subsequently requests leave under this Policy, the City may designate all or some portion of the related leave taken as FMLA leave under this Policy to the extent that the earlier leave meets the necessary qualifications and is authorized by law.

#### Additional Requirements Under Washington Law for Pregnancy-Related Leave

Under Washington law, an employee is also entitled to a leave of absence for the period of time that the employee is sick or temporarily disabled because of pregnancy or childbirth (in addition to leave under the federal FMLA). Pursuant to Washington law, a woman on pregnancy-related leave shall be treated the same as other employees on leave for sickness or other temporary disabilities. This type of leave is for the period of temporary disability or sickness because of pregnancy or childbirth only, and not for child rearing after the temporary disability ends. Employees should contact the Human Resources Office with any questions they may have regarding this leave.

#### Overview of Military-Related FMLA Leave

The federal National Defense Authorization Act expands FMLA-qualified events to include eligible employees caring for certain injured servicemembers as well as for family members who have a close family member called to active duty. These rights are summarized below.

## 1. Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or “next of kin” of a covered military servicemember who is recovering from a serious illness or injury incurred in the line of duty while on active duty is entitled to up to 26 weeks of FMLA leave in a single 12-month period to care for the service member. The single 12-month period is measured forward from the date an employee’s leave to care for the covered servicemember begins. Eligible employees are entitled to a combined maximum of 26 weeks of all types of FMLA leave.

When leave is taken to care for a covered servicemember with a serious injury or illness, the City may require an employee to obtain a certification completed by an authorized healthcare provider of the covered servicemember. In addition, servicemember family leave requests should be accompanied by appropriate documents from the U.S. Department of Defense or other appropriate entity.

## 2. Leave Because of a Qualifying Exigency

Eligible employees are also entitled to take FMLA leave while the employee’s spouse, son, daughter, or parent (the “covered military servicemember”) is on active duty or call to active duty status for one or more of the following “qualifying exigencies”: (a) short-notice deployment (i.e., a week or less notice of deployment); (b) military events and related activities; (c) for urgent childcare arrangements (but not ongoing childcare) and school activities; (d) financial and legal tasks to deal with a covered servicemember’s active duty; (e) to attend nonmedical counseling for the employee, the covered servicemember, or child of the covered servicemember; (f) to spend time with the covered servicemember on rest and recuperation breaks during deployment; (g) post-deployment activities; and (h) for other purposes arising out of the call to duty, as agreed upon by the employer and employee.

A “covered military servicemember” means the employee’s spouse, registered domestic partner, child, or parent who is: (1) in the regular armed forces and is deployed to a foreign country; or (2) is a member of the National Guard or military reserves and called to active duty in a foreign country.

The City may require the employee to provide a copy of the covered military servicemember’s active duty orders from the U.S. Department of Defense the first time the employee requests FMLA exigency leave and may require that a qualifying exigency be supported by an appropriate certification from the employee.

### Substitution of Paid Leave Benefits

The City requires employees who are taking FMLA leave to concurrently exhaust all paid leave options while on leave to the extent permissible by law. Available sick leave will be used first, then accrued compensation time and vacation. Once all paid leave options are exhausted, the employee will remain on unpaid leave for the remainder of the FMLA leave period.

Except as provided below, vacation, sick leave, and other benefits or rights of employment, do not accrue during any unpaid portion of FMLA, unless otherwise provided by law. The employee's healthcare benefits will continue while an employee is on unpaid FMLA leave in the same manner such benefits were paid while the employee was actively working. This means if the employee pays a contribution for healthcare benefits, that contribution must continue during the period of leave in order to maintain those benefits. Please contact the Human Resources Office to coordinate the payment of any necessary healthcare contributions.

If an employee fails to return to work at the end of the FMLA leave period, the employee may be required to reimburse the City for the cost of the premiums paid for maintaining healthcare coverage during the leave period unless the reason the employee does not return is due to: (a) the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to leave under the FMLA; or (b) other qualifying circumstances beyond the control of the employee as defined by applicable law.

#### Intermittent Leave

It may be medically necessary in some circumstances for employees to use intermittent FMLA leave. Intermittent leave is typically taken in blocks of time consistent with the need for medical treatment or to recover from a medical procedure when the employee can resume a normal work shift in between the medical treatments/procedures. Employees requesting intermittent FMLA leave may be required, if applicable, to provide medical certification which states the dates and duration of the medical treatment, as well as a statement of medical necessity for taking intermittent leave.

Employees needing intermittent/reduced schedule leave for foreseeable medical treatment must work with the City to schedule the leave so as not to unduly disrupt the City's operations, subject to the approval of the employee's healthcare provider. The City reserves the right to transfer an employee temporarily to an alternative job with equivalent pay and benefits that better accommodates the employee's need for intermittent leave than their current position. FMLA leave because of the birth or placement of a child for adoption or foster care must be completed within the 12-month period beginning on the date of birth or placement of the child. This leave may not be taken intermittently.

#### Advance Notice to the City and Medical Certifications

When requesting FMLA leave, the employee must provide the City with at least thirty (30) days advance written notice when the need for the leave is foreseeable. This notice should be provided to the Human Resources Office. If 30 days notice is not possible, the employee must give the City advance written notice as soon as practicable, usually at least three (3) business days (unless the need for the leave arises from a sudden emergency). Employees shall complete all necessary forms and documentation for FMLA leave. Please see the Human Resources Office to obtain the required forms/documentation.

Absent legitimate emergency situations, employees must follow the City's usual and customary requirements for requesting leave and calling in absences.

Employees who fail to provide proper notice of their need for FMLA leave may jeopardize their rights under this Policy, which may result in a denial of leave or a delay in approving their leave request. In addition, employees who fail to follow this Policy may be subject to the consequences of an unexcused absence.

The City will provide individual notice of rights and obligations to each employee requesting leave as soon as practicable and within the timeframes required by law. For employees on intermittent leave or recurring leave for the same incident, this notice may be provided every six (6) months or as otherwise required by law.

The City may require the employee to present appropriate medical certification for FMLA leave if the leave requested is for the employee's own serious health condition or to care for a family member's serious health condition (or as otherwise determined appropriate by the City in compliance with applicable law). The employee must provide this medical certification within fifteen (15) days of the City's request for the same. Failure to provide the requested medical certification in a timely manner may result in a delay or denial of the leave, or a discontinuance of the leave until it is provided. If the City determines that the certification or recertification is incomplete, it must provide a written notice indicating what additional information is required. The City may conditionally grant an employee's FMLA leave request in appropriate situations pending receipt of satisfactory medical certification.

The City reserves the right to have an authorized person (excluding the employee's direct supervisor) contact the employee's healthcare provider on its behalf for verification of information in appropriate circumstances.

The City also reserves the right to require the employee to be seen by a medical specialist of its choosing, at its expense, for the purpose of verifying whether the employee's condition qualifies for leave under the FMLA or to confirm issues as part of a planned return to work. If the opinions of the employee's and the City's designated healthcare provider(s) differ, the City may require, at its expense, the employee to obtain certification from a third healthcare provider. This third opinion shall be final and binding. The third healthcare provider must be approved jointly by the employee and the City.

The City may place an employee who is absent for three (3) days or more (or as otherwise determined appropriate by the City) on FMLA leave. The City may present an employee who is absent for medical reasons with a medical certification form to be filled out and returned to determine if the employee is eligible for FMLA leave.

All medical examinations required under this Policy will occur not less than thirty (30) days apart during any period of leave granted under the FMLA, unless otherwise authorized by law. Medical examinations may be used to confirm or refute medical information provided by the employee, assist with return to work analysis and options, confirm or refute fitness for duty assessments, or help evaluate workplace restrictions or accommodations.

Finally, the City may require, at such times as are permissible under the FMLA, a recertification of the subject medical condition, a recertification when an extension of leave is requested, and a recertification if the City receives information casting doubt on the employee's stated reason for an absence or the continuing validity of the last certification.

#### Concurrent Workers' Compensation Leave

All time loss, work related injuries, and similar circumstances may also be subject to the City's FMLA Policy, so that leave taken under work loss may also be FMLA eligible. The City may require any time loss from work related injuries subject to Washington's workers' compensation statutes to run concurrently with FMLA leave. The City reserves the right to place an employee who is absent from work under these circumstances on FMLA leave to effectuate this Policy unless otherwise prohibited by law.

#### Return to Work

The City values the safety, health, and well-being of all employees. The City's policy is to provide safe and healthful working conditions in all operations and to follow, the laws and regulations about the safety and health of our employees. Before being allowed to return to work, therefore, an employee who has been away from work due to an injury or illness will normally be required to provide a Fitness for Duty statement from the appropriate healthcare provider certifying that the employee is able to resume their job duties, or specifying limitations on any duties. If restrictions or limitations are placed on the employee's ability to perform the job, the City shall interactively work with the employee to determine if there are any reasonable accommodations that it can make to enable the employee to return to work and perform the essential functions of the job. The City may require a physical examination at City expense, performed by a healthcare provider of its choice, to determine when the employee can return to work and if the employee is capable of performing the essential functions of their position with or without a reasonable accommodation. The City reserves the right to delay or deny an employee from returning to work for the City until the employee provides an appropriate Fitness for Duty statement.

#### Reporting While on Leave

Employees on FMLA leave may be required to provide an update every month (i.e., not more often than once every 30 days unless otherwise authorized by law) while on leave to make certain the initial time provided for approved leave is sufficient and to confirm the employee's status and intended return to work date.

#### Other Insurance

If an employee is covered by other insurance plans, such as life or disability insurance, that coverage will continue during any paid portion of FMLA leave on the same basis as if the employee were actively working provided that the employee would be covered while on other forms of paid leave (such as vacation, sick, or compensatory time). If the employee is on unpaid FMLA leave, or any other form of unpaid leave, the employee

will be responsible for the full amount of these premiums, or risk a lapse of coverage. Please contact the Human Resources Office to coordinate the payment of any necessary insurance contributions.

### Spouses Employed by the City

If an employee and their spouse both work for the City and they both request leave for the birth, adoption, or foster care placement of a child, or to care for a parent with a serious health condition, the total FMLA leave available to them as a couple for these purposes is 12 weeks in the rolling 12 month period.

If an employee and their spouse both work for the City and they request leave to care for a covered servicemember with a serious injury or illness (commonly referred to as "military caregiver leave") if each spouse is a parent, spouse, son or daughter, or next of kin of the servicemember, the total FMLA leave available to them as a couple for these purposes is 26 weeks in the rolling 12 month period.

When spouses take military caregiver leave as well as other FMLA leave in the same year, each spouse is subject to the combined limitations for the reasons for leave listed above.

### Key Employee Designation

The City reserves the right to designate certain employees within the highest paid 10% of its workforce as "key employees". A "key employee" is an employee whose restoration after taking FMLA leave would cause substantial and grievous economic injury to the operations of the City. The City will provide written notice to employees who will be designated as "key employees" at the time the employee gives notice of the need for FMLA leave (or when the FMLA leave commences, if earlier). A key employee may not retain the right of job restoration after taking FMLA leave, if such restoration would cause a substantial and grievous economic injury to the operations of the City.

### Other Provisions

Employees on leave under the FMLA shall be subject to the same City rules, policies, and procedures governing employees on other types of leaves of absence.

Employees on FMLA leave (like all employees on leave from the City) shall not engage in other employment (excluding required military reserve duty) unless they obtain prior approval from the Mayor (or Mayor's designee).

### Questions

Employees with questions about FMLA leave are strongly encouraged to contact the Human Resources Office.

## 8.14 Washington Paid Family and Medical Leave

The Washington State Paid Family and Medical Leave (PFML) law and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. This policy provides a summary of the PFML program. Employees may obtain additional information at [www.paidleave.wa.gov](http://www.paidleave.wa.gov). To the extent an issue is not addressed in this policy, the City will administer this benefit program consistent with applicable statutes and regulations.

- A. **Payroll Deductions.** The PFML program is funded through premiums collected by ESD via payroll deductions and City contributions. The premium rate is established by law and subject to change. The City will modify payroll deductions to reflect those changes.
- B. **Eligibility.** Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:
  - 1) **Monetary Benefits:** In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.
  - 2) **Job Protection:** In order to be eligible for job protection under PFML, an employee must have worked for the City for at least 12 months and have worked 1,250 hours in the last year.

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (*e.g.*, outside employment or contracting).

- C. **Leave Entitlement.** Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to pregnancy. The claim year begins when the employee files a claim for PFML benefits. PFML leave may be taken for the following reasons:
  - 1) **Medical Leave:** Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. In the case of PFML following the birth of a child, the first six weeks of leave taken by the birth parent following the birth shall be automatically designated as medical leave unless the birth parent chooses to use family leave. The employee is not required to provide certification of a serious health condition the medical leave designation for this postnatal period. An employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers' compensation system.
  - 2) **Family Leave:** For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent

(including in-laws), sibling, spouse, or any individual who regularly resides in the employee's home or with whom the relationship creates an expectation that the employee care for the person (and that person depends on the employee for care). "Family member" does not include a person who simply resides in the same home as the employee with no expectation that the employee care for that person. Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA.

- 3) **Bereavement Leave**: An employee may take PFML as bereavement leave during the seven calendar days following the death of a child born to the employee or placed with the employee.

PFML runs concurrently with FMLA where an absence is covered by both laws. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

- D. **PFML Application Process**. An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website ([www.paidleave.wa.gov](http://www.paidleave.wa.gov)). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

- E. **Notification Requirements**. An employee must provide written notice to the City of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.

If taking leave intermittently, an employee must notify the City each time PFML leave is taken so that the City may properly track leave use.

- F. **PFML Monetary Benefits**. If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a weekly maximum (which is \$1,427 for 2022 and thereafter subject to annual

adjustments by the State). ESD's website includes a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child or leave taken for a qualifying military exigency, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.

