



# **CITY OF NORTH BEND**

## **PERSONNEL POLICIES**

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## **Section 1 – General Provisions**

### **1.1 Purpose**

The objective of these guidelines is to facilitate efficient service to the public and to provide a personnel management system within the City government that clarifies and ensures the rights and responsibilities of all employees in an equitable and uniform manner.

These guidelines will apply to all City employees, and will not apply to elected officials, volunteers, or independent contractors.

The City has collective bargaining agreements with Teamsters 763. In the instances where personnel policies and procedures conflict with collective bargaining agreements, the provisions of the labor contract will govern.

The intent of these guidelines is to recognize that the City will employ the most suitably qualified persons available; that tenure of every employee shall depend upon the need of the work performed, availability of funds, effective performance, appropriate conduct, and continuing fitness for a position; that each employee will be prepared and expected to perform at an optimum level; and that no appointment to, promotion to, removal from, or discipline in any position in the City shall be influenced because of the employee's or applicant's race (inclusive of traits historically associated or perceived to be associated with race, including hair texture and hairstyle), color, religion, sex, national origin, citizenship or immigration status, age (over 40), marital status, parental status, sexual orientation, gender identity, pregnancy, disability, veteran's status, or any other bases prohibited by applicable Federal, state or local laws.

This manual is a general informational guide to the City's current employment guidelines. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as well as other City guidelines and practices, whether informal or formal and including those not contained in this document, as the City deems necessary and appropriate, without advance notice. These guidelines will not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these guidelines in individual situations to achieve its primary mission of providing orderly and cost-efficient services to citizens.

### **1.2 Scope**

In cases where these guidelines conflict with collective bargaining contracts and agreements duly agreed upon between authorized employee organizations or unions and the City, the provisions of those specific sources of employee's rights and responsibilities will govern. In all other cases these guidelines will apply.

### **1.3 Definitions**

When used in this Manual, the following terms have these meanings ascribed to them:

**Anniversary Date** – The most recent date of hire with the City in a Regular Full-Time or Regular Part-Time position (including the Employee’s Probation period) for vacation accrual and longevity. For pay increases, the anniversary date is the most recent date in a new position.

**Applicant** – A person applying for an employee position with the city of North Bend.

**“At-Will”** – An Employee who may be discharged with or without cause, due process, notice or a hearing. Non-Represented or Probationary Employees are “At-Will” Employees.

**Classification** – A group of positions sufficiently similar in nature, duties, responsibilities, knowledge, abilities, skills, and other qualifications to permit combining them within a single job title for purposes of wages and selection.

**Collective Bargaining Agreement** – A contract covering employees represented by a labor union or guild.

**Demotion** – The assignment of an employee, voluntarily or involuntarily, to a job classification generally having less responsibility and salary in a lower pay range.

**Department Head** – The supervisor, manager, or director, as applicable, of a particular department of the City. This also means the City Manager for employees who directly report to the City Administrator.

**Domestic Partner** – The individual named in a current, valid Affidavit of marriage or Domestic Partnership on file with the City’s Human Resources Department.

**Familial Relationship** - includes any relationship wherein two (2) people reside together as if they were married or are registered domestic partners.

**Employee Status Types:**

**Probationary** – The initial 6 calendar months of employment, “Probation,” is considered a continuation of the selection process. During this period, the employee’s work is still being evaluated and the employee may be discharged at any time without recourse to an appeal procedure. At-Will employees remain At-Will and gain no additional rights after any probationary period.

**Regular** – The period of employment after completion of the probationary period. Seasonal or temporary positions do not have a probationary period.

**Regular Full-Time** – An employee hired to work a 40-hour week in a regular position, which is established by the City budget and expect to be an ongoing position.

Regular Part-Time – An employee hired to work an average of at least 15 but fewer than 40 hours per week in a regular position established by the City budget, which is expected to be an ongoing position.

Temporary – A position authorized to work on a special project or during peak workloads. Employment may be up to 40 hours per week and is dependent upon the needs of the project or peak workload as determined by the City. If a temporary position has worked 20 hours or more per week for six months, and the City considers extending said temporary position, Human Resources will review benefit policies for potential eligibility thresholds with the Department Head.

Seasonal – An employee hired into a position for which the annual employment is for a specified period of time, typically March through October, not to exceed four months.

Exempt – An employee exempt from overtime provisions of the Fair Labor Standards Act (FLSA). A list of Exempt positions is maintained by Human Resources.

Non-Exempt – An employee covered by the overtime provisions of the FLSA.

Non-Represented – Employees not represented by a labor union for purposes of establishing wages, hours, and conditions of employment.

Salaried – A position that is exempt from overtime provisions of FLSA.

Insubordination – Expressed hostility or contempt for an employee's supervisor or willful or demonstrated disregard of a supervisor's reasonable directive or written City policy.

Personnel Policy Manual – The compilation of all policies and procedures contained in this document as adopted and as may be amended, and those policies and procedures that are incorporated by reference in this Manual.

Policy - Level Officers – A department director or an elected official of the City or of any agency or organization with whom the City deals.

Step Increase Date – Based on date hired or promoted to position, used for the purpose of performance reviews and step increases.

Standby – Specific assignment of an employee during off-hours to be available to come to work if needed.

Suspension – Temporary removal from employment without pay.

Transfer – The assignment of an employee from one position to a different proposition within the same Classification or similar Classification with the same salary range and having similar qualification, usually in relation to issues such as nepotism, workplace dating, FMLA and other accommodations.



Volunteer – A person who volunteers their time and services to the City of North Bend without any present or future expectation of compensation. “Volunteer” includes appointees to City boards and commissions.

Work Week – A fixed and regularly recurring period of seven consecutive 24-hour periods. The standard Work Week for employees consists of the period from 12:00 a.m. -Sunday to 11:59 p.m. the following Saturday. Different work schedules may be established by the city or by bargaining agreements to meet job assignments and provide necessary City services.

## **Section 2 – General Policies & Practices**

### **2.1 Equal Employment Opportunity**

The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy is applied without regard to any individual’s sex, race, color, religion, national origin, age, sexual orientation, marital status, pregnancy, political ideology, and/or veteran status.

The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of the essential duties and responsibilities of the job. In order to provide reasonable accommodation, the City may communicate with the applicant/employee and his/her medical providers to gain a better understanding of the limitations and the means by which an accommodation would allow the employee to perform the essential functions of the position. Such communications with medical providers will only occur after the employee or applicant has given written consent.

The City will work to preserve the safety of all its employees and reserves the right to reassign employees or take other actions, including discharge, when a health or safety risk to fellow City employees or the public exists.

The City will not discriminate against any applicant or employee who sincerely holds religious beliefs or practice. The City would consider reasonable accommodations for religious beliefs or practice that may conflict with job performance, schedule or attire to the extent that they can be provided without undue hardship to the City.

The City of North Bend abides by all federal, state, and local statutes, regulations, and laws regarding Equal Employment Opportunity, such as, the Americans with Disabilities Act (ADA) and the Washington Law Against Discrimination (WLAD). Anyone who believes that he or she has been subject to or witnessed a violation of this policy should promptly report the matter to his/her supervisor, the City Administrator, or the Mayor. The City of North Bend will promptly initiate an appropriate investigation as soon as it is made aware of the complaint. Complaints will be kept confidential and disclosed only as necessary to investigate and act on the investigation or as required by applicable law. Prompt and effective corrective action, up to and including

termination of employment, shall be taken against anyone found to have violated this policy. The City of North Bend expressly prohibits any retaliation against any Employee or other individuals who make complaints or provide information about possible violations of this policy.

## **2.2 Anti-Harassment, including Sexual Harassment**

It is the City's policy to foster and maintain a work environment that is free from discrimination and intimidation. 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. Employees are expected to always show respect for each other and the public, despite individual differences.

Harassment – Harassment encompasses 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 or military status, citizenship status or other protected group status. the following list of examples of prohibited conduct is intended to be illustrative but not all-inclusive:

- a) Verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public; and
- b) Slurs or demeaning comments to employees or members of the public relating to race (inclusive of traits historically associated or perceived to be associated with race, including hair texture and hairstyle), color, religion, gender, national origin, citizenship or immigrations status, pregnancy, age (over 40), marital status, sexual orientation, gender identity, disability, veteran's status, or any other characteristic protected by law.

Sexual Harassment – Sexual harassment is also a form of unlawful discrimination. Sexual harassment is inappropriate and offensive and will not be tolerated by the City. Examples of prohibited conduct include but are not limited to:

- a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances or propositions, blocking a person's movements or invading personal space;
- b) Verbal harassment of a sexual nature, including but not limited to lewd comments, sexual jokes or references, and offensive personal references;
- c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
- d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, cartoons, or photographs;
- e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages;
- f) Solicitation or coercion of sexual activity, dates, or the like with the implied or express promise of rewards or preferential treatment; and
- g) Intimidating, hostile, derogatory, contemptuous, or otherwise offensive remarks that are directed at a person, a person's family or physical safety because of that person's gender,

whether the remarks themselves are sexual in nature, where the remarks cause discomfort or humiliation and interfere with the performance of the employee's duties.

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

- a) It is part of a manager's or supervisor's decision to hire or fire;
- b) It is used to make other employment decisions like pay, promotion, or job assignments;  
or
- c) It creates a hostile, offensive, or intimidating environment.

### **2.3 Anti-Workplace Bullying**

Workplace bullying can be defined as (1) abusive conduct that is threatening, humiliating, or intimidating; (2) actions that interfere with others' work (e.g., sabotage) or prevent work from getting done; or (3) verbal abuse. Workplace bullying will not be tolerated. Examples of the type of behavior that can constitute bullying include:

- Threatening or intentionally intimidating someone, such as violence and blackmail;
- Shouting or raising your voice in public or in private;
- Not allowing someone to speak or express himself (e.g., ignoring or interrupting);
- Hurling personal insults, using obscene gestures, and using offensive nicknames; and
- Publicly humiliating someone in any way (e.g., spreading rumors or hazing).

Bullying includes any words or actions that make an employee feel uncomfortable, threatened, or intimidated. The City is committed to ensuring that employees feel safe at work and that minor conflicts don't escalate to an uncontrollable level. Bullying leads to low morale, poor performance, and high turnover. But it's also important to note that a large proportion of workplace violence is carried out by employees who were bullied or hazed, which creates an antibullying culture.

### **2.4 Complaint Process: Discrimination, Harassment, Workplace Bullying or Retaliation**

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve.

Any person who believes he or she is a victim of or who observes unlawful discrimination, harassment, or retaliation should clearly inform the person they believe to be acting inappropriately that the behavior is inappropriate, offensive, unwelcome, and should immediately cease. If informing that person of the unwelcome behavior does not work or if the complainant is uncomfortable confronting the offending individual, the complainant must report the incident promptly in accordance with this Section. The employee should report the incident promptly, either verbally or in writing to the Human Resources Manager or Administrative

Services Director. If the employee believes the Human Resources Manager or Administrative Services Director is involved, the report should be directed to the City Administrator or the Mayor. Any department directors or supervisors who receive reports from other employees will immediately communicate the information to the Human Resources Department or City Administrator.

The City will conduct a prompt and thorough investigation. The City will determine the selection of the investigator, level of formality, and the procedures used in the investigation based upon the nature of the allegations and circumstances of the situation. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the City's need to undertake a full investigation. It may not be possible to maintain confidentiality when the person subject to the complaint is provided with the opportunity to respond. As soon as it is reasonable, the investigative finding will be submitted to the City Administrator and Mayor. If the investigation shows the accused employee engaged in unlawful harassment or discrimination, appropriate disciplinary action will be taken, up to and including termination.

The City will not permit retaliation or discipline against anyone who makes a complaint in good faith or who cooperates in an investigation of a harassment or discrimination complaint.

The City can take prompt action to stop the behavior only when it knows it's occurring. The investigation and any actions against the person engaging in the harassment can only be done when the complaining party cooperates.

Supervisors have a duty to inform Human Resources, the City Attorney or the City Administrator if they witness sexual harassment or discrimination, receives a complaint, or otherwise becomes aware of harassment or discrimination.

The City will take appropriate action if the City finds the accused person did engage in harassing or discriminatory behavior/actions, but that behavior doesn't need to constitute harassment or discrimination to warrant discipline. Additionally, because discipline is confidential, the complaining party may not always know the specific action taken in response to a complaint.

## **2.5 Drug-Free Workplace**

Based on the Federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession, or use of unlawful drugs or alcohol on City premises, in City vehicles, or during work hours by City employees is prohibited. An employee who uses unlawful drugs, alcohol, or other controlled substances but whose use impairs the employee's work performance, poses a threat in the public confidence, or is a safety risk to others, may also be disciplined and/or terminated.

Although marijuana is now legal under Washington State law in certain circumstances for recreational or medical use, it is still illegal to possess, use, or distribute marijuana under Federal law, although the Federal government is currently considering rescheduling marijuana from Schedule 1 to Schedule 3. This will not decriminalize it, but the change would acknowledge it has some beneficial medical use and has less potential for abuse than other drugs. The City considers

possession of marijuana, use of marijuana, or being under the influence of marijuana at work a violation of the City's drug free workplace policies.

Employees must notify their department directors within five (5) days of any drug or alcohol related conviction.

The City of North Bend strictly prohibits the following:

- a) Testing positive for drugs. An alcohol concentration of .04 or higher is considered a positive test.
- b) The use, possession, manufacture, distribution, dispensing, transfer or trafficking of alcohol or drugs and their paraphernalia in any amount of any manner on City premises, in City vehicles or while on duty at any time.
- c) Operating a City vehicle, bicycle, or electric bicycle after consuming any amount of alcohol, an illegal drug, or a prescription drug in violation of the prescribed dosages.
- d) The unauthorized use or distribution of prescription drugs on City premises, in City vehicles or while on duty at any time.

Employees using medically prescribed or over the counter drugs which might impair their fitness of duty must notify their department director prior to beginning work. At the option of the department director, an employee may be reassigned to less hazardous duty or be placed on sick leave if impaired work performance might pose a threat to the public confidence or to the safety of the employee or others.

Violation of this policy can result in disciplinary action, including termination.

## **2.6 Workplace Violence**

The City is committed to providing a safe workplace for its employees, guests, and the public. Threatened or actual workplace violence is strictly prohibited. This includes, but is not limited to, any of the following conduct occurring in or around the workplace, or otherwise related to employment:

- a) Threatening injury or damage to a person or property;
- b) Fighting or threatening to fight with another person;
- c) Threatening to use a weapon (an instrument or device of any kind, such as a firearm or knives) to inflict bodily harm or injury, or to establish fear simply due to its presence on the scene unless the weapon is required to fulfill the employee's job duties, such as those of a police officer;
- d) Abusing or damaging property;
- e) Using obscene or abusive language or gestures in a threatening manner; or
- f) Raising voices in a threatening manner.

Due to the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

Any employee who violates this policy will be subject to corrective or disciplinary action, up to and including termination.

Reporting Workplace Violence – Employees should immediately report threats or incidents of workplace violence to their supervisor, department director, City Administrator or Mayor. If the act or altercation constitutes an emergency, call 911. The police department should be notified immediately in case of a threat of or the actual commission of a crime. In the event of imminent danger to persons or property, employees should take immediate action to safeguard themselves. At no time should employees place themselves in harm's way to protect vehicles or property.

Even without an actual threat of violence, employees should report any behavior they have witnessed which they may regard as a real or perceived threat of violence. Incident reports are to be completed, as appropriate.

Department directors and, in the case of criminal actions, City law enforcement is responsible for responding to and investigating potential or violent situations. Employees detecting situations where they believe an employee represents a workplace violence concern should contact their supervisor, department director, City Administrator or Human Resources Department prior to addressing a potential workplace violence situation. The specific circumstances applicable to the situation will determine the intervention and disciplinary approach to be taken.

Verbal Abuse or Physical Threats from Public – While the City has a strong commitment to customer service, employees are not expected to be subjected to verbal abuse or physical threats from the public. Rather, the employee should excuse him/herself and report the situation to a supervisor who will handle the situation from that point. Supervisors will discuss the situation with the appropriate department director and/or the City police.

