



City of Ferndale Personnel Policies

City of Ferndale

Personnel Policies

The City of Ferndale's Personnel Policies were last revised and approved by the Ferndale City Council through Resolution No. 21-09-07-A on September 7, 2021.

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POLICY 100 PERSONNEL POLICIES

RECEIPT OF PERSONNEL POLICIES

All employees should read the following; then sign, date and return the form to the City Clerk's Office/Human Resources. The form will be placed in the employee's personnel file.

Enclosed are the City of Ferndale's personnel policies. It is the employee's responsibility to read these policies, as they will provide explanation of employee benefits, the City's practices and rules, and some organizational philosophy. The most current personnel policies are always available in the City Clerk's office for review.

In cases where these policies conflict with an applicable state or federal law, an individual written employment agreement, or a collective bargaining agreement, the terms of the law or contract will control.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. These policies are general guidelines and do not constitute promises of specific treatment. Although the City hopes that all employment relationships will be long term, it recognizes that at times things do not always work out as hoped, and either the City or the employee may decide to terminate the employment relationship with or without cause, unless the City's at-will employment relationship is modified by written agreement.

As the City grows and changes, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify, deviate from, or rescind any policy or portion of a policy when deemed appropriate by City Administration. Employees will be notified of any such changes.

If you have any questions about these policies or any other policies of the City, please feel free to ask a supervisor, department head, or City Administration.

I hereby acknowledge receipt of a copy of the "CITY OF FERNDALE PERSONNEL POLICIES AND PROCEDURES" dated 9/07/2021 and acknowledge my responsibility to review and be familiar with the contents thereof.

Employee Signature

Employee Printed Name

Date

(Return one signed copy of this form to the City Clerk's Office/Human Resources.)

POLICY 101 MAYOR'S LETTER

To: All Employees, Supervisors & Managers
Re: Personnel Policies

This Manual has been prepared as a guide and reference for employees and members of management at all levels of supervisory responsibility. This information is to be used to help guide employer/employee relations. The Manual has the unqualified approval of the City Council, Mayor, and Department Heads.

We believe that it is in the best interest of the organization and our employees to have written personnel policies to help the City of Ferndale meet our mission, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all members of management understand the role of these policies in meeting the organization's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors and Managers who are in direct contact with, and responsible for, a group of employees are essential to effective policy implementation. You are the individuals who must translate these ideas and principles into action. Please also understand that no supervisor, manager, or representative of the City has the authority to make any written or verbal statements or representations, which are inconsistent with these policies without prior approval from the Mayor. We depend upon all of you for the successful development of a productive, legal, and harmonious working environment for our employees.

Accordingly, I request that you thoroughly familiarize yourself with the contents of this Manual so that all personnel policies of the organization may be administered appropriately and uniformly.

Greg Hansen, Mayor

POLICY 102 FUNCTIONS OF THIS MANUAL

Policy:

This Manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

Comment:

(1) This Manual contains general statements of City of Ferndale policy and should not be read as addressing every conceivable employment situation. However, in many cases details are provided and appropriate cross-references are made. This Manual should not be interpreted as forming an expressed or implied contract or promise that the policies discussed in it will be applied in all cases. This Manual supersedes any prior policies or manuals. As the City grows or evolves, personnel policies may change. The City, therefore, reserves the right to modify, revoke, suspend, terminate or deviate from the policies set forth in this manual at any time. While the City will try to provide advance notice of any policy changes, advance notice will not always be possible or practical.

(2) These personnel policies shall apply to all City employees. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining agreement, employee contract, or in cases where the application of these policies would conflict with applicable Civil Service rules and regulations, the provisions of the contract and/or the Civil Service rules shall govern. In all other cases, these policies shall govern.

(3) Employment with the City is "at will," which means that either party may terminate the employment relationship at any time, with or without cause. At-will status cannot be modified unless approved in writing by the governing body or chief executive, such as through a valid bargaining agreement or individual written employment agreement.

(4) The City Clerk's Office/Human Resources is responsible for distribution of the Manual to employees who, in turn, are responsible for inserting approved changes.

(5) The City Clerk's Office/Human Resources will continue to review and recommend changes to the Mayor in the City of Ferndale's personnel policies. Department heads and supervisors are encouraged to recommend changes or new policies. The City Clerk's Office/Human Resources is responsible for disseminating new policy information.

(6) Department heads and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the City Clerk's Office/Human Resources.

(7) As used in the Manual use of the masculine or feminine gender should be interpreted to include persons of both genders.

POLICY 103 CODE OF EMPLOYER-EMPLOYEE RELATIONS

Policy:

The City of Ferndale implements fair and effective personnel policies and requires that all employees support the organization's best interests.

Comment:

(1) The City of Ferndale is committed to a mutually rewarding and direct relationship with its employees. Thus, the City of Ferndale attempts to:

- (a) Provide equal employment opportunity and treatment regardless of race, religion, color, sex, sexual orientation, age, national origin, disability, military status or any other characteristic protected by law (See ANTI-HARASSMENT Policy 203.);
- (b) Provide compensation and benefits commensurate with the work performed (See PAY PRACTICES, Section 300);
- (c) Establish reasonable hours of work based on the City of Ferndale's needs (See HOURS OF WORK, Policy 212);
- (d) Monitor and comply with applicable federal, state, and local laws and regulations concerning employee safety (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601);
- (e) Offer training opportunities for those whose talents or needs justify the training;
- (f) Be receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
- (g) Establish appropriate means for employees to discuss matters of concern with their immediate supervisor or department head. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)

(2) The City of Ferndale, as part of its commitment to providing customers with excellent service and to creating a productive work environment, expects all employees to:

- (a) Deal with customers and vendors in a professional manner;
- (b) Represent the City of Ferndale in a positive and ethical manner;
- (c) Perform assigned tasks in an efficient manner;
- (d) Be punctual (See ATTENDANCE AND PUNCTUALITY, Policy 701);
- (e) Demonstrate a considerate, friendly, and constructive attitude toward fellow employees;
- (f) Follow the policies adopted by the City of Ferndale.

(3) The City of Ferndale retains the sole discretion to exercise all managerial functions, including, but not limited to, the rights to:

- (a) Dismiss, assign, supervise, and discipline employees;
- (b) Determine and change starting times, quitting times, and shifts;
- (c) Transfer employees within departments or into other departments and other classifications;
- (d) Determine and change the size and qualifications of the workforce;
- (e) Determine and change methods by which its operations are to be carried out;
- (f) Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the municipality; and
- (g) Assign duties to employees in accordance with the City of Ferndale's needs and requirements and to carry out all ordinary administrative and management functions.

POLICY 104 ETHICS

Policy:

The City of Ferndale conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

Comment:

(1) The City of Ferndale is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of City of Ferndale employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, or reputation or otherwise cause embarrassment to the City. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- (a) Using public-office, public position, or City resources for private gain
- (b) Giving preferential treatment to any person or entity
- (c) Losing impartiality
- (d) Adversely affecting the confidence of the public in the integrity of the City of Ferndale.

(2) Employees are expected to represent the City of Ferndale in a positive and ethical manner. Thus, employees are prohibited from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the City of Ferndale. Employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.

(3) Employees may not, directly or indirectly, whether on or off the job, engage in any conduct that is disruptive or damaging to the City of Ferndale.

(4) Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$20.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the City of Ferndale. The meaning of gifts for purposes of this policy includes the acceptance of food/beverages, entertainment and free travel and lodging.

(5) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or entity in connection with any transaction or business that the City of Ferndale may have.

(6) Any conflict or potential conflict of interest must be disclosed to the City of Ferndale. Failure to do so will result in discipline, up to and including termination. (See Disciplinary Procedure, #807.)

(7) Every employee has the responsibility to ask questions, seek guidance, make good faith reports of suspected violations, and express concerns regarding compliance with this policy. Retaliation against employees who use City reporting mechanisms to raise genuine and good faith concerns will not be tolerated.

(8) This policy constitutes the standards of ethical business conduct required of all employees. Department Heads are responsible for supporting their implementation and monitoring compliance.

POLICY 201 EQUAL EMPLOYMENT OPPORTUNITY

Policy:

The City of Ferndale is an equal opportunity employer. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex/gender, race, national origin, religion, marital status, military or veteran status, age, pregnancy, sexual orientation, gender identity, disability, genetic information or any other basis prohibited by law.

Comment: Any employee who believes that he or she has been discriminated against or who has suffered from unlawful harassment or retaliation should report it to his/her supervisor, any City manager or department head, or Human Resources. (See ANTI-HARASSMENT, Policy 202) Upon receipt of a complaint, the City will investigate and take appropriate corrective action as may be warranted. The City will not tolerate retaliation against any individual who makes a good faith complaint of discrimination or harassment.

POLICY 202 ANTI-HARASSMENT

Policy:

The City of Ferndale is committed to ensuring that the practices and conduct of all its employees comply with the requirements of federal and state laws against unlawful harassment. It is the policy of the City that all employees have the right to work in an environment free from unlawful harassment based upon their race, color, religion, creed, sex, national origin, age, marital status, pregnancy, sexual orientation and gender identity, veterans' status, genetic information, disability, and any other class status protected by federal, state or local law. Any unlawful workplace harassment of employees will not be tolerated by the City. The City will also not tolerate any unlawful discrimination or harassment by employees of third parties, such as contractors, vendors, or citizens.

Comment:

(1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status, veteran status, citizenship status, or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

(2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Any supervisor or manager who receives a complaint of harassment, or who becomes aware of harassing behavior by or toward a City employee, must promptly report the matter to their Department Head or Human Resources.

(3) Sexual Harassment. Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," sexually oriented "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.

Examples of Harassment. Each individual must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of unlawful harassment include, but are not limited to:

- Verbal: repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-

color jokes, propositions, threats or suggestive or insulting sounds;

- Visual/Non-verbal: derogatory posters, cartoons, drawings, social media posts; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
- Other: making or threatening reprisals as a result of a negative response to harassment.

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, color, religion, creed, sex, national origin, age, marital status, pregnancy, sexual orientation and gender identity, veterans' status, genetic information, disability, and any other class status protected by federal, state or local law is also prohibited.

(4) Any employee who believes that a supervisor's, manager's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor; the department head or Human Resources, or to the City Administrator if the complaint involves the supervisor, manager, or an elected official.

(5) Complaints of harassment will be investigated promptly and thoroughly. To the extent possible, consistent with the need to investigate, investigations will be handled in a confidential manner. investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. The City will strive to resolve each complaint in a timely manner.

(6) Any employee, supervisor, or manager who is found to have violated the harassment policy will be subject to appropriate disciplinary action, up to and including termination. The City of Ferndale prohibits any form of retaliation against employees for bringing bona fide complaints of harassment, providing information about harassment, or participating in the investigation of a complaint. Individuals who believe they are the victim of retaliation should immediately report their concerns to their supervisor, Department Head or Human Resources. Individuals found to have violated the City's no-retaliation policy will be subject to discipline, up to and including termination.

However, if an investigation of a complaint shows that the complaint or information was clearly false, the individual who provided the false information will be subject to disciplinary action, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.)

POLICY 203 ACCOMMODATION

Policy: The City complies with the Americans with Disabilities Act (ADA) and all applicable state and local fair employment practices and laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. The City also complies with the Washington Healthy Starts Act, and will provide workplace accommodations to pregnant employees in accordance with state law.

Comment: Consistent with this commitment, the City will provide a reasonable accommodation to qualified employees with a disability if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to the health or safety of others. In addition, an employee who needs accommodation due to pregnancy may be afforded the following accommodations with or without medical certification: frequent, longer, or flexible restroom breaks; seating or allowing the employee to sit more frequently; and limiting lifting to 17 pounds or less. In addition, a pregnant employee may be entitled to other workplace accommodation(s), as long as there is no significant difficulty or expense and subject to written certification from a health care professional regarding the need for the requested accommodations.

Any employee who would like to request a reasonable accommodation should contact Human Resources. Human Resources will work with the employee and his/her health care provider(s), as needed, to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business or operations. If you believe you need accommodation for religious reasons, please contact Human Resources.

POLICY 204 WORKPLACE VIOLENCE

Policy:

The City of Ferndale is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Therefore, in an effort to help prevent or reduce the possibility of violence in the workplace, the City of Ferndale has implemented this policy on workplace violence for its employees.

Comment:

(1) Workplace Violence Prohibition. The City of Ferndale strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:

- (a) Threatening injury or damage against a person or property
 - (b) Fighting or threatening to fight with another person
 - (c) Threatening to use or possessing a weapon on City of Ferndale premises (unless required to carry a firearm or weapon as a condition of employment)
 - (d) Physically or verbally abusing or injuring another person
 - (e) Abusing or damaging property
 - (f) Using obscene or abusive language or gestures in a threatening manner
 - (g) Raising voices in a threatening or intimidating manner
- (Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.)

(2) "City of Ferndale Premises" Definition: The term "premises" means all areas within the ownership and/or control of the City of Ferndale, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other City of Ferndale owned property on which employees may work. The City of Ferndale reserves the right to search all facility premises when the facility management determines that such a search is a reasonable and necessary precaution for work place safety.

(3) Reporting Violent Conduct. Any workplace violence incidents, or incidents indicating a potential for violence are to be reported to the supervisor, Human Resources and/or Department Head as soon as possible. Incident reports are to be completed, as appropriate. If the City of Ferndale determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including discharge. The City Administrator and Department Head shall handle concerns with the affected parties as they determine under these policies and procedures.

(4). Imminent Danger/Violence Incident Procedure. Any employee who reasonably believes that a situation with an aggressive employee, resident, guest, contractor, vendor, 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) may immediately become violent, thus putting the employee or others in imminent danger, may promptly leave the work area and immediately call 911 to request officer contact.

(5) Security Precautions. All City of Ferndale security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be

strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge.

Supervisors are charged with:

- (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
- (b) Inspecting their work areas periodically;
- (c) Identifying conditions that are recognized as being unsafe; and
- (d) Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care. (See MEDICAL PROCEDURES, Policy 206.)

POLICY 205 DOMESTIC VIOLENCE IN THE WORKPLACE

Policy: This policy is intended to protect the safety of all domestic violence victims and their co-workers. This policy is adopted in order to establish the City of Ferndale's commitment to promoting the health and safety of its employees and maintaining workplace that is free from violence or threats of violence.

Scope: This policy applies to all employees of the City.