Paid leave accruals (vacation, sick leave, personal holidays, compensatory time, or any other accrued leave) are not supplemental to PFML benefits, meaning that an employee cannot receive accrued leave and PFML benefits for the same absence. If an employee elects to use accrued leave during a PFML-covered absence, the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated (reduced) weekly PFML benefit to reflect that the employee already received some compensation for the absence.

- 1) **Important note:** Failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

G. **Coordination with Other Benefit Programs.** When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of City policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

H. **Job Restoration; Return to Work Recertification.** An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (*e.g.*, the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave where the employee has taken leave for the employee's own serious health condition. Under certain conditions, the City may deny job restoration to a salaried employee who is among the highest paid ten percent of City employees. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the City as soon as possible.

### **8.15 Volunteer Emergency Services Leave**

In accordance with RCW 49.12.460, an employee who is a volunteer firefighter or reserve peace officer, or member of the Civil Air Patrol, will not be subject to discipline or termination when they take leave in response to an alarm of fire or an emergency call, or in the case of Civil Air Patrol, when leave is taken related to an emergency service operation.

- A. For the purposes of this policy, the following definitions apply:

“Alarm of fire or emergency call” means responding to, working at, or returning from a fire alarm or an emergency call, but not participating in training or other nonemergency activities.

“Civil air patrol member” means a person who is a member of the Washington wing of the civil air patrol.

“Emergency service operation” means the following operations of the civil air patrol:

- (i) Search and rescue missions designated by the air force rescue coordination center;
- (ii) Disaster relief, when requested by the federal emergency management agency or the department of homeland security;
- (iii) Humanitarian services, when requested by the federal emergency management agency or the department of homeland security;
- (iv) United States air force support designated by the first air force; and
- (v) Counterdrug missions.

“Volunteer firefighter”, means a firefighter covered under chapter 41.24 RCW,

- (i) who voluntarily performs, regardless of reimbursement, any assigned or authorized duties on behalf of or at the direction of a firefighting or emergency response unit of a city, county, fire district, regional fire protection district, port district, or the state, including but not limited to service pursuant to RCW 43.43.960 through 43.43.975; and
- (ii)
  - A) has notified the City of their firefighter status and intent to serve as a volunteer if already at the place of employment when called to serve as a volunteer; or
  - B) if not already at the place of employment when called to serve as a volunteer has been ordered to remain at their position by the commanding authority at the scene of the fire.

“Reserve peace officer” has the meaning provided in RCW 41.24.010.

#### B. Notice Requirements

An employee shall make every reasonable attempt to give their supervisor advance notice of the need to take leave.

#### C. Type of Leave

An employee who is absent from work pursuant to this policy may elect to use their accrued vacation leave, personal holiday, compensatory time or unpaid leave time.

#### D. Verification

The supervisor may require that the request for leave be supported by verification from the agency at which the employee volunteers.

E. Time for training

Training and other non-emergency activities are excluded under this policy.

**8.16 Military Family Leave**

During a period of military conflict, an employee who works an average of 20 or more hours per week is entitled to leave under this section when a spouse or registered domestic partner who is a member of the armed forces of the United States, national guard, or reserves has been notified of an impending call or order to active duty or has been deployed.

- A. The employee shall be granted a total of fifteen (15) days of unpaid leave per deployment after the military spouse or state registered domestic partner has been notified of an impending call or order to active duty and before deployment or when the military spouse or domestic partner is on leave from deployment.
- B. An employee who seeks to take leave under this chapter must provide the City with notice, within 5 business days of receiving official notice of an impending call or order to active duty or of a leave from deployment, of the employee's intention to take leave under this policy.
- C. Employees are not required to exhaust all other applicable paid leave before using unpaid leave for this purpose. An employee who takes leave under this section may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave under this section.
- D. "Period of Military Conflict" means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.
- E. An employee returning from military family leave shall be restored to a position of employment in the same manner as an employee returning after Family and Medical Leave pursuant to Section 8.13 of the city's personnel policies. An employee may continue benefits in the same manner as an employee on leave without pay.
- F. In the event of a conflict between this policy and applicable law as outlined in Chapter 49.77 RCW, the applicable law shall govern.

**8.17 Washington Family Care Act**

Employees may use their choice of accrued paid leave benefits to care for a qualified family member, subject to the terms and limitations of this policy. This policy is intended to comply with Washington's Family Care Act, paid sick leave laws and any other applicable law. In the event of a conflict between any applicable law and this Policy, the applicable law shall govern.

Employees are entitled to use their paid leave benefits, including sick leave, vacation leave, compensatory time, floating holiday, etc. to care for a qualified family member including:

- A child under the age of 18 with a health condition that requires treatment or supervision.

- A spouse/domestic partner, parent, parent-in-law, or grandparent with a serious or emergency health condition.
- A child 18 years or older if the child is incapable of self-care due to a mental or physical disability; or
- A spouse, domestic partner or child who is incapacitated or disabled as a result of pregnancy/childbirth, which may include the employee's prenatal and postpartum examinations, hospitalization, and recovery.

A. Definitions applicable to this policy:

- 1) "Health condition" that requires treatment or supervision for a child includes a medical condition requiring treatment or medication that the child cannot self-administer, a medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian, or a condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize the treatment.
- 2) "Incapable of self-care" is defined as a disabling condition that prevents an individual from engaging in one or more "activities of daily living" such as bathing, dressing, eating, cooking, shopping, or using public transportation without active assistance.
- 3) "Qualified family member" includes the employee's:
  - Child, including a biological child, adopted child, foster child, stepchild, child of a domestic partner, legal ward, or a child for which the employee is acting in loco parentis. The child must be under 18 years of age or, if 18 or older, incapable of self-care due to a mental or physical disability;
  - Spouse;
  - Washington state registered domestic partner;
  - Parent, including a biological parent or adopted parent or a person who acted in loco parentis to the employee when they were a child;
  - Parent-in-law, including the parent of a domestic partner; or
  - Grandparent.
- 4) "Serious or emergency health condition" for a spouse/domestic partner, parent, parent-in-law, or grandparent is a condition that:
  - Requires an overnight stay in a hospital or other medical care facility, or
  - Results in a period of incapacity or treatment or recovery following inpatient care, or
  - Results in continuing treatment under the care of a health care service provider that includes any period of incapacity to work or attend to regular daily activities; or
  - Involves an emergency situation, i.e., demanding immediate action.

B. Documentation

- 1) Reasonable documentation or statement of qualifying relationship may be required.
- 2) Employees who request leave to care for a qualified family member may be required to provide medical certification of the condition. Employees have 15

days from the time the City requests the medical certification to submit a complete certification. If complete and sufficient medical certification is not submitted by the due date, the leave may be delayed or denied.

C. Upon Return from Approved Leave

- 1) Upon returning from an approved leave, employees will be restored to the same position they previously held or to a substantially similar position with equivalent employment benefits, pay and other terms or conditions of employment. However, an employee on leave under the Washington Family Care Act does not have any greater right to reinstatement or other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

## Chapter 9

# City Property and Public Records

- 9.1 Issuance, Use and Return of City Property
- 9.2 Use of City Issued Cell Phones
- 9.3 General Policy Regarding Use of the City's Resources
- 9.4 Employee's Responsibility for City Issued Equipment
- 9.5 Use of City Vehicles
- 9.6 Use of Personal Vehicles
- 9.7 Use of City Credit Cards
- 9.8 Employee Reimbursement of Expenses
- 9.9 Public Records Requests
- 9.10 Public Records Retention
- 9.11 Key and Access Card

### **9.1 Issuance, Use, and Return of City Property**

All property issued to an employee by the City will be recorded on the employee's individual property receipt form. This form will be maintained by the employee's supervisor or designee. All property issued to an employee shall remain the property of the City and shall be used for business purposes only. The City may require any equipment initially issued to the employee to be returned to allow a more proper distribution of resources or as otherwise determined appropriate by the City. The issuance of City equipment shall not be construed as a job benefit, entitlement, or right, but will be left to the sole discretion of the respective Department Directors, their management staff, and the Mayor and City Council.

If the employee is issued City equipment, all City policies regarding proper use of this equipment apply, even if the employee is permitted to take equipment home from time to time.

Upon an employee's departure from employment, all City employees shall return all tangible City proprietary information and City equipment in their possession or control on or before their last day of employment. This includes information relating to pending or completed City projects, improvements, possible acquisitions or purchases, including the purchase of services or equipment, real estate or other information. All City equipment and property, issued by the City or paid for by the City, must also be returned, to include any identification information that would associate the prior employee with City service.

Similarly, the City may require any employee on leave to return all tangible City proprietary information and City equipment in their possession or control.

### **9.2 Use of City Issued Cell Phones**

This Policy applies to City-issued cell phones and is applicable to all employees, contract service providers or elected or appointed officials who have been granted permission to use a City-issued cell phone. Cell phones will only be temporarily loaned or

issued to a City employee or elected official if it is beneficial to the City and shall not be construed as an entitlement, benefit or right of the employee.

- A. City issued cell phones shall not be used for personal purposes. They are issued for business purposes only. An individual making or receiving personal calls in contravention of this policy is responsible for a full reimbursement regarding any personal calls or other expense charged to the City. If personal phone calls cost the City additional amounts due to call overages for the billing cycle, the employee is also responsible for reimbursing the City promptly for these expenses.
- B. Employee responsibilities for use of City-owned cell phones include:
  - 1. Protecting the City-owned cell phone from theft, loss or damage.
  - 2. Immediately reporting loss or theft to supervisor or Department Director.
  - 3. As cell phone calls are not secure, using discretion while making sensitive or confidential calls.
  - 4. Immediately returning the cell phone to supervisor or Department Director if it is determined that the phone is no longer necessary, or upon leaving City employment.
- C. The City reserves the right to monitor the use of all City-owned cell phones. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of department work policies or for the purpose of personal financial gain is prohibited.
- D. Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving, except with the use of a hands-free device and in accordance with applicable laws. Every effort should be made to pull to the side of the road to a safe location prior to answering or initiating cell phone calls. This rule also applies to use of privately-owned cell phones during business hours. In situations where job responsibilities include regular driving and accepting of business calls, the City provide hands-free equipment.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions herein.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions.

- E. The City does not permit the use of a personal cell phone for City business absent advance approval by the City and an executed written agreement between the City and employee governing the use of a personal cell phone for City business. As described herein, the written agreement shall notify the employee that the

phone and its contents are subject to the Public Records Act, Chapter 42.56 RCW, and subject to inspection by the City at any time. If an employee uses their personal cell phone for approved City related business pursuant to an executed written agreement, they may request reimbursement on the employee's expense reimbursement request form or apply to receive a monthly stipend for such use. Reimbursement requests are subject to supervisor approval, stipend requests are subject to the approval of the Mayor.

1. The personal cellular phone would replace the need to carry a City-owned cellular phone and their previous City phone must be returned to the City. If an authorized personal cell phone is used for City business, the City may pay a stipend per month set forth in the Cell Phone Allowance Agreement. Such payment of a stipend may be considered "wages" for income tax purposes may be subject to withholding and payment of employment taxes.
  - a. An employee must agree in writing (City's Stipend Agreement) to have their personal cellular telephone accessible and available at all times during City business hours or other times that an employee may be required to be available for City business.
  - b. The stipend payment for use of a personal cellular telephone for City business shall be a voluntary program between the City and the employee.
  - c. The request to utilize a privately-owned personal cell phone or data package for City purposes and receive a stipend must be approved by the Mayor, or if the requestor is the Mayor, the City Council. The amount of the monthly stipend will be comparable to the monthly cost the City incurs for employees utilizing a City-provided device.
- F. The use of cell phones, whether owned by the employee or the City creates a record of the number dialed or the number of the caller or both. When the cell phone is used for City business, that record is a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone whether owned by the employee or the City, is, in nearly every case a public record, subject to possible disclosure under the Public Records Act.
- G. The City will not provide technical support for personal cellular phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.
- H. Use of the cellular phone in any manner contrary to local, state or federal laws will constitute misuse and will result in immediate termination of the cellular stipend.

- I. If another means of communication is available that is more cost effective, such as land lines or two-way radios, then these forms of communication should be used rather than a cell phone, unless an emergency situation exists.

### **9.3 General Policy Regarding Use of the City's Resources**

#### **A. Overview of Policy**

This Policy sets forth, among other things, the guidelines and restrictions for the use of electronic data, resources, and equipment by City employees and volunteers, including the use of voicemail, telephones, cell/smart phones, computers, portable electronic devices, e-mail, the Internet, Intranet, computer systems, facsimile machines, and photocopy machines (hereinafter referred to as "electronic resources"). Electronic resources include those owned or leased by the City, that are used or accessed on the City's premises, or that are used for the City's business. Access to these resources is provided to employees solely for the benefit of the City and to further the City's business. Because access to the Internet is not essential for each City employee, Internet access will be provided to employees only upon approval from their respective Department Director.

Access to the City's electronic resources is reserved for employees who are actively providing services to the City. Thus, employee access to these systems may terminate immediately upon a change in status, such as termination, administrative leave, lay off or any extended employee absence from work, such as extended medical leave.

This Policy also provides guidelines and restrictions for any other resources of the City (hereinafter referred to as "physical resources"). Physical resources include, but are not limited to, desks, file cabinets, storage areas, bulletin boards, vehicles, and other storage areas. Access to these resources is provided to employees solely for the benefit of the City and to further the City's business.

This Policy also covers any other City resources not specifically set forth above.

All employees are required to use the City's electronic, physical, and other resources in a legal, appropriate, and professional manner. Employees may only use the City's electronic, physical, and other resources for the City's business purposes. The only exception to this rule is that incidental and occasional personal use of the City's electronic mail, Internet access, and telephones (landlines) is permitted if it is conducted on the employee's own time, does not conflict with the performance of the employee's regular duties, job performance, and other City policies, does not result in expense to the City, and is used in a safe, legal, and appropriate manner. Furthermore, all employees' use of the City's resources must be appropriate and consistent with the City's professional environment.