Protection or No Contact Order – If an employee has filed or has been served a protection or no contact order which would restrict his/her ability to perform his/her assigned duties or be at a City work location, the employee shall report the matter to his/her supervisor, department director, Human Resources Manager, and the City Administrator. The City will consider possible job modifications and the overall safety interest of the general workforce and the public when determining an appropriate course of action.

Survivors and Personal Information – Employees who are survivors of domestic violence, sexual assault, harassment, or stalking are exempt from disclosing personal information regarding their phone number, address, or place of work. This designation can be housed with HR and available to public records staff to check against when a request for employee information is received.

Firearms or Other Dangerous Weapons on City Property – Except for commissioned law enforcement personnel, City employees are prohibited from carrying dangerous weapons onto City property or in City vehicles. For the purposes of this policy, "dangerous weapons" includes firearms and other dangerous weapons under RCW 9.41.300 (Weapons prohibited in certain places - Local laws and ordinances – Exceptions – Penalty), and RCW 9.41.305 (open carry of

weapons prohibited on state capitol grounds and municipal buildings). Staff who have weapons are required to keep weapons secured in their personal vehicles in a locked box.

Theft or Damage to Personal Belongings – The City cannot assume responsibility for any theft or damage to the personal belongings of City employees. Therefore, the City requests that employees avoid bringing valuable personal articles to work. Employees are solely responsible for ensuring that their personal belongings are secure while at work. Employees should have no expectations of privacy as to any items or information brought to the workplace generated/stored on City systems. Employees are advised that work-related searches of an employee's work area, workspace, computer, and electronic mail on the City's property may be conducted without advance notice. Employees who do not consent to inspection may be subject to discipline, up to and including immediate termination.

## **2.7 Whistleblower Policy and Procedures**

In accordance with RCW 42.41, the City's policy (1) encourages reporting by its employees of improper governmental action taken by the City of North Bend officials or employees and (2) protects City employees who report improper governmental actions in accordance with the City's policies and procedures.

Definition of Improper Governmental Action -- "Improper governmental action" means any action by a City officer or employee:

1. That is undertaken in the performance of the officer's or employees' official duties, whether the action is within the scope of the employee's performance; and
2. That is in (a) violation of any Federal, state, or local law or rule; (b) an abuse of authority; (c) of substantial and specific danger to public health or safety; or (d) 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 Civil Service rules, alleged violations of labor agreements or reprimands.

### Reporting Procedures for Improper Governmental Action –

1. City employees who become aware of improper governmental actions shall make a written report to their supervisor or department director. The written report shall state in detail the basis for the employee's belief that an improper governmental action has occurred. If the employee reasonably believes that the improper governmental action involves his or her supervisor, the employee will make the written report to the department director. If the employee reasonably believes that the improper governmental action involves the department director, the employee shall make the written report directly to the City Administrator.

2. In the case of an emergency, where the employee believes in good faith that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.
3. The supervisor, department director, or the City Administrator shall take prompt action to assist the City in properly investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law unless the employee authorizes the disclosure of his or her identity in writing. After the investigation has been completed, the employee reporting the alleged improper government action shall be provided a written summary of the results of the investigation, except that personnel actions taken because of the investigation may be kept confidential to the extent allowable by law.
4. After receiving a summary of the results of the investigation, if the employee reasonably believes that (a) an adequate investigation was not undertaken by the City, (b) insufficient action has been taken by the City to address the improper governmental action, or (c) for other reasons the improper governmental action is likely to reoccur, then the City employee may report information about the improper government action directly to the appropriate governmental agencies. The agencies to which the employee may wish to report is provided below.
5. A City employee who fails to make a good faith attempt to follow these procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures.

#### Investigation and Enforcement Responsibilities –

The following is a partial list of government agencies responsible for investigating and/or enforcing Federal, Washington State, and local laws pertaining to various forms of improper governmental action

King County Prosecuting Attorney  
King County Court House  
516 Third Avenue, Room W554  
Seattle, WA 98104-2362  
Main Office: 206-296-9000

Office of the Attorney General  
1125 Washington Street SE  
Olympia, WA 98504  
360-753-6200



State Auditor's Office  
Insurance Building  
Capitol Campus P.O. Box 40021  
302 Sid Snyder Avenue SW  
Olympia, WA 98504-0021  
360-902-0370  
866-902-3900

Washington State Department of Transportation  
Washington Division Office  
310 Maple Park Avenue SE  
P.O. Box 47300  
Olympia, WA 98504-7890  
360-236-4030

Washington State Department of Labor and Industries  
7273 Linderson SW  
Tumwater, WA 98501-5414  
P.O. Box 44000  
Olympia, WA 98504-4000  
360-902-5800

Washington State Department of Ecology  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
425-649-7000

Washington State Department of Health  
111 Israel Road SE  
Tumwater, WA 98501  
360-236-4700  
P.O. Box 47890  
Olympia, WA 98504-7890

Protection Against Retaliatory Actions –

1. City officials and employees are prohibited from taking retaliatory action against a City employee because he or she has in good faith reported an improper governmental action in accordance with this policy.
2. Employees who believe they have been retaliated against for reporting an improper governmental action are encouraged to follow the reporting procedures outlined above. The City shall take appropriate action to investigate and address complaints of retaliation.

3. In order to obtain protection under state law, the employee must provide a written notice to the city Administrator (or to the Mayor if the charge is against the City Administrator) within thirty days.
4. The City Administrator shall respond to the charge of retaliatory action and request for relief within thirty days.
5. After either (a) the employee receives the response of the City Administrator, or (b) thirty days have passed since the employee delivered the complaint of retaliation to the City Administrator has not received a response, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief. An employee seeking a hearing shall deliver the request for the hearing to the Mayor or City Administrator within the earlier of either fifteen (15) days after the City Administrator delivers his or her response to the charge of retaliatory action, or forty-five (45) days after the employee delivers the charge of retaliation to the City Administrator.
6. Within five working days of receipt of the request for hearing, the City shall apply to the state office administrative hearings for an adjudicative proceeding before an administrative law judge.

### **Section 3 – Employment Practices**

The City seeks to hire a fully qualified candidate for each position. It is the responsibility of the Administrative Services Director and Human Resources Manager to oversee the selection process designed to meet current and projected employment needs. Hiring recommendations are made by the department director which are confirmed by the City Administrator except for positions that are appointed by the Mayor and approved by the City Council. At the discretion of the City Administrator and Mayor, exempt positions may be filled on a non-competitive basis.

The City is committed to equal employment. Recruiting practices are conducted solely based on ability, qualifications, and competence. These qualities shall be determined through impartial evaluation of the following:

- a) The applicant's level of training, education, and fitness relative to the requirements of the position for which applied;
- b) The results of an oral interview; and
- c) The results of the written examination when deemed advisable by the hiring department and in concurrence with the Human Resources Manager or designee.

#### **3.1 Seasonal and Temporary Employees**

A seasonal employee shall not be employed for more than four (4) consecutive months. A temporary employee working in relief of a regular employee on leave (personal or medical leave) may, at the discretion of the City, fill the position for the duration of the employee's leave. The

employer shall not employ more than four (4) seasonal and temporary employees at any one time.

Seasonal and temporary employees shall not be utilized for callbacks, weekend work or overtime except in an emergency when bargaining unit employees are not available.

### **3.2 Recruitment Process**

Department directors who seek to fill a job vacancy shall meet with the Human Resources Manager. Prior to recruitment for the vacancy, the request must be approved by the Administrative Services Director or designee, the Finance Director or designee, and the City Administrator.

The department director or designee, in consultation with the Human Resources Manager will establish procedures and selection criterion for selecting the most qualified candidates from a pool of internal or external applicants for a vacant position. Selection criterion will be designed to measure each applicant's qualifications, experience, and ability to perform the duties and responsibilities for the vacant position as described by the job description requirements.

The department director or designee is responsible for pre-screening applicants based upon the selection criteria. The department director or designee will forward those applicants selected for an interview to the Human Resources Manager so that interviews may be scheduled.

Recruitment announcements shall be publicized for any necessary period on websites and by such other means as both the department director and Human Resources Manager or designee agree as appropriate. Announcements shall specify the title, rate of pay, duties to be performed and qualifications for the job and other pertinent information related to the available position.

To facilitate staffing needs for the City, Human Resources or the hiring department may identify qualified candidates interested in City employment and establish an eligible list from previous recruitments according to the following guidelines:

- a) The position for which the list of eligible candidates is established is vacant and approved for restaffing within six (6) months from the date of filling the position which the eligible candidates previously applied; and
- b) The list of eligible candidates shall reflect only those applicants found to be qualified and acceptable for employment during a previous selection process.

Pre-employment examinations may be administered to test the qualifications and ability of applicants, as determined necessary. The City may contract with any competent agency or individual to prepare and/or administer examinations.

After the conditional employment offer is made, reference checks, criminal background checks and verification of United States citizenship status will be completed by the Human Resources Department.

If the background investigation discloses misrepresentation or unfavorable information, the conditional offer will be withdrawn, or the employee will be terminated. In addition, if disabilities are disclosed that cannot be reasonably accommodated, the conditional offer will be withdrawn, or the employee will be terminated.

Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, an employee's selection of residence shall not interfere with the daily performance of duties and responsibilities (RCW 41.08.075 and 41.12.075).

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license and a driving record free from frequent and serious violations with any necessary endorsements. Official driving records shall be obtained at the employee's expense and provided by applicants at the time of application if requested. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.

Applications for Employment – Application for employment shall be made in a manner prescribed by the City Administrator or Human Resources Manager. Application forms shall require information on specific job experience and training and shall contain questions designed to obtain job-related information. Applications must be fully completed and submitted electronically by the applicant being considered for any position. Resumes may supplement, but not replace, the City's official application form.

If an applicant is employed and it is found that the employee provided false or misleading information, the employee is subject to immediate termination.

### **3.3 Personnel Records**

The Human Resources Manager shall maintain a personnel record for each employee. Such records will show the employee's name, title of position held, the department to which it was assigned, salary, change in employment status, training received, and such other information as may be considered pertinent. Each department director will be responsible for forwarding documents for inclusion in personnel files of employees assigned to their departments.

Employee records shall be considered confidential and shall be accessible only to the employee, and such other officials who have a need to know the information involved, and as may be authorized by the Human Resources Manager. Portions of personnel records on an employee, such as records of disciplinary sanctions, may be subject to disclosure under State public record requirements. The City will attempt to preserve the confidentiality of personnel files to the extent permitted by State law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information or authorization from the employee.

An employee may request removal of irrelevant or erroneous information in the employee's personnel file. If an employee's request to remove information is denied, the employee may file a written rebuttal statement to be placed in the employee's file.

It is the obligation of a former or current employee to provide his/her current contact information to the department, Finance Department and City's Human Resources office.

### **3.4 Temporary Appointments**

Appointments to City employment on other than acting or regular basis shall be considered temporary. Such temporary appointments shall be allowed only as follows:

- a) As substitution for a regular appointee who is absent from a position;
- b) When it is impossible to make a regular appointment to the position due to recruitment difficulties;
- c) Where budget appropriations provide only for temporary or seasonal employment; and/or
- d) During a state of disaster or emergency.

Temporary appointees are at-will positions that may be terminated without cause and without right of appeal by the department director. No temporary appointment shall exceed one year in duration.

### **3.5 Probationary Period**

The probationary period is part of the selection process. The standard probationary period for newly hired and promoted employees shall be six (6) months. During the probationary period the employee serves as an at-will employee and may be terminated without cause and without right of appeal. The probationary period may be extended for up to six (6) additional months by the department director with approval of the City Administrator. The City Administrator or department director will notify the Human Resources Manager in writing of the extension or shortening of the probationary employee's status.

No probationary employee shall become a regular employee without first having been certified to regular employment status. Upon the completion of a probationary period the department director shall complete an evaluation and forward it to the Human Resources Manager.

Successful completion of the probationary period does not guarantee continued employment or otherwise limit the City's ability to discipline or terminate the employee.

The department director, with the approval of the City Administrator, in each case may determine that the probationary employee is eligible for salary adjustment based on probation period performance. The guidelines shall be established at the time of hire.

### **3.6 Nepotism**

There are certain situations where the City may restrict or prohibit the employment of spouses, registered domestic partners, and other persons with whom the employee has a familial relationship. The following are examples of such situations:

- a) When one person has the authority or practical power to supervise either directly or indirectly, appoint, remove, or discipline the other;
- b) When one person would be responsible for auditing the work of the other; and
- c) When other circumstances exist which place the people in a situation of actual or reasonably foreseeable conflict between the City's interests and their own.

Where, to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the City must limit the employment of close relatives or policy-level officers of the City's customers, regulatory agencies, or others with whom the City deals.

When a situation arises due to marriage, the creation of a registered domestic partnership, a change in living arrangements or a familial relationship, the City may transfer one of the employees to another department or demote or terminate one of the employees. The employee to be transferred, demoted, or terminated shall be chosen by the individuals involved. If the individuals fail or refuse to choose between them within 30 days, the City may transfer, demote or terminate one of the employees based on its decision whose skills, qualifications and performance are most essential to the City.

### **3.7 Resignation**

An employee wishing to leave the City service in good standing shall provide the director with a resignation letter which shall include the employee's last day of employment. Failure to provide a minimum of two (2) weeks' notice may render the employee ineligible for rehire. The department director shall forward a copy of the resignation letter to the Human Resources Manager.

If an employee who has previously resigned is hired back by the City within 90 days of leaving employment, benefits, accruals, and seniority will commence at the accrual rate the employee was receiving prior to leaving employment. If an employee returns to employment and is hired after 90 days of leaving employment, accrual rates will be set as a newly hired employee unless the City Administrator authorizes a different accrual rate. Requests to the City Administrator must be submitted within the first thirty days of re-employment.

### **3.8 Exit Interview**

An exit interview may be conducted with an employee leaving the City by the City Administrator or Human Resources Manager. The purpose would be to gain information which will improve or enhance present operating procedures.

### **3.9 Layoffs, Reinstatement and Benefits**

The City Administrator may lay off regular employees for lack of work, budgetary restrictions, organizational changes or as determined to be necessary by the City Administrator. The employee is to be given 10 working days' notice except in extreme situations before such a layoff is to take effect.

Lay-Offs – In determining who in any classification is to be laid off, consideration should be given first to individual performance, conduct, and qualifications required for the work that must be done or per the collective bargaining agreement.

Reinstatement – If the employee being laid off possesses a good service record, the employee may request that the employee's name be placed on a reinstatement list according to the employee's job class, performance and seniority. The list shall be maintained for one year.

When reinstatement or return to work is granted under the provisions of the Collective Bargaining Agreement for those in the bargaining unit, the City shall provide written notice to the last known address of the employee. Consideration for reinstatement of all former employees shall be in the order of the date of the layoff. This list will be good for one (1) year from the date of the layoff. It is the responsibility of the former employee to provide the City with a current mailing address during the one-year period from the date of the layoff.

Under reinstatement, benefits shall be re-instated as follows:

- a) Probationary Period – will be waived if previously completed. If not previously completed, the employee must complete remaining probationary time;
- b) Vacation leave accruals – prior accrual rates reinstated; and
- c) Sick Leave – balance not cashed out reinstated.

Reinstatement When Demoted, Suspended or Dismissed – Employees who have been demoted, suspended, or dismissed may be reinstated to their former position upon successful appeal. In such an event, the employee shall be entitled to full compensation for all lost time, less any amounts earned or could have been earned with reasonable effort, and with full restoration of all other rights and conditions of employment.

### **3.10 Promotional Incentive**

The Mayor or City Administrator, on a case-by-case basis and within full discretion, may provide an additional monetary consideration to an employee to accept a new position with greater authority and responsibility. This additional consideration would be provided in a lump sum within the next pay period following the start date of the new assignment. The additional monetary consideration may be up to but shall not exceed 10% of the employee's new level of salaried compensation. This provision applies to all exempt employees of the City of North Bend. Receiving additional monetary consideration, as described in this Section, does not impact, or

lessen the probationary period. Employees receiving additional monetary consideration will be subject to the terms and conditions of probation in their new job assignment.