Definitions:

"Domestic violence" means any of these things:

- Physical bodily harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members
- Sexual assault of one family or household member by another
- Stalking of one family or household member by another family or household member, as defined in the Washington Criminal Code (RCW 9A.46.110)

"Family or household member" means any of these things:

- Spouses, registered domestic partners, former spouses, or former registered domestic partners
- Persons who have a child in common regardless of whether they have been married or have lived together at any time
- Adult persons related by blood or marriage
- Adult persons who are presently residing together or who have resided together in the past
- Persons sixteen (16) years of age or older who presently have or have had dating relationship
- Persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren

Comment: The City of Ferndale does not penalize or discipline employees because they are, or have been, victims of domestic violence. The City will make reasonable efforts to provide support and workplace safety accommodations for employees who are affected by domestic violence.

These efforts may include, but are not limited to, the following:

- Referrals to the Employee Assistance Program (EAP)
- Information about community resources available to assist victims of domestic violence, including Domestic Violence and Sexual Assault Services, Lummi Victims of Crime, and Womenscare Shelter
- Work schedule adjustments or leave, for both victims and family members of victims, as needed to obtain medical, mental health, legal assistance, and/or confidential secure shelter (as required by Washington State's Domestic Violence Leave law, RCW 49.76)
- Development of a workplace safety plan that seeks to minimize risk to the victim and others

The City does not tolerate domestic violence in the workplace, including in its offices, facilities, work sites, vehicles or other locations where business is conducted. Domestic violence perpetrators may be removed from the premises and may be subject to arrest and/or criminal prosecution. Employees who engage in domestic violence in the workplace or who use the City's facilities, property or resources (including but not limited to using workplace phones, computers, fax machines, and/or vehicles, or paid workplace time) to engage in domestic violence are subject

to disciplinary action, up to and including termination. Corrective or disciplinary action may also be taken against employees who are convicted or issued an injunction as a result of domestic violence when such action has a direct connection to their job duties. Criminal prosecution may result if federal, state or local laws are violated.

All employees of the City are encouraged to promote a safe workplace that is free of violence and threats of violence by immediately reporting threats, acts of aggression, or acts of violence in the workplace to their supervisor, law enforcement agencies, and/or the Human Resources department.

The City encourages employees who are perpetrators of domestic violence to seek assistance and will make reasonable efforts to provide the following:

- Referrals to the Employee Assistance Program (EAP)
- Information about certified domestic violence perpetrator treatment programs
- Work schedule arrangements to permit receipt of such assistance

POLICY 206 HIRING

Policy:

The City of Ferndale is an equal opportunity employer and hires individuals based solely on their qualifications and ability to do the job to be filled.

Comment:

(1) The City of Ferndale will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:

- (a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
- (b) Create an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, brother, sister, mother, father, stepmother, stepfather, children (both legal and natural), stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law,

(2) Employees who marry or become members of the same household may continue employment as long as there is not:

- (a) A direct or indirect supervisor/subordinate relationship between the employees; or
- (b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City of Ferndale will attempt to find an open position within the City of Ferndale to which one of the affected employees is qualified to perform and may transfer. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.

(3) Former employees who left the City of Ferndale in good standing may be considered for re-employment. Former employees who resigned without written notice, resignation in lieu of termination or who were dismissed for disciplinary reasons may not be considered for re-employment. (See TERMINATION OF EMPLOYMENT, Policy 216.) A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 3 months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.) Employees who retire may be eligible, in certain circumstances, to be considered for rehire. (See RETIREMENT, Policy 217.)

POLICY 207 EMPLOYMENT AGREEMENTS

Policy:

The City of Ferndale may execute written employment agreements with employees who are not represented by a collective bargaining unit.

Comment:

(1) The Mayor and City Administrator are the only City of Ferndale representatives authorized to enter into or modify a written employment agreement on behalf of the City of Ferndale with any non-represented employee. Any modifications or amendments to a written employment agreement must be in writing and signed by the Mayor or City Administrator and approved by the City Council.

(2) Written employment agreements normally will set out the significant terms and conditions of an individual's employment. These terms and conditions may include:

- (a) The length of time that the agreement will last and how, if at all, it can be renewed;
- (b) The job title, duties, and description, reserving to the City of Ferndale the right to change the employee's duties as the City of Ferndale's interests require;
- (c) The frequency of salary adjustments/reviews;
- (d) Any other provisions relating to vacation, sick leave, retirement, Social Security contributions, holidays, longevity, other fringe benefits, working conditions, and insurance benefits for employees and dependents consistent with the applicable bargaining agreement; and
- (e) Provisions for the termination of employment.

(3) Employees are encouraged to review carefully any employment agreement and to consult with legal counsel if necessary to understand the terms of the agreement.

POLICY 208 MEDICAL PROCEDURES

Policy:

The City of Ferndale may require employees and applicants to whom a conditional offer of employment has been extended to undergo medical examinations whenever management determines that these are necessary for the safe operation of the organization and/or job-related and consistent with business necessity.

Comment:

(1) Successful applicants for employment may be required as a condition of employment to take a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made will be examined.

(2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee requests an accommodation for a particular disability or has a questionable ability to perform essential job functions due to a medical condition.

(3) Employees are encouraged, but not required, to participate in wellness programs.

(4) Medical examinations required by the City of Ferndale will be paid for by the City and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the City of Ferndale are the property of the City of Ferndale, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

(5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor or Human Resources if the use might impair their ability to perform the job. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely while taking prescription or nonprescription legal drugs. (See DRUGS, NARCOTICS, & ALCOHOL Policy 808)

POLICY 209 PROBATIONARY PERIOD

Policy:

The City of Ferndale carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new job during an initial probationary period. After satisfactory completion of the probationary period, those employees will be evaluated as provided for in the PERFORMANCE APPRAISALS policy. (See PERFORMANCE APPRAISALS Policy 302.) Successful completion of the probationary period does not modify at-will employment status, except as provided for in a written employment or labor agreement.

Comment:

(1) Normally, the probationary period should be nine months or as designated in the appropriate collective bargaining agreements and/or Civil Service Rules and Regulations. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.

(2) Supervisors should prepare a written evaluation of the employee's job performance before the end of the probationary period on the new job. (See PERFORMANCE APPRAISALS, Policy 302.) The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and the City Clerk's Office/Human Resources for inclusion in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)

(3) Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in probation to demonstrate their ability to do the job and successfully pass the probationary period, if the supervisor feels additional time is warranted in order to achieve acceptable job performance. Supervisors may recommend the termination of a newly hired employee at any time, as all probationary employees are at-will employees. A recommendation for termination should be submitted in writing to the City Clerk's Office/Human Resources for review and should include an evaluation and a list of actions taken to assist the employee where appropriate. (See also TERMINATION OF EMPLOYMENT, Policy 216.) Action to terminate should have the prior approval of the City Clerk's Office/Human Resources.

(4) At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists and they remain qualified to perform the job, or may be terminated. (See INTERNAL JOB OPENINGS, Policy 210; and PROMOTION, Policy 211.)

POLICY 210 INTERNAL JOB OPENINGS

Policy:

The City of Ferndale may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

Comment:

(1) The City of Ferndale may require employees to make either a temporary or long-term job transfer in order to accommodate the organization's business needs. The City of Ferndale will try to limit the number and duration of temporary transfers that it requests of individual employees in a twelve-month period.

(2) Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period.

(3) Job openings for which management solicits candidates from within the City of Ferndale are normally posted in an all-City email and on the City's website.

(4) Application Process for Internal Job Openings. Requests for transfer normally should be handled as follows:

(a) The employee should submit a letter of interest and list of qualifications to the applicable Department Head. The request should include the reason for the transfer and the department and specific job that the employee wants. Requests based on posted job openings must comply with the procedures described in PROMOTION, Policy 211, and should be initiated prior to the cut-off date specified in the posting. It is recommended that employees inform their immediate supervisor of their intent to apply for another position.

(b) The City Clerk's Office/Human Resources and applicable Department Head should determine if the requested job or a suitable job opening exists and whether the employee is eligible.

(c) If the employee is eligible and qualified for a job opening, an interview with the candidate will be arranged. The candidate will be allowed time off with pay for job interviews related to the transfer.

(d) The department head with the job opening will make the final transfer decision, subject to prior approval of the City Clerk's Office/Human Resources and Mayor. (See PROMOTION, Policy 211.)

(5) Transferred employees will be subject to the provisions of the Probationary Period Policy in their new positions. (See PROBATIONARY PERIOD, Policy 209.). Transferred employees may be required to have a medical examination after a conditional offer has been made if the examination is job-related and consistent with business necessity. (See MEDICAL PROCEDURES, Policy 208.)

(6) Transferred employees will retain their existing job seniority, subject to any applicable labor agreement.

- (7) Pay for transferred employees generally will be handled as follows:
- (a) Employees transferred to a job within the same salary range will continue to receive their existing rate of pay;
 - (b) Employees transferred to a job in a higher salary range will be paid at a rate within the higher range to be determined at the time of transfer;
 - (c) Employees transferred, for operational needs or in the interests of the City, to a job in a lower salary range will usually be paid at their former rate. At management's discretion, however, employees may be paid at the rate of the new job; and
 - (d) Employees who are transferred for disciplinary reasons, lack of work, budgetary reasons, municipal reorganization, or at their own request to a job in a lower salary range will be paid at the lower rate beginning with the start of the new job.

POLICY 211 PROMOTION

Policy:

The City of Ferndale may offer employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the City of Ferndale's best interest.

Comment:

(1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, and department head.

(2) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have a satisfactory performance record, and have no disciplinary actions during the last twelve months. Management retains the discretion to make exceptions to the policy.

(3) Job openings and promotions for which management solicits candidates from within the City of Ferndale normally will be posted in an all-City email and announced on the City's website. When job openings or promotion opportunities are posted:

- (a) Interested employees must complete a letter of interest listing qualifications and forward it to the City Clerk's Office/Human Resources prior to the cut-off date specified in the posting;
- (b) Department heads may propose employees for the position; and
- (c) The City Clerk's Office/Human Resources may, at its discretion, solicit outside candidates during or after the posting period.

(4) Employees who are candidates for job openings and promotions will be considered for the position as outlined in the INTERNAL JOB OPENINGS policy. (See INTERNAL JOB OPENINGS, Policy 210.)

(5) Employee candidates for promotion will normally be screened and selected based on attendance and work records, job performance, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if required by a labor contract. In addition, employees seeking promotion may be required to have a medical examination after a conditional offer has been made if the examination is required for all new hires in that job classification. (See MEDICAL PROCEDURES, Policy 208.) Promoted employees will be subject to the provisions of the PROBATIONARY PERIOD policy in their new positions. (See PROBATIONARY PERIOD, Policy 209.) Seniority and pay for promoted employees will be handled as outlined in the INTERNAL JOB OPENINGS policy. (See INTERNAL JOB OPENINGS, Policy 210.)

POLICY 212 HOURS OF WORK

Policy:

The City of Ferndale establishes the time and duration of working hours as required by workload and workflow, customer service needs, the efficient management of employees, and any applicable law or bargaining agreement.

Comment:

(1) The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours of work. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of police, water and wastewater employees, may be established by the City to meet job assignments and provide necessary City services. Rest or coffee breaks are considered as time worked.

(2) Each employee's scheduled work hours will be determined by his or her department head. The department head, or the department head's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by the City of Ferndale. (See REST BREAKS, Policy 702; and MEAL BREAKS, Policy 703.)

(3) Department heads may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or department head. For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted.

(4) Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.

(5) Nonexempt employees normally will be granted a minimum of two hours of "reporting pay" and "call-back pay." Reporting pay will be granted when employee reports for work and no work is available. However, reporting pay will not be granted if the lack of work is the result of conditions beyond the City of Ferndale's control or if employees refuse to accept other work assignments. When work is not available, the City of Ferndale will make a reasonable effort before starting time to notify employees not to report to work. Call back pay will be granted when employees are asked to come to work outside of their scheduled working hours.

(6) Department heads, at their discretion, may allow nonexempt employees to make-up lost time during a given pay period. However, make-up will not be allowed if there is no work the employee is qualified to do, or if adequate supervision is not available.

(7) Nonexempt Timesheets. All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover half of one month (1-15th and 16th -end of month) and must be completed by dates determined by the Finance Department. The following points should be considered in filling out time records:

(a) Employees should record their total hours worked for each workday;

(b) Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;

- (c) Employees are required to take scheduled lunch or meal breaks;
- (d) Employee time records should be checked and signed by the supervisor involved. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) and authorized overtime;
- (e) Employees will not be paid for unapproved absences. (See ATTENDANCE AND PUNCTUALITY, Policy 701; and ABSENCES, Policy 504.) Supervisors should inform employees if they will not be paid for certain hours of absence.
- (f) Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

(See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURES, Policy 807.)

(8) **Compensatory Time Off.** Nonexempt employees can earn overtime for hours worked beyond the normal 40-hour workweek. Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours of compensatory time-off is earned for one hour of work beyond the normal 40-hour workweek.

- (a) Maximum accruals of compensatory time shall be limited to eighty (80) hours or per bargaining agreement. After maximum accrual, overtime compensation will be paid to nonexempt employees.
- (b) Employees may use compensatory time after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head.
- (c) Upon termination, employees receive compensation for their accrued compensatory time balance.
- (d) Employees may elect to convert compensatory time to overtime payment at their discretion. Overtime payment shall be based on an employee's rate of pay at the time of the request. While employees are not required to justify a reason for the cash out, they should seek to make their request as early as possible so that impacts to the City's budget can be mitigated.

(9) **Exempt Timesheets and Administrative Time Off.** Personnel employed in executive, administrative, professional, or certain technical capacities generally are exempt from the provisions of the Fair Labor Standards Act. If you have a question as to whether your position is exempt, please contact Human Resources.

- (a) Exempt employees must complete hourly time records to account for daily attendance, attendance exceptions, and use of sick, vacation or administrative leave.
- (b) Exempt employees do not receive overtime compensation. Exempt employees are eligible to receive administrative time off on a one for one basis for work in excess of forty hours during their normal workweek.
- (c) Maximum accruals of administrative time shall be limited to 240 hours by the end of the calendar year. Exempt employees will not continue to accrue administrative time after reaching the maximum.
- (d) Upon termination, accrued administrative time hours are not eligible for payout.

(10) For policies and procedures regarding pay practices, see PAY PRACTICES, Section 300.

POLICY 213 OUTSIDE EMPLOYMENT

Policy:

The City of Ferndale allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below, and provided that the outside employment unequivocally creates no appearance of potential conflict with City employment.