Employees are responsible for ensuring that their respective use of the City's electronic, physical, and other resources is professional, ethical, appropriate, and legal. Employees are expressly prohibited from using the City's electronic, physical, and other resources in any manner that interferes with the City's ability to conduct its business or the employee's ability to perform their employment duties.

All employees must acknowledge and agree that they will use the City's electronic, physical, and other resources in compliance with this Policy as it currently exists or as it may be modified by the City in its sole discretion. Any employee who violates this Policy will be subject to appropriate discipline, up to and including termination.

**B. Inappropriate Behavior and Use of the City's Resources is Prohibited**

All electronic, physical, and other resources, including the information stored thereon or therein, belong to the City. All electronic, physical, and other resources may only be used for appropriate purposes as set forth in this Policy. Employees are prohibited from using the City's electronic, physical, or other resources for personal gain or in any inappropriate, illegal or unsafe manner.

The City prohibits employees from using its electronic, physical, or other resources to send, save, view, or access in any manner offensive and/or inappropriate material. Employees are prohibited from using the City's resources in any manner that violates the City's Anti-Harassment and Anti-Discrimination Policy. Along these lines, employees are also prohibited from accessing or exposing, in any manner, the City's workplace, other employees, business contacts, members of the public and/or any related person or entity to offensive or inappropriate material, language and the like. Offensive materials include, but are not limited to, sexual comments, jokes, or images, racial slurs, comments, jokes, or images that may offend someone on the basis of race, color, creed, sex, gender, pregnancy, age, national origin or ancestry, physical or mental disability, marital status, sexual orientation (including gender expression and gender identity), genetic information, and any other category protected by federal, state, or local law or other authority.

In addition to the foregoing, the City prohibits (in regard to the use of its resources):

1. Employees, other than designated computer personnel, from installing software or other programs or executable files on City computers or computer related equipment, or downloading any of the foregoing from the Internet. Some executable files contain viruses that may disable City equipment or damage stored information. Further, software cannot be copied or downloaded without properly purchasing the user rights to these programs. All changes, additions or deletions of computer programs must be authorized by the respective Department Director, and carried out by appropriate personnel.
2. Employees from opening spam.
3. Employees from visiting pornographic or other offensive websites. Employees are also prohibited from visiting Internet dating services, gaming websites, and websites that charge fees (unless the website that charges a fee is used for legitimate City business and is approved in advance by the employee's respective Department Director or the Mayor or Mayor's designee).
4. Employees from releasing confidential City information.

5. Employees from joining “chat-rooms,” non-work related web discussion groups, or participating in online surveys or contests.
6. Employees are only to use a Councilmember’s city-assigned email address when conducting City business between their department and the Council via email.
7. Any conduct that may affect the integrity of the City’s resources.

All employees are expected to conduct themselves in a professional and appropriate manner at all times. Any employee who becomes aware or believes that another employee is violating this Policy must immediately report the same in as much detail as possible to their immediate supervisor or the Human Resources Office as soon as possible. The City will not retaliate against any employee who makes such a report in good faith. If the City determines that a violation of this Policy has occurred, it will take appropriate disciplinary action, up to and including termination of employment.

C. Employees Have No Expectation of Privacy

The City reserves the right to access all physical, electronic, and other resources and the information stored therein or thereon at any time. ALL OF THE CITY’S ELECTRONIC, PHYSICAL, AND OTHER RESOURCES ARE SUBJECT TO ACCESS, INSPECTION, SEARCH, AND MONITORING BY THE CITY AT ANY TIME WITHOUT NOTICE. THIS INCLUDES THE RIGHT TO MONITOR VEHICLES AND CITY CELLULAR TELEPHONES (THROUGH GLOBAL POSITIONING SATELLITE TECHNOLOGY AND/OR OTHER MEANS), TEXT MESSAGES, AND THE LIKE.

UNLESS SPECIFIC RIGHTS ARE GRANTED TO YOU IN AN INDIVIDUAL EMPLOYMENT CONTRACT OR COLLECTIVE BARGAINING AGREEMENT, THE CITY RESERVES THE RIGHT TO CONDUCT COMPLETE WORKPLACE INVESTIGATIONS, INCLUDING THE ACCESS, SEARCH, AND INSPECTION OF ALL FILES, MESSAGES, COMMUNICATIONS, OR OTHER INFORMATION OR DATA CREATED, STORED, COPIED, SENT, RETRIEVED, RECEIVED, OR OTHERWISE MAINTAINED ON OR IN ITS ELECTRONIC, PHYSICAL, OR OTHER RESOURCES OR ANY OTHER LOCATION WITHIN THE WORKPLACE AT ANY TIME WITHOUT NOTICE AS IT DEEMS APPROPRIATE IN ITS SOLE DISCRETION.

THE FOREGOING WORKPLACE INSPECTIONS MAY BE CONDUCTED DURING OR OUTSIDE BUSINESS HOURS AND IN THE PRESENCE OR ABSENCE OF THE EMPLOYEE.

Employees are also hereby put on notice that their use of the City’s electronic and physical resources may be subject to a request for records under the Public Disclosure Act or other applicable law.

While employee passwords may be used for City security purposes, the use of such passwords is not intended to keep messages, communications, or other information

confidential on behalf of the employee. The City may also override any employee password or code to access, inspect, monitor, or search any electronic, physical, or other resources used by the employee. As set forth above, employees are on notice that messages and all other data or information, including GPS location and records stored directly by or on behalf of the City in the course of the operation and use of the City's vehicles, electronic, physical, or other resources, including personal messages and data, are subject to access, inspection, monitoring, and search by the City at any time and are not to be considered confidential or private and do not create any right of privacy.

EMPLOYEES SHOULD HAVE NO EXPECTATION OF PRIVACY IN ANYTHING THEY WRITE, CREATE, RETRIEVE, RECEIVE, STORE, COPY, SEND, OR VISIT USING THE CITY'S VEHICLES, ELECTRONIC, PHYSICAL, OR OTHER RESOURCES.

If an employee is given a key to lock their respective desk, workspace, or other area on the City's premises, the City will maintain a duplicate key and/or master key so that it may access any locked area at any time without notice. The City may open a locked desk, workspace, or any other area on its premises or property in order to inspect, access, monitor, investigate, or search its contents. An employee's keys DO NOT CREATE ANY RIGHT OF PRIVACY in the City's electronic, physical, or other resources, or in any of the information, materials, or data stored therein or thereon. No employee may change locks without express written authorization from their immediate supervisor.

In addition, no employee may use their own lock to secure any workplace area on the City's premises without express written authorization from the employee's immediate supervisor. A lock, or any other device used to secure the City's electronic, physical, or other resources does not create any right to privacy on behalf of the employee or in any of the materials, information, or data stored thereon or therein. The City expressly reserves the right to open any secured space to inspect, access, search, monitor, or investigate its contents at any time with or without notice in the employee's presence or absence.

Employees who violate this Policy will be subject to appropriate disciplinary action, up to and including termination of employment.

#### **9.4 Employee's Responsibility for City Issued Equipment**

Employees using City resources outside of City premises are responsible for maintaining appropriate security for the subject resource at all times. This includes the duty to ensure the subject resource is physically secure, an appropriate password is maintained if applicable, and all information is secure. Employees shall not leave City resources unsecured.

In addition, should City issued property become damaged, lost or stolen due to the negligence of an employee, the applicable Department Director may require that the property be replaced, less the amount of any reasonable depreciation, at the employee's expense, if such losses are not covered by the City's insurance policy. In all cases where the employee's conduct results in a loss of City property, and the employee's conduct is intentional or

deliberate, or in direct violation of City policies, the City may demand payment of the full replacement cost, without taking into account depreciation. Any protest of the City's determination that the employee shall be held responsible for the City's losses must be presented to the Mayor (or Mayor's designee) within ten (10) days from the date the employee has been notified of the City's decision. Any right to protest said decision that is not timely presented is waived. The decision of the Mayor responding to the employee's protest shall be final.

Employee conduct which results in a loss to the City of equipment or property may also result in disciplinary action, up to and including termination of employment.

If the employee owes money to the City for City issued equipment which was destroyed or damaged, and the employee is notified they will be held responsible for such losses but fails to file a timely protest or such protest is rejected, the employee may specifically authorize deduction from their paycheck to reimburse the City for any losses incurred by the City. Deductions will be for the entire amount owed from the employee's final paycheck if the employee will no longer be working with the City. Deductions can be spread out over a finite period of time if the employee remains employed with the City. The City also reserves the right to institute any appropriate legal action to recover funds owed by the employee if the employee does not authorize deduction of the same from their paycheck.

## **9.5 Use of City Vehicles**

The following rules are applicable to the use of all City vehicles:

- A. City vehicles and equipment shall be used for City business only. Use of a vehicle must be authorized by a Department Director or the Mayor. Employees performing duties on an on-call basis or who may be asked to respond to an emergency situation may be eligible to use a City vehicle while on call or in response to an emergency. In some departments, City vehicles may be assigned to an employee for this purpose. All such vehicles must be locked and secured when not in use and shall be used only in connection with City business.

A mileage log has been provided for each city vehicle that is subject to IRS mileage tracking requirements and mileage is to be recorded by the employee driving the vehicle as a means of record keeping ensuring that vehicles are being used in accordance with IRS rules. Mileage logs are to be turned in to the Department Director or designee at the end of each month.

Use of a City owned vehicle for commuting purposes is considered a taxable benefit. There are three methods for determining the amount to include in taxable wages: Automobile Lease Valuation Rule, Vehicle Cents-Per-Mile Rule, and Commuting Rule.

### **When vehicle use is a requirement of the job:**

Commuting rule – Personal use for commuting is valued at \$1.50 each way. This amount is added for each commute and added to taxable

wages (i.e.: employee works 10 days and commutes each day using city vehicle; \$30 [10 x (2 x 1.50)] is added to gross wages for income tax purposes). *Reg. §1.61-21(f)*

*\*Requirement* means that the employer requires the employee to commute in the vehicle for a bona fide non-compensatory business reason.

**When vehicle use *is not* a requirement of the job:**

Vehicle Cents-Per-Mile Rule – Multiply the standard mileage rate by number of personal miles driven. *Reg. §1.61-21(e)*

**Automobile Lease Valuation Rule** - based on the lease value of the vehicle, this amount is multiplied by the percentage of personal miles to total miles vehicle is used. *Reg. §1.61-21(d)*

- B. Any employee or volunteer operating a City vehicle, or using a motor vehicle for City business, must be at least 18 years of age and must have a valid and unsuspended Washington Driver's License. Employees and volunteers using the City's vehicles must provide proof of a current driver's license and appropriate insurance information, and update that information as requested or when the subject information changes.
- C. City vehicles and equipment must be operated at all times in a manner consistent with standard safety guidelines and procedures, the rules of the road, traffic laws and weather and traffic conditions. Unsafe driving practices will not be tolerated and will subject the employee to appropriate disciplinary action, up to and including termination of employment. Employees are not authorized to perform repairs or maintenance duties on assigned vehicles unless an emergency necessitating said repairs occurs when the vehicle cannot be returned to the City for servicing. No one may operate any vehicle on behalf of the City which contains a defect that would or could prohibit its safe operation. Only City employees and volunteers assigned to drive for City business are permitted to drive a City vehicle.
- D. No one other than an authorized City employee, volunteer, or agent may use or be placed in the City's vehicles, other than as allowed for in the Police Department by General Order or by internal policies unless permission is granted by a Department Director or Mayor. Any unauthorized passengers in a City vehicle place the City's insurance coverage at risk and may result in appropriate discipline for the responsible employee.
- E. An accident control kit has been provided for each vehicle and shall be stored in the glove box. This kit contains materials each employee will need if involved in an accident. Employees are required to report any accident, no matter how minor, by completing an accident report. All accidents must be reported to the employee's direct supervisor and City Clerk as soon as possible and no later than 24 hours after the occurrence unless the employee is physically unable to make

such report. The employee shall comply with all applicable law regarding remaining at the scene of an accident, exchanging insurance information, and any other applicable law. Employees involved in an accident may be subject to drug and alcohol testing to the extent permissible by law. The City may also conduct any other investigation into the accident that it deems appropriate in its discretion.

- F. No employee may use a cell phone/communications device while driving unless they use a “hands free” ear piece and it is otherwise safe and lawful to do so. Furthermore, employees whose job responsibilities include regular or occasional driving are expected to refrain from using their cell phone while driving – use of a cell phone/communications device while driving is not required by the City. The City’s police officer employees are exempt from this requirement when performing law enforcement activities, provided that their use of the subject cell phone/communications device complies with applicable law.

Safety and compliance with the law must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or use of hands-free operations (in which case, the employee shall refrain from discussion of complicated or emotional matters, keep their eyes on the road, and comply with all applicable law). Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

The City shall not be responsible for the payment of any traffic citation (moving or non-moving violation) or related ticket, citation, or liability received by an employee or volunteer unless otherwise required by law.

- G. If maintaining the ability to legally operate a vehicle is an essential job requirement, an employee may be terminated if the employee is unable to maintain the required licensure and insurance.
- H. Smoking is not permitted inside City vehicles. See the No Smoking Policy for additional information.

## **9.6 Use of Personal Vehicles**

An employee’s personal vehicle, if used on City business, is not covered under the City’s insurance agreement. Employees should inform their insurance carrier so they are covered under their own insurance

## **9.7 Use of City Credit Cards**

- A. Department Directors may request a City issued credit card for themselves or for a senior manager within their department, with the Mayor’s approval, for business use in situations such as the following:

- (1) Conference registration for employees and to assist with business air or train travel, hotel, car rental or other reasonable business expenses.
- (2) Emergency repairs on a City vehicle.
- (3) Other business uses deemed appropriate by the Department Director and consistent with the City's budget and expense reimbursement policies.
- (4) For the purchase of services with a City credit card, the City must have an approved contract to use with the subject vendor, if applicable.