### **3.11 Relocation**

A hiring department, to secure a highly desirable candidate, may find it appropriate to offer reimbursement for moving expenses and/or relocation costs. A department desiring to make such an offer should first obtain approval from the City Administrator. The amount of the relocation shall be determined by the City Administrator as funds are available in the adopted budget and memorialized in the hire letter.

The newly hired individual must submit receipts for expense reimbursement through the Finance Department. If the newly hired individual leaves employment before completing 3 years of service, the employee agrees to return to the City a pro-rata share equivalent to the months of employment with the City.

Period Employment	Required Reimbursement
0-12 months	100%
12-18 months	75%
18-24 months	50%
24-36 months	25%
After 36 months	0%

## **Section 4 – Employee Conduct and Expectations**

Due to the nature of their work, some divisions and departments will have different schedules. Those schedules shall be in accordance with the Fair Labor Standards Act (FLSA) and applicable collective bargaining agreements and shall be determined by the department directors.

### **4.1 Work Hours**

Work hours for staff are **generally** 7:30 – 5pm with a half-hour lunch Monday through Thursday. Work hours for staff on Fridays are **generally** 8:00- 12:00pm. Hours of work may differ depending on the location and needs of the department and must be approved by the director. City office hours for the public are 8:30am – 12:00pm and 1:00pm-4:30pm Monday – Thursday. City Hall is open from 8:30am – 12:00pm on Fridays. City Hall is closed from 12:00pm – 1:00pm for lunch. Department directors shall ensure that the service of each department is available during City Hall office hours. Departments may change hours for the public subject to approval by the City Administrator.

Where appropriate and when mutually agreed upon by an employee and the department director, a flexible work week schedule may be established. Flex schedules are based around an



established period of work hours, excluding lunch and break periods. Such schedules shall not alter the regularly scheduled work week requirements absent the provision of a collective bargaining contract.

Remote work may be approved as an alternative work arrangement when appropriate for eligible employees. Remote work is appropriate for employees with extenuating circumstances, such as temporary transportation issues, medical issues or significant distance between home and work or a specific work project that is best suited for remote work. Remote work is not a right and is not guaranteed to be part of a regular schedule. The department director shall first have the responsibility to determine if an employee is eligible for remote work and has a qualifying circumstance. Prior approval of both the department director and the City Administrator shall then be required for an employee to work remotely. Equipment necessary to conduct remote work is available to be checked out by the IT manager. The City may randomly check to see if the employee is working on their computer and can expect the employee to be available to attend a Zoom or Teams meeting or be contacted by phone during work hours. Remote work may only be approved if the employee's remote work will not negatively impact service delivery, customer service, or the overall function of the department work unit or other City work units. The City or employee may discontinue the remote work arrangement at any time without advance notice, however, the City will strive to provide at least five (5) working days' notice when possible.

An employee may work remotely up to two (2) calendar days per week. For the purposes of this requirement, a City holiday shall not be considered as a day working in the office. All other schedules are determined by the department director and City Administrator.

## **4.2 Attendance**

Employees are expected, as a condition of employment, to be at work or their appropriate work location during their regularly scheduled hours and workdays. Punctual and consistent attendance are essential elements of each job at the City. Supervisors are expected to maintain an accurate attendance record of each employee.

Unless extenuating circumstances prevail, employees who are unable to report for work on time must notify an appropriate supervisor as soon as they know they will be absent or tardy. If an employee is scheduled to begin work before any other employee arrives, a message must be left for the supervisor, reporting the reason for the absence or tardiness. If the absence continues beyond the first day, the employee shall notify the supervisor daily. (*See Section 7.5, Safe and Sick Leave.*)

Unreported and/or Unauthorized Absence – Any unreported and/or unauthorized absence of an employee from work shall be deemed to be an absence without pay. Employees may be disciplined, up to and including termination, for failing to report to work without notice or with insufficient notice, for excessive absenteeism or tardiness, or for other attendance and tardiness problems.

An unauthorized absence from work for three (3) consecutive scheduled workdays shall be treated as “job abandonment” and considered a voluntary resignation not in good standing, unless the employee can provide justification for the absence that is acceptable to the department director and City Administrator. An employee submitting appropriate and acceptable justification may still be subject to disciplinary action for the absence, depending on the surrounding circumstances.

Emergency Conditions – Employees are expected to be at work even during inclement weather, and nonattendance will be counted as absence from work. An employee who is absent without authorization or notifying their supervisor may be subject to disciplinary action.

Should severe conditions (e.g., weather) occur which would require the Mayor to announce curtailment of City operation, or inhibit any City employee from reporting to work, or necessitate any employee to leave work early, the employee will be given the following options, subject to department director approval:

- a) Leave without pay;
- b) Applying accrued vacation or compensatory time to receive pay;
- c) Taking work home or to another work site;
- d) Making up the time off in the subsequent work period with the understanding that such time may exceed the FLSA provisions and be accrued at the overtime rate; or
- e) Standing by to be available to work in another department.

It will be the responsibility of the employee to contact the employee’s supervisor or department director to indicate anticipated absence from work and the reason for such absence or lateness caused by emergency conditions.

#### Anticipated Absences and Sick Leave –

Sick leave cannot be used to offset absence from work for pay purposes for other than permitted reasons as specified in *Subsection 7.7*.

These provisions do not apply to employees on scheduled time off or on sick leave status.

Under extreme circumstances, the City Administrator may, in his/her discretion, waive attendance requirements.

### **4.3 City Hall Closure**

Information regarding City Hall buildings not being open for business will be provided on our website, through social media sites, local radio stations and will be available for all department directors for dissemination to their staff.

#### **4.4 Outside Employment**

Employees, including those on approved paid or unpaid leaves, shall not, directly, or indirectly, engage in any outside employment or financial interest which may conflict with the best interests of the City or interfere with the employee's ability to perform the assigned City job. Examples include, but are not limited to, outside employment which:

- a) Prevents the employee from being available for work beyond normal working hours, including emergencies or peak work periods, when such availability is a regular part of the employee's job;
- b) Is conducted during the employee's work hours;
- c) Utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
- d) Is with a firm which has contracts with or does business with the City; or
- e) May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

#### **4.5 Work Breaks**

It shall be the responsibility of the supervisors to schedule and monitor the use of meal periods and rest periods. All breaks shall be arranged so they do not interfere with City business or service to the public.

Employees are entitled to one paid 15-minute "work" break, or the equivalent, for each four (4) hours of working time.

Employees shall be allowed a "meal period" of at least 30 minutes or as specified in the Collective Bargaining Agreement. The scheduling of meal periods may vary depending on department workload, or mutual agreement of the employee and department director. Meal periods are unpaid and shall only be at the employer's time when the employee is required by his supervisor to remain on duty on the premises or at a prescribed work site.

#### **4.6 Travel Expenses**

All travel away from the City must be approved in advance by the department director or City Administrator. Official travel means performance of officially assigned duties, travel for approved public purposes, attendance at approved meetings, training, conferences or education seminars, and other approved sessions or other activities concerning business of the City.

Overnight accommodation paid by the City for travel to duties must be pre-approved by the department director.

City employees should use a City credit card for expenses incurred when traveling for officially assigned duties.

City employees should not use a personal credit card for travel expenses for officially assigned duties. The finance department will provide a City credit card if employee does not have one. Cost for meals should follow the GSA.gov website per diem reference.

The actual and necessary cost of meals incurred while conducting official business is an authorized expense that should be paid with a City credit card. Tips should not exceed 20%. Alcohol is not reimbursable.

Necessary out of area costs for City vehicles include gas, oil, tires, and repairs. If private automobiles are used, employees will be reimbursed at rates established and modified from time to time by the standard allowable U.S. Internal Revenue Service (IRS) rate for automobile use. Rental of vehicles must be approved in writing and in advance by the City Administrator or department director. Air travel must be authorized by using a travel request memo. Pricing quotes should be obtained by the City before booking to ensure low cost.

Other travel expenses such as bus and taxi/uber fare, bridge or other tolls, parking, ferry, porter, bellman, and similar expenses (not including maid service) are authorized expenses if itemized on the travel expense form.

#### **4.7 Personal Appearance**

Employees shall wear appropriate apparel for their job assignment as determined by their position and department director. All employees shall be neat and clean in dress and personal appearance and shall avoid extreme styles which would attract excessive attention or cause interference with their work or the work of others. The City Administrator may issue rules regarding what is considered necessary, required, or appropriate attire for each department or for positions. Should uniforms be required for a particular position, they will be provided at City expense.

Variations from the dress code may be allowed for sincerely held religious beliefs and practices.

Some people suffer from allergies or sensitivity to the chemicals in perfumes, makeup, deodorants, dryer sheets, air fresheners, and cleaning products. Please use these substances with restraint and consider seeking input from co-workers before deploying air fresheners and cleaning products in shared spaces.

#### **4.8 Standards of Conduct**

All City employees are expected to represent the City to the public in a professional manner and shall be courteous, efficient, and helpful.

Since the proper working relationship between employees and the City depends on each employee's ongoing job performance, professional conduct and behavior, the City has established certain minimum standards of personal and professional conduct. Among the City's expectations are basic tact and courtesy towards the public and fellow employees; adherence to City

guidelines, procedures, safety rules and safe work practice; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities, and resources; and providing orderly and cost-efficient services to its citizens.

In the interest of the City and the public, it is desirable at all times, whether off-duty or on-duty, that an employee's conduct reflects favorably on the employee, fellow employees, and the City. Off-duty misconduct may result in discipline when it renders an employee less capable of performing assigned duties and responsibilities, or when it reflects unfavorably upon the City or an employee's continuing qualifications for employment.

#### **4.9 Conflict of Interest**

Employees at all levels should avoid both real and perceived conflict of interest in the exercise of their City duties.

It is the employee's responsibility to bring the potential conflict of interest to the attention of his department director.

City employees shall not sell or barter anything to the City or to a contractor supplying the City, or make any contract with the City or purchase anything from the City other than those things which the City offers generally to the public, such as but not limited to, utility services, and then only on the same terms as are offered to the public, unless an invitation to submit sealed bids is published and the City accepts the sealed bid which is most advantageous to the City. Any violation of this Section with the express or implied knowledge of the person or corporation contracting with the City shall render the contract able to be voided by the Mayor, City Administrator, or the City Council.

Employees shall not accept or seek for others, any service, information, or thing of value on more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City. Employees shall not accept, directly or indirectly, any gift, favor, loan, retainer, entertainment, or other thing of monetary value from any person, firm or corporation having dealings with the City when such acceptance would conflict, or create the appearance of a conflict, with the performance of the employee's duties.

A conflict or appearance of a conflict shall be deemed to exist where a reasonable and prudent person would believe that such was given for the purpose of obtaining special consideration or to influence the performance of an employee's official duties. If an employee is given or offered any gift, favor, loan, retainer, entertainment, or other thing of monetary value under circumstances which could reasonably be construed to create a conflict of interest or the appearance of a conflict of interest, the employee shall immediately report such activity to the employee's department director.

Violation of this policy will result in disciplinary action up to and including termination.

#### **4.10 Employee Communications**

Any time an employee has a question, problem or complaint that does not involve a complaint of discrimination, harassment, retaliation or improper governmental activity, the employee should do the following:

- a) Approach the matter in a solution-oriented manner and develop suggestions for constructive actions to address the matter; and
- b) Consult with the employee's immediate supervisor. Generally, the employee and supervisor will be able to resolve the problem.

If the problem is not solved at the supervisor level, the employee may request a meeting with the department director to discuss the problem.

If the employee receives no satisfaction at the department director's level, the employee may request a joint meeting with the department director and the City Administrator, and/or Mayor. The City Administrator and/or Mayor will provide guidance and/or direction regarding resolution of the concern.

If, for some reason, a noninvolved supervisor is approached by an employee to discuss a problem or complaint, the supervisor will guide the discussion in a solution-oriented manner, and the employee should be informed that the noninvolved supervisor may be obligated to take further action to resolve the issue, e.g., discuss it as appropriate with the responsible department director, City Administrator, Human Resources Manager or Administrative Services Director, or law enforcement officers.

For City-wide issues, personal or sensitive matters, the employee may request a meeting with the department director, City Administrator and/or Mayor and/or Human Resources Manager or Administrative Services Director or other appropriate management staff, to resolve the problem. The department director, City Administrator and/or Mayor and/or Human Resources Manager or Administrative Services Director will provide guidance and/or direction regarding resolution of the concern.

Formal grievances procedures are provided for those situations when the informal process is not appropriate.

Employees who desire to make complaints involving discrimination, harassment, retaliation, or improper governmental activity must follow the complaint procedures addressed in the policies governing those areas.

#### **4.11 Selling and Solicitation**

Employees may not solicit for any purpose other than City-related business during working time. Working time includes both the soliciting and solicited employees' working time. Reasonable forms of passive solicitation, such as posting order forms for the sale of Girl Scout cookies, between employees will be permitted during nonworking time such as before or after work, or

during authorized meal or work break periods. Employees may not distribute literature for any purpose other than City related business during working time or at any time in work areas.

Individuals not employed by the City may not at any time solicit, petition or distribute literature in the nonpublic working areas of City offices or other buildings, except for bona fide City purposes and with prior authorization of the City Administrator.

#### **4.12 Health and Fitness**

Each employee is expected to maintain physical and mental health fitness necessary to effectively perform the duties of the assigned position. When the employee's performance, conduct, behavior, to include the health or mental health of an employee, becomes a hazard to a person or property, prevents the employee from effectively performing the duties of assigned work, or raises a serious concern about the safety of others, the employee may be required by the department director, subject to City Administrator approval, to undergo a fit-for-duty assessment. When so required, the employee will be paid for the time required for the examination and for the cost of the examination itself, to the extent it is not paid for by the employee's health insurance. The Fit-for-Duty assessment is to evaluate the employee's ability to safely be on the job.

Correction or treatment of conditions diagnosed during this examination will be the responsibility of the employee.

If an employee's physical or mental health condition causes the employee to be incapable of performing the work of the current position, the employee and department director will explore ways to provide reasonable accommodations. If no reasonable accommodation can be provided, the employee may be terminated.

#### **4.13 Political Activities**

The rules governing political activities of employees are set forth in RCW 41.06.250 and RCW 42.17A.555.

City employees may participate in political or partisan activities of their choosing if City resources and property are not utilized, the activities occur on the employee's personal time, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for support of political activities, other than the rental and/or use of facilities normally made available to the public on an equal basis.

Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing regular duties may not wear or display any button, badge, or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or on City time, a contribution to a partisan political cause.

Except as noted in this policy and other policies and laws that lawfully restrict employee speech, City employees are free to express themselves fully as allowed by the First Amendment.

An employee shall not hold a part-time public office in the City when the holding of such office is incompatible with, or substantially interferes with, the discharge of official duties.

For persons employed in a City employment position which is financed in total or primarily by Federal grant-in-aid funds, political activity will be regulated by the rules and regulations of the United States Civil Service Commission.

#### **4.14 Tobacco Use**

Under Chapter 70.160 RCW, no person may use tobacco in any form in a public place or any place of employment. This includes all city vehicles. Employees shall comply with all applicable state laws.

Complaints of violation of the policy shall be directed to the supervisor or department director responsible for the work area or facility. If the violator refuses to comply with the provisions of this policy and the provisions of Chapter 70.160 RCW the complaint should be referred to the Police Department for enforcement or as otherwise provided by RCW 70.160.070.

#### **4.15 Substance Abuse**

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

As part of our employee assistance program, we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment, and rehabilitation. The City provides an Employee Assistance Program (EAP) which may be used in these cases. Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems. In some cases, the expense of treatment may be fully or partially covered by the City's benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential to the greatest extent possible, consistent with the law.