Comment:

(1) The City of Ferndale requires that employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City of Ferndale. (See ETHICS, Policy 104. This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City of Ferndale personnel. This prohibition also extends to the unauthorized use of any City of Ferndale tools, equipment or other City resources and the unauthorized use, disclosure, or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

(2) Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job related problems, it must be discontinued; and, if necessary, disciplinary procedures will be followed to deal with the specific problems. (See DISCIPLINARY PROCEDURE, Policy 807.)

(3) If an employee's outside employment job duties are similar or related to their City of Ferndale service, or if they cause the employee to deal with people or entities whom the employee deals with for the City of Ferndale duties, the employee must be prepared to explain why no potential conflict or appearance of conflict exists between the outside employment and the official duties of the City of Ferndale.

(4) Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.)

POLICY 214 EMPLOYEE CLASSIFICATIONS

Policy:

The City of Ferndale classifies employees as probationary, regular full-time, regular part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration. In addition, the City of Ferndale may supplement the regular workforce, as needed, with other forms of flexible staffing.

Comment:

(1) The City Clerk's Office/Human Resources is responsible for classifying employees. Employees generally may be categorized as follows:

(a) A full-time employee is an individual who is normally scheduled to work a forty-hour workweek and is hired for an indefinite period. (See HOURS OF WORK, Policy 212.) A full-time employee may be classified as either exempt or nonexempt.

(b) A part-time employee is an individual who is normally scheduled to work less than 40 hours per workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt.

(c) A temporary employee generally is an individual who is hired either part-time or full-time for a specified, limited period, not to exceed six months, unless a written extension is granted by the Department Head and Human Resources.

A temporary employee may be classified as either exempt or nonexempt.

(d) A nonexempt employee generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.

(e) An exempt employee is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, outside sales representatives, and certain highly skilled technical professionals. (See HOURS OF WORK, Policy 212.) Other flexible staffing classifications or arrangements may be added as needed.

(2) For information regarding eligibility for paid absences, vacations, and holidays see ABSENCES, Policy 504; VACATIONS, Policy 502; and HOLIDAYS, Policy 503. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee consistent with the applicable policies. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other City of Ferndale benefits, such as the pension plan, is available from the City Clerk's Office/Human Resources.

POLICY 215 LAYOFF AND RECALL

Policy:

If the City of Ferndale must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with City of Ferndale requirements and in accordance with the procedures described below.

Comment:

(1) In the event that a layoff is expected, the City of Ferndale will attempt to communicate information about an impending layoff as soon as reasonably possible.

(2) Layoffs that are expected to be temporary generally will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in TERMINATION OF EMPLOYMENT, Policy 216.

(3) Evaluation of the layoff criteria shall be within the sole discretion of the City. Employees will be selected for layoff, based on the following criteria (in no particular order)

- (a) Promotion potential and transferability of skills to other positions within the unit;
- (b) Demonstrated current and past performance;
- (c) The needs of the City of Ferndale;
- (d) Length of service with the City of Ferndale; and
- (e) Other factors considered relevant by the City.

4) An employee's length of service is measured from the original date of employment with the City of Ferndale, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the City of Ferndale.

(5) Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances.

(6) Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the City Clerk's Office/Human Resources if they become unavailable for recall. Employees who do not keep a current home address on record with the Human Resource Department will lose their recall rights.

(7) Employees will be recalled according to the needs of the City of Ferndale, their classification, and their ability to perform the job as determined by the City. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the Human Resources Department. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any recall eligibility with the City of Ferndale.

(8) Credit for seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.

(9) If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued will be paid at the time of layoff. Employees who are laid off will not accrue vacation or sick leave during the layoff.

POLICY 216 TERMINATION OF EMPLOYMENT

Policy:

The City of Ferndale may terminate employment because of an employee's resignation, discharge, or retirement; the expiration of an employment contract; or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign and the City is free to terminate employment at any time and for any lawful reason.

Comment:

(1) Employees are requested to give written notice of their intent to resign including the anticipated date of termination. Failure to give written notice may result in ineligibility for reemployment. (See **HIRING**, Policy 206; and **VACATIONS**, Policy 502.) The following guidelines are suggested:

(a) Department heads and managerial employees should give four weeks' notice; and
(b) All other employees should give at least two weeks' notice. Human Resources will contact the employee, in writing, inviting him/her to attend an exit interview upon receipt of the employee's intent to resign.

(2) Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit. (See **ATTENDANCE AND PUNCTUALITY**, Policy 701.)

(3) The City Clerk's Office/Human Resources is responsible for notifying terminating employees who are covered by the City of Ferndale's group health plan of their right to continue coverage under that plan. (For a special summary of the Consolidated Omnibus Budget Reconciliation Act "COBRA" continuation coverage requirements, see **APPENDIX A**).

(4) Supervisors should send notices of resignation and recommendations for termination to the City Clerk's Office/Human Resources for review. This information should be accompanied by any relevant supporting documents, such as performance appraisals or disciplinary report. (See **PERFORMANCE APPRAISALS**, Policy 302; and **DISCIPLINARY PROCEDURE**, Policy 807.)

(5) Requests for employment references should be made in writing to the City Administrator and should include an authorization by the employee for the release of the requested information. Generally, the City Clerk's Office/Human Resources will not release reference information without the employee's authorization or will limit the information to verification of the employee's position, job location, and dates of employment with the City of Ferndale. Employees may request that their supervisor provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file. (See **PERSONNEL RECORDS**, Policy 901.)

POLICY 217 RETIREMENT

Policy:

The City of Ferndale determines employees who are eligible for normal retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular uniformed employees in the police department are covered by the Law Enforcement Officers and Firefighter's Retirement System (LEOFF). Regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS) or the Public Safety Employees Retirement System (PSERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

Comment:

(1) Employees who choose to take normal retirement are requested to give the City Clerk's Office/Human Resources as much advance notice of their intent as possible, preferably at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.

(2) Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the City of Ferndale's employee benefit plans. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.) Retiring employees are eligible to receive pay for accrued but unused vacation. (See VACATIONS, Policy 502.) All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the City of Ferndale's and the Washington State Retirement System's discretion.

(3) The Washington State Department of Retirement Systems administers the retirement benefits. Human Resources will post any notices required by law on the City of Ferndale's bulletin boards.

Department of Retirement Systems
P.O. Box 48380
Olympia, Washington 98505-8380
Website: <http://www.wa.gov/DRS/drs.htm>
E-mail: recep@drs.wa.gov
DRS Reception Center Phone: 1-800-547-6657
TDD Line (for the hearing impaired): (360) 586-5450

When contacting the Washington State Department of Retirement Systems, the following identifying information is necessary: Name, retirement system plan, and Social Security number.

(4) Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the City of Ferndale should make that interest known at their exit interview. (See HIRING, Policy 206; and TERMINATION OF EMPLOYMENT, Policy 214.) Any hiring of an applicant who is receiving PERS retirement benefits must comply with State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one (1) month prior to starting a new job with the City of Ferndale.

POLICY 301 SALARY ADMINISTRATION

Policy:

The City of Ferndale pays compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City of Ferndale's overall financial condition and competitive position.

Comment:

(1) New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the appropriate department head, the City Clerk's Office/Human Resources, the City Administrator and the Mayor.

(2) The City Clerk's Office/Human Resources is responsible for coordinating with the City Administrator and the Mayor the continuing review of compensation and for making sure that each job is evaluated and assigned a job grade and salary range. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance.

(3) The Finance Director/ Finance Department is responsible for determining the budget implications of the proposed job grades and salary ranges.

POLICY 302 PERFORMANCE APPRAISALS

Policy:

The City of Ferndale will evaluate the job performance of each employee periodically.

Comment:

- (1) Supervisors should complete performance appraisals upon the following occasions:
 - (a) By the end of the first twelve months of employment, or sooner if specified in the individual's collective bargaining agreement (See PROBATIONARY PERIOD, Policy 209);
 - (b) Then on an annual basis. Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development of an employees' performance appraisal. These notes are to be destroyed following the performance appraisal.
- (2) In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
- (3) Supervisors should prepare a written appraisal of each employee's job performance. The appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
- (4) Department heads should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective a manner as possible.
- (5) The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the City Clerk's Office/Human Resources for review and inclusion in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.) Employees may have a copy of their completed performance appraisal for their records.
- (6) Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

POLICY 303 PAY PROCEDURES

Policy:

The City of Ferndale pays employees by direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

Comment:

- (1) Employees normally will be paid on the fifth (5th) day and the twentieth (20th) of the month. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday.
- (2) On each payday, a statement shall be made available to employees showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.
- (3) Employees who discover a mistake in their paycheck should notify their supervisor immediately. In the case of a mistake made by the City and greater than \$50.00, the error will be remedied no later than the next pay period.
- (4) Employees who wish to authorize another person to pick up their pay stub must request so in writing to their manager and or the finance department. Pay stubs will not be distributed without an authorization in place. Pay stubs not picked up by the employee or authorized party within 48 hours of payday will be mailed to the employee.
- (6) For policies and procedures regarding on-call and reporting pay, see HOURS OF WORK, Policy 212. For policies and procedures governing pay upon termination, see TERMINATION OF EMPLOYMENT, Policy 216.
- (7) Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their immediate supervisor. Represented employees may also request that their bargaining representative raise pay-related issues on their behalf. If the employee and immediate supervisor are not able to resolve the question, the employee should contact the Finance Department. For compensation issues related to contract interpretation, the employee should contact Human Resources.
- (8) The City prohibits and will not tolerate retaliation against any employee because that employee raised a concern or made a good faith complaint about an improper pay deduction or other pay discrepancy under this policy. Specifically, no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

POLICY 304 INTERIM ASSIGNMENTS

Policy:

The City of Ferndale may authorize interim assignments during the absence of supervisory employees in specific situations.

Comment:

(1) Interim assignments provide valuable on-the-job training and allow continuation of a critical workload during an extended absence.

(2) Employees may be assigned the responsibilities as an “interim” or “acting” supervisor or department head during times of vacation, sick leave, or other absences that require more than 15 consecutive business days away from work.

(3) Interim assignments require pre-approval from the City Administrator and/or the Mayor.

(4) Interim supervisors will receive a wage premium of 10% beginning on the 16th consecutive day of the assignment and for those hours he/she is performing the assignment.

(5) Interim assignments are limited to 90 business days. Extensions require approval by the City Administrator and/or the Mayor.

(6) The interim supervisor must be able to assume the substantial majority of the duties of the higher classification and have the education/experience and/or certificate requirements stated in the job description.

POLICY 401 TRAVEL

Policy:

Business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines described in the supplementary Travel Policy Manual. The City of Ferndale retains the right to amend or terminate the travel policy at any time.

Comment:

(1) Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.

(2) All travel requests must be approved in advance. All mileage or usage credits awarded by transportation, credit card, and other travel service companies are to be assigned to the City of Ferndale.

(3) The City of Ferndale may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments. In some cases, an employee may be able to justify a more expensive fare if it can be demonstrated that such fare will result in a similar or reduced overall travel expense, due to reductions in other travel-related costs such as lodging, meal, and fuel expenses.

(4) Employees shall provide their supervisor with a copy of their itinerary before leaving on business travel.

(5) Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor, Department Head, or City Administrator, as appropriate. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses. The Travel Policy Manual describes the per diem method of allowable reimbursement. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from their supervisor before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility. Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses or other non-employees who may accompany the employee.

(6) Department Heads will be issued City of Ferndale credit cards for payment of business expenses. City of Ferndale credit cards are City of Ferndale property, and their use must be properly documented and approved as outlined in Comment (5), above.

(7) The City will compensate employees for travel time in accordance with state and federal law.

(8) Employees traveling on City of Ferndale business are representatives of the City of Ferndale and are expected to maintain a high level of professionalism and to follow all of the City of Ferndale's policies and rules. (See BEHAVIOR OF EMPLOYEES, Policy 801.)

POLICY 402 AUTOMOBILE USAGE

Policy:

The City of Ferndale provides vehicles ~~business use, to allow~~ for employees to drive on City of Ferndale business, and will also reimburse employees for business use of personal vehicles according to the guidelines below. For further clarification, refer to the Travel Policy Manual. The City of Ferndale retains the right to amend or terminate travel policy at any time. (The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.)

Comment:

- (1) Employees may not drive any vehicles for City of Ferndale business without prior approval of their supervisor. Periodically, before approving a driver, each supervisor should check the employee's driving record, with the employee's consent, and verify the existence of a valid driver's license. Employees approved to drive on City of Ferndale business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
- (2) Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees whose license is restricted in any way, or who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.
- (3) If possible, City of Ferndale vehicles will be permanently assigned to departments that have demonstrated a continued need for them. Additional vehicles are maintained in a motor pool for use by individual employees, as needed.
- (4) Employees who need transportation in the course of their normal work may be assigned a City of Ferndale vehicle for their use. All other employees needing transportation for City of Ferndale business may use vehicles assigned to their department or those drawn from the motor pool. When no City of Ferndale vehicles are available, or with prior approval of their supervisor, employees may use their own vehicles for business purposes.
- (5) Employees who drive a vehicle on City of Ferndale business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, to avoid distractions while driving, consistent with applicable laws, such as using cellular telephones (with the exception of hands-free phones), and to maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving a City vehicle and must report them to their supervisors.
- (6) Non-employees and non-business passengers are prohibited from riding in City of Ferndale vehicles, i.e., family and friends.
- (7) Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance.

Employees who operate personal vehicles for City of Ferndale business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by their personal insurance agent.

(8) Employees must report any accident, theft, or malicious damage involving a City of Ferndale vehicle to their supervisor and the Public Works Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

(9) Certain employees who are on call on a 24-hour basis may be allowed to take a City of Ferndale vehicle home so they can respond as soon as possible need to provide written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.

(10) Employees are not permitted, under any circumstances, to operate a City of Ferndale vehicle, or a personal vehicle for City of Ferndale business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City of Ferndale vehicle at any time or operate any personal vehicle while on City of Ferndale business while or after using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.

(11) Time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a City or personal vehicle on City business during scheduled working hours is considered hours worked for pay purposes. ~~Commuting~~ Normal home-to work commute time before the start and after the end of the workday is not treated as work time for pay purposes.

POLICY 403 MEAL REIMBURSEMENT

Policy:

The City of Ferndale provides, pays, or reimburses employees for business-related meals according to the guidelines below. For further clarification, the Travel Policy Manual should be referred to. The City of Ferndale retains the right to amend or terminate travel policy at any time.