B. Prohibited uses

- (1) No alcohol is to be purchased.
- (2) City credit cards are not to be used to purchase meals when per diem applies. See Personnel Policy 9.8(B).
- (3) Credit cards including fleet gas credit cards and other city issued credit cards for purchasing purposes may never be used to obtain cash advances or for personal purposes.
- (4) Credit cards cannot be used to pay City invoices or statements.

C. Application Process

- (1) All cardholders must have signed a Credit Card User Agreement, approved by the Mayor.

D. Payment Processing

- (1) Department Directors are responsible for submitting all needed paperwork or verifications to accounts payable on a monthly basis.
- (2) It is the Department Director's responsibility to match the individual receipts to the credit card statement if requested.
- (3) Once the charges are approved as being appropriate for City business, the Finance Department will process payment for all credit card bills.

E. Misuse of Card.

- (1) The Mayor (or Mayor's designee) may discontinue use of a credit card for any cardholder that fails to comply with this Policy, who engages in conduct deemed a violation or misuse of the City issued credit card, or as otherwise determined appropriate in the Mayor's discretion. Other appropriate discipline may also result from any disregard of these requirements, up to and including termination of employment.
- (2) Any employee who incurs personal charges for non-business related expenses on City charge cards or due to misuse of City equipment also specifically authorizes the City to deduct the amount needed to fully repay the City for such expenses from any paycheck or other forms of compensation due the employee to the extent permissible by law.

## **9.8 Employee Reimbursement of Expenses**

The purpose of this Policy is to identify and provide guidelines regarding the City's travel policies and to further delineate valid business expenses for which an employee may qualify for payment or reimbursement.

The objectives of this Policy are to provide employees, public officials and others who incur authorized business expenses for travel, subsistence, registration, and related expenses while on City business, reasonable and timely mechanisms for the reimbursement and/or the advancement of such necessary expenditures.

This Policy serves to provide guidelines to determine whether or not expenditures by City employees may be reimbursable to the employee, and to determine whether or not refreshments and related costs, served or made available at meetings involving volunteers and others, are legitimate City expenditures.

Individuals seeking reimbursement have the responsibility for becoming knowledgeable about authorized expenditures and the documentation requirements. Care must be taken to avoid unnecessary or excessive expenditure, as well as expenses not directly and reasonably related to the conduct of City business or which are otherwise inappropriate. The City shall not provide reimbursement for these types of expenses.

Any requests for reimbursement rejected by the City for non-compliance with these rules may be returned to the requesting employee and Department Director, if necessary, with an explanation for the decision. Any dispute that arises shall be reviewed by the Mayor for final disposition.

It shall be the responsibility of the City Finance Director to adopt, publish, and enforce rules and procedures consistent with this Policy for the purpose of carrying out the provisions thereof; and to provide forms accompanied by instructions for their implementation. Exceptions to the rules set forth herein may, by directive of the Mayor (or Mayor's designee), be affected if compliance with these rules is or was not feasible and the subject expenditure was legitimate and appropriate. To effectively carry out this Policy, the Mayor (or Mayor's designee) may, from time to time, issue guidelines for the administration thereof.

In the event of a conflict between this Policy and applicable law, the applicable law shall govern.

**A. Documentation**

Employees may seek reimbursement of expenses for City related business or purchases, but must first seek a Department Director's approval before the expense is incurred. Approval, whenever possible, shall be in writing and forwarded to the City Finance Director. If a receipt is lost, the date and specific nature and description of the expense and proof of payment (if available through a credit card statement or check) shall be provided to the Department Director for written approval, which will be forwarded to the Finance Director or designee.

Forms necessary to request approval for reimbursement regarding Advance Travel will be kept at the City Finance Director's office. Forms necessary to request approval for per diem meal and expense reimbursement and will be kept at the City Finance Director's Office. All forms can be accessed on the shared drive.

Each City employee is responsible for submitting their own request for reimbursement, even if other employees attended the same meeting or training program. All reimbursement requests must be turned in to the City within 60 days of the purchase/event or will be subject to taxation and reimbursed through Payroll. Each request must be approved by the Department Director (or Director's designee) or the Mayor as appropriate. No overnight travel or expenses shall be incurred without prior approval and authorization from a Department Director or the Mayor as appropriate.

## **B. Meals**

Food and meal reimbursement will only be available when an employee is scheduled to be away on City business overnight or for business meetings where City business occurs while the meal expense is incurred. Meals for overnight travel will be reimbursed at a daily per diem for each meal and submitted on the Claim for Expenses form. No alcohol is to be purchased. Meals should not be purchased with a City credit card. All tips for service must not exceed 20% and stay within the maximum amount for each meal period.

Meal reimbursement(s) will not be paid for meals that are included in the registration fee, whether or not the employee partakes of the meal. Continental breakfasts are not considered a meal therefore if a registration includes a continental breakfast the City would reimburse at the per diem rate.

Meal costs must be incurred directly by the claimant; direct billing to the City by a restaurant must be pre-authorized by the Finance Director or designee and pre-arranged with the restaurant.

Reimbursement for meals will generally be at a daily per diem. Per diem expenses for meals shall be paid at the U.S. General Services Administration (GSA) rates set by fiscal year, effective October 1 each year. GSA rates are available online, adjusted annually, and searched by city, state or ZIP code

The Department Director must approve payment of any food or meal expense, including payment of per diem meal expenses. Receipts are not required for per diem meal expenses. Per diem allowances include food, taxes and gratuities.

Meal reimbursement for elected officials must include a specific description of the meeting or business purpose of the expense, and be authorized by a majority of the Council or the Mayor as appropriate.

Light refreshments for City meetings or meetings with City volunteers or advisory committees may be permitted if pre-approved by the responsible Department Director, and such an expense furthers the City's interests. The actual receipt is required to provide support of these expenses.

### **C. Internal Revenue Service**

The Internal Revenue Service regulations may provide tax exemptions for the cost of meals that have, among other things, a direct or associated business connection. The cost of a meal not having a direct or associated business connection is taxable to the individual benefiting from the meal. The cost of a meal not having a direct or associated business connection will be subject to applicable federal and state payroll taxes. Cost of meals that are taxable must be processed through payroll. The City shall comply with all applicable law regarding the taxation of meals and the like. To facilitate compliance with this policy, Advance Travel funds for food/meals will only be available when the employee is away on city business overnight or other situation where the meal would be non-taxable meal reimbursement. Other type of meal allowances that do not have a direct or associated business connection (or which are otherwise subject to taxation) will be subject to applicable payroll taxes in compliance with applicable law.

The following list contains examples of taxable meal allowance or meal reimbursement situations. This list is not intended to be all-inclusive and is provided for illustrative purposes only.

1. Twelve hour shift meal allowances.
2. The cost of meals if the distance for the business trip does not require an overnight stay or long enough to require you to stop to get substantial sleep or rest.
3. The cost of a meal if the person is away from their duty station and on a "lunch break" and/or their own time.

Meal reimbursement in these situations will be at the daily per diem for each meal and submitted on the Claim for Expenses form. These meals will be subject to applicable federal and state payroll taxes.

The following list contains examples of NON-TAXABLE (EXEMPT) meal allowance or meal reimbursement situations. This list is not intended to be all-inclusive and is provided for illustrative purposes only. Other types of business meal allowances and/or meal reimbursements may be exempt from applicable payroll taxes.

1. Council retreats or meetings where participants are required to stay and continue the meeting through the meal period.
2. Meetings or training sessions which the cost of the meeting or training session included the meal. (e.g. Council Coalition, Puget Sound Regional Council, professional association meetings)

### **D. Travel**

Expenses can only be reimbursed for authorized City travel while an employee is on City business.

The use of a City vehicles rather than a personal vehicle is encouraged and may limit the expense of employee travel to the City. In addition, many forms of public transportation

may provide employees with a cost effective alternative to using a personal vehicle. Car-pooling to allow employees to travel together is also a priority and should be arranged by supervisors and Department Directors whenever possible. When use of a personal vehicle is necessary, mileage will be reimbursed at the rate established by the United States Internal Revenue Service for deductions. This rate shall cover all incidental expenses associated with use of the employee's private vehicle, such as gas, gasoline taxes, insurance, wear and tear or maintenance costs for the vehicle. The City will not provide reimbursement for the costs associated with an employee's receipt of a citation of any kind while on City business.

Overnight travel will only be authorized if the employee is traveling a distance of over 50 miles from the City or from their home, whichever is closer to the employee's destination, unless otherwise authorized by the Department Director or designee as an accommodation or business necessity. Accommodations must be at the most economical rate available to the employee.

City employees who receive an automobile allowance in lieu of city provided transportation shall not be entitled to further reimbursement or surface transportation costs within a 300-mile radius of the City. Incidental travel costs such as parking, ferry, or bridge tolls are reimbursable, as they would be even if a City vehicle were provided.

Mileage for elected officials will not be reimbursed for expenses incurred within City limits.

**E. Air Travel**

Air travel must be made at least two weeks in advance of the departure date to assure the most cost effective prices are obtained. The traveling employee or authorized personnel shall make every effort to locate the best price possible for airfare. Only flights originating from or returning to Seattle/Tacoma area airports are permitted, unless a cheaper flight can be obtained originating from an airport closer to the employee's home. The employee is directly responsible for all personal travel that occurs in connection with a trip for City business, and such arrangements identifying personal vs. business related travel must be pre-approved by the respective Department Director, or if the traveling employee is a Department Director, the Mayor. Any changes in travel costs due to personal preferences of the employee will be paid for by the employee.

Approved costs may be paid by the City if changes in travel plans occur that are the result of City business requirements, (i.e. delays in departure, cancellations, extended stays, or revised itinerary)

**F. Rental Vehicles**

The cost of a rental vehicle while on out of town business will only be considered for reimbursement when other surface transportation in the area of travel is not feasible. All vehicle rental costs must be pre-approved by a Department Director or the Mayor.

**G. Other Miscellaneous Travel Expenses**

Parking, ferry transportation, bus, taxi, bridge or other tolls, porter, bellman and the like (not including any maid service) may be authorized, if necessary, while traveling on City business and, if approved, will be reimbursed in addition to a mileage allowance, if actual receipts are provided to support these expenses.

Personal entertainment, loss or theft of personal property, personal cell phone or phone expenses for non-City purposes, airline or trip insurance, or other personal items will not be approved as a travel expense.

**H. Use of City Credit Cards**

The City may authorize the use of a City issued credit card for City business as authorized in Policy 9.7 above.

**I. Advance Travel**

The City has implemented Advance Travel procedures to assist employees who are traveling out of the area on City approved business. This program is set forth in the Port Orchard Municipal Code (POMC) 3.08. State of Washington RCW 42.24.120-160 also provides authority to establish this fund and requires compliance with the State Budgeting, Accounting and Reporting System (BARS).

The City will establish a special bank account for authorized Advance Travel for employees or City officials traveling on City Business.

A check register will be maintained in the manner established by the State Auditor in BARS and this account will be reconciled monthly by someone other than the account custodian.

The maximum amount that may be used to pay for travel expenses incurred by any one officer or employee of the City is \$500.00.

Funds provided to the employee through Advance Travel are considered a per diem reimbursement expense and cannot be used for any personal expenses incurred while traveling.

Advance Travel is not authorized for personal loans, payments of airline tickets, pre-registration fees, reimbursement to employees/officials for travel already incurred.

All Advance Travel requests must be submitted for approval at least one week in advance of the employee's expected date of travel to the Advanced Travel Custodian (ATC). All requests must be signed by the employee, provide the specific business purpose for the trip, length of trip, anticipated expenses if Advance Travel is requested, and a signed approval by the employee's Department Director.

Advance Travel requests will be approved by the ATC on a “first come – first served” basis.

**J. Non-Overnight Travel Status Food & Beverage Reimbursement**

Meals consumed by the City employee during meetings and other functions, during which official City business is conducted or which serves to benefit the City, may be reimbursable to the employee in compliance with IRS regulations.

In order for a meal consumed outside of overnight travel status to qualify for reimbursement, one of the following scenarios must apply:

1. The meal must have been consumed by the employee during a meeting of a formal group or organization (i.e. Chamber of Commerce, Puget Sound Regional Council, professional peer associations, etc.) in which the meeting agenda was published and/or meeting notice was provided to, at a minimum, the intended audience.
2. The meal must have been consumed by the employee on a meal break while otherwise attending a training, conference or meeting that was at a distance that prohibited the employee from returning home or to the workplace for the meal.

In situations where the employee is required to eat at the meeting location while business is conducted, the meeting is away from the employee’s regular workplace, and the location of the meeting was outside of the employee’s control (i.e. at an establishment chosen by the event organizer), the employee will be reimbursed at the actual cost of the meal not to exceed \$15 in excess of the per diem amount for the location as established by the U.S. General Services Administration (GSA). A receipt showing actual expenses and proof of business purpose is required in these situations. These meals are generally reimbursed to the employee on a tax-free basis in accordance with IRS regulations.

In situations where the employee is attending a conference, training or meeting away from the regular work location for the day and is provided with a break to have the meal “on your own” the employee will be reimbursed up at the actual cost of the meal not to exceed the per diem amount for the location as established by the U.S. General Services Administration (GSA). A receipt showing actual expenses and proof of business purpose is required in these situations. These meals are generally taxable to the employee in accordance with IRS regulations.

City credit cards should not be used for the payment of meals.

Generally, the City will not incur costs for refreshments, and other related items, for meetings or functions held in the normal course of business or that are attended solely by City employees i.e., employee luncheons or picnics. However, at such meetings or functions where a municipal function, public purpose, or City program is served or furthered, and where the City Council or its designee has approved the meeting, the City may incur such costs directly or as a reimbursement to employees who have incurred such costs on behalf of the City.

Refreshments purchased solely for personal entertainment are not a legitimate City expense.