Although the City is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. The City may discipline or terminate an employee possessing, consuming, selling or using alcohol or controlled substances or prescription drugs during work hours, including lunch and breaks. The City may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. Employees may not report for work when their performance is impaired using prescribed or over-the-counter medications. Use/consumption of alcohol is not permitted during regular work hours, while on City business, or while using City vehicles. The City reserves the right to search



employee work areas, offices, desks, filing cabinets etc. to ensure compliance with this policy. Employees shall have no expectation of privacy in such areas.

An employee may be required to submit to alcohol or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or of controlled substance use or in cases where employment has been conditional upon remaining alcohol, drug or controlled substance free following treatment. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

Employees who voluntarily report an alcohol, drug, or controlled substance dependency problem, prior to experiencing any work-related performance or conduct problems, will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment may use accrued sick leave, vacation leave, or compensatory time to attend a bona fide treatment or counseling program. Information on treatment and rehabilitation resources may be obtained from Human Resources staff. All such contacts shall be confidential. The City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs, or other controlled substances.

#### **4.16 Use of City Vehicles and Equipment**

Use of City equipment, outside normal City business use, is not allowed except as approved by the appropriate department director for the benefit of the City or community. Staff need to sign out the car on the shared calendar. If taking a City vehicle out of town, the vehicle needs to be inspected by our mechanic for safety. Misuse of City services, phones, vehicles, equipment, or supplies can result in disciplinary action including termination.

#### **4.17 Driver's License Requirements**

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State driver's license. If an employee's license is revoked, suspended, or lost, or in any other way not current, valid and in the employee's possession, the employee shall promptly notify his department director and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to the employee's department director.

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

#### **4.18 Commercial Driver License**

As part of the requirements for specific City positions, an employee may be required to hold a Washington State Commercial Driver License (CDL). The City will reimburse 50% of the cost of the class training for the CDL, 100% of the cost for the CDL permit, 100% of the cost for the CDL renewal and 50% of the cost for the CDL truck rental, if a CDL is required for the employee's

position. It is the employee's responsibility to ensure that the CDL is valid at all times when driving a City vehicle that requires a CDL.

#### **4.19 Volunteers**

The Fair Labor Standards Act (FLSA) provides that City employees may volunteer hours of service to the City provided such services are not the same type of service which the individual is employed to perform for the City.

When accepting the services of a volunteer or a community service worker, the department director is responsible for maintaining the name, address, phone number, emergency contact, outline of assigned duties and a log of hours each performs for the City.

No community service worker shall be assigned any duty which will require a City automobile or truck. Assignment of high-risk activity to volunteers and/or community service workers is discouraged.

In instances when volunteers use their own vehicles while performing service for the City, it is the responsibility of the department director to:

- a) Assure each volunteer has a valid Washington State Driver's License;
- b) Assure each volunteer's automobile is insured for liability; and
- c) Inform each volunteer that the City will not be responsible for collision and/or comprehensive loss.

City employees are encouraged to volunteer at non-City related organizations to invest in the community. Employees may volunteer up to 8 hours annually without using their paid time off. Volunteer hours that exceed 8 hours are dependent upon City Administrator approval.

#### **4.20 Safety**

It is the City's policy to prevent accidents, and to provide employees with safe and healthy working conditions free from recognized hazards. It is the responsibility of all employees to support the City's efforts to provide a safe and healthy environment for the employees and the public they serve.

Therefore, it shall be the responsibility of every employee to observe the safety precautions and regulations always identified for each job situation. Failure to comply with such responsibilities shall be grounds for disciplinary action, including but not limited to discharge.

Every employee is responsible for maintaining a safe work environment. Each employee shall promptly report all unsafe or potentially hazardous conditions to the appropriate department director. The City will make every effort to remedy problems as quickly as possible.

In case of an accident involving a personal injury, employees shall notify their supervisor within 24 hours of the time of the injury. The employee and supervisor shall complete and forward the

appropriate forms which shall be submitted to their department director and Human Resources within two business days from the date of the accident. In the event of a severe injury, the department director or designee shall notify the City Administrator or Deputy City Administrator and Human Resources as soon as possible.

As required by Washington law, anyone operating or riding in a City vehicle must wear a seat belt at all times.

#### **4.21 Electronic Communications/Technology Resources Policy**

It is the City's policy to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources including computing resources, electronic mail (email), internet access, mobile devices, and other electronic communications equipment (collectively referred to as City Technology Resources) to Employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of the City's business, in a manner that is consistent with the City's vision and values. De minimis, incidental personal use of City Technology Resources by Employees is permitted if accomplished in compliance with the provisions of this policy, as set forth below. This policy does not address all required, allowed, or prohibited behaviors by Employees, but covers common examples. In general, the City relies on Employees' good judgment to ensure that City Technology Resources are used in the public's best interest.

No Expectation of Privacy – By using City Technology Resources, Employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of the City's systems or in any data that they create, store, or transmit on or over the systems, including any data created, stored, or transmitted during an Employee's incidental personal use of City Technology Resources as permitted under this policy. Employees further agree that they are aware of, understand, and will comply with the provisions of this policy, and that their use of City Technology Resources can and will be monitored, and any data that they create, store, or transmit on or over City systems may be inspected by City management at any time. Employees should understand that certain email messages, other electronic communications, and documents created on City computer systems may be considered a public record subject to disclosure and/or discovery in the event of litigation.

Auditing Use and Expense – The IT Department is responsible for auditing the use and expense of City Technology Resources, including City-issued cell phones and other devices. Each Department Head can establish departmental review and record-keeping procedures for wired and wireless communication device usage and expenses to ensure compliance with this policy.

Standardized Software and Hardware – The City has established standard software and hardware for commonly used applications. The use of unauthorized, non-standard software or hardware, including personally owned software or hardware, on City computer systems without approval of the IT Department is prohibited.

Installation of Software and Hardware – Improper installation of software or hardware can damage a computer system, cause system malfunction, or conflict with system configuration. All standardized software and hardware is to be installed by the IT Department. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department, in coordination with the IT Department. Any moving, relocating, or rearranging of computer software or hardware should also be coordinated with the IT Department.

Ownership and Confidentiality – All software, programs, applications, templates, data, data files and web pages residing on City computer systems or storage media or developed on City computer systems are the property of the City. The City retains the right to access, copy, modify, destroy, or delete this property. Data files containing confidential or sensitive data must be treated accordingly and must not be removed from the workplace without proper authorization.

Confidential Electronic Communications – Certain electronic communications are confidential and may not be accessed, used, or disclosed without authorization of the City Council or City Administrator, as applicable, after consultation with the City Attorney. Examples of confidential records appear in the list of public records exempt from disclosure at RCW 42.56 et seq. Confidentiality may also depend on the nature of the record and the particular policies of the office or department where it is maintained.

Copying Software, Programs, Applications, Templates, Etc. – Employees must notify the IT Manager and receive proper authorization before attempting to copy software, applications, programs, or templates. In many cases, copyright laws and/or licenses for commercial software, programs, applications, and templates used by the City prohibit the making of multiple copies. The City and its Employees are required to abide by federal copyright laws and all licensing agreements.

Acceptable Uses of City Technology Resources – City Technology Resources are to be used by Employees for City business. De minimis, incidental personal use may be permitted where, in the judgment of the Employee's supervisor, such use does not interfere with Employee or Department productivity, nor distract/take time away from any Employee's assigned work. De minimis, incidental personal use means: (1) it is occasional and of short duration; (2) it is done on an Employee's personal time, such as on a lunch break; (3) it does not interfere with job responsibilities; (4) it does not result in any expense to City; (5) it does not solicit for or promote commercial ventures; (6) it does not utilize excessive network resources; and (7) it does not constitute any prohibited use, as discussed below.

Prohibited Uses of City Technology Resources – Use of City Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly always prohibited. In addition, the following uses of City Technology Resources identified below are inappropriate and are always prohibited:

1. Personal commercial use (meaning use that benefits an Employee's outside employment or commercial business);
2. Accessing, receiving or sending pornographic, sexually explicit, or indecent materials, including materials of an offensive nature;
3. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability, or other protected status;
4. Gambling or bitcoin mining;
5. Usage for recreational purposes including the loading of computer games or playing online games;
6. Usage that precludes or hampers City network performance; such as viewing or listening to streaming audio and/or video unless for City business, such as for online training;
7. Unauthorized copying or downloading of copyrighted material;
8. Usage that violates software license agreements;
9. Downloading of software programs unless specifically approved by applicable Manager and coordinated with the IT Manager;
10. Usage for political purposes, including partisan campaigning;
11. Sending anonymous messages and/or misrepresenting an Employee's name, position, or job description;
12. Deliberately propagating any virus, worm, trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems, or those of any other individual or entity;
13. Releasing misleading, distorted, untrue, or confidential materials regarding City business, views, or actions;
14. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
15. Use of City Technology Resources for personal use beyond a de minimis amount or in any manner so as to deprive others of system use or resources, including, but not limited to, the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind;
16. Connecting to the City's network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions;
17. Any personal use, even if incidental, that results in expense to the City; 18. Usage that violates the guidelines set forth in the Standards of Conduct described in this Manual.

For additional examples of proper and improper use of electronic communications, refer to WAC 292-110-010. Any Employee who violates these policies could be subject to discipline, up to and including Discharge. In addition, Employees may be held personally liable for damages incurred because of copyright and licensing requirements.

Downloading Files from the Internet or Opening Email Attachments – Downloading files from the internet or opening email attachments from sources outside the City can lead to spyware and/or

virus attacks that can severely damage, or degrade the City's network and/or data. The Anti-virus and anti-spyware software has been installed on all City computers and continuously updates signature definition files. However, that does not guarantee that all spyware is blocked, or that all viruses are caught.

If you are downloading a file and receive a message that a virus or spyware has been detected, you must contact the IT Manager immediately for assistance. Similarly, if you receive an email with a suspicious attachment, or from an unusual source, you should notify the IT Manager before opening it. If you notice that your computer is behaving strangely or you suspect spyware or a virus, notify the IT Manager.

#### **4.22 Generative AI**

It is important that the City departments efficiently and effectively deliver equitable and responsive services to the public. We are also responsible for stewarding the public's data and protecting our IT systems. The Generative AI field is rapidly evolving and can have unanticipated and unmitigated impacts. This policy is designed to minimize issues that could arise while we await further research and analysis of Generative AI's impact.

City employees need to obtain permission from the City of North Bend IT manager before accessing or acquiring a generative AI product.

City employees must validate that the output of generative AI systems is accurate, properly attributed, free of someone else's intellectual property, and free of unintended or undesirable instance of bias about member of the public.

#### **4.23 Cell Phones**

Management and Elected Officials of the City of North Bend can request a cell phone that is paid for by the City. A work cell phone is encouraged for specific employees and elected officials due to the OPMA rules that make a personal cell phone "discoverable" for evidence.

Use of Privately-Owned Cell Phones – Privately-owned cell phones can be used if desired for business purposes although not recommended. Upon January of each year or the month of hire, an employee seeking reimbursement for use of personal cell phone for city business shall sign a form providing a copy of one month's billing statement associated with such personal phone. The Mayor, City Administrator and all department directors are automatically approved to receive a taxable benefit of \$75.00 per month. Other management staff must request approval from their Department Director who, upon determining that the employee performs frequent work outside of regular business hours and there is a sufficient City benefit from having the employee accessible during such time periods, will obtain approval from the Mayor or City Administrator. Management staff will be reimbursed \$75.00 per month. Once the attached form has been filed with Human Resources, the employee will be reimbursed through payroll. This is a reimbursement policy and not a cell phone allowance program. As such, reimbursements will be paid after completion of the month of service.

Employee use of a personal wireless device shall be governed by and consistent with the guidelines provided for City-owned wireless devices if the employee-owned wireless device is used for official City business. Use of an employee-owned wireless device for City business is discouraged.

The use of a cell phone to conduct City business, whether owned by the individual or the city, creates a public record subject to disclosure and potential production under the Washington State Public Records Act and/or retention and disposition under RCW Chapter 40.14 (Preservation and Destruction of Public Records). Voicemail messages relating to City Business are also a public record subject to State public records laws.

Text Messaging – Text messages should only be used for transitory messages. Text messages sent or received by an employee that relate to City business are public records regardless of whether the device used is owned by the City or employee. It is the City's policy that its employees maintain electronic records in accordance with the State archivist records retention laws and schedules. The City does not archive instant messaging or text messaging records.

Therefore, employees are instructed not to use instant messaging or text messaging for communications records that have retention value. However, text messages that are of a transitory nature do not have retention value. Examples of transitory messages include: personal messages and announcements not related to official business; information only or duplicate copies; copies of publications; miscellaneous notices or memoranda of a general and noncontinuing nature (meeting notices, reservations, confirmations); preliminary drafts of notes, letters, reports, worksheets which do not represent significant steps in the preparation of record documents; requests for routine information or forms; and routine notifications (e.g., "I'll be late," or "see you there," etc.). In the event communications that are more than transitory are necessary, such communications should occur in person, by telephone, by email, or by memorandum, but not by text.

Management and Elected Officials of the City of North Bend will not be reimbursed for business related calls on personal cell phones.

#### **4.24 Social Media**

- a) The purpose of the City's use of social media is to inform residents of City business in an effective and efficient manner and to reach a wider audience than that achieved through traditional mediums. This will build a stronger community and communication network, allowing citizens a better understanding of their government, increased access to information relating to City business, and a channel for current City events and activities, as well as allowing the City the use of an additional tool for communication and method for conducting outreach.

b) Definitions –

<b>Blog:</b>	A self -published diary or commentary on a particular topic that may allow visitors to post responses, redactions, or comments.
<b>Content:</b>	Any text, metadata, QR codes, digital recordings, videos, graphics, photos, and links on approved sites.
<b>Employee:</b>	Elected officials and personnel appointed to a position ( regular, temporary, or volunteer) of service with the City.
<b>Employer:</b>	The City of North Bend
<b>Page:</b>	The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
<b>Post:</b>	Content that an individual shares on a social media site or the act of publishing content on a site.
<b>Profile:</b>	Information that a user provides about themselves on a social networking site.
<b>Public Record:</b>	Any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).
<b>Communications Manager:</b>	A City employee who has been designated to oversee the City' s social media program.
<b>Social Media Representative:</b>	A City employee who has been trained in the Social Media Policy and who has been designated to establish and/ or maintain a social media account on behalf of their department. A representative must be identified before the City department can use social media.
<b>Social Media / Web 2.0:</b>	Internet -based technology communication tools with a focus on immediacy, interactivity, user participation and information sharing. Examples include, but are not limited to: forums; weblogs; wikis; social networking, communication, and bookmarking sites; podcasts; photo or video sharing sites; and real- time web communication sites/ systems.



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

It is the responsibility of Social Media Representatives to read and adhere to relevant the City's personnel policies, to maintain archival data, maintain current accurate information via City social media platforms, and to ensure that the City is being appropriately represented.

It is the responsibility of Department Directors or designees to enforce this policy, ensure that relevant City standards are met, to ensure the use of social media platforms meets the City's business needs, to review and make decisions regarding the approval and distribution of information on social media platforms, and to ensure staff maintains and produces records consistent with the Washington State Public Records Act (Chapter 42.56 RCW) and the Washington State Secretary of State's records retention standards.

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

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

- d) Policy and Procedure –

- i. Compliance with Laws and Records Retention. Social media platforms must comply with applicable federal, state, and city laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, public records, records retention, First Amendment rights, privacy and security laws, and conduct policies established by the City.

Washington state law and relevant Agency record retention schedules apply to social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the department maintaining a site shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and that is easily accessible.

To ensure appropriate retention of public records, most content posted by City personnel on City social media sites should not be original source content (content that has not been created anywhere else and only exists on the social media site), but rather a secondary copy of information that is posted on the City website or contained in an electronic copy or a hard copy. If original content is posted on a social media site,

that information shall be retained in accordance with the City's records retention policies and other applicable laws, for at least the minimum retention period listed for those records beginning the date of posting. Copies of records the City already retains elsewhere will be considered secondary copies and shall be retained accordingly.