Comment:

(1) Employees required to travel on City of Ferndale business may charge to the City of Ferndale, or be reimbursed for, the cost of all meals during their travel pursuant to the Travel Policy Manual per diem method of allowable reimbursement (See TRAVEL, Policy 401.).

(2) Meal expenses should follow the guidelines set by the Travel Policy Manual.

POLICY 404 MEMBERSHIPS IN CLUBS AND CIVIC ORGANIZATIONS

Policy:

The City of Ferndale encourages employees to participate in the activities of community clubs and civic organizations, as approved by the Mayor and/or City Administrator.

Comment:

(1) Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the City of Ferndale's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the City of Ferndale's interests. (See CONFLICTS OF INTEREST, Policy 805.)

(2) The Mayor and/or City Administrator may identify certain community organizations in which the City wants to be represented and then designate the employee(s) that it will sponsor for membership in them. Employees who are designated for membership act as City of Ferndale representatives in the organization and are expected to promote the City's interests.

(3) Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at the City of Ferndale's request or under its direction and control.

(4) The Mayor or City Administrator may consider a number of factors, including the following when selecting organizations for representation and designating employees to sponsor for membership:

- (a) The nature and purpose of the club or organization;
- (b) The potential benefit to the City of Ferndale, including the enhancement of the employee's leadership and organizational skills;
- (c) The cost to the City of Ferndale;
- (d) The extent to which the City of Ferndale is already represented in the club or organization; and
- (e) The employee's job responsibilities, length of service, and overall qualifications for membership.

The Mayor or City Administrator will periodically review the City's representation in community organizations and its sponsorship of employees for membership and will make changes as they consider appropriate.

(5) Employees whose membership is sponsored by the City of Ferndale are encouraged to use the clubs or civic organizations for business purposes.

(6) Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for dues only. A Claim Reimbursement form must be completed in order to receive reimbursement.

(7) Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

POLICY 405 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS

Policy:

The City of Ferndale encourages employees to participate in certain trade and professional associations where there is a clear benefit to the City of Ferndale, as approved by the Mayor and/or City Administrator.

Comment:

(1) Employees are encouraged to participate in trade and professional associations that promote City of Ferndale goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the City of Ferndale's interests and must fit within budgetary constraints. (See CONFLICTS OF INTEREST, Policy 805.)

(2) The City of Ferndale may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as City of Ferndale representatives in the association and are expected to promote its interests and to participate accordingly.

(3) Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at the City of Ferndale's request or under its direction and control. (See HOURS OF WORK, Policy 212.)

(4) Department heads are responsible for coordinating representation in trade and professional associations and must receive prior approval from the Mayor and/or City Administrator. The following factors may be considered in selecting associations for representation and in designating employees to be sponsored for membership:

- (a) The nature and purpose of the association;
- (b) The potential benefit to the City of Ferndale, including enhancement of the City of Ferndale's reputation and the development of the employee's leadership and organizational skills;
- (c) The cost to the City of Ferndale;
- (d) The extent to which the City of Ferndale is already represented in the association; and
- (e) The employee's job responsibilities, length of service, and overall qualifications for membership.

(5) Department heads are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities within their budgetary authority. The City of Ferndale will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the Mayor approves participation in the activity in advance and the association is related to the work of the City.

(6) Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.

(7) Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that is made on behalf of the City or purports to represent the City of Ferndale's position or involve any information that is confidential. (See MEDIA INQUIRIES, Policy 806.)

POLICY 501 HEALTH AND WELFARE BENEFIT DISCLOSURE

Policy:

The City of Ferndale provides its employees with various health and welfare benefits. Details regarding current benefit offerings may be described in applicable collective bargaining agreements or employment agreements, summary plan descriptions, or are available from the City Clerk/Human Resources office. Subject to any contractual or other legal obligations, the City reserves the right to modify or amend its health and welfare benefit programs as they apply to all current, former, and retired employees. Additionally, subject to the terms of each plan, the City has the discretionary authority to determine eligibility for benefits and otherwise administer its benefit programs. Employees shall notify the City Clerk/Human Resources office of any change in benefit coverage within 30 days of that change.

Comment:

(1) The City of Ferndale offers certain benefits to eligible employees, including health, life, pension and retirement plans. Eligibility will depend upon the specific requirements of each benefit plan. The City of Ferndale also provides a number of other benefits such as leaves of absence, and paid vacation, holidays, and sick days. (For information on these additional benefits, see SECTIONS 502, 503 and 504).

(2) The City Clerk's Office/Human Resources serves as the Administrator of the City's welfare and pension plans. The Administrator is responsible for communications and disclosures concerning City of Ferndale benefits and for compliance with all applicable laws and regulations. In addition, the City Clerk's Office/Human Resources is available to answer questions concerning the benefit plans.

(3) Under some of the City's insurance and pension plans, each employee must designate a beneficiary for the employee's death benefits. The designation must be made in writing in a form acceptable to the insurance company or pension plan. It is the employee's responsibility to maintain the proper beneficiary designations and alert the City Clerk's Office/Human Resources to any changes in status affecting eligibility or designations.

(4) Employees, spouses, and dependents covered by the City of Ferndale health and welfare plan will be notified when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce. Employees are responsible for contacting the City Clerk's Office/Human Resources prior to a dependent's 26th birthday to determine if health insurance coverage can remain in effect (For additional information see Appendix A, COBRA BENEFITS.)

POLICY 502 VACATIONS

Policy:

The City of Ferndale grants annual vacations with pay to full-time and part-time employees, as provided in each Collective Bargaining Agreement or Employment Agreement, in accordance with the guidelines established below.

Comment:

(1) Vacations are accrued or earned based on the employee's length of service and on the time actually worked.

Vacation cannot be taken until hours are accrued. Employees whose vacation balance exceeds the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual. Employees are responsible for monitoring their accrual balance. If an employee requests vacation time off that has not accrued, but has a balance of personal holiday hours remaining, the personal holidays will be depleted.

(2) Regular part-time employees whose full-time equivalency is 50% or more are entitled to vacation on a pro-rata basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a full-time employee works in the same pay period. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation. (See EMPLOYEE CLASSIFICATIONS, Policy 214.)

(3) Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation by the City Clerk's Office/Human Resources. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)

(4) Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.

(5) Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to approve when some or all vacations are taken.

(6) Employees may not receive vacation pay in lieu of time off except upon termination, unless otherwise noted in a collective bargaining agreement or employment agreement.

(7) Maximum vacation carryover from December 31 or one year to January 1 of the next year is eighty (80) hours unless otherwise noted in a collective bargaining agreement or employment agreement. When carryover exceeds this limit, such vacation shall be forfeited. In cases where City operations have made it impractical for an employee to use vacation time, the department head with the approval of the Mayor and City Administrator may authorize additional carryover.

POLICY 503 HOLIDAYS

Policy:

The City of Ferndale designates and observes certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

Comment:

(1) The City of Ferndale observes the following holidays (8 hours each) per calendar year:

New Year's Day	January 1st
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Friday before Easter	Varies
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Eve	December 24th
Christmas Day	December 25th
Personal Holiday-Birthday	(to be used within the same calendar year)
Personal Holiday - Floater	

In the event of conflict between this provision of the manual and any provision of a valid and effective collective bargaining agreement, employee contract, or in cases where the application of these policies would conflict with applicable Civil Service rules and regulations, the provisions of the contract and/or the Civil Service rules shall govern.

(2) Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week (1,040 per year) are entitled to holidays. The amount of holiday pay is determined on the same basis as for full-time employees, but is based on the employee's full-time equivalency (FTE) budget allocation. For example, an employee allocated at 65% FTE will receive 5.2 hours of holiday pay on each City approved holiday. Part-time employees working less than 20 hours per week, temporary employees and employees on unpaid leaves of absence or on layoff are not eligible to receive holiday pay.

(3) To receive holiday pay, an eligible employee must be in paid status or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. (See VACATIONS, Policy 502; and ABSENCES, Policy 504.) If an employee is absent on one or both of these days because of an illness or injury, the City of Ferndale may require verification of the reason for the absence before approving holiday pay. (See MEDICAL PROCEDURES, Policy 208.)

(4) A holiday that occurs on a Saturday will be observed on the preceding Friday. A holiday that occurs on a Sunday will be observed the following Monday. Shift workers observe holidays on the actual day it occurs.

(5) If a holiday occurs during an employee's vacation period, the employee will be required to record the day as holiday pay on their timesheet.

(6) Consistent with State law, employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. A written request should be submitted to the employee's supervisor at least two weeks prior to the requested day off. The request may be approved provided it does not create an undue hardship on the employer or the employee is not needed to maintain public safety, pursuant to WAC 82-56-010. Approval is not deemed complete unless it has been authorized in writing by the supervisor. Partial days off will count as a full day toward annual entitlement of two unpaid holidays.

Employees may not use accrued vacation or other leave for this time of leave, and the two unpaid holidays must be taken during the calendar year, if at all; they do not carry over from one year to the next.

(7) The City of Ferndale may schedule work on observed holidays as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving additional pay for the hours worked or a "floating" holiday that may be taken, with the prior approval of their supervisor, at another time during the year.

POLICY 504 ABSENCES

Policy:

The City of Ferndale provides for short-term and long-term absences on an authorized basis for a variety of reasons, including sickness or injury.

Comment:

SHORT TERM ABSENCES

(1) Sick Leave

(a) Regular, full time employees accrue eight hours of sick leave for each calendar month of continuous employment. Temporary full-time employees, temporary part time employees, and regular part time employees are entitled to sick leave accrual of one hour for every forty hours worked.

(b) The maximum number of hours of sick leave that an employee can carry over from one calendar year to the next is one thousand eighty (1080) hours. Any excess sick leave hours will be forfeited. Upon separation, unused sick leave will not be cashed out, unless otherwise specified in the collective bargaining agreement or employment agreement. However, when there is a separation from employment and the employee is rehired within twelve months of separation, previously accrued unused paid sick leave shall be reinstated.

(c) Allowable uses of sick leave:

- (i) Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);
- (ii) The need to care for the employee's immediate family member who is ill or injured;
- (iii) Medical or dental appointments for the employee or immediate family member, provided that the employee makes a reasonable effort to schedule such appointments at times which have the least interference with the workday;
- (iv) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- (v) Use of a legal drug, whether prescription or over the counter, which impairs job performance or safety;
- (vi) The employee's child's school or place of care has been closed by order of a public official for any health-related reason;
- (vii) The phrase "immediate family" for the purposes of the sick leave policy includes any of the following:
 - A child, including a biological, adopted, or foster child, stepchild, 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 registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
 - A spouse
 - A registered domestic partner
 - A grandparent
 - A grandchild
 - A sibling

(d) In the event of unplanned short-term absences, in order to allow for proper staffing and

adjustments of workloads, employees shall notify their supervisor or supervisor's designee as far in advance as possible, no later than 30 minutes prior to the start of their shift whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to return to work. If the supervisor is unavailable, notification shall be made to the next level of management.

(e) If the absence is due to illness or injury of the employee or immediate family member, written certification from the health care provider of the ill or injured employee or immediate family member verifying the need for leave may be required within ten (10) days of the employee's return to work if the absence exceeds three consecutive scheduled workdays. The requirement for certification from the health care provider may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law. Employees who falsify the reason for an absence will be subject to disciplinary action, up to and including termination and compensation for the absence will be stopped immediately. (See DISCIPLINARY PROCEDURE, Policy 807.)

(2) Jury Duty

(a) Employees will be allowed necessary leave during their normal scheduled work period to serve on the jury of a federal, state, or municipal court or if they are subpoenaed as a witness in a case pending in a federal, state or municipal court. Employees must notify their supervisor immediately after receiving notification to report to serve on a jury duty, or when subpoenaed. Employees who are dismissed from jury service by twelve o'clock noon shall report to their supervisor as available for duty as soon as practical following release from service.

(b) If the employee is summoned during a critical work period, the supervisor may ask the employee to request a waiver from duty.

(c) Nonexempt employees will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two workweeks per calendar year.

(d) Expense reimbursements, such as mileage, do not need to be paid to the City.

(e) Upon completion of Jury Duty, employees are required to provide their supervisor with proof of jury service.

(f) Witness Duty Employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty is unpaid unless the City, in a case involving the City, calls the employee as a witness. Employees shall use vacation, personal holidays, compensatory time, exchange time, or leave without pay to account for these hours.

(3) Bereavement Leave

(a) If an employee covered by this Agreement suffers a death in the immediate family, such employee shall be allowed three (3) working days off without loss in pay. An additional two (2) days without loss in pay shall be allowed if such death necessitates travel outside of Washington State. Employees shall be allowed to use accrued leave if additional time off is needed.

(b) Immediate family shall be defined as wife, husband, domestic partner, son, son-in-law, daughter, daughter-in-law, stepchildren, mother, father, step-mother, step-father, brother, sister, step-brother, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, grandchildren and step-grandchildren.

(c) Up to three (3) days of accrued leave per year may be used to attend the funeral of a

friend or family member that is not listed above .

(d) Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be based on a pro rata basis that relates the average number of hours per week worked to a regular forty-hour week. (For example, a part-time employee working twenty hours per week would be eligible for one half the paid time-off that a full-time employee receives.)

(4) Administrative Leave

(a) The Mayor 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 interest of the City of Ferndale (as determined by the Mayor) pending an investigation or other circumstances.

EXTENDED LEAVES OF ABSENCES:

(1) Medical Leave of Absence

(a) Employees who are unable to work because of a serious health condition, disability, or work-related injury may be granted a Medical leave of absence as provided for under state or federal law. This type of leave covers disabilities caused by pregnancy, childbirth, or other related medical conditions.

(b) The City of Ferndale may require certification of an employee's need for sick leave, both before the leave begins and on a periodic basis thereafter, by the employee's health care provider.

(c) Employees are required to use their accrued sick or other leave while on a medical leave of absence.

(d) Employees receiving Workers Compensation benefits are required to utilize their accrued sick leave and must return their Workers Compensation payment to the Finance Department. The Finance Department will then use the check amount to reinstate the employee's sick leave balance at the employee's current rate of pay. Vacation, comp time, exchange time, or shift trades should not be used during a work-related injury or illness.

Medical leaves of absence will count toward the employee's FMLA leave allowance if the absence is due to an eligible FMLA reason. Employees are required to notify their manager if the use of paid leave is for a reason covered by the FMLA so that the City may properly account for the leave.

(2) Parental Leave of Absence

(a) A parental leave of absence must conclude within 12 months of the birth or the placement of the child.