**K. Volunteer Refreshments**

“Volunteers” are defined as non-compensated volunteers, advisory committee members, and others who are participating in City business but are not on the City’s payroll. Reimbursable expenditures relating to volunteers are authorized as follows:

Coffee and other light refreshments at meetings involving volunteers are authorized City expenditures.

Incidental consumption of refreshments by City employees at meetings involving volunteers is allowed.

**L. Ceremonies and Celebrations**

Reasonable expenses, including food and beverage, associated with commemorating a dedicating or an unveiling that is recognized as serving a public purpose are legitimate City expenditures.

Private celebrations rather than public celebrations are not generally considered as serving a public purpose. Refreshments, food, and beverage related costs would therefore not be recognized as legitimate City expenditures.

Support of a local “event” or celebration may not take the form of a gratuitous contribution of public funds to a private person, committee or organization. Expenditure of public funds on a publicly sponsored event requires:

1. The existence of a recognizable public or municipal purpose that relates to the purpose for the City existence,
2. Proper authorization from the legislative authority for such public sponsorship, and
3. A reasonable relationship between the amount of the City’s expenditure and the “public” nature of the event.

**M. Meal Reimbursement for Non-City Employees and Non-City Officials**

Employee claims for reimbursement of meal costs for non-City employees and non-City officials will be allowed only with a memo of authorization for the Finance Director (or Finance Director’s designee), which must be included with the reimbursement request. This memo must identify:

1. The name(s) of the individual(s) being, hosted;
2. The official title or capacity of this person(s) and how it relates to City business;
3. The nature of the topic or topics discussed, nature of the occasion, what public purpose or public policy was served; and

4. How this activity was an appropriate way to carry out that purpose or policy.

Council member claims for the reimbursement of meal costs for non-City employees and non-City officials will require a memo of authorization signed by the Mayor, or in the Mayor's absence, the Mayor Pro Tem, and this memo must be included with the reimbursement request. This memo must identify the following:

1. The name(s) of the individual(s) being hosted;
2. The official title or capacity of this person(s) and how it relates to City business;
3. The nature of the topic or topics discussed, nature of the occasion, what public purpose or public policy was served; and
4. How this activity was an appropriate way to carry out that purpose or policy.

**N. City Council Expenses for Meetings and Training**

Subject to available fund balances and proper documentation, it is the policy of the Port Orchard City Council to reimburse its members for the registration fee or cost of attendance for the following meetings or training:

- AWC Regional/Annual Meetings
- AWC Newly Elected Training
- KRCC Legislative Dinner/Breakfast
- KEDA Decision Maker's Breakfast
- KEDA Annual Meeting and/or Retreat
- Waste Water Training
- Kitsap Peninsula Visitors and Convention Bureau Meetings
- Home Builders Annual Meeting
- Realtors Annual Meeting
- PSRC Meetings/Conferences
- Economic Development Meetings/Conferences
- Other meetings and training as approved by the City Council

**O. Automobile Allowance for Mayor**

Subject to available fund balances, the Mayor is authorized to receive a \$500.00 monthly vehicle allowance, in addition to the salary specified in the City's budget or an amount that is provided for in an employment contract. Forms accepting the vehicle allowance must be on file with Human Resources prior to issuance of the allowance.

The role of Mayor requires frequent travel to effectuate the duties of the position. This allowance is in lieu of reimbursement for expenses incurred due to the Mayor's frequent use of a personal vehicle for City business purposes.

**9.9 Public Records Requests**

The Port Orchard Municipal Code designates the City Clerk as the Public Records

Officer. Any employee receiving a public records request must immediately inform their Department Liaison, who will work with the City Clerk to ensure the request is processed appropriately. *See also Operating Procedure #610.*

#### **9.10 Public Records Retention**

Washington State law requires retention of most public records, including the archiving and storage of such records. The Secretary of State's office and the City establish schedules for retention of public records. Employees are required to comply with the established retention schedules.

Employees must consult the City Clerk for any questions regarding what records need to be retained and for how long they should be kept before being destroyed. Electronically stored information is subject to retention in the same manner as a paper record. Any document created on City equipment can be a public record, including electronic documents/data (including e-mails), faxes, photocopies, and scanned documents. Employees shall retain and store all electronically stored information falling within the definition of a public record in the same manner as they would a printed document.

Employees should contact the City Clerk with any questions they have regarding this Policy. *See Operating Procedure #601 for the procedure related to "scan and toss".*

#### **9.11 Key and Access Card**

Employees may be issued one or more keys and/or key card to obtain access to the City properties and spaces necessary for performance of their duties.

Employees are

1. responsible for maintaining the security of City buildings and facilities in which they enter using City keys or access cards,
2. responsible for the safekeeping of City key(s) and access card issued to them,
3. not to duplicate City keys or access cards, without the pre-approved authority to do so,
4. not to possess any unauthorized key(s) or access card(s),
5. not to loan or transfer their keys or access card to any other individual,
6. not to unlock a building or room for another individual unless the individual is known by them to have authorized access to enter,
7. required to return to the City all keys upon changing office spaces or vacating a position that results in no longer needing the key,
8. to report any loss of key(s) or access card immediately upon discovery of the loss to their Supervisor,
9. turn in to their Supervisor any found City keys or access cards, and
10. responsible for compliance with this policy. Violations of this policy could subject the employee to discipline up to and including termination.

Department Directors are responsible for the authorizing the issuance of key(s) and access card privileges.

**Chapter 10**  
**Employee Responsibilities and Conduct**

- 10.1 General Code of Conduct
- 10.2 Outside Employment and Conflicts of Interest
- 10.3 Prohibition of Workplace Violence
- 10.4 Confidentiality of Business Information
- 10.5 Conduct Toward Co-workers and the Public
- 10.6 No Smoking Policy
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- 10.10 Safety Committee
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- 10.12 Political Activities
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**10.1 General Code of Conduct**

This Chapter supplements the City of Port Orchard's Anti-Harassment and Anti-Discrimination Policy, as well as the remainder of the City's personnel policies relating to employee conduct. All employees are expected to represent the City of Port Orchard in a professional manner which is courteous, efficient and helpful. Employees must also maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and supervisor.

The City of Port Orchard's success in serving its citizens depends upon each employee's performance. The City has established certain minimum standards of personal conduct. All employees, volunteers and elected officials are required to conduct themselves in a professional and courteous manner at all times when acting as an employee of the City or in a capacity that may be associated with the City. Among the City's expectations are: tact and courtesy towards City employees and officials and the public; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors and management; and preserving and protecting the City's equipment, grounds, facilities and resources. To this end, set forth below is a non-exclusive list of some behaviors that constitute a breach of the City's code of conduct policies and/or expected behavior which may result in discipline, up to and including termination of employment. This list is not all-inclusive, but is provided for your general guidance.

- A. Behaving in an insubordinate manner toward a supervisor or refusing legitimate work orders;
- B. Working in a manner that obstructs or hinders other employees from completing their assigned duties;

- C. Failing to preserve your own safety and/or the safety of others (including the failure to wear required safety clothing and equipment and the failure to promptly report an on-the-job injury or accident);
- D. Releasing confidential information without authorization or in violation of the law;
- E. Misusing, destroying, or damaging City property (this includes the unauthorized use or possession of City property, resources, and facilities);
- F. Assault, battery, fighting or any other type of violence;
- G. Disrespectful or discourteous conduct, bullying, or other unprofessional conduct;
- H. Failure to follow City rules, policies, or regulations;
- I. Failure to present a professional appearance appropriate to your work assignment;
- J. Violations of the law or other applicable authority;
- K. Failure to satisfactorily perform your job, neglect of your job duties, and failing to assist other employees when required;
- L. Intimidation, threatening, or attacking another with any form of weapon to include firearms, knives, blunt instruments, clubs, or projectiles;
- M. Engaging in criminal or unethical behavior (including any type of dishonesty). This includes the commission of any crime, whether committed at or away from the workplace (during or outside of working hours) that may impair the employee's ability to effectively perform their job duties and/or which is so disruptive to the City's working environment or operations that the City (in its discretion) feels compelled to terminate the employee rather than tolerate the disruption and/or inefficiencies that continued employment of the subject employee may cause;
- N. Engaging in activities that pose a conflict of interest (or potential conflict of interest) with your duties and obligations to the City;
- O. Engaging in behavior which reflects poorly upon you or the City;
- P. Misrepresentation or withholding of pertinent facts in securing or maintaining employment with the City;
- Q. Unauthorized use of your position as a City employee for personal gain (to include accepting unlawful gratuities or bribes);
- R. Unauthorized recording or alternation of another employee's time record (both employees may be subject to disciplinary action) or falsification or other improper recording of your own time record;
- S. Unauthorized tardiness or absence from work;
- T. Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of others or the City;
- U. Intentional falsification of records/paperwork relating to City business; and
- V. Behavior in violation of the City's Personnel Policies.

To make the most efficient use of personnel, the City reserves the right to change an employee's work conditions and duties as determined appropriate in the City's discretion. If these arrangements become necessary, the City expects the employee's best cooperation. The City also expects that each employee will provide their best efforts each

working day as an employee of the City. Consistently positive, cooperative, and professional conduct is an essential function of every position at the City.

Violations of the City's code of conduct policies, breaches of expected behavior, and/or unsatisfactory work performance (as determined in the City's discretion) will result in appropriate disciplinary action, up to and including termination of employment, as well as possible civil and/or criminal legal action. All employees are expected to abide by the City's code of conduct policies as a term and condition of employment.

**Reporting Procedure:** Any employee who reasonably believes that a situation with an aggressive employee, member of the general public, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats, or acts in a violent or threatening manner) is placing the employee in imminent danger should immediately contact the City's police department or call 911. The employee should also immediately report the situation to their supervisor or Department Director. If the supervisor and/or Department Director are unavailable or are part of the violence, the employee shall report the situation to the Human Resources Director or the Mayor. Once the situation has been defused, the supervisor or Department Director must contact the Human Resources Director to initiate an appropriate investigation. The report will be investigated as appropriate and disciplinary or corrective action will be taken to the extent necessary.

**Duty to Report Protective Orders:** Any employee who is the subject of or protected by a domestic violence protective order or civil protective order, which could reasonably affect their ability to perform their job duties and/or necessitate action on behalf of the City in regard to the subject protective order, shall immediately report the existence of the order to their Department Director or the Human Resources Office.

**Duty to Report Criminal Arrests and Convictions:** Any employee who is arrested or convicted of a felony, gross misdemeanor or misdemeanor offense where there is a connection between the crime alleged and the employee's job-related duties shall immediately report such arrest or conviction to the Human Resources Office. Upon such report, the Human Resources Director and the employee's Department Director will determine the potential impact upon the employee's employment status or fitness/suitability for duty. If an arrest or pending charge(s) results in an incarceration that prevents the employee from reporting to work for more than five (5) consecutive days or otherwise impacts the employee's ability to regularly report to work, the employee may be terminated. If an arrest impacts an employee's fitness or suitability for duty in the sole discretion of the City, the employee, depending upon the particular circumstances and the impacts to the City's operations, may be terminated (subject to an eligibility for rehire/reinstatement if the arrest/charges do not result in conviction) or placed on an unpaid administrative leave, pending final disposition of the case.

Employees who fail to report as required herein shall be subject to advanced disciplinary action, up to and including termination of employment.

## **10.2 Outside Employment, Gifts, and Conflicts of Interest**

Employees shall not, directly or indirectly, engage in any outside employment or hold financial interests or personal interests which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform their assigned job. Examples include but are not limited to:

- A. Outside employment which prevents the employee from being available for work beyond normal working hours, such as in emergencies or peak work periods, when such availability is required by the employee's job;
- B. Outside employment which is conducted during the employee's work hours or otherwise detract from or interfere with responsibilities to the City;
- C. Outside employment which uses City telephones, computers, supplies, or any other resources, facilities or equipment;
- D. Employment with a firm which has contracts with, or otherwise does business with the City;
- E. Cause the employee to, or give the perception that, the employee has disclosed or abused privileged information of the City or its contractors or vendors or other business partners;
- F. Use of the employee's official capacity as a City employee/representative to accomplish goals outside the scope of municipal employment;
- G. Cause the employee to, or give the perception that, impairs the independence of judgment or performance in the performance of official functions;
- H. Use of City property outside the scope of official obligations or not within the service of duties to the people of Port Orchard; or
- I. Employment which includes activities that are or may reasonably be perceived as a conflict of interest or otherwise discredits the City.

To avoid conflicts of interest, each employee must:

- A. Maintain a high standard of conduct and disqualify themselves from exerting influence in any transaction where their own interest may conflict with the best interests of the City, or where the employee may gain or be perceived to gain any financial or other personal benefit.
- B. Report to the City any financial interest the employee or any member of the employee's family may have in any entity, agency or concern doing business with the City.
- C. Refuse to accept any remuneration, gift or promise of a benefit with an aggregate value in excess of fifty dollars (\$50.00), or limit set by RCW 42.52.150, whichever is less received from a single source, or a single gift from multiple sources, in a calendar year who has a business relationship with the City which could influence, or be perceived to influence, your professional judgment or discretion. Employees must report all such conduct to their supervisor.
- D. Accept no cash, merchandise or any item of more than a de minimis value from anyone who has a business relationship with or interest in dealing with the City. Items that are donated to use as a door prize for a fundraiser or to

be auctioned or raffled off for the benefit of the City are not considered gratuities to the employee if used strictly for the purpose intended. Examples of de minimis items include:

- 1) unsolicited advertising or promotion items of nominal value such as pens and notepads,
  - 2) unsolicited tokens or awards of appreciate such as a plaque or trophy,
  - 3) unsolicited items received for the purpose of evaluation or review, if the employee has no personal beneficial interest in the eventual use or acquisition of the item,
  - 4) food and beverages consumed at hosted receptions where the attendance is related to the employee's official duties,
  - 5) admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization,
  - 6) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity,
  - 7) Payments for seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association, or charitable institution, and
  - 8) Flowers, plants, and floral arrangements and trays of cookies, donuts or similar items, so long as the employee receiving the gift does the following: (a) notifies their supervisor of the gift; (b) takes the item to a recognized relief agency, or alternatively, makes the items available for the enjoyment of all employees in the employee's work area
- E. Refrain from lending money to, borrowing money from, or having loans guaranteed by anyone doing business with, or with an interest in doing business with, the City. The exception is that an employee may borrow money from a financial institution the City does business with provided the employee does not receive preferential treatment.
- F. Refrain from using information or knowledge acquired by virtue of the employee's position in the City for any personal gain or advantage by divulging such information to anyone who could use it in a manner detrimental to the City or detrimental to the fairness of the process, such as a competitive bidding process.
- G. Report to their supervisor, Human Resources or Mayor (or their designee) any knowledge the employee has of a potential violation of this Policy.
- H. Complete an Outside Employment Acknowledgement form, available from Human Resources, to obtain approval from the employee's supervisor and the Mayor.