Any social media tools used should include a message clearly stating all content submitted by members of the public may be considered a public record and potentially subject to disclosure pursuant to the Washington State Public Records Act, Chapter 42.56 RCW. If it is not possible to display this notice prominently on the site, the person maintaining or controlling the site must periodically notify users through reposting this information and/or notify new users via responses to posts or comments.

- ii. Acceptable Uses and Usage Requirements – Official City Purposes and Accounts. The best, most appropriate uses of social media platforms for the City fall into two general categories: as channels for disseminating time -sensitive information as quickly as possible (i.e., emergency information); and as marketing or promotional channels for City business efforts and current events which increase the City's ability to deliver its messages to the widest possible audience. Social media should not be used as mechanisms for conducting official City businesses other than to informally communicate with the public. Examples of business that may not be conducted through social media include making policy decisions, official public noticing (though re-posting public notices there is acceptable and can be helpful), and discussing items of legal or fiscal significance that have not previously been released to the public.

Only official City social media sites may be used by City employees and/or elected officials to conduct official City business. All content posted on City social media shall comply with the City Ethics code as well as all state and local laws, regulations, and policies regulating elected officials. No content that promotes or advertises commercial services, entities, or products may be posted. City staff and Council members, acting in their official capacity as representatives of the City, shall not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to a Council member's campaign site pursuant to RCW 41.06,250, 42.17.130, 42.17.190.

City employees and/or elected officials are prohibited from disclosing any information via social media posts that may be confidential or may otherwise compromise the City.

Official City social media sites shall include notification to site users/visitors that the following social media comments policy applies:

- All posted comments must be related to the topic at hand
- All comments are the responsibility of the commenter, not the City, and should not be taken as official endorsement by the City

- All social media posts, comments and list of followers are subject to public disclosure under the Washington State Public Records Act, Chapter 42.56 RCW
- The City reserves the right to remove inappropriate comments, including but not limited to comments meeting any of the following criteria:
  - Content not topically related to a particular social media thread
  - Content in support or opposition to political campaigns of any kind
  - Profane language and/or content
  - Content and/or language that promotes, fosters, or perpetuates discrimination of any kind
  - Vulgar, obscene, offensive, or threatening language and/or content
  - Sexual content or links to sexual content
  - Solicitations of commerce, commercial promotions, or spam
  - Conduct or encouragement of illegal activity
  - Information that may tend to compromise the safety and/or security of the public and/or public systems
  - Content that violates any law
  - Potentially libelous and/or slanderous content
  - Material that is plagiarized or violates intellectual property rights
  - Content that is confidential or may otherwise violate privacy rights

Any content removed based on these restrictions shall be retained, including the time and date of the posting, the identity of the poster, and the rationale for removal.

iii. Personal / Private Social Media Use.

City employees and/or elected officials are discouraged from using personal equipment and/or personal accounts to post information to official City social media sites. City employees and/or elected officials are similarly discouraged from using personal equipment and/or personal accounts to post information regarding official City business on other social media sites. All social media site posts by City employees and/or elected officials regarding official City business are subject to Washington State public disclosure laws, open meetings laws, and all other applicable laws, rules, and regulations.

Personal and/or private use of City equipment and/or facilities by City employees, elected officials, or others to access social media sites is prohibited.

Social media use, whether on or off-duty, that adversely affects an employee's job performance, the performance of other Agency employees, or that otherwise adversely affects the Agency's mission and functions may result in disciplinary action, up to and including termination. Note that employees have First Amendment freedoms of speech and association, and no discipline will be sustained that violates such rights. However, whether or not you specify on your personal social media

accounts that you work for the City, the fact that you are employed by the City is public information. Be mindful that whenever you discuss issues in an online platform, whether in a personal or professional capacity, your comments can be tied back to your employment with the City.

The following additional rules also apply to employees' use of social media, on and off-duty:

- Social media content that relates to City business may be a public record subject to retention and disclosure under state law. For that reason, except for when assigned as part of their official duties, employees are prohibited from using social media to conduct Agency business.
- Employees are required to protect and maintain the confidentiality of all private and confidential City information.
- Employees may not create a link from their blog, website, or other social networking site to a City website if such a link causes the viewer to reasonably believe that the City endorses the contents of the employee's social media site.
- Employees may not use their City email address or the Agency's official logo for personal online communications or activities. Do not use a City email address when using social media in personal capacities. For example, don't create a personal Facebook or Twitter account using your [city].gov email address. Although employees may identify themselves as employees of the City, employees shall not identify themselves in a manner that suggests or implies they are speaking as a representative for the City, even when the communication occurs in a private setting. If any confusion is reasonably likely, the employee shall expressly state with a disclaimer that he/she is speaking in a personal individual capacity and not for or on behalf of the City.

**Nothing in this policy is intended to prevent or discourage an employee from exercising his or her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern.**

## **Tips For Using Social Media Sites for City Business**

**Be Cautious** – If you are about to post information that makes you even the slightest bit uncomfortable, pause and think about it. Be smart about protecting sensitive and/or confidential City information, as well as your own privacy. Remember that what is posted via social media is widely accessible, not easily retractable, subject to scrutiny, and will be around for a long time.

**Post Only What You Know** – Make sure what you post regarding official City business falls into your specific area of expertise and you coordinate with the appropriate City staff. Don't post about City business you are not involved in unless it is a coordinated effort with communications staff or leadership. Misperceptions are easily created when posting on subjects you aren't completely familiar with.

**Avoid Personal Posts About City Business** – In the social media environment, the lines between public and private, personal, and professional are easily blurred. Personal posts or comments about City business on either official City social media sites or other social media sites can easily open the door to others perceiving personal posts as representing the official position of the City. Keep in mind that even if you are posting about City business using personal equipment, a personal account, and your personal views, what you say may be subject to public disclosure laws, open meetings laws, and all other applicable laws, rules, and regulations.

**Be Honest and Straightforward** – All posts should be accurate, clear, and should avoid being misleading in any way. Present information in posts as simply as possible. Posts that are brief and to the point leave less room for misinterpretation. If you happen to post information that misses the mark, be quick to point it out and correct it.

**Stick To the Facts** – Post information based on your knowledge and the facts involved, rather than your opinion. Whenever possible, reference information that is available on the City's website or is otherwise easily accessible. By sticking to the facts, you will be seen as an unbiased, trusted source of information about City business.

**Know the Rules** – Make sure what you post complies with the City of North Bend's Social Media Policy and all other applicable laws, rules, and regulations. If you have questions about using social media, check with the City's Communications Manager. Remember, what you post to social media sites is ultimately your responsibility.

Please also refer to the City's policies and procedures regarding the Public Records Act, the Open Public Meetings Act, the electronic communications provisions in this Manual, and other policies related to the conduct and responsibilities of City Employees.

#### **4.25 Harassment via Electronic Communication**

If you believe that any person is experiencing or committing harassment via electronic communication, or if you believe that criminal activity is taking place using electronic communication, please follow these steps:

1. Do not delete the message;
2. Do not respond to the message;
3. Notify your supervisor or other appropriate person; and
4. Notify the Police Department if appropriate.

### **Section 5 – Classification Plan**

#### **5.1 Creation and Maintenance of Classifications**

The Human Resources Manager shall be responsible for the preparation and continued maintenance of a classification plan so that it will describe on a current basis the duties of each position and the class to which each such position is allocated. Regular positions will be included in the same class if:

- a) They are so similar in respect to duties and responsibilities that the same descriptive title may be used.
- b) Substantially the same requirements as education, experience, knowledge, and ability are demanded of applicants.
- c) Substantially the same tests of fitness may be used in choosing qualified appointees.
- d) The same schedule of compensation can be made to apply with equity.

#### **5.2 Reallocation or Reclassification of Positions**

Revision of class specifications and reallocations within the classification plan shall be made as often as is necessary due to changing service demands, and to provide current information on positions and classes. It shall be the duty of the Human Resources Manager, in consultation with department directors, to examine the nature of all positions and assure their allocation to existing or newly created classes, to accomplish changes in the classification plan as made necessary by changes in the duties and responsibilities of existing positions, and to assure periodic review of the entire classification plan and recommend appropriate changes in the allocation or in the classification plan. Creation of a classification plan, reclassification of existing positions, or alteration or omission of existing classifications shall be subject to the approval of the Mayor, City Administrator and City Council.

Nothing contained in these policies or the City's past practices shall prevent the City from reducing its workforce, laying off, promoting, demoting, reclassifying, or removing employees, modifying the pay plan or fringe benefits, or otherwise managing and directing the operation of the City government and its workforce as deemed necessary and appropriate.

The department director shall submit to the Human Resources Manager and/or Administrative Services Director a written description of the duties of the position. After reviewing the position, the Human Resources Manager shall forward any recommended changes or amendment of the class specification and allocation or reallocation of the position to a class for approval to the City Administrator. If the position is a union position, the job description is sent to the shop stewards and business agent for approval. If a new position is created, approval shall be secured from the Mayor and City Council.

A regular fulltime employee, or the employee's designated representative, who considers his position improperly classified shall first submit a request in writing for reclassification of the position to the department director who shall review the request and transmit it with written recommendations to the City Administrator. If approved, the request will be forwarded to the Human Resources Manager. If the department director or City Administrator finds the request is not justified, the employee will be advised of the decision and the right to appeal under the grievance procedures.

## **Section 6 – Pay Plan and Compensation**

The Human Resources Manager shall prepare and keep current a compensation plan to consist of a series of salary ranges. In preparing such a plan, salary ranges shall be designated for each class of positions and by such continued designation, the compensation plan and the classification plan shall be directly connected to each other. The salary range for a class will be determined with due regard to the ranges of other classes, the ability of eligible applicants, and prevailing rates of pay for similar positions offered by other employers.

The Human Resources Manager shall, from time to time, have comparative studies made of all factors affecting the level of salary range and recommend such changes in the salary range as appear to be justified. Such adjustments shall be made by increasing or decreasing the salary range, the appropriate number of ranges as provided in the basic salary schedule, and the rate of pay for each employee affected shall be adjusted in conformance with the adjustment of the approved salary for that class.

The salary established for a position shall represent the total remuneration for an employee occupying the position except for fringe benefits, official travel, and other approved expenses.

### **6.1 New Employee Compensation**

Upon initial appointment to a position, the employee should receive the minimum salary for the class to which the position is allocated; however, in cases where unusual difficulty in filling the vacancy is experienced, or when the appointee is exceptionally qualified, the department director with the concurrence of the Administrative Services Director or Human Resources Manager may cause the appointment to be made at a salary above the minimum, but not more than the mid-point for the class. If a department director wishes to hire above the mid-point of the salary range, a request will be forwarded to the City Administrator for approval. This request shall be

approved prior to making the offer to the potential employee and a copy of the approved request shall be forwarded to the Human Resources Manager.

## **6.2 Performance Evaluations**

The Administrative Services Director or designee is responsible for developing and maintaining the City's performance evaluation program. Performance evaluations are designed to provide the employee with a record of performance and to encourage professional growth. The annual evaluation is prepared by the immediate supervisor on the standard appraisal form (s). The evaluation will be discussed with the employee, who will have an opportunity to comment on it in writing.

Employees are to receive an evaluation during or at the completion of probationary period and annually thereafter. Performance appraisals for regular employees are given for the position which the employee holds at that time. The purpose of the appraisal is to commend strengths, address weaknesses, suggest ways to improve, and discuss new challenges, career goals and objectives.

Should a regular employee be on leave-without-pay status during the scheduled time for his evaluation, the appraisal will be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave without pay.

## **6.3 Pay Period and Deductions**

The pay period has been established as semi-monthly. The pay periods have been established as the 1<sup>st</sup> – 15<sup>th</sup> of the month and the 16<sup>th</sup> through the last day of the month. Payments are on the 5<sup>th</sup> and the 20<sup>th</sup> of the month. Should the pay dates fall on a Saturday or Sunday, payments shall be made on the preceding Friday.

Early pay checks are issued only in emergency situations. Requests for early pay checks must be submitted to the Finance Director by the employee's department director and must be approved by the City Administrator.

New employees working less than a calendar month will be paid at a rate per hour determined by dividing the annual salary by the annual hours to be worked for that position. In no instance will more than the monthly rate be provided except for overtime payments.

Finance Department staff will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute.

## **6.4 Wages for Regular Part Time Employees**

The hourly wage will be determined by dividing the annual salary by the annual hours to be worked for the position.



## **6.5 Wages for Temporary Non-Regular Employees**

The salaries of non-regular employees are approved by the department director with concurrence of the Human Resources Manager or Administrative Services Director and take into consideration the salaries of comparable regular positions. Non-regular employees receive straight time pay for work performed on holidays and are eligible for overtime pay as required by law.

## **6.6 Payment Upon Classification Change**

Upon promotion, an employee will typically be paid at no less than the minimum salary of the higher range, and upon demotion, an employee will typically be paid at no more than the maximum salary of the lower salary range. Salary adjustments for promotions and demotions shall be submitted to the City Administrator for approval. The City Administrator shall forward the approved salary to the Human Resources Manager for the employee's personnel file. Exceptions to this policy may be made by the City Administrator with approval by the Mayor.

When an employee is promoted into a FLSA exempt position, accrued compensatory time may be converted to cash at the rate earned prior to the time of reclassification of the employee with approval of the City Administrator and Mayor.

## **6.7 Promotions**

Vacancies in positions shall be filled on a competitive basis. If qualified personnel are available within the City, special consideration may be given and filled on a non-competitive basis. City employees who are promoted must pass a probationary period as specified in *Section 3.5*. Those who fail the probationary period may be terminated or at the discretion of the City Administrator may assume any regular appointment held prior to promotion if the position remains open.

Promotions may occur because of vacancies or through re-classification of a position to a higher level.

Promotions Through Reclassification of a Position to a Higher Level – A department director may promote an employee to a higher level within a job family by submitting written verification, for concurrence from the Human Resources Manager or Administrative Services Director and City Administrator, that the employee has met the established criteria for the promotion.

Promotions as a Result of Vacancy – An employee may be promoted to a different classification when a vacancy exists because of a competitive process.

### Salary Adjustment Because of Promotion –

Non-Represented Employees:

An employee's salary upon promotion shall be at a minimum the greater of the minimum of the new salary range or a minimum of 5% above the previous salary, and at a maximum of

not greater than 10% above the previous salary. Department directors may request a salary placement above 10% with the approval of the City Administrator.

Represented Employees:

An employee's salary upon promotion shall be the greater of the minimum of the new salary range of 5% above the previous salary in addition to a prorated merit adjustment for the portion of the year that the employee worked at the lower salary, if the employee is not at the top of their current pay range.

## **6.8 Transfer**

Upon recommendation of the appropriate department directors and concurrence of the City Administrator, or to meet the needs of the City, a transfer may be made. Transfers are based on work force requirements, performance evaluations, job descriptions, related City requirements, and the supervisor's recommendation. To be considered for another position, an employee must have satisfactorily completed the probationary period for the employee's current position and possess the qualifications for the vacant position, unless such requirements are waived in the best interests of the City. A new probationary period shall be established for any employee who requests a transfer. A transfer shall not be used to circumvent regulations regarding promotions, demotions, or terminations.

## **6.9 Demotion**

No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. An employee being demoted shall be notified two weeks prior to demotion. And employee may be demoted when:

- a) The employee's performance falls below that established for the employee's particular position;
- b) The employee becomes physically or mentally incapable of performing the duties of the employee's position;
- c) For disciplinary purposes; or
- d) Demotion by employee request (voluntary demotion); or
- e) In lieu of layoff.
- f) *See also Section 3.6, Nepotism.*

A demotion may be authorized by the City Administrator or Mayor for any employee who requests it or to prevent a layoff. Any demotion to prevent a layoff may be reversed when the employee's previous position is reopened.

## **6.10 Call Back**

All employees are subject to being called back in emergencies or as needed by the City to provide necessary services to the public. An unreasonable refusal to respond to a call back is grounds for disciplinary action, including possible termination. Employees called back to duty will be paid

their appropriate rate of pay for hours worked (the overtime rate, if applicable). The minimum callback time for compensation shall be two hours. For represented employees, refer to the Collective Bargaining Agreement for call back protocol and compensation.