(b) A parental leave of absence is granted to care for the employee's child upon birth or to care for a child upon the child's placement with the employee for adoption or foster care. These absences will count toward the employee's FMLA and PFML leave allowance. Employees are required to notify their manager if the use of paid leave is for a reason covered by the FMLA so that the City may properly account for the leave.

(c) Female employees may use paid sick or other leave for the actual period of medical disability associated with the birth of a child (typically 6 – 8 weeks). Male employees may use up to 80 hours of paid sick leave for the birth of their child and for bonding immediately following the birth of the employee's child.

(d) For additional time off beyond the 12 weeks of FMLA, employees may use any accrued paid vacation or personal days to care for a newborn or newly placed child. For an explanation of the FMLA and parental leave, see Appendix B.

(3) Family Medical Leave Act

- (a) Employees may be granted a family care leave of absence for the purpose of caring for the employee's child, spouse, or parent who has a serious health condition, and for certain military-related reasons.
- (b) The City of Ferndale requires certification of the family member's serious health condition, both before the leave begins and on a periodic basis thereafter, by the family member's health care provider.
- (c) These absences count toward the employee's FMLA leave allowance. Employees are required to notify their manager if the use of paid leave is for a reason covered by the FMLA so that the City may properly account for the leave. If an employee has sick leave available, it is the City of Ferndale's policy that the employee must use that paid leave as part of the FMLA leave. Use of vacation time for FMLA leave, however, is at the option of the employee.

(For additional information, see Policy #505, Family Medical Leave Act & Washington State Law Against Discrimination)

(4) Personal Leave of Absence

- (a) Employees may be granted a personal leave of absence to attend to personal matters in cases in which the City of Ferndale determines that an extended period of time away from the job will be in the best interest of the employee and the City of Ferndale.
- (b) Employees are required to use all accrued vacation, personal holidays, and compensatory or exchange time prior to going on unpaid leave.

(5) Military Leave of Absence

- (a) State law (RCW 38.40.060) requires that City employees be granted up to 21 working days, exclusive of normal days off, of paid leave per year without loss of service credit for active duty or annual military training. The 21 days are counted on an annual basis, October 1st through September 30th inclusive, and need not be used consecutively.
 - (b) Each day of paid military leave is the equivalent of a regularly scheduled workday. If an employee is scheduled to work a shift that begins on one calendar day and ends on the next calendar day (e.g., third or "graveyard" shift), the employee shall be charged military leave for only the first calendar day. If the employee is scheduled to work a shift that begins on one calendar day and ends later than the next calendar day, the employee shall be charged military leave for each calendar day except the calendar day on which the shift ends.
 - (c) The employee receives City pay and benefits, including normal sick leave and vacation accrual, at the same level and under the same conditions as if he or she were at work, while on paid military leave.
 - (d) The employee must submit a "Paid Military Leave Form" to his or her immediate supervisor who will then attach it to the employee's timesheet.
- Military Leave for Active Duty in the Armed Forces. The City will comply with the requirements of RCW 73.16 and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, with respect to unpaid leave of absence and return rights for employees who leave City service to serve in the Armed Forces of the United States.

(5) Domestic Violence Leave of Absence

The City will provide a reasonable amount of leave to employees who are victims of domestic violence, sexual assault, or stalking in accordance with this policy and state law. This leave is also available to employees with a family member (child, spouse, registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a

victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued vacation and/or sick leave in connection with such leave.

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

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

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

Accommodation. As noted in the City's Workplace Violence policy, the City will also make reasonable safety accommodations for any personnel who are victims of domestic violence, sexual assault or stalking. Accommodations may include, for example, modification of a telephone number or email address, modified work schedule or implementation of safety procedures.

(7) Leave Requests & Approval Process

Requests for a leave of absence or any extension of a leave ordinarily should be submitted in writing to the employee's department head at least thirty days before the start of the leave or extension period. When the need for leave or an extension is not foreseeable, employees should give as much notice as is possible. The City Administrator and/or the Mayor will make the final decision concerning the request.

All employees on approved leave are expected to report to the department head or supervisor any change of status in their need for a leave or in their intention to return to work.

(8) Outside Employment

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service or explicitly approved by the Mayor and/or City Administrator.

(9) Benefit Continuation

The City of Ferndale will provide health insurance and other benefits to employees on leave to the extent as required by law. Benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.)

(10) Leave Sharing

Purpose Statement: The City provides sick leave to its employees as a benefit subject to certain restrictions as to use and accumulation.

Public employees have historically joined together to help fellow employees who may suffer from extraordinary or severe illness, injury, impairment or physical or mental condition that prevents such fellow employee from working and causes great economic and emotional distress to the employee and the employee's family.

The City finds it appropriate and in the public interest to permit City employees to share sick leave in carefully defined circumstances with employees who, in the absence of a leave sharing program, would be forced to take leave without pay or to terminate employment.

- (a) Eligible employees may donate excess sick leave for use by another employee who is suffering from an extraordinary medical emergency or for any reason for which accrued sick leave may be used, where the absence would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave, but the City Administrator may grant repayment of donated leave to a donating employee should the recipient not use all donated leave. Pursuant to federal tax law, unless leave is donated in connection with a co-worker's medical emergency, both the donating employee and the receiving employee must pay regular payroll and income taxes on the donated leave. A "medical emergency" is defined as a medical condition of the employee or a family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income. Where leave is donated due to a medical emergency, only the receiving employee will be subject to payroll and income taxes on the donated leave.
- (b) Employees may request a leave donation when they have used or expect to use all of their accrued leave (including vacation, sick, personal days, compensatory time, and administrative time) and would otherwise be on an approved leave without pay, provided that the employee is not eligible to receive industrial insurance benefits. The employee receiving a sick leave donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits or cash-out.
- (c) The maximum number of days an employee can receive of donated leave is 20 days per calendar year, unless additional time is approved by the City Administrator. The City Administrator retains the sole authority to determine the eligibility of an employee to receive donated leave. In no

case may donated leave be approved for more than 20 days at a time.

(d) The maximum amount of sick leave that can be donated per request, per calendar year is 40 hours. The donating employees' sick leave balance may not fall below 80 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients. All donations of shared leave are entirely voluntary.

(e) Shared leave may be transferred without regard to the City Department in which donating employees and donee employees may be assigned.

(f) The Finance Department shall be responsible for computing the values of shared leave as donated and as used, and shall provide appropriate information to the City Administrator, Clerk and Finance Director to ensure this policy is followed and adjusting of accrued leave balances to reflect the shared leave and to permit determination of fund transfers and budget amendments as necessary. An appropriate record of all leave transferred shall be maintained in the event that any unused leave time is returned to the donating employee or employees.

(g) Shared leave shall not be construed as a vested right of employment. It shall be the sole and unrestricted prerogative of the City administration to grant or withhold donated leave as deemed in the best interest of the City.

(11) Use of Accrued Leave to Care for Sick Family Member

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave (whether vacation, sick leave, comp time, personal days or floating holidays) that they have available for their own use in order to care for any of the following:

- A child, including a biological, adopted, or foster child, stepchild, 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, step-parent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in *loco parentis* when the employee was a minor child;
- A spouse
- A registered domestic partner
- A grandparent
- A grandchild
- A sibling

This policy reflects requirements for all employees under state law, and therefore applies to represented and non-represented employees alike.

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

An employee may use available paid time off when any family member as defined above has a "serious or emergency health condition", which is a condition:

- Requiring an overnight stay in a hospital or other medical-care facility;

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

Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as is required for certain kinds of leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming a family member's health condition when available leave is used to care for that family member.

12) Paid Family Medical Leave

The City will comply with the Washington State Paid Family and Medical Leave (PFML) law (RCW 50A), which establishes a program administered through the Washington Employment Security Department (ESD) to provide paid leave benefits to eligible employees who need leave for certain family and medical reasons. More information about PFML benefits can be found on the ESD website (www.paidleave.wa.gov).

The PFML program is funded through premiums collected by ESD via payroll deductions and employer contributions. For the period ending December 31, 2020, premiums will total four-tenths of one percent (0.4%) of employees' wages (unless otherwise adjusted by the State). Each year, consistent with the law, employees will pay through payroll deductions the full cost of the premiums associated with family leave benefits and forty-five percent (45%) of the cost of the premiums associated with the medical leave benefits, consistent with RCW 50A.10.030. Should the State modify PFML premiums or the percentage of premiums subject to collection through payroll deductions during the term of this Agreement, the City will modify payroll practices to reflect such statutory changes.

ESD will make eligibility determinations. When applying to ESD, employees must also notify the City of the need for leave; employees should provide at least 30 days' advance notice of foreseeable leave and for unforeseeable leave notice should be given as soon as practicable. Consistent with State law, PFML leave must run concurrently with FMLA if both are applicable.

If ESD approves a claim for benefits, benefit payments will be made by ESD directly to an eligible employee. Employees may not supplement the State PFML benefits with accrued or other paid leave from the City and will not be eligible for PFML benefits if receiving time loss benefits through the workers compensation system. When an employee is on leave and receiving PFML benefits from the State, the employee is deemed to be in unpaid status for purposes of City policies. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any legal requirements.

(13) Returning to Work

Employees returning from a leave of absence will be reinstated to their same job or an equivalent job with equivalent status and pay, to the extent as required by law. Prior to returning to work,

employees returning from a sick leave may be required to provide certification of their ability to perform the functions of their job. Employees returning from a military leave also must comply with all of the reinstatement requirements specified by federal law. If the same job or one of equivalent status and pay is not available as a result of a reduction in force, the employee will be treated in the same manner as though they had been actively employed at the time of the reduction in force. (See LAYOFF AND RECALL, Policy 215.)

If an employee fails to return to work at the conclusion of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment

POLICY 505 FAMILY MEDICAL LEAVE ACT (FMLA)

The City of Ferndale will comply with all applicable requirements of the federal Family and Medical Leave Act (FMLA)

FMLA Leave

The FMLA requires private employers with 50 or more employees and all public agencies, including state, local, and federal employers, and local education agencies (schools), to provide eligible employees up to 12 weeks of unpaid, job-protected leave in a 12-month period for certain family and medical reasons. The twelve (12) month period for determining leave entitlement is calculated from the first day of FMLA leave rolling forward twelve (12) months. The City will administer this policy in accordance with the FMLA statute and regulations. Eligible employees may also apply to the Washington Employment Security Department for paid family and medical leave (see PFML policy), which will allow the employee to receive partial wage replacement during an FMLA/PFML leave. FMLA and PFML will run concurrently where both leaves apply.

Employee Eligibility

The FMLA defines eligible employees as employees who: (1) have worked for the City of Ferndale for at least 12 months; (2) have worked for the City of Ferndale for at least 1,250 hours in the previous 12 months; and (3) work at or report to a work site which has 50 or more employees or is within 75 miles of work sites that taken together have a total of 50 or more employees.

Leave Entitlement

The FMLA provides job-protected leave to eligible employees for the following reasons:

- (1) to care for the employee's child upon birth or to care for a child upon the child's placement with the employee for adoption or foster care;
- (2) to care for a parent, spouse, or child with a serious health condition; or
- (3) when the employee is unable to work because of the employee's own serious health condition;
- (4) for any "qualifying exigency", as defined by the United States Secretary of Labor, arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member (including those in the regular Armed Forces, the National Guard or the Reserves) who is on active duty, or has been notified of an impending call to covered active duty, and who has been or is being deployed to a foreign country;
- (5) to care for a service member who is a spouse, child, parent, or "next of kin" and who has suffered a serious injury or illness while on active duty. Eligible employees are eligible for up to twenty-six (26) workweeks of unpaid leave during a single 12-month period.

Serious health condition

An employee who elects to take leave to care for a child, parent or spouse who has a serious health condition, or to attend to a personal serious health condition, will be required to take FMLA leave.

For purposes of this policy, a serious health condition is an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential medical care facility;

- A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- A period of incapacity due to pregnancy or for prenatal care;

Spouses employed by the same employer are jointly entitled to a combined leave of 12 work weeks of family leave to care for a parent who has a serious health condition. However, each spouse may take up to 12 workweeks of leave to care for a child or spouse with a serious health condition.

Birth, adoption, or foster care of children

FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the same employer are jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care.

Military caregiver leave

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured servicemember who is the employee's spouse, parent, child or next of kin. A covered servicemember is a current member of the Armed Forces, including a National Guard or Reserves member, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered servicemember may also be a veteran who was a member of the Armed Forces any time during the five years preceding his/her need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

Intermittent or reduced work schedule leave

In certain circumstances, eligible employees may take FMLA leave intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City of Ferndale's permission or where the employee is also on PFML leave. If the FMLA leave is because of the employee's serious illness or to care for a seriously ill family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary.

Upon approval of intermittent leave, the employee must make a reasonable effort schedule his/her intermittent leave without disrupting the City's operations. The schedule must be coordinated with his/her Department Head or designee.

Notice and Certification

Employees who want to take FMLA and/or FLA leave ordinarily must provide the City of Ferndale

at least 30 days notice of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should give as much notice as is practicable. When leave is needed to care for an immediate family member or for the employee's own illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the City of Ferndale's operations.

The request should be submitted to the Human Resources Department and the employee's immediate supervisor on the Request for Family Medical Leave Form.

In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The City of Ferndale also may require a second or third opinion (at the City of Ferndale's expense), periodic recertifications of the serious health condition, and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work.

The City of Ferndale may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City of Ferndale also may delay or deny approval of leave for lack of proper medical certification. The required medical certification shall be on a form provided by the City, which requires the employee's health care provider to provide the following information:

- (1) The date on which the serious medical condition began; and
- (2) The probable duration of the condition; and
- (3) The physician's certification that the employee meets the definition of a serious health condition; and
- (4) That the employee is unable to work or perform the requirements of the job; or
- (5) That the employee is needed to care for a child, parent or spouse who meets the definition of a serious health condition including an estimate of the amount of time care is required; and
- (6) The dates on which medical treatment is expected to be given and the duration of treatment when applicable.

Benefits during FMLA Leave

Employees taking leave under the FMLA are entitled to receive health benefits during the leave at the same level and terms of coverage as if they had been working throughout the leave. If applicable, arrangements will be made for employees to pay their share of health insurance premiums while on leave.

If an employee chooses not to return to work from FMLA leave, the City of Ferndale may be entitled to recover premiums it paid to maintain health coverage during the leave. If the employee does not return at the end of the FMLA period, his or her failure to return will be the COBRA qualifying event.