Any employee, who serves as a consultant to, or a director, officer or part-time employee of a business or agency that does business with the City, when that relationship has not been fully disclosed to the City, has a conflict of interest. This is true even when the City employee has no direct contact with the City in the course of the business or agency's dealings with the City. This places the City at risk for inadvertent disclosure of confidential information and creates the appearance of impropriety. Thus, all employees must obtain

written approval from the Mayor (or Mayor's designee) before the employee may accept outside work with a firm or entity that has or may have dealings or a relationship with the City.

Finally, employees are cautioned to consider carefully the demands that outside employment will create before seeking or accepting any such employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to work overtime, different hours, or refusal to travel when required. If an outside work activity does cause or contribute to job-related problems, the employee will be subject to appropriate disciplinary action, up to and including termination of employment.

Nothing in this Policy, however, is intended to apply to an employee's military reserve obligations in the United States Armed Forces or the National Guard.

### **10.3 Prohibition of Workplace Violence**

The safety of the City's employees and public is the City's paramount concern when dealing with issues of violence or threatened violence in the workplace. Acts of violence, threats, bullying, aggressive behavior and intimidation will not be tolerated. This includes verbal or physical threats. This also includes communications through electronic means or through a third party. Destruction of property is also prohibited. Bringing a firearm or any other weapon on City property is prohibited, with the exception of authorized law enforcement personnel acting within the scope of their employment for the City.

Threats or intimidation of a public official is prohibited. Any such conduct by members of the public or City employees directed at another City employee or City official may result in refusal of City services or access to services, discipline (up to termination), and/or legal action, including criminal action, when appropriate.

If any City employee is aware of such conduct being directed at a City employee or City official, whether the source is another City employee or member of the public, they must report such conduct immediately to their Department Director, Human Resources, City Clerk, Mayor or law enforcement. The City will take police action when needed to meet these safety goals.

The City will investigate all reports of threats of (or actual) violence and of suspicious individuals or activities to the extent appropriate.

An employee who participates in, commits, or threatens to commit an act of violence in the course of their employment or directed toward a co-worker will be subject to appropriate disciplinary action, up to and including immediate termination.

Workplace violence can also originate from domestic violence. If you have a restraining order against any individual, it is in your best interest to make your supervisor aware of the situation. Together with your supervisor you can make a decision about how the information is disseminated to your co-workers and others who may find themselves in

contact with the individual named in the order. You may need to provide a picture of the individual to your co-workers so that they can help keep you safe while you are at work. Victims, or family members, of domestic violence may also be able to exempt their personal information from public disclosure. See Operating Procedure 620 for additional information.

#### **10.4 Confidentiality of Business Information**

Employees and volunteers of the City of Port Orchard may receive and have access to confidential information regarding its taxpayers, ratepayers and other employees and officials. Employees are obligated to keep this information confidential. Other information is also considered confidential, such as attorney-client privileged communications, information used in negotiating land acquisitions or purchases, and other information exempt from the public disclosure laws. Employees who have access to or are made aware of confidential information must safeguard this information and protect it from misuse or further dissemination.

All requests for confidential City records or information must be referred to the applicable Department Director, City Clerk, or Mayor. Employees are prohibited from copying or distributing confidential information without appropriate authorization. This obligation exists during employment and it continues indefinitely after employment with the City ends. Employees who violate this Policy, and/or the trust and standard of accountability that is expected of all City employees, shall be subject to appropriate disciplinary action, up to and including termination, as well as any other appropriate legal action.

#### **10.5 Conduct Toward Co-workers and the Public**

The City of Port Orchard's integrity and reputation in the community will be determined by the work we do and by the employees who represent us. We are proud of those who work for us and employees can be proud of the positions of trust they hold. We must continue to earn that trust in everything we do. We expect that employees will maintain the highest degree of reliability and honesty. The community will judge the City by the actions of its employees.

All employees are expected to treat their co-workers, volunteers and the public with courtesy and respect. While employees may disagree with one another, or even with aspects of the City policies, management directives or other practices, they are expected to resolve their concerns in a way that is not disruptive of the City's business, and does not undermine the quality of the workplace for others. If you have concerns, you are expected to address those concerns with an appropriate member of the management team to see if your concerns can be resolved. Employees are not to act in a way that is considered combative or threatening to other co-workers or the public.

Similarly, disagreements and animosities among employees can detrimentally impact the work environment for all co-workers. The City expects such disagreements and animosities to be removed from the workplace, or resolved productively with the help of a supervisor or the Human Resources Office. Any unresolved disagreements of this nature

that impact employee performance and morale will be dealt with as a performance problem or disciplinary matter.

Employees are also expected to conduct themselves professionally at all times. The City will not tolerate abusive language, foul language, discourteous or insulting conduct, threats of any kind, violence or intimidation. Such conduct will result in appropriate disciplinary action, up to and including termination.

#### **10.6 No Smoking Policy**

As required by law, the City prohibits smoking and 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. Smoke or smoking means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment, implement, apparatus or item. Smoking and tobacco use is permitted only in designated areas outside of the City's buildings in accordance with State law.

#### **10.7 Personal Possessions and Use of City Vehicles and Equipment**

This Policy supplements the other personnel policies contained herein regarding use of City equipment and resources and the conduct expected of every City employee.

The City of Port Orchard does not assume responsibility for any theft or damage to the personal belongings of employees, and it reserves the right to search employee desks, lockers, other City resources, and personal belongings brought onto City premises, when necessary and as permitted by law.

Other City equipment, including vehicles, must be appropriately used by employees as previously set forth in these personnel policies. An employee's misuse of City services, telephones, computers, vehicles, equipment, supplies, or other resources will result in appropriate disciplinary action, up to and including termination.

#### **10.8 Contact with the News Media**

The Mayor (or Mayor's designee) shall be responsible for all official contacts with the news media, including answering of questions from the media. The Mayor may designate specific employees to give out procedural, factual or historical information on particular subjects. Employees who are contacted by the news media regarding the City or City business, should refer the media to the Mayor. The only exception to the foregoing procedure is that the Police Department has a designated Public Information Officer who handles contacts with the news media relating to the Police Department.

#### **10.9 Seat Belt and Driver/Equipment Operator Safety**

This Policy supplements Policy 9.5 (Use of City Vehicles) above and should be read in conjunction with that Policy. Under Washington law, anyone operating or riding in City

vehicles must wear seat belts at all times. No one is permitted to have a non-City employee or agent in a City vehicle without written authorization from a supervisor and any appropriate waivers from the passenger.

Similarly, when operating City equipment or vehicles that require a commercial driver's license (CDL), each employee must maintain their license and all the requisites for that license at all times. Any change in status must be reported to the City promptly. If a CDL license is essential to an employee's job duties, the employee may be terminated if unable to maintain their CDL qualifications.

No vehicle should be driven on City business if the vehicle is not operating properly or would be or could be unsafe to drive. At no time will any City employee operate a City or personal vehicle in connection with reporting to work or on City business if they have consumed alcohol. If an employee is called to work unexpectedly due to an emergency condition, the employee must notify their supervisor if they have consumed alcohol so that a replacement can be located. Similarly, if an employee has consumed prescription or non-prescription medication that may impair their ability to drive or stay alert, they must notify their supervisor prior to undertaking any driving tasks, or any other task which they cannot perform safely.

No one under the age of eighteen (18) will be permitted to operate a motor vehicle while carrying out City business.

#### **10.10 Safety Committee**

The City has a safety committee made up of members of various departments, whose responsibility it is to address safety concerns and educate employees on safe work practices.

#### **10.11 Driver's License Requirements**

Employees, elected and appointed officials, and volunteers may be required to hold a valid Washington State Driver's license or other license as a requirement for certain City positions, and as a requirement when driving vehicles owned by the City, and in performance of their City related business. 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 their supervisor or their 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 their supervisor or Department Director. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to corrective action, including termination.

#### **10.12 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 their 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.

#### **10.13 Solicitation**

Solicitation by an employee of another employee is prohibited during the working time of either person. Working time is defined as time when an employee's duties require that the employee be engaged in work tasks. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Distribution of printed materials or literature of any nature shall be limited to non-work areas at non-work times. Solicitation and/or distribution of material on City property by persons not employed by City of Port Orchard are prohibited at all times. (Exceptions to this rule may be made, by the Mayor (or Mayor's designee), in special circumstances where the City determines that an exception would serve the best interests of the organization and our employees. An example of an exception might be the United Way campaign or a similar, community-based fund-raising effort).

#### **10.14 Accident Prevention and Safety**

This Policy supplements the City's other safety related policies and should be read in conjunction with those policies. It is the City's intent to provide safe working conditions for its employees. Every employee is responsible for maintaining a safe work environment and following the City's safety rules. The City has established a safety and health policy and accident prevention program. Copies of the Safety Manual are available from the Human Resources Office or in the Human Resources folder on the Shared Drive and are distributed to each new employee at the time of hire. Each Department may also maintain a hard copy of the manual.

Employees shall promptly report all unsafe or potentially hazardous conditions to their immediate supervisor. The City will make every effort to remedy problems as quickly as possible. Employee safety depends on the safety consciousness of everyone. The City encourages the promotion of accident prevention and safety education at regular department/safety meetings.

In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace (please also see Personnel Policy No. 10.3 regarding the prohibition of workplace violence). This includes, but is not limited to, weapons for which employees have a valid permit. This Policy does not apply to City law enforcement personnel acting within the scope of their employment, who are governed by law and internal departmental policies. Violations of this Policy will result in appropriate disciplinary action, up to and including termination of employment.

Employees in certain jobs or when performing certain tasks, operating equipment or as otherwise instructed are required to use personal protective equipment provided by the

City, such as safety vests/glasses, hearing protection, gloves and/or hard hats. Employees are prohibited from removing guards or other protective devices from machinery and equipment or in any way tampering with or disabling safety measures. Violations of safety requirements may result in discipline, up to and including termination. In case of an accident involving personal injury or damage to property regardless of how minor or if a motor vehicle is involved in a collision of any kind, any involved employees shall immediately notify their direct supervisor or Department Director, as well as the Risk Manager.

In any accident that results in serious property loss or bodily injury, it is the City's policy to test the employee for drugs or alcohol use, to confirm that the use of drugs or alcohol was not a factor in the accident. See Personnel Policy 10.15 for post-accident testing procedures vehicles that are not commercial vehicles requiring a special license to operate or Operating Procedure 330 for drug and alcohol testing required under the Federal Motor Carrier Safety Administration/Department of Transportation (FMCSA/DOT) regulations. (The City also reserves the right to conduct such testing at other times determined appropriate in its discretion to the extent permitted by law). In addition, no City employee is permitted to engage in conduct after an accident or injury occurs that will negatively impact drug and alcohol testing or the City's or law enforcement's investigation of the accident.

### **On the Job Employee Injuries**

When an on-the-job injury occurs, employees shall report to their immediate supervisor or Department Director each injury or illness regardless of the degree of severity. As soon as possible after an accident, injury or occupational illness is discovered, the employee must complete the City's Personal Injury Accident/Report form and submit it to their supervisor no later than twenty-four (24) hours after the incident, unless the employee is physically unable to do so. Supervisors are required to complete the supervisor portion of the accident report form and turn in the completed form to the Human Resources Office within twenty-four (24) hours. Should the injury require attention beyond basic first aid, the employee is responsible for completing the Washington State Labor and Industries claim form available from the health care provider. Injured employees must keep the City informed of the need for any absences from work, their condition, progress and intent to return to work. The injured employee's Department Director (or Director's designee) shall promptly forward any documentation of medical restrictions or release to return to full duty to the Human Resources Office.

### **Other Accidents/Incidents**

Employees shall report any work-related accidents involving a third-party personal injury and/or damage to public/private property or equipment, regardless how minor, to their immediate supervisor or Department Director, as well as the Risk Manager. Such report shall be made as soon as possible, but in no event later than one (1) hour following such accident unless the employee(s) involved are physically unable to do so. So that an accident may be timely reported, the initial report may be given verbally. Accident/Incident report forms are available from supervisors or the Human Resources Office. A written report shall be completed by the employee as soon as possible, and, unless the employee is medically unable to, no later than twenty-four (24) hours following the incident, or sooner if required by the

employee's Department Director or the Human Resources Office.

### **Bloodborne Pathogens**

The City complies with all statutory obligations for the prevention of exposure to bloodborne pathogens. Employees should familiarize themselves with the City's Exposure Control Plan which is in the City of Port Orchard's Safety Manual-Accident Prevention Program and follow it at all times. Failure to comply with this Plan may result in discipline up to and including termination.

### **10.15 Substance Abuse**

#### **A) Introduction**

The City of Port Orchard is committed to protecting the safety, health, and well-being of its employees, the public it serves and all people who come into contact with the City and the services it provides. The City recognizes that drug and alcohol abuse poses a direct and significant threat to this goal, and to the goal of providing a productive and efficient work environment in which all employees have an opportunity to reach their full potential. Accordingly, the City is committed to assuring a drug-free work environment for all its employees. The City is also committed to complying with the federal Drug Free Workplace Act of 1988 (and any other applicable law). This Policy is intended to comply with that Act and to set forth the City's policy regarding substance abuse issues. Every employee is required to abide by the terms of this Policy as a condition of employment.