#### **6.11 Compensation Upon Termination**

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

- a) Regular wages for all hours worked up to the time of termination have not been paid; and
- b) Any holiday pay, compensatory time, sick leave (in accordance with *Section 7*), or vacation accruals due at the time of separation.

Upon termination of employment, employees shall be paid for accrued vacation time earned but not used.

#### **6.12 Death**

Upon death of an employee, all compensation due shall be paid in accordance with RCW 49.48.120, or other applicable State or Federal law.

Memorial services for a deceased current or retired City employee may be attended by other City employees during their scheduled workday, with approval of their supervisor, with no loss of pay or accrued leave.

#### **6.13 Out of Class Pay**

It may be necessary from time to time to assign employees to another position on an acting or temporary basis. To be eligible for acting pay, an employee must be appointed by the department director to the position and must perform all the duties of the new position. Employees assigned acting pay will be compensated an additional 5% of base wage for the duration of the assignment. At the conclusion of their "out of class" work, the employee will return to the original salary.

### **Section 7 – Leaves**

#### **7.1 Holidays**

Legal holidays to be observed by the City are:

- First day in January
- Third Monday in January
- Third Monday in February
- Last Monday in May
- Nineteenth day in June
- Fourth day in July
- First Monday in September
- Eleventh day in November

Fourth Thursday in November  
Day immediately following Thanksgiving Day  
Twenty fourth of December  
Twenty fifth of December  
One Personal Holiday

Holidays that fall on a Saturday shall be observed on the preceding Friday. If any such holiday falls on a Sunday, it shall be observed on the following Monday.

If a non-exempt employee is required by the employee's department director to work on a recognized holiday, the employee shall receive compensation at the overtime rate for holiday pay.

Holidays which occur during vacation or sick leave shall not be charged against such leave.

An employee must be in a paid status both the day before and after a holiday to receive pay for that holiday.

An employee may select a personal holiday each calendar year and the City shall grant the day, provided:

- a) The employee has been continuously employed by the City for more than three months; and
- b) The employee has given not less than 15 calendar days written notice to the employee's supervisor;
- c) The number of employees selecting a particular day off does not prevent the City from providing continued public service.

The personal holiday must be taken between January 1 and December 31<sup>st</sup> of the current calendar year. If they are not taken during the dates specified above, entitlement to the days will lapse, except when an employee has requested a personal holiday, and the request has been denied. An employee shall not be paid in lieu of taking the holiday under any circumstances.

## **7.2 Unpaid Holidays for Reasons of Faith or Conscience**

Under Washington law all employees are entitled up 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." If you wish to be compensated for the time off, please follow the policies for using accrued vacation, compensatory time or other paid time off.

The employee may select the days on which he/she desires to take the two unpaid holidays after consultation with their supervisor or department director. If an employee prefers to take two unpaid holidays on specific days, the employee may be allowed to take the unpaid holidays selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

If you seek to take a day off or a partial day off under this law, you must submit a written request to your supervisor or department director at least two weeks in advance. Note that a partial day off will count as a full day toward your yearly allotment of two days. Untimely requests will be considered if you can demonstrate that timely notice was not possible under the circumstances. You will normally receive a response within seven days of receipt of your request. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor or department director. The employee's supervisor or department director shall evaluate the requests by considering the scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute and consideration of the meaning of "undue hardship" developed by the rule of the Office of Financial Management. "Undue hardship" is defined as an action requiring significant difficulty or expense when considered in the light of several factors. These factors include the nature and cost of the accommodation in relation to the size, resources, nature, and structure of the employer's operation.

### **7.3 Vacation**

The annual leave allowance for nonexempt represented is stipulated in the appropriate collective bargaining agreement which is consistent with regular non-represented employees. The annual leave allowance for all employees shall be earned monthly based upon the following schedules:

<b>Years of Service</b>	<b>Days of Vacation (accrued annually)</b>
1–4	12
5–9	17
10	20
11+	+1 day/year to max of 25

New employees accrue vacation but are not eligible to take vacation during the probation period unless approved by the City Administrator. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for vacation benefits.

Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted at least four weeks prior to taking vacation leave or at the request of department directors. While vacation requests will be granted, if possible, requests may be denied depending on the number of employees requesting vacation for a given period and the needs of the City.

The City Administrator or Mayor must approve any vacation request for more than a two-week period.

Employees do not accrue vacation when in leave without pay status.

An employee may carry over one year's accrual of vacation past the employee's anniversary date of hire up to a maximum of 25 days (200 hours). In cases where the city operations have made it impractical for an employee to use vacation time, the supervisor may authorize additional

carryover or extend the time to use the additional carryover. Employees will be paid for unused vacation time up termination of employment which will be limited to their authorized carryover amount.

#### **7.4 Executive Leave**

In recognition of attendance at public meetings and other demands which may require the attendance or efforts of exempt employees outside of normal working hours, an annual Executive Leave bank will be provided.

Exempt employees shall receive Executive Leave hours annually as determined by the department director and/or manager to be appropriate. The number of banked Executive Leave hours will be pro-rated for new hires or part-time employees.

Department directors, with approval from the City Administrator, have the flexibility to increase or decrease Executive Leave hours based on the number of demands placed on the exempt employee to work outside normal working hours.

Executive Leave will not be allowed to be carried forward into the next year and will be forfeited. Upon separation from the City, a balance of Executive Leave will be forfeited.

Requests to take Executive Leave will be in the same manner as vacation leave is requested. Executive leave should not be used as a substitute for extended vacation time. Absences in excess of three days shall be deemed as vacation time.

#### **7.5 Safe and Sick Leave**

Under RCW 49.46.210, Paid Sick and Safe Leave (SSL) is available to employees to care for their own health and safety, and for the health and safety of their family members as described below.

#### **7.6 Paid Safe and Sick Leave - Accrual and Eligibility**

- a) All non-exempt employees in part-time, non-regular positions shall accrue paid SSL at the rate of 1 hour per forty hours worked, beginning from their date of hire.
- b) Non-exempt employees in regular and limited term positions represented by a bargaining unit, shall accrue SSL in accordance with their collective bargaining agreement's provisions for accruing sick leave.
- c) Regular part-time employees who work at least twenty (20) hours per week will accrue SSL benefits on a pro-rata basis according to hours worked.
- d) Employees are entitled to use their accrued, unused paid SSL beginning on the 90<sup>th</sup> calendar day after the start of their employment. The accrual year is based on the employee's anniversary date of most recent hire. Employees do not accrue sick leave benefits during a leave without pay.
- e) Employees will be notified of their paid SSL balances on their paystubs, including accrued paid sick leave since the last notification, used paid sick leave since the last notification, and current balance of paid SSL available for use.

- f) Represented employees should refer to their collective bargaining agreement to obtain specific information about sick leave.

## **7.7 Authorized Usage of Paid Safe and Sick Leave**

- a) Employees may use their accrued, unused paid SSL hours to care for themselves or a family member (definition below) for:
  - 1. Mental or physical illnesses, injuries, or health conditions;
  - 2. The need for medical diagnosis, care, or treatment of mental or physical illnesses, injuries, or health conditions; or
  - 3. The need for preventive medical care. The employee must make a reasonable effort to schedule such appointments at times which have the least interference with the workday.
- b) For the use of SSL for an employee's family member, family member is defined as:
  - 1. 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 of an employee or the employee's spouse or is de facto, parent, regardless of age or dependency status.
  - 2. A parent, including spouse's parent(s); including 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.
  - 3. A spouse;
  - 4. A registered domestic partner;
  - 5. A grandparent;
  - 6. A grandchild; or
  - 7. A sibling.
- c) Closure of City offices or the employee's child's school or place of care when closed by order of a public official for any health-related reason.
- d) To address issues related to domestic violence, sexual assault, or stalking.
  - 1. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee and their family members including, but not limited to preparing for, or participating in, any civil or criminal legal proceeding related or derived from domestic violence, sexual assault, stalking
  - 2. treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking;
  - 3. Attend health care treatment for a victim who is the employee's family member;
  - 4. Obtain, or assist the employee's family member(s) in obtaining, services from a domestic violence shelter, a rape crisis center, or a social services program for relief from domestic violence, sexual assault, or stalking;
  - 5. Participating, for the employee or for the employee's family member (s) in safety planning, temporary or permanent relocation, or other actions to increase the safety from future incidents of domestic violence, sexual assault, or stalking.
- e) For purposes of leave related to domestic violence, sexual assault, or stalking, family member has the following definition:

Any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

- f) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others.
- g) Use of a prescription drug which impairs job performance or safety.
- h) Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability; vacation leave, compensatory time, or leave without pay may be used.

## **7.8 Reasonable Notice for the Usage of Paid Safe and Sick Leave**

Employees must provide reasonable notice of an absence from work for which they will be using SSL for an absence resulting from:

- a) An employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition or an employee's need to preventive medical care;
- b) To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; or
- c) When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason. Such reasonable notice must be provided to the employee's immediate supervisor or the supervisor's designee. Any information provided will be kept confidential. The reasonable notice requirement is not intended to interfere with an employee's lawful use of paid SSL.
- d) Foreseeable Usage -If an absence is foreseeable, the employee must provide notice to their supervisor at least ten (10) days prior to the leave, or as early as practicable before the first day that SSL is used. If possible, notification should include the expected duration of the absence. When foreseeable leave is requested to address issues related to domestic violence, the employee must give advance oral or written notice to their supervisor as soon as possible.
- e) Unforeseeable Usage - If an absence is unforeseeable, the employee must contact their supervisor as soon as possible before the required start of their shift, unless it is not practicable to do so. In the event it is impracticable for an employee to provide notice to their employer, a s person on the employee's behalf may provide notice to the employer. If possible, the notification should include the expected duration of the absence. In unforeseeable circumstances regarding domestic violence, sexual assault, or stalking, the employee or a designee must give oral or written notice to the supervisor no later than the end of the day of the first day that the employee takes such leave.



## **7.9 Incremental Usage of Safe and Sick Leave**

Incremental use of sick leave is allowed for all these reasons and may be taken in one hour or less increments.

## **7.10 Payroll**

Employees will be notified of their SSL balance each month by way of their pay stub. This information will include:

- Accrued SSL since the last pay period;
- Used SSL since the last pay period;
- Current balance of SSL available for use; and
- Donations via shared leave, if applicable.

## **7.11 Carry Over of Paid Safe and Sick Leave Time**

Any paid SSL accumulated during the accrual year, but unused shall be carried over to the succeeding year up to the following maximums:

- a) Non-represented employees may carry over up to 960 hours from one year to the next. The amount is the maximum accrual amount and, thus, no more than 960 hours may carry over year to year. Regular part-time employees who work at least twenty (20) hours per week will accrue sick leave benefits on a pro-rata basis according to hours worked.
- b) Represented employees should refer to their collective bargaining agreement to obtain specific information about sick leave.
- c) The accrual year is based on the employee's anniversary date of employment.

## **7.12 Rate of Pay When Using Safe and Sick Leave**

Paid SSL will be compensated at the hourly rate that an employee would have earned during the time that the employee used SSL. Calculation of overtime shall be based on FLSA rules; therefore, use of paid SSL shall not count towards the overtime calculation.

## **7.13 Safe and Sick Leave Conversion or Cash**

For employees in part-time, non-regular positions, there is no option for SSL conversion or cash out. For these employees, hours more than the 40-hour maximum carryover will be forfeited.

For represented employees in non-exempt, regular status and limited term positions, SSL conversion will be consistent with the applicable collective bargaining agreement's provisions regarding conversion and cash out of sick leave when separating from employment from the City.

For non-represented staff in regular and limited term positions, SSL may be converted or cashed out at 25% of accrued hours when separating from employment from the City.

### **7.14 Retaliation Prohibited**

Any discrimination or retaliation against an employee for lawful exercise of paid sick leave rights is prohibited. Employees will not be disciplined for the lawful use of paid sick leave. If an employee believes he/she is being discriminated against or retaliated against, promptly contact the Human Resources Manager at 425-888-7631.

Washington State Department of Labor & Industries at:

[www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)

Call: 866-219-7321, toll free

Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

### **7.15 Reinstatement of Sick Leave Hours**

The City must reinstate an employee's previously accrued, unused paid sick leave if it rehires an employee within 12 months of separation. The City is not required to reinstate any hours of paid sick leave previously provided to the employee through financial or other reimbursement at the time of separation. If the period of time an employee separates from employment extends into the following year, the City is not required to reinstate more than 40 hours of accrued, unused paid sick leave. The accrual year is defined as January 1 – December 31<sup>st</sup>.

Upon rehire, the City will provide notification to the employee of the amount of accrued, unused paid sick leave available for use by the employee. If an employee is rehired within 12 months of separation, the employee is not required to wait another 90 calendar days to use their accrued, unused paid sick leave if the employee met that requirement during the previous period of employment. If the employee did not meet the 90-day requirement for the use of paid sick leave prior to separation, the previous period the employee worked for the City will count towards the 90 days for purposes of determining the employee's eligibility to use paid sick leave.

### **7.16 Shared Leave**

The purpose of shared leave is to permit City employees in regular and part-time regular positions, to come to the aid of a fellow City employee who is experiencing or has an immediate family member who is experience a serious, prolonged or critical nature medical condition which has caused or is likely to cause the employee to take unpaid leave for a prolonged period of time generally considered to be at least fifteen (15) consecutive workdays. Medical conditions or illnesses that are routine, short term or sporadic shall not be considered for voluntary shared leave purposes. Examples of short term non-qualifying illnesses include such things as contagious disease (flu); chronic allergies or condition; short-term recurring medical or therapeutic treatments; and normal pregnancy. These examples are illustrative and not all inclusive. Each case must be examined on its conformity to policy intent and must be handled consistently and equitably. Employees who receive shared leave and are qualified for FMLA leave will be placed on FMLA leave and will use the donated leave concurrently while being on FMLA leave. The City

will consider whether the employee is expected to return to City employment in deciding whether to grant a request for shared leave.

- a) An employee's department director may permit an employee to receive shared leave if:
  - At the time of the employee's request, the employee shall have exhausted or will exhaust all their accrued leave of all types during the term of the event;
  - The employee has applied for and is awaiting approval of Paid Family Medical Leave (PFML);
  - The employee has abided by the City's SSL policy prior to the use of shared leave;
  - The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program, or which would otherwise be incurred by the employee's department;
  - Medical conditions are not job related;
  - The employee has provided proper medical documentation and has completed the FMLA paperwork; and
  - The employee's request is not greater than 240 hours.
- b) Shared leave requests greater than 240 hours must be submitted to the department director and approved by the City Administrator or designee. The City Administrator will determine the total amount of sick leave that can be donated to an employee but in no case will the amount of donated sick leave exceed 90 working days during one calendar year. Requests approved by the City Administrator or designee will be forwarded to the Human Resources Department.
- c) An employee requesting shared leave must submit a Shared Leave Request to his/her department director in writing and may be required to provide appropriate medical justification and documentation for the leave and the time which the employee can reasonably be expected to be absent. If approved by the director, the request shall be forwarded to Human Resources by the director. Donations will be blind and donated through the payroll system. Employees who wish to participate in the shared leave program should contact Human Resources or Payroll.
- d) Employees have the option of donating vacation or sick leave. In no event will an employee be allowed to donate more than 80 hours of accrued sick leave or vacation leave. Additionally, the employee donating the leave must retain a minimum balance of 40 hours in the appropriate bank after the donation. All donations for sick leave shall be voluntary and shall be intended as a gift without compensation.
- e) If any leave donated under this Section is not used, it will be returned to the donating employee(s) if there is no reasonable expectation that the leave will be needed soon in connection with the illness or condition for which the donation was permitted.
- f) Leave may be transferred from employees from one department to an employee of the same or different department. **Donated leave shall be transferred on an hour-for-hour basis regardless of the rate of compensation.**
- g) An employee on shared leave shall continue to be classified as a City employee and shall receive the same salary and benefits as would otherwise be received if using accrued leave. The employee's salary rate shall not change because of being on shared leave, nor under any circumstances shall the employee's pay and benefits exceed the total salary and

benefits which the employee would have received in a regular pay status. If an employee can work part-time under this program, he/she shall receive pro-rated vacation and SSL accruals which must be used prior to receiving donated leave.