The employee's use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave. However, the employee must generally use any accrued leave during an unpaid FMLA leave; while employees will not be compelled to use paid sick leave, if they choose not to use accrued sick leave all other accrued leave balances must be used. The employee may use paid sick leave during FMLA leave taken to care for a newborn or newly placed child as discussed in Absence policy.

An employee is not entitled to seniority, holiday, vacation, personal or sick leave accruals during the period of unpaid leave unless an employee has been in a paid status for at least half of his or her scheduled hours in any pay period.

Employees may elect to continue additional life insurance and/or long-term disability coverage by paying the applicable monthly premiums to the City during an unpaid leave. Coverage ceases under FMLA when an employee's premium payment becomes delinquent.

Job Restoration after FMLA Leave

A Fitness for Duty certificate signed by the consulting physician will be required prior to return from leave, unless 1) the employee is out for five or fewer consecutive days, or 2) when FMLA is required for a family member or military reasons. The employee's practitioner shall complete the City's Fitness for Duty/Physician Or Practitioner Certification, and forward it to the Human Resources Department.

The City of Ferndale will reinstate an employee returning from FMLA leave to the same or equivalent position with equivalent pay, benefits, and other employment terms and conditions. However, an employee on FMLA leave does not have any greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

Except as otherwise provided by the applicable collective bargaining agreement, reinstatement is not available under the following conditions:

- 1) The employee takes another job while on leave;
- 2) The position was eliminated by a bona fide restructuring or RIF (reduction in force);
- 3) The employee fails to return from the FMLA leave at the authorized FMLA ending date without prior written approval;
- 4) If the leave continues beyond the 12-week period, reinstatement rights are at the discretion of the City based on the extent of additional leave needed and any undue hardship.

Other Provisions

The FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

Under an exception to the Fair Labor Standards Act in the FMLA regulations, hourly amounts may be deducted for unpaid leave from the salary of executive, administrative, and professional employees who are exempt from the minimum wage and overtime requirements of the Fair Labor Standards Act, and records of leave may be kept for those employees, without affecting the employee's exempt status. This special exception to the "salary basis" requirements for the FLSA's exemptions extends only to eligible employees' use of leave required by the FMLA.

For more information, employees may contact the City Clerk's Office/Human Resources.

POLICY 506 CONTINUING EDUCATION

Policy:

The City of Ferndale attempts to provide employees with flexible work schedules when taking City-approved educational courses.

Comment:

(1) Flexible work schedules will be considered if the City of Ferndale determines the courses of study are directly related to the employee's present job or will enhance the employee's potential for advancement to a position within the City of Ferndale and to which the individual in the view of management has a reasonable expectation of advancing. Any time devoted to such educational courses must be on the employee's own time and will not be compensable.

POLICY 507 EMPLOYEE COUNSELING AND ASSISTANCE

Policy:

The City of Ferndale assists employees with counseling and referral services that will help in solving personal problems, both on and off the job, and career planning.

Comment:

(1) The City of Ferndale recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing personal problems are encouraged to seek assistance from the Employee Assistance Program (EAP). The EAP provides a variety of resources at no cost to the employee, such as confidential counseling, work-life solutions, legal support and financial information. The Employee Assistant Counselors are available 24 hours a day, seven days a week to arrange a confidential appointment with a qualified counselor. The telephone number for EAP is 1-800-570-9315.

(2) The City of Ferndale further recognizes that the demands of work, family, and other responsibilities may limit time that would be spent on other functions, potentially resulting in additional stress, absenteeism, or other workplace impacts. The Employee Assistance Program is intended to address these issues as well.

(3) Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems may include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.

(4) Employees needing extended treatment may request a leave of absence in accordance with the City of Ferndale's leave policy. (See ABSENCES, Policy 504.)

(5) The City Clerk's Office/Human Resources will also, to the degree that its resources permit, provide counseling and reference information for employees seeking guidance on education and career planning, relocation, outplacement, and retirement planning. (See TERMINATION OF EMPLOYMENT, Policy 216; RETIREMENT, Policy 217; and EDUCATIONAL ASSISTANCE, Policy 505.)

(6) Communications between employees, supervisors, the City Clerk's Office/Human Resources, the Employee Assistance Program, and professional counselors or agencies as a result of this policy are to be kept as confidential as reasonably possible.

(6) Employees are required to meet satisfactory standards of job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling. (See PERFORMANCE APPRAISALS, Policy 302.) In certain circumstances, however, the City of Ferndale may require an employee to participate in counseling as a condition of continued employment. (See DRUGS, NARCOTICS, AND ALCOHOL, Policy 808.)

POLICY 508 EMPLOYEE RECOGNITION AND SERVICE AWARDS

Policy:

The City of Ferndale recognizes the public benefit of employee contributions and service to the organization by presenting employee recognition and service awards to eligible employees according to the guidelines below.

Comment:

(1) On an annual basis, or more often, if appropriate, the Mayor, City Administrator, or any department head (management) may provide non-monetary physical awards or plaques to employees who have demonstrated excellence or other exemplary performance. Such awards shall have a de minimis value beyond the cost of the award itself, which shall reflect the typical cost of a professional award or plaque.

(2) All regular full-time and regular part-time employees are eligible to receive a Pride in Service award upon completion of 5, 10, 15, 20, 25, and 30 years of service. Human Resources is responsible for identifying when employees should be honored, notifying the employees, ordering the awards, and helping management to arrange for appropriate announcements and publications of awards, both internally and externally.

(3) Regular full time and regular part time employees are eligible to accrue longevity benefits as described in their applicable bargaining agreement. Non-union employees receive \$40 per month beginning their 6th year of service, and an additional \$10 per month each successive year.

(4) Upon their retirement or end of service to the City in good standing, employees who have served the public as employees of the City on a continuous basis for twenty years or more shall be eligible for a non-monetary physical retirement award or plaque. Such awards shall have a de minimis value beyond the cost of the award itself, which shall reflect the typical cost of a professional award or plaque. The Mayor may also recognize appointed officials and volunteers servicing the City on a board or commission for more than twenty years in the same manner.

(5) Upon the end of their term of service to the City, elected officials (Councilmembers and Mayors) shall be awarded a non-monetary physical award or plaque to commemorate their service. Such awards shall have a de minimis value beyond the cost of the award itself, which shall reflect the typical cost of a professional award or plaque.

POLICY 601 EMPLOYEE SAFETY

Policy:

The City of Ferndale complies with all applicable federal, state, and local health and safety regulations and provides a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City of Ferndale or by federal, state, or local law.

Comment:

(1)-Supervisors should oversee the safety training and implementation of health and safety regulations as specified in the Supervisor Handbook.

(2) All employees are responsible for ensuring that they understand and comply with all City of Ferndale safety rules, regulations, and procedures. All employees are responsible for:

- (a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
- (b) Inspecting their work areas periodically;
- (c) Identifying conditions that are recognized as being unsafe; and
- (d) Reporting accidents and injuries to the immediate manager, department head and Clerks Office/Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care. (See MEDICAL PROCEDURES, Policy 208.)

Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to assure that the employee understands the safety regulations within their department. The completed and signed form should be included in the employee's personnel folder.

(3) Employees should report to their supervisor all observed safety and health violations and potentially unsafe conditions. Employees are encouraged to submit suggestions to their supervisor concerning safety and health matters.

(4) Violations of City of Ferndale safety rules, regulations, or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)

(5) CPR, First Aid, & BBP Training. Employees are offered CPR and First Aid training. Depending on the employee's job position the training may be mandatory. Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training within ten days of hire. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees Blood Borne Pathogen certification remains current. Employees who may be exposed to Hepatitis A or Hepatitis B as disclosed in their job description have the option to receive Hepatitis A and Hepatitis B vaccinations paid for by the City of Ferndale. Employees will be advised during orientation of the risks associated with their job classification and given the opportunity to accept or decline the vaccinations.

POLICY 602 PERSONAL PROPERTY

Policy:

The City of Ferndale asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

Comment:

(1) The City of Ferndale recognizes that employees may need to bring certain personal items to work. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.

(2) Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The City of Ferndale is not responsible for the loss, damage, or theft of personal belongings; and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.

(3) The City of Ferndale may assign each employee a locker or storage area for safekeeping small personal effects during working hours. In addition, the City of Ferndale will provide and retain keys for file cabinets, desks, and other workstations. Employees may not place their own locks on any storage facility.

(4) To maintain security and protect against theft, the City of Ferndale reserves the right to inspect when presented with reasonable suspicion all personal property brought onto the City of Ferndale's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, the City of Ferndale may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and remove all City of Ferndale property and other items that violate City of Ferndale rules and policies. (See SECURITY, Policy 605.)

POLICY 603 SOLICITATION

Policy:

The City of Ferndale prohibits solicitation and distribution on its premises by non-employees and permits solicitation and distribution by employees only as outlined below.

Comment:

(1) The City of Ferndale limits solicitation and distribution on its premises because those activities can interfere with its normal operations, reduce employee efficiency, irritate customers, and pose a threat to security.

(2) The City Clerk's Office/Human Resources is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action for violating this policy. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)

(3) Individuals not employed by the City of Ferndale are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by Administration's discretion,) or engaging in any other solicitation, distribution, or similar activity on City of Ferndale premises.

(4) The City of Ferndale may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are welcome to support these drives, but their participation is entirely voluntary.

(5) The following restrictions apply when employees engage in solicitation or distribution of literature for any group or organization as allowed under Section 4 above or an applicable collective bargaining agreement:

- (a) Soliciting and distributing literature, or selling merchandise or services, during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
- (b) Distribution of literature is prohibited in work areas at all times. Work areas do not include cafeterias, break rooms and parking lots, where employees are not performing work.
- (c) Distributing literature in a way that causes litter on City of Ferndale property is prohibited.
- (d) Employees may not use City facilities, resources, or supplies to promote or solicit participation in gambling activities, including but not limited to wagers, bets, or pools.
- (6) The City of Ferndale maintains various communication systems to communicate City of Ferndale information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, email, voice mail, facsimile machines, the City website, social media pages, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any City of Ferndale property is prohibited. (See USE OF COMMUNICATION SYSTEMS, Policy 804.)

POLICY 604 PARKING

Policy:

The City of Ferndale provides parking facilities, when practical, for the benefit and convenience of its employees, customers, and visitors.

Comment:

(1) The City of Ferndale will provide parking for as many employees as practical. Special spaces may be designated for certain employees, customers, and visitors.

(2) The City-owned parking lots are considered part of the City of Ferndale premises; therefore unless specifically stated otherwise, all City of Ferndale policies and rules apply to employees and their vehicles while on the lots. (See BEHAVIOR OF EMPLOYEES, Policy 801.)

(3) Employees who use the City of Ferndale parking lots do so at their own risk. The City of Ferndale assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots (See PERSONAL PROPERTY, Policy 602 and SECURITY, Policy 605.)

POLICY 605 SECURITY

Policy:

The City of Ferndale makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

Comment:

(1) Employees (unless required to carry a firearm or weapon as a condition of employment), are prohibited from possessing firearms or other weapons on City of Ferndale property and at events sponsored by the City of Ferndale. Employees (unless required to carry a firearm or weapon as a condition of employment) are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on City business. (Note: While Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events. (Cherry v. Metro Seattle, 116 Wn. 2d 794, 808 P.2d 746 (1991). This cited reference indicates that since 1991 municipalities have had the right to prohibit employees from carrying weapons.)

(2) All personal property brought onto the City of Ferndale's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection, when based upon the need to retrieve work-related materials, to investigate violation of workplace rules, or with reasonable suspicion. For the same reasons, the City of Ferndale may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all City of Ferndale property and other items that are in violation of City of Ferndale rules and policies. (See PERSONAL PROPERTY, Policy 602.)

(3) Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example, police employees.). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.

(4) Employees may arrive or remain at their workplace outside their normal working hours only when authorized to do so by their supervisor.

(5) Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the City of Ferndale premises and while away from the premises on business. The City of Ferndale assumes no responsibility for loss, damage, or theft of personal property. (See Personal Property, Policy 602.)

(6) Employees are expected to know and comply with the City of Ferndale's security procedures and should report any violations or potential problems to the Police Department. Violations of City of Ferndale security rules or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)

POLICY 606 SMOKING

Policy:

The City of Ferndale complies with all applicable federal, state, and local regulations regarding smoking in the workplace and to provide a work environment that promotes productivity and the well-being of its employees.

Comment:

(1) The City of Ferndale recognizes that the use of tobacco in the workplace can adversely affect employees. Accordingly, smoking, vaping and the use of smokeless tobacco products is restricted in all of its facilities.

(2) Smoking is prohibited inside all City of Ferndale facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on the City of Ferndale's premises.

(3) Smoking is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes or as otherwise provided by law. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have an obligation to keep smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City of Ferndale's grievance procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)

Employees who violate the policy will be subject to disciplinary action. (See DISCIPLINARY PROCEDURE, Policy 807.)

(4) Employees may contact the City Clerk's Office/Human Resources for information regarding the effects of smoking and the availability of smoking cessation programs.

POLICY 701 ATTENDANCE AND PUNCTUALITY

Policy:

The City of Ferndale requires employees to report for work punctually and to work all scheduled hours and assigned overtime. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

Comment:

(1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. (See HOURS OF WORK, Policy 212.) Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.

(2) Employees shall notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification shall be made to the next level of management.

(3) Employees will be compensated during authorized absences in accordance with the policies contained in ABSENCES, Policy 702 and TYPES OF ABSENCES, Policy 503. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City of Ferndale properly of any absence may result in loss of eligibility for paid time off and may be grounds for disciplinary action.

(4) Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the workday. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601; and PERSONAL APPEARANCE OF EMPLOYEES, Policy 802.)

Employees who report for work in a condition considered not fit for work, whether for illness or any other reason, will not be allowed to work. (See MEDICAL PROCEDURES, Policy 208; and DRUGS, NARCOTICS, AND ALCOHOL, Policy 809.)

(5) Employees generally are expected to report for work during inclement weather conditions if the City of Ferndale does not declare an emergency closing. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time off, administrative time off, or leave without pay.

(6) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the workweek.

(7) Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. (See MEDICAL PROCEDURES, Policy 208.) The supervisor should record the information in the employee's file and forward a copy to the City Clerk's Office/Human Resources. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or unexcused absences will lead to discipline, up to and including termination. (See ABSENCES, Policy 504; and DISCIPLINARY PROCEDURE, Policy 807.)

(8) Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.