In addition to the drug and alcohol policy set forth in this personnel policy, those employees who are required to operate commercial vehicles, and therefore are required to hold a commercial driver's license (CDL) are further subject to the drug and alcohol testing requirements and regulations established by the United States Department of Transportation (USDOT) and its designated agencies. City employees holding a CDL or otherwise occupying a safety-sensitive position will be subject to USDOT Drug and Alcohol Testing Regulations, 49 CFR Part 40. To the extent that the USDOT policy conflicts with the general policy set forth above, the USDOT policy shall govern employees holding a CDL or otherwise occupying a safety-sensitive position. Employees may request a summary of the USDOT policy from Human Resources.

#### **B) Drug and Alcohol Prohibitions**

To accomplish the goals of this Policy, all employees are required to report to work in an appropriate mental and physical condition to perform their job satisfactorily. In addition, employees are prohibited from:

- 1) the use, purchase, possession, sale, conveyance, distribution or manufacture of illegal (whether under federal and/or state law) drugs, intoxicants, controlled substances, and/or drug paraphernalia associated with illegal drug

use while on the job, while on City property, while operating City vehicles, or while otherwise representing the City;

- 2) being under the influence of alcohol (defined as having an alcohol concentration level of 0.04 or greater) or controlled substances (any detectable trace in the body system) while on duty; or bringing alcohol onto City premises, unless specifically approved by the Mayor;
- 3) Abusing prescription drugs or possessing and distributing prescription drugs that have not been prescribed for the employee by a physician; and
- 4) Any other related conduct in violation of the law or City policy.

Any employee who violates this Policy is subject to appropriate disciplinary action, up to and including termination of employment. In addition, any workplace conduct in violation of the law may be treated as a criminal matter and turned over to the Port Orchard Police Department or other authority for appropriate action.

### **C) General Testing Requirements**

City employees shall be subject to pre-employment, reasonable suspicion, post-accident, return to duty and follow-up testing, as follows:

- 1) Pre-employment testing.
  - a. Employees hired into a safety-sensitive position or a position requiring the operation of commercial vehicles must pass a drug test as a post-offer condition of employment with the City.
- 2) Reasonable Suspicion
  - a. Where the City has reason to suspect that an employee has violated or is presently violating or is otherwise under the influence of drugs, controlled substances, alcohol, or other intoxicants, the employee may be required to immediately submit to an alcohol or drug analysis test. Refusal to take the test or failure to comply will result in appropriate disciplinary action, up to and including termination of employment.
  - b. A referral for testing will be made on specific and objective facts and reasonable inferences drawn from these facts by supervisory personnel. Among other things, such facts and inferences may be based upon:
    - (i) an employee showing signs of impairment, such as (but not limited to) difficulty in maintaining balance, slurred speech, inability to visually focus or otherwise appearing unable to perform assigned work in a safe and satisfactory manner;
    - (ii) the smell of alcohol or illicit drugs on the employee's breath or person;
    - (iii) abnormal conduct or appearance or erratic behavior while at work or a significant deterioration of work performance; and/or

- (iv) a report of alcohol or other drug use provided by a reliable and credible source.

3) Post-Accident Testing

- a. Following an accident involving a City vehicle or City equipment, the driver/operator of such vehicle or equipment is required to submit to an alcohol and drug test when:
  - (i) The accident involved the loss of human life (fatality); or
  - (ii) The driver received a citation for a moving violation and the accident involved bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident; or
  - (iii) The driver received a citation for a moving violation and the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- b. Testing shall occur as soon as possible and must occur within eight (8) hours after the accident for alcohol testing and 32 hours after the accident for drug testing. An employee required to take a post-accident alcohol test may not use alcohol for eight (8) hours following the accident, or drugs for thirty-two (32) hours following the accident, or until a post-accident test is given, whichever comes first. An employee who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or results of testing. Failure to comply with post-accident testing requirements will be grounds for disciplinary action, up to and including termination. This policy should not be construed to require the delay of necessary medical attention for the injured.

4) Return to duty testing:

- a. Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the City's disciplinary policy can return to work, must test negative prior to being released for duty.

5) Follow-Up Testing

- a. An employee who is referred for assistance that is related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a substance abuse professional and the City. The number and frequency of follow-up testing will be determined by the substance abuse professional and the City but will not be less than six tests in the first 12 months following the employee's return to duty.

**D) Testing Information**

- 1) Employees who are directed to submit to a drug and/or alcohol test must promptly report to the testing agency—under most circumstances, this will mean that the employee must report for testing no later than one hour after having received notice of the testing. In reporting for testing, the employee must report to the nearest testing facility and may not make any detours or stops enroute to the testing facility. A City representative may accompany the employee to the testing facility, where the management deems it appropriate. The City retains a qualified third party administrator as its service agent to provide and coordinate the drug and alcohol testing services referenced in this policy. Employees are expected to cooperate with the administrator and to comply with the directives issued by the administrator in administering and coordinating the tests required pursuant to this policy.
- 2) Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the medical review officer responsible for receiving and interpreting the drug test.
- 3) A refusal to take a drug and/or alcohol test as required by the City, an undue delay in reporting for testing as instructed by the City and/or utilizing any means designed to “cheat” adulterate or substitute the sample or otherwise render a false negative report shall be deemed the equivalent of a positive result and an employee engaging or assisting in such measures shall be subject to disciplinary action, up to and including termination. In cases of a “negative/diluted” test result, the employee shall be required to submit to a new test promptly upon notice from the City.

**E) Consequences**

- 1) Employees violating this policy will be subject to discipline, up to and including discharge. At a minimum, employees who test positive for alcohol or drugs shall be immediately removed from safety sensitive functions and may be suspended without pay, pending further evaluation and recommendation from a substance abuse professional (SAP).
- 2) Employees who are found to have violated this policy but who are allowed to return to work under the City’s disciplinary process shall be required to first submit to an Employee Assistance Program (EAP) evaluation and shall receive a one-time opportunity to enter a treatment program, if so recommended by an SAP. Upon return to work, the employee will be required to accept, and comply with, the terms of a “last chance agreement” and will be subject to the follow-up testing requirements as set forth above.

**F) Additional Supervisor/Manager Responsibilities**

If a supervisor or manager has a reasonable suspicion that an employee is under the influence of drugs, controlled substances, alcohol, or other intoxicants in the workplace, the supervisor or manager shall verify and document the employee’s

condition to the best of their ability as previously outlined. The supervisor or manager is responsible for removing an employee from duty where reasonable suspicion of impairment exists. A supervisor or manager shall not allow an employee believed to be under the influence of drugs, controlled substances, alcohol, or other intoxicants to operate equipment or drive a vehicle until it has been determined that an employee can safely do so. A reasonable effort will be made to prevent the employee from driving a personal vehicle when the employee is believed to be under the influence of drugs, controlled substances, alcohol, or other intoxicants.

#### **G) Other Requirements and Matters**

- 1) Each employee must notify their supervisor of any criminal drug statute conviction no later than five (5) days after such conviction. The City shall take appropriate personnel/disciplinary action against the employee, up to and including termination of employment and/or requiring the employee to participate satisfactorily in an approved substance abuse treatment program.
- 2) Prescription and over-the-counter medications are not prohibited in the workplace or while acting on behalf of the City when taken in accordance with a lawful prescription, as applicable, and consistent with standard dosage recommendations. Prescription medication means a drug or medication lawfully prescribed under both federal and state law by a physician or other health care provider licensed to prescribe medication for an individual and taken in accordance with the prescription; but specifically excludes, without limitation, medical marijuana, which remains a controlled substance prohibited by federal law. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively must notify their supervisor and should provide written notice from their physician or health care provider with respect to the effects of such medication. . If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, notify supervisor) to avoid unsafe workplace practices. The City may, at its discretion, send an employee home if the employee appears impaired by the use of prescription and/or over-the-counter medications and such impairment impacts the employee's ability to safely and/or effectively perform their duties.
- 3) The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug free workplace policy to intentionally misuse and/or abuse prescription medications. Distributing prescription drugs to another employee that have not been prescribed for the employee by a physician is also considered a violation of this Policy. Appropriate disciplinary action will be taken if job performance deteriorates and/or safety incidents or accidents occur as a result of such illegal or unauthorized prescription drug use.
- 4) Employees are responsible for reporting to their supervisor any action by another employee which demonstrates an unusual pattern of behavior which may be the

result of an impairment due to the use of drugs, controlled substances, alcohol, or other intoxicants.

- 5) The City considers drug addiction and alcoholism to be treatable diseases. Employees are encouraged to seek treatment voluntarily and to utilize the City-provided EAP before an alcohol or drug abuse problem affects their job performance or employment status and before they are asked to submit to a drug and alcohol test. All alcohol or drug inpatient and outpatient treatment programs paid through the City's health care plan should be accessed through the EAP. The City will accommodate employees who voluntarily seek treatment for a drug or alcohol addiction before they are requested to submit to a drug and alcohol test and/or are otherwise the subject of an investigation and/or disciplinary action for a potential violation of this or any other policy or other performance issue(s). Assistance will be provided on a confidential basis. Employees are encouraged to "self report," and their job status with the City will not be jeopardized as a result of such report; provided, that the report is made prior to the City requesting a drug and alcohol test from the employee or otherwise initiating an investigation and/or disciplinary action into suspected policy violations or related performance issues. Any employee who self-reports under these guidelines will be given a sufficient opportunity to seek evaluation, education and/or treatment to establish control over the employee's substance abuse problem. However, self-reporting employees will not be permitted to perform safety-sensitive functions until the City is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements recommended by an SAP or other drug and alcohol abuse evaluation expert. Prior to allowing an employee to return to safety-sensitive functions, the City shall require a return-to-duty test.
- 6) Employees are specifically notified that the passage of Initiative 502, which amends Washington state law effective December 6, 2012, to decriminalize the possession and private use of a limited amount of marijuana by persons over the age of 21, shall have no effect or impact upon this policy. Pursuant to the Controlled Substances Act of 1970, 21 U.S.C. § 801 et seq., "marijuana" remains a "Schedule I" controlled substance, and its possession and/or use is illegal under federal law. Employees should recognize and understand that the "legalization" of marijuana under state law (for both medical and recreational purposes) will not excuse or otherwise constitute a "defense" to a positive drug test administered by the City in accordance with this policy. A positive test for marijuana may constitute a violation of this policy and shall be grounds for disciplinary action, up to and including termination.
- 7) Confidentiality. Records relating to substance testing shall be maintained in the respective employee's separate and confidential medical file unless otherwise required by law or disciplinary process. Access to this information shall be restricted to appropriate City personnel with a legitimate business reason to need access to the information and as otherwise required by law.

- 8) City employees who are assigned primary on-call duty are expected to immediately respond to a City on-call request and perform City business. Assigned primary on-call personnel may not report for duty and conduct City business when their performance may be impaired due to alcohol or drug use. Accordingly, assigned primary on-call personnel must refrain from using alcohol or drugs while on-call.

#### **10.16 Professional Attire Policy**

The City requires its employees to dress appropriately and professionally at all times for their particular position. To maintain the professional image of the City, it is imperative that all City employees present a neat, groomed, and clean appearance.

Under no circumstance may employees wear halter tops, strapless tops, spaghetti straps, cropped tops, tee shirts with offensive wording on them, clothing that reveals undergarments, torn clothing, or clothing with holes in it. Provocative clothing is prohibited. All clothing must be clean, neat, and fit properly.

The City reserves the right to determine appropriate dress at all times and in all circumstances and may send employees home to change clothes should it be determined, in the City's discretion, that the employee's dress is not appropriate. The employee may be required to use their own accrued leave time, if available, or use unpaid time for these circumstances.

## Chapter 11

# Improper Governmental Action Policy

### 11.1 Reporting Improper Governmental Action

#### **11.1 Reporting Improper Governmental Action**

In compliance with the Local Government Whistleblower Protection Act, Ch. 42.41 RCW, this Policy is created to encourage employees to disclose, in good faith, any improper governmental action taken by City employees or elected officials 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 timely resolution.

#### A. Key Definitions for this Policy

1. “Improper Governmental Action” means any action by a City employee or elected official that is:

- Undertaken in the performance of the elected official’s or employee’s official duties, whether or not the action is within the scope of the employee’s employment; and
- 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.

“Improper Governmental Action” does not include personnel actions, including but not limited to employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of the local government collective bargaining and Civil Service laws, alleged labor agreement violations, reprimands, or any action that may be taken under Chapters 41.08, 41.12, 41.14, 41.56, 41.59, or 53.18 RCW or RCW 54.04.170 and 54.04.180. In addition, nothing in this Policy authorizes employees to disclose information prohibited by law.

2. “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; or
  - hostile actions by another employee towards a City employee that were encouraged by a supervisor or senior management official.
3. “Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

An employee who becomes aware of an improper governmental action must submit a written report to their respective Department Director, stating in detail the basis for their belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee’s Department Director, the employee must submit the foregoing written report to the Mayor or the Human Resources Director. The employee must submit the written report as soon as the employee becomes aware of the alleged improper action but no later than 30 days from the date of the action in question.

In the case of an emergency where the employee believes there is substantial and specific danger to the public health or safety if action is not taken immediately, the employee may report the alleged improper governmental action directly to an appropriate government agency with responsibility for investigating the improper action (please see the list at the end of this Policy). In the absence of an emergency, employees must report the alleged improper governmental action as set forth in this Policy.

Any employee reporting an alleged improper governmental action who fails to make a good-faith effort to follow the procedures set forth in this Policy shall not receive the protections provided by the City pursuant to state law. In addition, an employee who knowingly furnishes false information will be subject to appropriate disciplinary action, up to and including termination of employment.