- h) Employees are limited to receiving a maximum of 480 hours of donated leave per serious health event which shall be tracked by the Finance Department. The Finance Department shall adjust accrued leave balances of the donor and recipient of the shared leave. Donated leave may only be used for the event that has been requested and approved by the City Administrator or department director. Donated leave may only be used for the time period requested by the employee and approved by the City. At the end of the approved leave requests, any donated hours more than the original request will be returned to the employee who donated hours. Records of all donated leave shall be maintained in the event any leave is returned later.
- i) The Department of Retirement Systems (DRS) **does not** recognize shared leave as reportable compensation or time counted towards years of service.
- j) The use of shared leave shall be monitored by the Human Resources Department to ensure equivalent treatment for all City employees. Inappropriate use or treatment of shared leave may result in disciplinary action as well as the cancellation of the donated leave or use of shared leave.

#### **7.17 Family Medical Leave Act, Washington Family Leave Act, and Paid Family and Medical Leave Act**

Family Medical Leave and Washington Family Leave Act – The City complies with the Federal Family and Medical Leave Act of 1993 (FMLA) and all applicable State laws related to family and medical leave including but not limited to the Washington Family Leave Act (WFLA), and the Paid Family and Medical Leave Act (PFML). This Section is intended as a summary with additional guidance available by the federal or state regulations.

The FMLA supersedes the WFLA where the provisions overlap. The FLA and PFML run concurrently with FMLA except during FMLA military leave. FMLA provides up to 12 weeks of unpaid job-protected leave to eligible employees for eligible reasons relating to family and medical care.

Employees who have been employed by the City for at least 12 months and have worked at least 1,250 hours in the last 12 months are entitled to 12 weeks of FMLA/WFLA – qualified leave every 12 months for one or more of the following reasons:

1. The non-medical care of the child of the employee or of the employee's spouse/domestic partner after birth;
2. The placement of a child with the employee or his or her spouse/domestic partner for adoption or foster care;
3. The care of the employee's spouse/domestic partner, or a child or parent of the employee or his or her spouse/domestic partner who has a serious health condition;

4. The employee's own serious health condition that makes the employee unable to perform the functions of his or her job;
5. A qualifying military exigency for the spouse/domestic partner, son, daughter or parent of the employee set forth in the federal Family and Medical Leave Act and its implementing regulations, including a) short notice deployment, b) military events and related activities, c) childcare and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, and g) post-deployment activities; or
6. The care of a spouse/domestic partner, parent, son, daughter, or next of kin who is a covered servicemember and has a serious illness or injury under the terms and circumstances that such leave would be available under the federal Family and Medical Leave Act and its implementing regulations.

Selection of FMLA Period – the 12-month period during which an employee is entitled to 12 weeks of FMLA-qualified leave is a “rolling” 12-month period measured backward from the date an employee uses any FMLA/WFLA-qualified leave.

In certain circumstances, eligible employees may take FMLA intermittently or by reducing their work schedule. If the FMLA is due to the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule basis, when necessary, because of a qualifying exigency arising from a family member's military service. 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's permission.

An employee seeking to use leave must provide written notice to the Human Resources Manager at least 30 days in advance of the need to take the leave when the need is foreseeable. The City may require delay or any leave if the need was foreseeable and proper notice was not given. For leaves that are not foreseeable, the employee should give notice as soon as practical.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment to prevent disruptions to City operations.

In addition, employees who need leave for their own or a family member's serious health condition may be asked to provide medical certification from a healthcare provider of the serious health condition, periodic recertification of the serious health condition and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. A second medical certification may be performed by a different doctor at the City's expense. If the second certification differs from the first, the employee and the City may mutually select a third healthcare provider paid for by the City, whose opinion will control.

Employees who need leave for qualifying exigency arising from a family member's military leave must provide certification confirming the need for leave.

The City requires employees to use accrued sick leave, compensatory time, floating holiday, and vacation leave, when applicable and in this order while on leave under the FMLA or WFLA. Once accrued leave is exhausted, the leave will be unpaid. An employee will accrue sick and vacation leave during those periods of leave for which the employee is receiving compensation.

Upon return from an FMLA-qualified leave, the employee is entitled to his or her former position or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If an employee takes more than 12 weeks of FMLA qualified leave in any 12-month period, the City reserves the discretion to not return the employee to work after such leave unless otherwise required by law. If the employee chooses not to return to work for any reason, the employee should notify his/her department director as soon as possible and Human Resources.

For leave taken under the FMLA, the City must keep the employee on its health insurance coverage, including family coverage if applicable, and continue to pay the City's share of the coverage as if the employee were still at work or a maximum of twelve weeks. The employee must pay his or her share of the premium. The City may cancel coverage if the employee's premium payment is more than 30 days late and the City provides the employee with written notice at least 15 days in advance advising that coverage will be cancelled if the premium is not received. If the employee fails to return from leave, the City may recover the premiums paid for any coverage unless the failure to return is due to a serious health condition that prevents return, or due to other circumstances beyond the employee's control.

If an employee is covered by other City-paid insurance plans through the City, such as life or disability insurance, the coverage will continue during paid leave on the same basis as during regular employment.

Paid Family Medical Leave (PFML) – Eligible employees may apply for PFML, a program administered by the Washington State Employment Security Department ("ESD"). The PFML program allows eligible individuals to receive partial wage replacement and time off for qualifying family or medical events, including welcoming a new child into their family, a serious health condition or injury, or the need to care for an ill relative, and for certain military-connected events.

Leave benefits are funded by employer contributions and employee payroll deductions as described in RCW 50A.10.030. Eligibility is determined by the ESD, and employees must apply directly to the state to participate (<https://www.paidleave.wa.gov/login>). If an employee's PFML application is approved by ESD, the employee must file weekly claims for benefits, and will receive benefit payments from the State. These benefits are distinct from paid leave accruals offered by the City. An employee cannot receive PFML benefits and use paid leave accruals for the same absence. a. Eligibility Under PFML Employees may be eligible for monetary benefits and job protection when taking leave for covered reasons.

Eligibility requirements are as follows:

1. **Monetary Benefits:** To be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington State (for any employer or combination of employers) during the year preceding the claim.
2. **Job Protection:** To be eligible for job protection with the City under PFML, an employee must meet the Federal Family Medical Leave Act ("FMLA") eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year). An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for compensation or profit (i.e. outside employment or contracting).

Leave Entitlement Within your "claim year" you can take:

1. Up to 12 weeks of medical leave to recover from or get treatment for a "serious health condition," or family leave to take care of a qualifying family member who is ill or injured with a "serious health condition" or to bond with a new child or for certain military events.
2. Up to 16 weeks of combined medical and family leave if you have events covered by both in the same claim year.
3. Up to 18 weeks of combined medical and family leave if you experience a condition in pregnancy that results in incapacity, like being put on bedrest, and then take bonding leave.

PFML leave may be taken for the following qualifying events:

1. **Family leave.** Bonding with a new child coming into your family through birth, adoption, or foster placement. Caring for a covered family member with a serious health condition or injury. Bereavement leave for seven days following the loss of a child for whom an employee could have taken medical or bonding leave. Certain events for military families.
2. **Medical leave (for yourself).** Recovery or treatment for your own serious health condition or injury, including recovery from childbirth. PFML leave runs concurrently with FMLA leave year where an absence is covered by both laws and an employee is receiving PFML benefits.

*Notification Requirements.* An employee must provide written notice to Human Resources of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as possible. If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's written notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations. For any week during which an employee submits a claim to ESD for PFML

benefits, the employee must notify the City of how many PFML hours were claimed, so that the City may properly track leave use. If taking leave intermittently, an employee must notify 72 Human Resources in writing each time PFML leave is taken so that the City may properly track leave use.

*PFML Monetary Benefits.* If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a weekly maximum. ESD's website provides a benefits calculator to assist employees in estimating their weekly benefit amount. Existing Leave Benefits Paid leave accruals (vacation, Washington paid sick leave [WPSL], City sick leave, personal holidays, compensatory time, exchange time, or any other accrued leave) are not supplemental to PFML benefits. If an employee elects to use such accrued leave during a PFML-covered absence, the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a prorated weekly PFML benefit. Note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

*Waiting Period.* Monetary PFML benefits are subject to a seven (7) consecutive calendar waiting period, except for leave taken in connection with the birth or placement of a child or for a qualifying military exigency. The waiting period begins on the Sunday of the week in which PFML leave is first taken. Employees may use available accrued leave to cover absences during the waiting period without a reduction in WA PFML benefits.

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

*Job Restoration & Return to Work Recertification.* Similar to the federal FMLA, an employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to work following PFML leave when the employee has taken leave for the employee's own serious health condition. (Certification will typically be required after three (3) consecutive workday absences.)

If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify Human Resources as soon as possible.

## **7.18 Domestic Violence, Sexual Assault or Stalking Leaves**

Employees who are victims of domestic violence, sexual assault, or stalking, or who have a family member who is a victim, may take reasonable unpaid leave from work either in continuous blocks



of time or intermittently, or continue employment on a reduced work schedule, to take care of related legal or law enforcement needs, to obtain or assist in obtaining medical treatment, social services, assistance, or mental health counseling, 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.

An employee may elect to use paid sick leave, if applicable, vacation, comp time, or personal holiday time while on leave.

For purposes of this policy, family member is defined as child, spouse/domestic partner, parent, parent-in-law, grandparent, or person the employee is dating.

Employees must give as much advance notice of the need for leave as possible. Consistent with RCW 49.76.040, leave requests must be supported with one or more of the following:

- a) A police report;
- b) A court order of protection;
- c) Documentation supporting a court appearance;
- d) Documentation from a health care provider, domestic violence advocate, attorney, or clergy; or
- e) An employee's written statement that the employee or employee's family member is a victim and needs assistance.

If the situation does not allow for advance notice, the employee must notify the department director or Human Resources Department no later than the end of the first day that the employee takes leave. Communication between the employee and Human Resources would remain confidential under RCW 49.76.040 (8).

The City will continue to pay the City's share of health benefits as if the employee were still at work provided the employee pays his or her share of the premium.

At the end of the leave, the employee will be restored to the same position or equivalent position in pay, benefits, terms, and conditions unless the employee had a temporary assignment or was hired to work on a limited term project that was completed before or during the leave.

#### **7.19 Military Related Leaves**

An employee who is a member of the Washington National Guard, the U.S. Armed Forces, or of any organized reserve of the United States will be granted military leave in accordance with state and Federal law. Employees who take military leave will have all the rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

A qualified employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1 and ending the following September 30. Military leave beyond the 21 days of paid time off will be unpaid unless the employee elects to use accrued vacation or comp time during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty and provide the supervisor with a copy of the military orders.

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while his/her spouse/domestic partner is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements to take this spousal military leave.) The purpose of this leave is to support the families of military personnel by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City with notice of his/her intent to take leave within five (5) business days of receiving official notice that the employee's spouse/domestic partner will be on leave or of an impending call to active duty. The employee may substitute any eligible accrued leave for any part of this military leave.

#### **7.20 Leave of Absence Without Pay**

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

The City Administrator may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation more than fifteen (15) days per year.

Only regular full-time and part-time employees who have satisfactorily completed their probation period and have worked over 1500 hours during the prior calendar year are eligible for leave without pay. The following requirements apply:

- 1) Leave may be granted to an employee at the discretion of the City Administrator. Leave without pay will only be allowed once per calendar year;
- 2) Accrued compensatory time, if any, and vacation leave must be exhausted prior to requesting any leave without pay;
- 3) An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay;
- 4) During the leave of absence without pay which extends beyond the 12 weeks provided by the Federal Family and Medical Leave Act the City does not pay its share of any employee

group insurance premiums. The employee may continue group insurance coverage by enrolling in COBRA;

- 5) An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay;
- 6) If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position; and
- 7) The City Administrator and the Mayor must approve multiple leaves of absence during any employee's tenure.

During the leave of absence without pay which extends beyond the 12 weeks provided by the Federal Family and Medical Leave Act the City does not pay its share of any employee group insurance premiums. The employee may continue group insurance coverage by enrolling in COBRA.

### **7.21 Jury Duty and Other Court Duty Leave**

It is the civic obligation of each employee to serve on a jury if called. While on jury duty, an employee will receive full pay from the City. And employee will receive full pay when subpoenaed for a deposition or at a hearing or trial when the testimony involves the employee's role as a City employee. And employee will not be paid for time served as a plaintiff, defendant, or witness in a civil matter not involving the employee's role as a City employee, unless that time is taken as accrued vacation leave.

When an employee with a flex schedule is summoned to jury duty, the supervisor will change the employee's schedule to five 8-hour days, Monday through Friday, for the duration of the jury duty.

If given the option to be paid or to donate payment, the employee should select to be compensated for jury duty. The employee shall inform Finance Department staff of the amount received for jury duty or witness fees, exclusive of travel and parking, and an amount equal to jury or witness fees received by the employee will be deducted from the employee's next month end paycheck.

Employees who are absent from work because of jury duty will retain seniority and all benefits. The time away will not affect vacation or sick leave accruals.

When an employee is released from jury duty or as a witness by the court during the employee's workday, the employee is to immediately inform an appropriate supervisor and report to work if requested to do so. If approved by the employee's supervisor, the employee may choose to not return to work for the remainder of the workday and use accrued leave.

## **Section 8 – Benefits**

All employees are covered by the State Industrial Insurance program (worker's compensation). This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost for any disability resulting from job-related injuries or illnesses. All job-related accidents should be reported immediately to the department director.

### **8.1 Worker's Compensation**

When an employee is injured due to an on-the-job accident and seeks medical treatment, the employee is required to file a claim for Worker's Compensation. If a regular employee files a claim, pending receipt of Worker's Compensation benefits, the City will continue to pay (by use of the employee's unused accrued leave) the employee's regular salary, unless the employee opts to take leave without pay.

When an employee receives Worker's Compensation benefits, the amount received will be deducted from the employee's next paycheck. Upon the payment of funds from a worker's compensation, the appropriate amount of accrued leave shall be restored to the employee's account. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensure that no employee receives more than would have been received had the injury not occurred.

The City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if the employee will be capable of performing the duties and responsibilities of the position.

The City's health insurance coverage is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protections and Affordable Care Act (PPACA) as amended. Under the terms and conditions of this policy and the City's health benefits plan, the City provides health coverage to full time regular and part time regular employees, and their dependents up to age 26. The benefits, terms, and conditions for the city's health benefits plans, including costs owed by eligible employees are explained annually at the benefits fair and during open enrollment.

### **8.2 Medical Insurance**

The City will pay 95% of the medical premium to insure exempt employees, spouses, and dependents; provided, however, that if an exempt employee's spouse has access to other insurance through his or her place of employment, the City will not pay for medical premiums. The employee may elect to pay 10-0% of the premium to insure such spouse. Only exempt employees grandfathered in receive 100% of premiums paid.

Except as otherwise provided above, exempt employees shall receive the same benefits as those approved through union contracts.

### **8.3 Affordable Care Act (ACA) Work Hour Qualifications**

**Full time regular** employees are not subject to an annual or monthly hour limitation and may work 40 or more hours per week, without limit, unless otherwise limited by the City's overtime policy, job description, the terms of applicable collective bargaining agreement, or the terms of any other city policy. Full-time employees are not subject to initial or standard measurement, administrative, or stability periods.

**Part-time regular** employees are subject to an annual or monthly hour limitation based on their budgeted FTE or otherwise limited by the City's overtime policy, job description, the terms of applicable collective bargaining agreement, or the terms of any other city policy. Part-time regular employees are not subject to initial or standard measurement, administrative, or stability periods.