(9) Unauthorized or excessive unexcused absences or tardiness will result in disciplinary action, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.) An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, a pattern of absenteeism or tardiness, unexcused absences or absences in excess of those allowed in ABSENCES, Policy 702, or tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three- month period may lead to disciplinary action up to and including termination.

(10) Employees who are absent from work for three consecutive days without giving proper notice to the City of Ferndale will be considered as having abandoned the job. At that time, the City of Ferndale will formally note the termination and advise the employee of the action by certified mail to the employee's last known address. (See TERMINATION OF EMPLOYMENT, Policy 216.)

POLICY 702 REST BREAKS

Policy:

The City of Ferndale provides rest breaks during the course of each workday.

Comment:

(1) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period. (See MEAL BREAKS, Policy 703.) Where the nature of the work permits intermittent rest periods equivalent to ten minutes every four hours, scheduled rest periods are not required.

(2) Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.

(3) Time spent on rest breaks will be compensated as working time. (See HOURS OF WORK, Policy 210.) However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)

(4) Employees who choose to remain at work during rest breaks are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time and will not receive extra pay for the time worked.

(5) Employees on rest breaks may not interfere with other employees who are continuing to work. (See SOLICITATION, Policy 603)

(6) For two years following childbirth, non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. These breaks will be paid to the extent they run concurrently with the above-referenced daily rest breaks. The City will provide a suitable, private location for nursing breaks. Employees needing nursing breaks should contact their supervisor or Human Resources to make appropriate arrangements.

(7) Employees who do not believe they are receiving adequate rest periods during the day should promptly advise their supervisor or Human Resources.

POLICY 703 MEAL BREAKS

Policy:

The City of Ferndale provides meal breaks during the course of each workday.

Comment:

(1) Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the break will be sixty minutes, unless otherwise specified in a collective bargaining agreement. In departments operating on two or three shifts, the meal break will be thirty minutes, depending on operating requirements, unless otherwise specified in a collective bargaining agreement. Department heads may authorize exceptions to the meal break schedule.

(2) Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.

(3) Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.

(4) Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.

(5) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for their meal breaks unless they are required to work during their breaks. (See HOURS OF WORK, Policy 212)

(6) Employees on meal breaks are not permitted to interfere with other employees who are continuing to work. (See SOLICITATION, Policy 603)

POLICY 801 BEHAVIOR OF EMPLOYEES

Policy:

The City of Ferndale finds that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City of Ferndale, or is offensive to customers or coworkers will not be tolerated.

Comment:

(1) Appropriate Employee Conduct. Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the City of Ferndale. Appropriate employee conduct includes:

- (a) Treating all customers, visitors, and coworkers in a courteous manner;
- (b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City of Ferndale's best interests (See ANTI-HARASSMENT, Policy 203);
- (c) Reporting to management suspicious, unethical or illegal conduct by coworkers, customers, or suppliers (See SECURITY, Policy 605);
- (d) Cooperating with City of Ferndale investigations (See ANTI-HARASSMENT, Policy 203; and SECURITY, Policy 606);
- (e) Complying with all City of Ferndale safety and security regulations (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601; and SECURITY, Policy 606);
- (f) Wearing clothing appropriate for the work being performed (See EMPLOYEE SAFETY, Policy 601; and PERSONAL APPEARANCE OF EMPLOYEES, Policy 802);
- (g) Performing assigned tasks efficiently and in accord with established quality standards;
- (h) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (See ATTENDANCE AND PUNCTUALITY, Policy 701);
- (i) Giving proper advance notice whenever unable to work or report on time (See ATTENDANCE AND PUNCTUALITY, Policy 701);
- (j) Smoking only at times and in places not prohibited by City of Ferndale rules or local ordinances (See SMOKING, Policy 606); and
- (k) Maintaining cleanliness and order in the workplace and work areas.

(2) Prohibited Conduct. The following types of conduct are prohibited, and individuals engaged in such conduct will be subject to discipline, up to and including termination (See DISCIPLINARY PROCEDURE, Policy 807):

- (a) Possessing firearms or other weapons on City of Ferndale property (unless employee is required to carry a firearm or other weapon as a condition of employment);
- (b) Fighting or assaulting a coworker or customer;
- (c) Threatening or intimidating coworkers, customers, or guests;
- (d) Engaging in any form of sexual or other harassment or prohibited retaliation (See ANTI-HARASSMENT, Policy 203);
- (e) Reporting to work under the influence of alcohol, illegal drugs, controlled substances, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on City of Ferndale premises or while conducting City business (See DRUGS, NARCOTICS, AND ALCOHOL, Policy 808);
- (f) Disclosing confidential City of Ferndale information (See MEDIA INQUIRIES, Policy 806);

- (g) Dishonesty, falsifying or altering any City of Ferndale record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
- (h) Stealing, destroying, defacing, or misusing City of Ferndale property or another employee's or customer's property;
- (i) Misusing City of Ferndale communications systems, including email, computer hardware or software, social media, internet access, and telephones (See USE OF COMMUNICATION SYSTEMS, Policy 804);
- (j) Refusing to follow management's instructions concerning a job-related matter or being insubordinate or disrespectful;
- (k) Failing to wear assigned safety equipment or failing to abide by safety rules and policies (See EMPLOYEE SAFETY AND THE SAFETY COMMITTEE, Policy 601);
- (l) Soliciting or distributing in violation of City of Ferndale policies (See SOLICITATION, Policy 603);
- (m) Smoking where prohibited by local ordinance or City of Ferndale rules (See SMOKING, Policy 606);
- (n) Using profanity in a manner that could constitute abusive language (See USE OF COMMUNICATION SYSTEMS, Policy 804);
- (o) Sleeping on the job without authorization;
- (p) Gambling on City of Ferndale property;
- (q) Playing pranks or engaging in horseplay; and
- (r) Wearing improper attire or having an inappropriate personal appearance (See PERSONAL APPEARANCE, Policy 802);

(3) The examples of impermissible behavior described in Comment (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the City of Ferndale's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Human Resource Department.

POLICY 802 PERSONAL APPEARANCE OF EMPLOYEES

Policy:

The City of Ferndale requires that each employee's dress, grooming, and personal hygiene be appropriate to the work situation. Employees are expected at all times to present a professional image.

Comment:

- (1) Employees are expected at all times to present a professional image to customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Ferndale. Radical departures from conventional dress or personal grooming and hygiene standards are not permitted.
- (2) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards:
 - (a) Employees are expected to dress in a manner that is normally acceptable in similar business establishments. Employees should not wear suggestive attire or athletic clothing, and similar items of casual attire that do not present a professional appearance.
- (3) Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat as working conditions permit.
- (4) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.
- (5) On Fridays, the City of Ferndale allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- (6) An employee who does not meet the standards of this policy will be subject to corrective action, which may include leaving the premises. Non-exempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy.

Violations of this policy also may result in disciplinary action.

POLICY 803 PERSONAL FINANCES OF EMPLOYEES

Policy:

The City of Ferndale expects employees to meet their financial obligations in a timely manner.

Comment:

- (1) Employees should manage their personal finances so that they do not adversely affect job performance or the City of Ferndale's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City of Ferndale through extra bookkeeping and the need to respond to legal notices and court orders.
- (2) The City of Ferndale will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.
- (3) The City of Ferndale may conduct credit checks of applicants for employment in accordance with its hiring policy and as allowed under state and federal law.
- (4) The Deputy Treasurer of the Finance Department is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Finance Department will notify the affected employee and then deduct the required amount from the employee's earnings, up to the limit permitted by law.

POLICY 804 USE OF COMMUNICATION SYSTEMS

Policy:

The City of Ferndale provides or contracts for the communications services and equipment necessary to promote the efficient conduct of its business.

Comment:

(1) All City of Ferndale communications services and equipment, including the messages transmitted or stored by them, are the sole property of the City of Ferndale. Department Heads or designated Division Managers may access and monitor employee communications and files as considered appropriate. Communication services and equipment include, among other things, mail, email, instant messaging, social media, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranets, computer files, any device capable of making audio or visual recordings and any files on that device, cellular phones, voice mail, and bulletin boards. Employees should have no expectation of privacy as to any information or other content sent, received, or stored on any City technology systems.

(2) Internet: See internet and social media policies.

(3) Electronic records, including email messages and texts, may be public records subject to Washington State's Public Disclosure Records Act (RCW 42.17). There are also other legal issues related to e-mail communications. In general, email is subject to discovery.

(4) Personal Use of Communication Systems City communication systems and networks are provided for the conduct of City business. However, limited personal use by employees of City telephone, and voicemail, email, and the internet is permitted within the following guidelines:

- The use is of reasonable duration and frequency during approved breaks or lunch periods
 - The City incurs no added costs, such as long-distance telephone charges
 - The use is not related to any illegal activity or the conduct of an outside business
- Personal cell phone use should be kept to a minimum to not interfere with the employee's work or the City's operations.
- The use must not adversely affect the City or its public image.
 - The use is not in support of any religious, political, or outside organization activity
 - The use does not interfere with the performance of City business, the employee's assigned duties, or the assigned duties of other employees and does not adversely affect the performance of the employee or the employee's organization.
 - The use complies with these policies, including the City's harassment policies.

(5) Employees should ensure that no personal correspondence appears to be an official communication of the City of Ferndale since employees may be perceived as representatives of the City of Ferndale and, therefore, damage or create liability for the City of Ferndale. All outgoing work-related communications, whether by mail, facsimile, email, social media or other online transmission, or any other means, must be accurate and appropriate. Employees may not use the City of Ferndale's address for receiving personal mail or use City of Ferndale stationery or postage for personal letters. In addition, only the City of Ferndale may issue personalized City of Ferndale stationery and business cards.

(6) Employees must bear in mind that email is not private, and its source is clearly identifiable. As

public records, email messages may remain part of City business records for many years. Email messages of a religious nature or advocating for a political position, or messages that contain obscene, profane, or otherwise offensive material or language are prohibited. Sending bulk email for purposes other than official business purposes (i.e. "spam" or "chain letter" emails) is prohibited.

(7) Improper use of City of Ferndale communications services and equipment or any other violations of this policy will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other City policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive, or otherwise inappropriate written, recorded, or electronically transmitted messages. (See ANTI-HARASSMENT, Policy 203; and BEHAVIOR OF EMPLOYEES, Policy 801.)

POLICY 805 MEDIA INQUIRIES & PUBLIC COMMUNICATIONS

Policy:

All media inquiries and request for comment from a city official should be referred to the City's Communications Officer, who, in consultation with the Department Head, Mayor, or City Administrator, shall respond. In addition, the Mayor must approve all press releases, publications, speeches, or other official declarations. (See SECURITY, Policy 605.) The Mayor may authorize specific employees the authority to respond to media inquiries without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the City Clerk's Office/Human Resources.

Comment:

(1) Employees, elected officials, and advisory body members must abide by the guidelines in the City's supplementary Social Media Policy. The City of Ferndale retains the right to amend or terminate the Social Media Policy at any time.

POLICY 806 DISCIPLINARY PROCEDURE

Policy:

The City of Ferndale expects all employees to comply with the City of Ferndale's standards of behavior and performance. Noncompliance with these standards may result in disciplinary action.

Comment:

(1) Unless the circumstances warrant otherwise the City of Ferndale endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner it sees fit and to tailor the discipline based upon facts and circumstances, and to terminate all at-will employees with or without cause.

(2) The application of progressive discipline may include:

- Oral warning
- Written warning
- Suspension or demotion
- Termination

Depending on the circumstances, the City may also place an employee on a performance improvement plan, which may be done in connection with, or independent of, discipline. The City may also demote an employee as a disciplinary measure.

(3) The progressive disciplinary procedures described in Comment (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

(4) The degree of disciplinary action administered depends on the severity of the infraction or performance issue and will be carried out in accordance with this policy, or in accordance with applicable Civil Service Rules and Regulations or labor contracts. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is necessary, such as a major breach of policy or violation of law, the procedures contained in Comment (2), above, may be disregarded. If appropriate, the supervisor may suspend the employee immediately pending the investigation. (See BEHAVIOR

OF EMPLOYEES, Policy 801.) Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.

(5) Pre-disciplinary Hearing - In the case of suspension, demotion or termination of an employee (other than probationary or non-represented employees), the City will conduct a pre-disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a suspension, demotion, or termination decision is finalized. The employee shall be provided with a notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary hearing. If the employee fails or refuses to appear, the suspension or termination may proceed. Pre-disciplinary hearings will be presided over by the City Administrator or designated representative. A non-supervisory employee may request that a coworker (or if the employee is represented by a union, a union representative) be

present at the pre-disciplinary hearing. The hearings are intended to be informal. The employee may show cause why he/she should not be suspended, demoted, or terminated. Usually within two working days after the pre-disciplinary hearing, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support suspension, demotion, or termination. A longer review period may be required in situations that are more complex.

(6) The City Clerk's Office/Human Resources must review and approve all recommendations for termination before any final action is taken. (See TERMINATION OF EMPLOYMENT, Policy 216)

(7) Non-represented employees who believe that this policy has not been followed, and wish to challenge the decision, must use the dispute resolution procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902)

POLICY 807 DRUGS, NARCOTICS, AND ALCOHOL

(Note: This policy applies to non-CDL holders only)

Policy:

The City of Ferndale is dedicated to providing safe, dependable, and economical services to the community. The purpose of this policy is to ensure employee fitness for duty and to protect them and the Public from the risks associated with the abuse of alcohol and/or drugs.

Comment:

Recognizing that drug and alcohol use and abuse can pose a serious threat to these goals, the City is committed to providing a drug and alcohol-free workplace for all of its employees. This policy is in accordance with Chapter 296-800 of the State Administrative Code (WAC) and with the federal Drug Free Workplace Act.

This policy applies to all employees of the City. Employees who are required to maintain a commercial driver's license (CDL) are also subject to the City's Drug and Alcohol Policy for DOT Employees.

Prohibitions

The City of Ferndale strictly prohibits the following in the workplace, on City property (including in City vehicles) or on work time:

- The use, sale, distribution, dispensation, manufacture or possession of alcohol or drugs (including marijuana and other drugs included in Schedules I - IV of the federal Controlled Substances Act) or drug paraphernalia;
- The unauthorized use or distribution of prescription drugs;
- The use of any legally obtained drug (prescriptions or over-the-counter medications) when such use may adversely affect an employee's job performance, their safety or the safety of others, or any combination thereof;
- Reporting to work or working while under the influence of alcohol or drugs (including marijuana and other drugs included in Schedule I-IV of the federal Controlled Substances Act). An employee will be deemed under the influence of a drug if the employee tests positive following a test conducted in accordance with this policy or when the employee acknowledges impairment. An employee will be deemed under the influence of alcohol if testing indicates an alcohol concentration equal to or greater than .04 or when the employee acknowledges impairment.