### **Responsibilities**

The Mayor (or Mayor’s designee) is responsible for implementing the City’s policies and procedures for: (a) reporting improper governmental action and (b) protecting employees against retaliatory actions. This includes ensuring that:

1. This policy and corresponding procedure, or a summary of it, is permanently posted in a place where all employees will have reasonable access to it;
2. This policy and corresponding procedure will be made available to any employee upon request; and
3. This policy and corresponding procedure (along with this entire Personnel Policies and Operating Procedures Manual) will be provided to all new hires.

In addition, City management, Officials, and supervisors are responsible for ensuring that the procedures relating to this policy and corresponding procedure are fully implemented within their respective areas of responsibility.

Violations of this Policy and corresponding procedures will result in appropriate disciplinary action, up to and including termination.

*See Operating Procedure #390 for the procedure related to reporting improper governmental action.*

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## Chapter 12

# **Other Employment Practices and Policies**

- 12.1 Open Communications Policy
- 12.2 Reductions in Force
- 12.3 Rehire Policy
- 12.4 Furlough
- 12.5 Information Technology After Hours Work
- 12.6 Clothing with City Logo
- 12.7 Work Boot Allowance

### **12.1 Open Communications Policy**

The City believes open and respectful communication promotes positive employee relations and a positive working environment. Accordingly, the City encourages its employees to share their concerns, seek information, provide input, and resolve-work related issues by discussing these issues with their supervisor and/or the Human Resources Office. While it may not be possible to achieve the result an employee wants, the supervisor and/or the Human Resources Office will endeavor to actively listen to the employee and their concerns and provide constructive feedback to the extent possible.

Please note that if an employee has a concern about discrimination, harassment, or improper governmental action, the City has set up special procedures to report and address these issues. These reporting procedures are previously set forth in detail in this Personnel Policies Manual in Chapters 2 and 11 respectively.

### **12.2 Reductions in Force**

The City of Port Orchard may lay off employees for lack of work, budgetary restrictions, restructuring, organizational changes, or other reasons as determined appropriate by the City in its discretion.

Temporary employees or employees who have not completed their introductory period will usually be laid off before regular employees are affected. In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. However, reductions in force shall be accomplished as deemed appropriate by the City in its discretion unless other process is required by applicable law or a collective bargaining agreement or other contract.

Nothing in this Policy shall be construed as the promise of specific treatment in specific circumstances or as altering the at-will status of City employees.

### **12.3 Rehire Policy**

Any employee who voluntarily terminates their employment with the City shall not be eligible for rehire for a period of one year unless the employee is rehired at the request of the City or as otherwise required by law.

### **12.4 Furlough**

Due to the economic impact of unforeseeable events such as COVID-19 (coronavirus), the City may need to implement a mandatory furlough for certain positions. This policy provides general guidelines for identifying the impacted positions and the effect of a furlough on compensation and benefits.

#### **A. Key Definitions for this Policy**

1. Furlough day – Any full or partial work day in which a furloughed employee is placed in a temporary status without duties and without pay due to a financial emergency necessitating budget reductions.
2. Furloughed employee – Any employee who is placed in a temporary status without duties and without pay due to a financial emergency necessitating budget reductions.
3. Exempt employee – An employee who is paid on a salaried basis and meets one of the overtime exemptions.
4. Non-exempt employee – An employee who is entitled to overtime.

#### **B. Applicability**

1. Furlough eligible positions. The City may subject certain positions to a mandatory furlough based upon the needs of the City. Furloughs for full-time employees may be in full workweek or partial workweek increments. Part-time employees will observe the mandatory furlough time on a prorated basis according to their Full Time Equivalent (FTE) status.
2. Length of furlough. The City retains the discretion to implement City-wide furloughs for a defined period of time for identified positions. Alternatively, the City may allow departments to retain the flexibility of determining when employees will be furloughed. This includes implementing a different mandatory furlough schedule for the entire department or staggering delayed mandatory furlough days for furlough-eligible employees. Each department is responsible for establishing methods to ensure furlough days are observed by each furlough-eligible employee.

#### **C. Pay Considerations**

1. Mandatory furloughs are leave without pay. The terms and conditions describing overtime and compensatory time contained in the applicable City policies and/or collective bargaining agreements will continue to apply for time worked. Mandatory furloughs will not count as hours worked toward the overtime threshold.

2. Overtime is not permitted for the purpose of making up mandatory furlough time. Making up mandatory furlough days does not achieve the financial savings expected with the implementation of this initiative.
3. Employees may not substitute paid leave for mandatory furlough days. However, sick leave that is being used for absences related to a Worker's Compensation injury where the employee is still unable to return to work in a modified duty position will be provided by the City as paid leave for mandatory furlough days, but the employee may be required to observe alternate mandatory furlough day(s) upon return to service.
4. In those cases where an emergency call-out occurs on a mandatory furlough day or during a mandatory furlough week, employees may be called back to work. Such employees are compensated in accordance with the applicable City policies and/or collective bargaining agreements. They may be required to be furloughed at a later pre-determined date.
5. Employees who are on call or stand-by will be compensated in accordance with the applicable City policies and/or collective bargaining agreements if they are called back to work on the day of a mandatory furlough.

#### D. Benefit Considerations

1. Anniversary date. An employee's anniversary date will not be changed due to mandatory furlough days.
2. Leave accruals. Leave accruals for an employee on an unpaid mandatory furlough will be pro-rated.
3. Insurance benefits. Insurance benefits will be unaffected, when permitted by the insurance broker or carrier, by the mandatory furloughs. The City will continue to pay its portion of the premiums regardless of the furlough.

#### E. Recordkeeping and Payroll Considerations

1. Payroll will provide instructions to employees for reporting mandatory furlough days on timesheets.
2. For full workweek furloughs. All employees, including FLSA-exempt employees, who are furloughed, are *strictly* prohibited from working during a furlough. This includes, but is not limited to, checking email, returning telephone calls and performing any work while on furlough.
3. For partial workweek furloughs. All non-exempt employees who are furloughed for a partial workweek are strictly prohibited from working during a furlough. Exempt personnel must
  - a. use their accrued leave during any partial workweek furlough for days in which they are furloughed, or
  - b. be converted to non-exempt during the week in which the furlough occurs. Such employees will be required to track their hours consistent with the requirements of non-exempt employees. During the period when FLSA-exempt employees are converted to non-exempt, they must comply with all recording keeping and wage and hour rules applicable to non-exempt employee (e.g., rest periods and meal periods, leave requests, pre-approval for overtime).

## **12.5 Information Technology After Hours Work**

In the event that a non-represented, non-exempt information technology (IT) employee is required to return to the office due to an emergency or unforeseen circumstance impacting the proper function of IT hardware or software, such employee shall be eligible for overtime pay with a minimum of two hours call-back time, subject to supervisory approval. This shall apply when the employee has already departed the workplace at the end of their regularly scheduled shift, when the employee is required to report to work more than two hours before the beginning of their regularly scheduled shift, and on non-working days such as holidays or weekends. The foregoing shall not apply if the employee is telecommuting and is required to report to work as part of their regular hours. The two-hour minimum does not apply when the employee is able to log in remotely and solve the problem. This paragraph does not apply to any IT employees who are exempt from overtime.

## **12.6 Clothing with City Logo**

The City will purchase for each non-temporary, non-represented employee branded/logo clothing to promote the City and to readily identify City employees at work and public events. Clothing is limited to one item per calendar year for office staff, two items per calendar year for field staff and three items per calendar year for parking enforcement staff. Department Directors shall be responsible for ordering the items and must have budgeted funds available for the purchase of the clothing. Employees may wear the branded items of clothing while representing the City. Employees should also understand that their conduct while wearing branded clothing reflects upon the City, regardless of whether the employee is on duty; employees are therefore expected to conduct themselves in a professional and respectful manner while wearing City-branded clothing. Branded items that are faded, frayed, or otherwise in poor condition, at the discretion of the Department Director, must be destroyed. Upon separation from employment, branded clothing items must be returned, destroyed or otherwise treated in a manner that prevents the clothing from being worn in public. Nothing in this policy restricts the City from purchasing additional clothing for the work-related safety or personal protection items for an employee, including but not limited to, reflective clothing, raincoats, rubber boots, coveralls, etc. for an employee. Individual departments shall develop a process and budget for the purchase of work-related safety or personal protective items, which shall be consistent with applicable federal and state laws and regulations and any applicable collective bargaining agreement, and shall be approved by the Mayor or designee.

## **12.7 Work Boot Allowance**

Upon the request of the Department Director, the Mayor may authorize certain non-represented employees to receive a boot allowance of \$175 per calendar year. Employees eligible for a boot allowance are those whose job duties require construction, inspection or enforcement work in the field requiring specialized footwear such as steel toed shoes/boots. Department Directors are responsible for budgeting for the allowance. If approved, an

allowance of \$175 will be paid in January of each year. New employees, and current employees who have not yet received an allowance in 2023, will receive a pro-rated portion of the allowance based on the number of working months remaining in the calendar year. The Deputy Police Chief will be eligible to receive a boot allowance under the same terms and conditions as those outlined in the collective bargaining agreement between the City and the represented Sergeant employees.

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## Chapter 13

# **Employee Recognition and Wellness**

- 13.1 Employee Wellness
- 13.2 Employee Recognition Program

### **13.1 Employee Wellness**

The City, through its Employee Wellness Committee, may sponsor programs or circulate information designed to develop, promote, and implement those programs and activities that improve the health and wellbeing of City employees, contribute to a healthy work environment and provide employees with information to make informed decisions about health and lifestyle.

The Wellness Program is administered through the Human Resources Office and has its own budget. A voluntary employee Wellness Committee assists with the planning, oversight, management, promotion and execution of the program activities. Each Department Director is requested to select a respective Department representative who will serve as a member of the Committee. Representatives will be encouraged to rotate participation among other interested Departmental personnel in order to promote full participation in the program and to provide different perspectives to the Committee. Committee members are granted time within their workday to carry out any approved wellness event. All employees and family members may participate in Wellness Committee events within their workday. Any participation in the programs and activities is on a voluntary basis.

### **13.2 Employee Recognition Program**

The City recognizes employee contributions to the work environment, service to the public, or jobs beyond that expected of the employee in their typical job performance. All employees are eligible for the Employee of the Quarter recognition program. Each Department Director will advise employees of eligibility requirements and will accept nominations from their co-workers. A Department Director may also nominate someone for extraordinary service or dedication. The Mayor will present the award quarterly to the employee voted on by the Department Directors. The award itself consists of a certificate that will be placed in the employee's file and their name and picture placed on a City plaque for display. It will be up to the discretion of each Department Director to plan or present additional recognitions for their employees at no cost to the City.

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## Chapter 14

# Social Media Policy

- 14.1 Purpose
- 14.2 Definitions
- 14.3 Responsibilities
- 14.4 Policy and Procedure

### **14.1 Purpose**

This policy is to provide guidelines and define individual and departmental responsibilities for the use of social media, such as Facebook and/or Twitter.

The purpose of social media is to inform as many citizens of City business in an effective and efficient manner. This will build a stronger community, by providing citizens a better understanding of their government.

### **14.2 Definitions**

**Blog:** A self-published diary or commentary on a particular topic that may allow visitors to post responses, redactions, or comments.

**Content:** Any text, metadata, QR codes, digital recordings, videos, graphics, photos, and links on approved sites.

**Employee:** Elected officials and personnel appointed to a position (regular, temporary, or volunteer) of service with the City.

**Employer:** The City of Port Orchard

**Page:** The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

**Post:** Content that an individual shares on a social media site or the act of publishing content on a site.

**Profile:** Information that a user provides about themselves on a social networking site.

**Public Record:** Any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

**Social Media Coordinator:** A City of Port Orchard employee who has been designated to oversee the City's social media program.

**Social Media Representative:** A City of Port Orchard employee who has been trained in the Social Media Policy and who has been designated to establish and/or maintain a social media account on behalf of their department. A representative must be identified before the City department can use social media.

**Social Media / Web 2.0:** Internet-based technology communication tools with a focus on immediacy, interactivity, user participation and information sharing. Examples include, but are not limited to: forums; weblogs; wikis; social networking, communication, and bookmarking sites; podcasts; photo or video sharing sites; and real-time web communication sites/systems.

### **14.3 Responsibilities**

It is the responsibility of the Social Media Coordinator to train the Social Media Representatives, determine the content provided on the social media sites is subject to records retention requirements, assign and maintain a list of logins and passwords, and to oversee the City's social media program generally in order to ensure the City's social media activities adhere to the guidelines set forth herein.

It is the responsibility of Social Media Representatives to read and adhere to relevant policies, to maintain archival data, maintain current accurate information via City social media platforms, and to ensure that the City is being appropriately represented. (see City's Personnel Policies Manual Chapter 10.1)

It is the responsibility of Department Directors or designees to enforce this policy, to ensure that relevant City standards are met, and to ensure that the use of social media platforms meets the City's business needs. It is also the responsibility of Department Directors or designees to review and make decisions regarding the approval and distribution of information on social media platforms.

It is the responsibility of the Information Technology Manager or designee, to grant access to technology resources to appropriate staff.

It is the responsibility of Human Resources to integrate the policy into new employee training, orientation, and ongoing training of City work rules and policies.

### **14.4 Policy and Procedure**

Social media platforms must comply with applicable federal, state, and city laws, regulations and policies. This includes adherence to established laws and policies regarding copyright, public records, records retention, First Amendment rights, privacy and security laws, and conduct policies established by the City of Port Orchard.

The best, most appropriate uses of social media platforms for the City of Port Orchard fall into two general categories: as channels for disseminating time-sensitive information as quickly as possible (i.e., emergency information); and as marketing or promotional channels which increase the City's ability to deliver its messages to the widest possible audience.

*See Operating Procedure #101 for additional procedures related to social media.*