**Part-time non-regular** employees are subject to an annual hour limitation and may not exceed 1,560 work hours annually. Part time non-regular employees are subject to initial and standard measurement, administrative, and stability periods.

### **8.4 Extended Health Benefits (COBRA)**

Extended Health Benefits (COBRA) – In compliance with the Consolidated Omnibus Budget Reconciliation Act (COBRA), the City will offer continuing health care coverage on a self-pay basis to employees and their dependents following termination (for reasons other than gross misconduct), a reduction in hours, retirement or death.

Employees may not extend their separation date with the City beyond their last working day to gain an additional month of medical benefits unless prior approval has been authorized by the Human Resource Department, the City Administrator or Mayor as part of a separation agreement.

### **8.5 Benefits for Non-Regular Employees**

Non-regular employees shall not be entitled to paid holidays, vacation, or other leaves of absence, with or without pay. Benefits provided to non-regular employees shall be limited to those employers' paid benefits required by Federal or state law or as provided for through collective bargaining contracts and agreements duly agreed upon between authorized employee organization or union and the City.

### **8.6 Benefits for Regular Part-Time Employees**

Regular part-time employees shall be eligible for prorated sick leave, holidays, and vacation based on their budgeted position. They shall be entitled to no other benefits except as required by Federal or state law or as provided for through collective bargaining contracts and agreements duly agreed upon between authorized employee organizations or Unions and the City.

## **8.7 Unemployment Compensation and Termination**

Employees may qualify for Washington State unemployment compensation after termination from City employment depending on the reason for termination and whether certain qualifications are met.

## **8.8 Employee Assistance Program (EAP)**

The Employee Assistance Program is a voluntary program for professional and confidential counseling and assistance to employees whose job performance, health, or well-being are adversely affected by personal problems. Continuation of this program shall be dependent on allocation of funding in the City's annual budget. Employees may use sick leave for EAP appointments during scheduled work hours.

Upon recognition of a work performance problem, the supervisor will engage in normal corrective counseling with the employee. If the cause of the problem cannot be determined, or it is determined that the problem is personal in nature, the supervisor may advise the employee of the Employee Assistance Program.

## **8.9 Employee Development**

The City of North Bend encourages employees to pursue professional development opportunities to complete required certifications, continue their education and develop their knowledge, skills, and abilities. Employees are encouraged to make use of college and university academic programs and workshops sponsored by other agencies or organization. The City will consider providing appropriate assistance to an employee who undertakes a course of study which is mutually advantageous to the City and the employee's proficiency. A course of study which is mutually advantageous to the City if it is reasonable to expect the employee will have an opportunity to apply the skill or knowledge in the City's interest during their career. The employee's present assignment need not limit consideration of City encouragement or assistance to the employee's academic interests. For employees desiring to enroll in formal academic programs, the City will, when reasonable under the circumstances, arrange workloads and schedules to permit attendance. Suitable arrangements will be made by the department director.

## **8.10 Tuition Assistance**

The City of North Bend encourages employees to obtain additional training and education which will facilitate their advancement in City employment and be consistent with the best interests of the City. When there is an adequate budget, the City may provide an education assistance plan to improve employees' current and future job-related skills, knowledge and abilities.

Employees must apply for requested courses with a written request to their department director. If approved by the department director, the requests must be submitted to the Human Resources Department. The maximum number of requests that may be approved will be determined by the amount of reimbursement funds approved for that budget year.

In determining the requests to approve, the Human Resources Department will consider the following factors:

- a) The value to the City in the course of study to be pursued by the applicant.
- b) Recommendations by the applicant's supervisor(s).
- c) Length of City service.
- d) The City's interest in encouraging the maximum employee participation within the budgeted funds available.

All time expended in relation to any course of study shall be on the employee's own time.

#### **8.11 Tuition Reimbursement**

At the end of a course or training, an expense reimbursement request shall be submitted by the employee to their department director. Each employee must furnish a grade report or certificate to indicate completion of the training. For the reimbursement request to be approved, the employee must successfully complete the course with a grade of "C" or better. Once the department director has approved the reimbursement request, it will be forwarded to the Human Resources Department.

The employee will be reimbursed for the total amount of the cost providing adequate funds are available in the year the training was taken. Employees must successfully complete the course with a "C" or better or a certificate for the training. If the amount of reimbursement requests exceeds the budget, the amount budgeted will be disbursed equally at the end of the year.

The employee shall be responsible for all associated expenses, e.g., costs of books, course materials, and transportation costs directly related to the course or training.

In the event the employee voluntarily resigns from the City during the two-year period following the date of satisfactory completion of such course or training, the employee may be required to repay to the City any amount provided for tuition.

If the employee who is enrolled in a course approved for reimbursement under this program is terminated for reasons unrelated to the employee's performance or conduct, the employee may be reimbursed for current tuition costs upon termination.

#### **8.12 Technical Training**

Technical training courses, seminars, workshops, and conferences which are intended to improve the efficiency or effectiveness of the services rendered by City employees may be attended by regular part-time and regular full-time employees subject to budgetary provisions and with advance written permission of the employee's department director.

Training sessions may be held during regular working hours at the discretion of the department director. Training held out of state requires permission by the City Administrator.

Employees shall not be compensated for any time spent at training sessions held outside of the employee's regular working hours unless attendance at the training session was mandatory, the employee was required to perform productive work, or the training session was directly related to the employee's current position. However, the department director has the discretion to compensate employees for time spent in City-sponsored training sessions held outside regular working hours when the training session relates to the employee's reasonable anticipated future duties or position(s).

In the event the employee voluntarily resigns from the City, the employee may be required to reimburse the City's costs for special training provided to the employee in the previous 12-month period.

### **8.13 Retirement Benefits**

Regular employees are required to participate in the State of Washington's Public Employees' Retirement System (PERS) if their compensated hours continue to qualify them for service credit under the appropriate plan. Employer and employee contributions shall be made in accordance with State law. The employee's contribution shall be made by means of a payroll deduction.

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

### **8.14 Employee Recognition**

The City has identified the values that guide our work. To succeed in reaching our goals and objectives, we must recognize our talented, productive, and inclusive staff. The purpose of the Employee Recognition for Outstanding Performance Plan is to regularly recognize our employees for their hard work and to establish procedures and guidelines under which City funds may be utilized for awards that are intended to promote costs savings, efficiency, performance, productivity, safety, reliability, dedication, and commitment to the community amount City employees ("Outstanding Performance").

The City may expend funds for the purpose of the Plan, subject to Council budgeting funds for the Plan. All monetary awards are taxable. The City may award any of the following awards:

- a) Gift Cards: Gift cards in amounts up to \$200 may be given to an employee in recognition of Outstanding Performance.
- b) Performance Payment: A performance payment of up to Five Hundred Dollars (\$500) may be awarded to an employee for Outstanding Performance which includes a successful proposal resulting in cost savings to the City or increasing employee productivity (Performance Payment). All customary withholding and other payroll taxes and deductions shall be withdrawn from the Performance Payment prior to payment to the employee.
- c) Employee of the Year will receive a gift card valued at \$100.



- d) Incentive Pay – to incentivize future exceptional work performance or to retain talent, the City may provide incentives or bonuses to employee (s) approved within the annual budget. The City Administrator and Mayor reserve the right to determine the amount of the incentive and the eligible employee(s). Amounts may not exceed \$1000 per individual. A paid day off may also be used as an incentive.

Limits: No employee shall receive a gift card(s) exceeding \$200 in any one calendar year. No employee shall receive more than one Performance Payment per year. Employees receiving gift cards are responsible for all tax-related requirements.

#### **8.15 Exempt Employee Performance Pay**

This policy applies to all employees who are exempt from the Fair Labor and Standards Act (Exempt Employees). The purpose of the Performance Pay Policy is to incentivize and award Exempt Employees for outstanding performance and to compensate them based upon completion of certain enumerated goals. Exempt employees may be considered for performance payments not to exceed three percent (3%) of salary as determined by the Mayor and City Administrator and such payments are not automatic. A written performance evaluation shall be conducted for any Exempt Employee on an annual basis. As part of this performance evaluation, the City Administrator or department director will set goals for the Exempt employee. A performance award will be based upon the level of performance by the Exempt employee and by the progress goals completed during the calendar year.

#### **8.16 Service Awards**

The City recognizes employees who have achieved significant milestones of longevity. Years of Service awards are given at each quarterly lunch as well as those who have received promotions. Represented employees may refer to the CBA regarding longevity bonuses.

#### **8.17 Retirement or Separation of Department Director**

Retirement or Separation of a Department Director – Awards are given to employees who achieve longevity milestones in their careers with the City in any given year, or their retirement. Employees will be provided with a plaque in recognition of their years of service. Up to \$200 will be allowed to purchase decorations, light snacks, refreshments, and a cake for a farewell event.

#### **8.18 Annual Recognition Events**

The City Administration coordinates recognition events that contribute to increasing connection and fun to support the workplace culture. These events include but are not limited to quarterly luncheons, Chili Cook-Off, Ugly Sweater Contest, and the Holiday Cookie Exchange.

Wellness – a handful of activities are planned throughout the year designed to encourage wellness and social interaction, such as wellness walks, hikes, biking, sporting events and presentations on various health and wellness topics. With supervisor approval, employees may attend events scheduled by the Wellness Team not to exceed one hour during the employee's

regular work schedule monthly. If an event is planned during the employee's lunch break, the employee may attend during the lunch break and may take their lunch break at another time.

To motivate participation, employees participating in Wellness challenges shall be eligible for prize drawings.

#### **8.19 Professional Development as Reward**

Each department budget includes funds for individual professional development opportunities. The Human Resources Department budget includes a Citywide training budget. To foster a culture of growth and development and reward and recognize staff, department directors may allocate a portion of their department's budget for attendance at optional events as a reward for performance.

#### **8.20 Shout Outs**

A simple gesture can brighten someone's day. A Shout Out is a peer-to-peer recognition tool used to recognize someone for their work, living our organizational values, and talents, and to contributing to a culture of appreciation, kindness, and community. Shout Outs will be shared via all staff emails and posted on staff bulletin boards.

Special Commendations at City Council Meetings – Formal recognition may be given by the Mayor and/or City Council following an employee's heroic or especially meritorious acts of public service.

### **Section 9 – Discipline, Termination and Grievances**

All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.

Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the community of the City may result in discipline, including termination.

#### **9.1 City Expectations For Employee Conduct**

The City expects all employees to comply with the City's organizational vision, values, and standards of conduct. It is important to establish certain expectations regarding employee conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties.

Fit-for-Duty -If an employee's performance, conduct or behavior raises a serious concern about the safety of others, the City may require a Fit-for-Duty assessment in addition to any corrective and/or disciplinary action taken. The Fit-for-Duty assessment is to evaluate the employee's ability to safely be on the job.

Conduct that interferes with City operations is detrimental to the City and/or is offensive to coworkers or constituents and will not be tolerated. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that may result in disciplinary action, up to and including termination of employment:

- a) Failure to treat employees and/or citizens in a courteous and respectful manner;
- b) Failure to perform assigned duties, or performance of duties in an unsatisfactory manner;
- c) Unauthorized absence, or excessive tardiness or absences;
- d) Knowingly misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
- e) Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any member of the public;
- f) Violation of City policy regarding workplace violence;
- g) Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a member of the public, a vendor or other third party;
- h) Falsifying or altering any City record or report, such as an employment application, medical reports, production record, time records, expense records, absentee reports, or the like;
- i) Misusing City communication systems, including electronic mail, computers, Internet access, and telephones;
- j) Refusing to follow management's lawful instructions concerning a job-related matter, or otherwise being insubordinate;
- k) Smoking where prohibited by City policy or local ordinance;
- l) Using profanity or abusive or offensive language;
- m) Sleeping on the job;
- n) Disclosing confidential information regarding the City or City resident(s);
- o) Negligence or improper conduct resulting in injury or damage to City property;
- p) Failure to fully cooperate with a City investigation;
- q) Failure to follow appropriate notification or other procedures in connection with an absence;
- r) Violating safety procedures or policies, or otherwise endangering the safety of an employee, coworkers or the public;
- s) Making, publishing or repeating false, vicious or malicious statements concerning a co-worker;
- t) Reporting to work under the influence of alcohol, illegal drugs, non-prescribed controlled substances, or using selling, dispensing or possessing illegal drugs or narcotics on City premises;
- u) Dishonesty;
- v) Fighting; or
- w) Engaging in off-duty misconduct that interferes with an employee's ability to do their job or reflects negatively on the City.

The list contains examples only and is not exhaustive. At management's discretion, any violation of the City's policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action.

## **9.2 Forms of and Procedures for Disciplinary Action**

These procedures are intended to provide a brief description of the general disciplinary structure, but the City reserves the right to deviate from these procedures when, in the City's sole discretion, it is appropriate.

Disciplinary action is progressive. There are several steps in disciplinary action which may be applied to discourage detrimental behavior or actions.

- a) Oral Warning – Oral warnings may be given for minor offenses, or to bring to the employee's attention a potential work performance problem. They are intended to give an employee an opportunity to correct a condition.
- b) Written Warning – A written warning will be issued by the supervisor in the event the employee continues to disregard an oral warning or if the misconduct, inadequate performance, or infraction is severe enough to warrant a written record in the employee's personnel file.
- c) Suspension – (*See Subsection 9.3, Paid Administrative Leave, and Section 9.4, Pre-termination or Pre-Disciplinary Hearing*) – A suspension is time off with or without pay for disciplinary reasons. This form of discipline is administered because of a severe infraction of rules, standards, or for repeated lesser violations.
- d) Demotion – A demotion is a transfer to a position with lesser responsibility and usually less pay. Demotions may be temporary or permanent. This form of discipline is administered because of a severe infraction of rules, standards, or for repeated lesser violations, or when an employee has demonstrated an inability to competently perform his assigned position.
- e) Disciplinary Probation – A disciplinary probation may be used when an employee has violated rules and standards or has demonstrated an inability to competently perform his assigned position, and the employee is given an additional period to demonstrate rule abiding and competent behavior. During a period of disciplinary probation, a regular employee may not use any earned but unused vacation benefits or accrued compensatory time, and may not take a floating holiday, and is ineligible for any other leave. Disciplinary probation may be for any period not to exceed six months. If the regular employee fails to correct performance or repeats unacceptable conduct during the disciplinary probation period, the employee may be discharged.
- f) Termination – A termination is the involuntary separation of an employer from the City. This form of discipline is also administered because of a severe infraction of rules, standards, or for repeated lesser violations or when an employee has demonstrated an inability to competently perform his assigned position.

### **9.3 Paid Administrative Leave**

Paid Administrative Leave – On a case-by-case basis, the employee may be placed on paid administrative leave with pay for an indefinite period of time as determined by the Mayor to be in the best interests of the City during the pendency of an investigation or other administrative proceeding.

### **9.4 Pre-Termination or Pre-Disciplinary Hearing**

A pre-disciplinary hearing shall be conducted in the following manner before a regular status employee is terminated for cause or before a disciplinary action is taken which results in a decrease of loss of pay and/or benefits.

Hearing procedure:

- a) The department director and City Administrator shall meet with the employee and conduct the pre-disciplinary hearing.
- b) Prior to the hearing, the employee shall be informed of the reasons known to the employer for the proposed action.
- c) The employee shall be given an opportunity to respond by explaining the employee's side of the story and correcting any misinformation which the employer may be utilizing in the decision.
- d) The employee may be accompanied by a union representative.
- e) After the hearing, the department director shall make a written disciplinary recommendation to the City Administrator. The employee may respond in writing to the City Administrator as to why the disciplinary recommendation should not be accepted.
- f) The City Administrator shall issue a decision whether to accept the disciplinary recommendation, impose lesser discipline, or impose no discipline.

A decision by the City Administrator to affirm, modify, or reverse the termination or disciplinary decision shall be made as soon as practical after the hearing. Written notice of the decision shall be supplied to the employee.

## **Section 10 – Severability**

If any provision of these Guidelines, or if their application to any person or circumstance is held invalid through legal proceedings, the remainder of the Guidelines, or the application of the provision to other persons or circumstances is not affected.