Prescription Medication

The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. An employee shall have no obligation to inform the City of such use unless, according to a warning notice or the input of a physician or pharmacist, the drug may cause a possible impairment that could prevent the employee from performing his or her job safely or effectively. In such cases, the employee should notify his or her supervisor or Human Resources so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is

used. Medical information will be handled in a confidential manner. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established by federal law constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use will not adversely affect the employee's ability to safely and effectively perform job duties.

Alcohol Offsite

On occasion, alcohol may be served at City-sponsored events or at off-site conferences or other events an employee may attend as part of his/her job. This policy does not prohibit an employee from consuming alcohol at such events, provided that employees conduct themselves responsibly. Employees may be subject to discipline or discharge for unacceptable behavior, including behavior attributed to alcohol consumption.

Workplace Drug Related Convictions

The Drug Free Workplace Act of 1988 requires employees, as a condition of employment, to report any criminal convictions of drug-related activity in the workplace to the City no later than five (5) days following a conviction. Any such report should be directed to Human Resources. Employees convicted of workplace drug-related crimes may be subject to discipline up to and including termination.

Employee Assistance Program

The City of Ferndale recognizes that alcohol and drug addiction can be successfully treated and is willing to help employees who suffer from these problems while holding them responsible for their own recovery. The City of Ferndale maintains an Employee Assistance Program (EAP). Employees may also have access to professional services through the City's health insurance plans to aid them with any alcohol or drug problems. Employees who need help with drug and/or alcohol misuse or abuse are encouraged to use these resources.

Employees are strongly encouraged to seek help to address their drug or alcohol problems before such issues affect their performance or result in a positive drug or alcohol test. Seeking assistance after an employee has tested positive or demonstrated performance issues will not allow the employee to avoid the disciplinary consequences of his/her behavior.

Drug and Alcohol Testing

The City reserves the right to test employees or applicants for alcohol and/or controlled substances to the fullest extent allowed by law. This includes urine drug testing and evidential breath alcohol testing. Employee or applicant acceptance of testing, when required in accordance with this policy, is a mandatory condition of employment. Refusing to submit to such tests constitutes a violation of City policy and will result in termination of employment or, for an applicant, withdrawal of the job offer. The City of Ferndale reserves the right to test for drugs and/or alcohol as defined below:

Pre-Employment – After receiving a conditional offer of employment, an applicant for a safety sensitive position may be required to submit to, and successfully pass, a drug test.

Post-Accident – An employee who is involved in an accident that causes property damage while driving a vehicle for City business, or who sustains or causes an injury that requires medical attention, will be required to submit to drug and alcohol testing. Exceptions to this testing requirement may be made where the City concludes that the circumstances surrounding the accident do not indicate a reasonable possibility that drug or alcohol use by the employee was a contributing factor (for example, where the employee is rear-ended while stopped at a red light).

Reasonable Suspicion – Reasonable suspicion is based on specific personal observations that a City of Ferndale Human Resource representative, manager/supervisor, or health care professional can describe and document regarding an employee's appearance, behavior, speech and breath odor. Observations must be documented in writing.

Random – The City of Ferndale reserves the right to initiate, with a 60-day notice, the random testing of safety-sensitive employees.

All drug and alcohol testing under this policy will be conducted by an independent testing facility. Employees will receive their regular pay for time spent in required drug or alcohol testing. In the event of post-accident or reasonable suspicion testing, an employee will not be permitted to drive himself/herself to the testing facility. A supervisory employee must transport the employee to and from the testing facility and arrange for transportation home following the required testing. Depending on the circumstances, an employee may be placed on administrative leave pending test results.

In addition, when the City has a reasonable suspicion that an employee is violating any aspect of this policy, the employee may be asked by the City of Ferndale to submit immediately to a search or inspection at any time (including breaks and the lunch period) while on City premises or in City property. Any refusal to consent to a search constitutes a violation of this policy and is grounds for disciplinary action, up to and including termination of employment.

Confidentiality

All information received by the employer through the program is confidential. Access to this information is limited to those who have a legitimate need to know.

Consequences

Applicants who refuse to cooperate in a drug test or who test positive will not be hired and will not be eligible to reapply for City employment in the future.

An employee's refusal to do any of the following when required is considered non-compliance and may result in disciplinary action, up to and including termination of employment:

1. Take a drug or alcohol test.
2. Appear for testing as directed.
3. Accept the EAP recommendations when required to use the EAP because of a positive drug test or due to violating a City rule pertaining to drugs or alcohol.
4. Comply with the conditions of the Last Chance Agreement.

In addition, any attempt to tamper with, adulterate, obstruct or otherwise interfere with a drug or alcohol test conducted pursuant to this policy shall be considered a refusal to test and will be grounds for discipline up to and including discharge.

An employee may be terminated solely for a first-time confirmed positive drug or breath alcohol test. However, if not terminated, the employee may be given an opportunity for job retention through a Last Chance Agreement. This policy does not prohibit an employee from being terminated for reasons other than a confirmed positive test result. The availability of a Last Chance Agreement in a given situation, as well as the specific terms of that agreement, shall be subject to the City's discretion and approval. For represented employees, a Last Chance Agreement must be signed by the union.

If an employee has a confirmed positive drug screen or positive breath alcohol test for a second time, the employee will be terminated immediately.

POLICY 901 PERSONNEL RECORDS

Policy:

The City of Ferndale maintains personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.

Comment:

(1) The City of Ferndale tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.

(2) The City Clerk's Office/Human Resources is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.

(3) Employees have a responsibility to keep their personnel records up to date and shall notify the City Clerk's Office/Human Resources in writing of any changes in at least the following:

- (a) Name;
- (b) Address;
- (c) Telephone number;
- (d) Marital status (for benefits and tax withholding purposes only);
- (e) Number of dependents;
- (f) Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
- (g) Beneficiary designations for any of the City of Ferndale's insurance, disability plans; and for the State Department of Retirement Systems.
- (h) Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.

(4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Human Resource Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resource Department. A reasonable charge, not to exceed the actual cost to the City of Ferndale, will be made for any copies of records made by the employee.

(5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the City Clerk's Office/Human Resources. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)

(6) Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved and witnessed by the City Clerk's Office/Human Resources.

(7) Employees should refer all requests from outside the City of Ferndale for personnel information concerning applicants, employees, and past employees to the Human Resource Department. The City Clerk's Office/Human Resources normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site.

Personnel documents are centralized in the City Clerk's Office/Human Resources. Generally, contents of a personnel file are retained for up to six years after an employee terminates. Other employee documents such as medical and payroll records must be retained for a longer period. Documents the City customarily retains in the regular course of business as a part of an employee's permanent record within the City Clerk's Office, even if no regulation requires retention, include performance management memos, disciplinary or warning memos, and memos describing the outcome of an internal investigation.

POLICY 902 DISPUTE RESOLUTION PROCEDURE

Policy:

The City of Ferndale believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City of Ferndale will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

Comment:

(1) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:

(a) A belief that City of Ferndale policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;

(b) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

(2) Employees should notify the City Clerk's Office/Human Resources in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" generally will mean ten working days. For non-represented employees, the dispute resolution procedure is the exclusive remedy for resolving appropriate complaints. Certain employees may have more than one source of dispute resolution rights, i.e. a collective bargaining agreement, the City's Civil Service Rules, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules where applicable. In all other cases, the procedures described in this section are to be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee.

(3) The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

(4) Employees who feel they have an appropriate dispute should proceed as follows:

(a) Step One - Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to Step Two. The supervisor, if authorized, should investigate the complaint or refer it to the City Clerk's Office/Human Resources for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and proposed resolution.

(b) Step Two - Appeal the decision to the department head, if dissatisfied with the supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. This

appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the dispute and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.

(c) Step Three - Appeal an unsatisfactory department head decision to the City Administrator. The timeliness requirement and procedures to be followed are similar to those in Step Two. The City Administrator will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision. In the event the decision in dispute was made by the City Administrator, the appeal should be made to the Mayor, who review and investigate the dispute.

(5) The City Clerk's Office/Human Resources will provide training and support to supervisors and department heads in dealing with employee complaints. In addition, employees should be encouraged to consult with the City Clerk's Office/Human Resources, their supervisors, or other members of management on a less formal basis regarding employee complaints or disputes.

(6) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as City of Ferndale policy. The City retains the discretion to make final resolution of a dispute retroactive to the date of the employee's original dispute notification.

(7) Information concerning an employee dispute should be confidential to the extent possible. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

(8) Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.

(9) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the City of Ferndale to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.

(10) The City of Ferndale may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

POLICY 903 WHISTLEBLOWER PROTECTION ACT

Policy:

The City of Ferndale, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy resolution.

Comment:

(1) The following definitions shall apply to this policy:

a. **Improper governmental action** is any action by a city officer or employee that is undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and is:

- (i) in violation of any federal, state, or local law or rule;
- (ii) an abuse of authority;
- (iii) of substantial and specific danger to the public health or safety; or
- (iv) a gross waste of public funds.

Improper governmental action does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

b. **Retaliatory action** is any material adverse change in the terms and conditions of an employee's employment or hostile actions by another employee or City official towards a City employee that are encouraged by a supervisor or senior manager or official.

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

(2) Employees who become aware of improper governmental action should follow these procedures:

(a) Step One – Bring the matter to the attention of the supervisor, if that supervisor is not involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Department Head or Mayor. In the case of an emergency, an employee may proceed as described in subsection (4) below.

(b) Step Two – The Mayor or the mayor's designees shall promptly investigate the report of improper government action. After the investigation is completed (generally within thirty (30) days of the employee's report, unless additional time is needed to investigate), the employee shall be advised of the results of the investigation. City of Ferndale officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been

completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

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

(5) Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur. A list of government agencies is listed below this section.

(6) It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. An employee who believes that retaliation has occurred for reporting an improper government action should:

(a) Step One – Employee must provide a written complaint to his/her supervisor within thirty days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor. The written charge must specify the alleged retaliatory action and the relief requested.

(b) Step Two - The Mayor or his/her designee shall investigate the complaint and responding in writing within thirty days of receipt of the written charge.

(c) Step Three - After receiving the response of the City of Ferndale or thirty (30) days after the delivery of the charge to the City of Ferndale, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City of Ferndale Mayor within the earlier of either fifteen (15) days of delivery of the City of Ferndale' response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Ferndale for response.

(d) Step Four-Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence. The ALJ will issue a final decision no later than forty-five days after the date of the request for hearing, unless an extension is granted.

(7) Additional information can be obtained from the Washington State Auditor:

<https://sao.wa.gov/report-a-concern/how-to-report-a-concern/whistleblower-program/>

LIST OF AGENCIES:

CITY OF FERNDAL
Mayor/City Administrator
P.O. BOX 936
FERNDAL, WA. 98248

(360) 685-2350
(360) 685-2351

FERNDAL CITY ATTORNEY
2701 Meridian Street
Bellingham, WA 98225
(360) 671-6460

WHATCOM COUNTY PROSECUTING ATTORNEY
311 Grand Ave., Suite 201
Bellingham, WA 98225
(360)778-5710

STATE OF WASHINGTON
ATTORNEY GENERAL'S OFFICE
1125 Washington St. SE
PO Box 40100
Olympia, WA 98504-0100
(360) 753-6200

UNITED STATES
U.S. ATTORNEY
800 FIFTH AVENUE
SEATTLE, WA.
(206) 647-1209 (206)553-7970

Appendix A – COBRA BENEFITS

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

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

An employee covered by an AWC Employee Benefit Trust health plan has the right to choose this continuation coverage if health coverage is lost because of a reduction in hours of employment or the termination of employment (for reasons other than gross misconduct on the employee's part).

The spouse of an employee/retiree covered by an AWC Employee Benefit Trust health plan also has the right to choose continuation coverage if health coverage under the AWC Employee Benefit Trust health plan is lost for any of the following reasons:

- Death of spouse
- Termination of spouse's employment (for reasons other than gross misconduct) or reduction in spouse's hours of employment
- Divorce or legal separation;
- Spouse becomes Medicare eligible

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

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

Under the federal law, the employee or a family member has the responsibility to inform the City Clerk's Office/Human Resources and the AWC Employee Benefit Trust of a divorce, legal separation, Medicare eligibility, or child losing dependent status under a Trust-sponsored health plan. Notification must be made within sixty (60) days of the date that the event occurs in order to be eligible for continued health coverage.

The City of Ferndale is responsible for notifying AWC of employee's death, termination of employment or reduction of hours. When the AWC Employee Benefit Trust is notified that one of these events has occurred and group coverage is terminated, AWC will notify the employee of the different options and the right to choose continuation coverage. If the employee does not choose continuation coverage, health insurance coverage will be terminated.

If an employee chooses continuation coverage, the provider is required to provide coverage that is identical to the coverage provided under the plan to similarly situated employees and family members.

The law requires that the employee be afforded the opportunity to maintain continuation coverage for three years, unless health coverage was lost due to termination of employment or reduction in hours. In that case, the required continuation coverage period is 18 months. However, the 18-month period of continued coverage due to termination or a reduction in hours may be extended if, during the first 18 months, a second event occurs that also qualifies for continued coverage. However, in no case will the total period of continued coverage last longer than 36 months.

If the employee terminates employment due to a disability or becomes disabled within the first 60 days of COBRA coverage, the regular 18-month period may be extended for an additional 11 months. The disability must occur prior to or during the initial COBRA period and must be recognized by Social Security. The AWC Benefit Trust must be notified within 60 days of COBRA coverage termination of the employee's desire to extend coverage for an additional 11 months, including paperwork from Social Security.

If the employee loses coverage because they have entered military service for longer than 31 days, and they are covered by the Uniform Services Employment and Reemployment Rights Act (USERRA), they may elect to self pay for COBRA coverage for a maximum of 24 months. This 6-month COBRA extension only applies to those employees and dependents electing coverage after December 10, 2005.

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

- The employer no longer provides health coverage to any of its employees
- The premium for continuation coverage is not paid, or not paid on time, as provided by law
- The employee becomes covered under another group health plan with a new employer, gets married, or for any other reason (unless the new plan has a pre-existing condition waiting period provision)
- The employee becomes entitled to Medicare.

The employee does not have to show that they are insurable to choose continuation coverage. However, under the law, the entire premium for continuation coverage must be paid.