

**CITY OF EDMONDS**

***PERSONNEL POLICIES***

**Dave Earling, Mayor**

2017

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## MESSAGE FROM THE MAYOR

Please read and become familiar with the City's personnel policies. They have been developed to guide your employment and help you fully utilize the resources available to you. They will acquaint you with your employee benefits, our personnel practices and rules, and our organizational philosophy. As a City employee, it is extremely important that you fully understand what is expected of you and what you can expect from us. If you have any questions at any time regarding our policies, please ask your supervisor, department director, or contact the Human Resources Office.

As the City grows and changes, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor. Changes will be posted on-line, and the City will endeavor to notify you in a timely manner when changes occur. Please also understand that no supervisor, manager or representative of the City, other than the Mayor, has the authority to make any written or verbal statements or representations, which are inconsistent with these policies.

It is my desire to offer you a comfortable work environment, helpful supervision, training and equipment to help you do your job, and a clear sense of direction and expectations. I strongly believe we are a team that provides great customer service, and I want everyone to keep up the good work. A good team not only shares a common vision, but also has a set of rules with which everyone can effectively work together. These personnel policies are our team's rules. Please use them in that spirit.

---

Dave Earling, Mayor

## **CHAPTER I**

### **PURPOSE AND SCOPE**

#### **1.1 VALUE STATEMENT**

The City's primary goal is to provide quality service to its customers, the citizens of Edmonds. To accomplish this goal, we all need to work together as a team. The City places the highest value on our employees and their well-being. We want to see that you are a satisfied worker, with the support and information necessary to achieve the objectives of your position. Only in this manner can your contribution to the City's organization be the most productive. It is our belief that when consistent personnel policies are known and communicated to all, the choices for greater job satisfaction increase. We encourage you to read these policies. If you have any questions, please ask your supervisor or department director. As you have ideas or suggestions for improvement, please follow the same process.

#### **1.2 INTENT OF POLICIES**

These personnel policies serve as a general guide to the City's current employment practices and procedures. As such, we hope they will help you better understand how the City operates and what is expected of you as an employee. These policies also describe what the City provides you in terms of compensation, benefits and other support.

These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or as a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, we recognize that things may not always work out as hoped, and either of us may decide to terminate the employment relationship.

Employees, who are exempt from collective bargaining representation or otherwise deemed executive, managerial, or confidential by the City, are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. No one, other than the Mayor, has the authority to enter into any written or verbal commitment or agreement, which affects the at-will status of such employees. All other employees' employment status shall be governed primarily by the personal employment contract, collective bargaining labor agreement, civil service rules, City Personnel Policies, or other written document applicable to their individual case.

#### **1.3 SCOPE OF POLICIES**

These personnel policies apply to all City employees and the violation of any of these policies may be subject to potential disciplinary action. In cases where these policies conflict with any City ordinance, Civil Service rules and regulations, the provisions of a collective bargaining agreement, an individual employment contract, state or federal law, the terms of that law or agreement prevail. In all other cases, these policies apply.

## 1.4 CHANGING THE POLICIES

As the need arises, the Mayor may modify these policies, except that the City Council, by ordinance, maintains the authority to enact any changes in compensation or benefit levels. The Mayor may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the City's citizens. Employees may request specific changes to these policies by submitting suggestions to their department director. These Personnel Policies supersede any previous City Personnel Policies. In the event of an amendment to these policies as a result of changes in ordinances, rules, or laws incorporated in this document, these policies shall be deemed amended in conformance with those changes. As updated policies are prepared, they will be incorporated into the on-line document.

## 1.5 DEFINITIONS

Note: For the purposes of the City's Healthcare Reform Policy, additional definitions and classifications of employees for the purposes of health insurance eligibility may be further defined under section 7.6 Healthcare Reform Policy.

Regular Full-Time Employee: An employee who has successfully completed an orientation period (sometimes referred to as probationary or trial period) as defined in these policies and who regularly works an average of 30 or more hours per week.

Regular Part-Time Employee: An employee who has successfully completed an orientation period (sometimes referred to as probationary or trial period) and who regularly works less than thirty (30) but at least twenty (20) hours a week. Benefits provided to a part-time employee shall be pro-rated based upon the ratio of the regularly scheduled hours per week of the part-time employee to 40 hours per week.

Hourly Employee: Employees who work less than twenty (20) hours per week or hold jobs of limited duration due to special projects, seasonal work, abnormal workloads or emergencies. Hourly employees are eligible for only those limited benefits specifically provided for in a written contract or by state or federal law or regulation, or by city ordinance.

Volunteer: Volunteers are persons who voluntarily perform work assignments without the expectation of any wage, salary, or benefits, with the exception of Workers' Compensation coverage. Volunteers may receive only nominal compensation. Volunteers normally work under the direction of a City staff person on City premises and may use City equipment and supplies. Volunteer time is recorded and reported to the State for purposes of obtaining Workers Compensation Insurance.

Leased Employees: Leased employees are persons, who are employees of another agency, such as a temporary employment agency, and working on a temporary basis under the direction of the City. Leased employees are not employees of the City; they are not on the City pay or benefit plans; and they are not covered by these Personnel Policies.

Immediate Family: For the purposes of these policies, immediate family will be defined as the spouse, registered domestic partner, children, stepchildren, mother/father, mother-in-law/father-in-law, step parent, brothers, sisters, and grandparents unless defined differently in a specific section of these policies or in a collective bargaining agreement.

## CHAPTER II

### GENERAL POLICIES AND PRACTICES

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

The City values diversity in its workforce, and believes a better outcome is achieved when a variety of employees with different backgrounds work together toward a common goal. The City also believes better customer service can be delivered when the workforce is representative of the customers it serves. The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, sexual orientation including gender expression and identity, military or honorably discharged veteran status, disability, genetic information or other basis prohibited by law.

#### **2.2 DISABILITY DISCRIMINATION/ACCOMODATING DISABILITIES**

As part of the City's Equal Employment Opportunity commitment, the City will follow all applicable provisions of the Americans with Disabilities Act (ADA), the Washington State Law Against Discrimination, and other applicable federal, state, and local laws. These laws prohibit the City from engaging in any employment practices that discriminate against qualified applicants or employees with disabilities, including any sensory, physical, or mental impairments.

The City will seek to reasonably accommodate qualified applicants and employees who have disabilities that may affect job performance, unless doing so presents an undue hardship to the City. An employee who has a sensory, physical, or mental impairment that affects job performance should inform Human Resources as soon as possible. The City will then discuss with the employee the possibility of providing reasonable accommodations to enable the employee to perform the essential functions of the employee's job. Whenever possible, the City wishes to accommodate the needs of employees with disabilities, but the City also has an obligation to provide a safe working environment for all employees and others on the premises. The City therefore needs to ensure that an employee's health condition does not pose a substantial or unreasonable risk of harm to the employee or others.

The City may request that an employee provide medical information from treating health care providers to assist in the process. An employee may also be asked to attend a medical evaluation by an independent health care provider at the City's expense. Employees are expected to fully cooperate, including taking all steps needed to obtain medical information in a timely manner. If the City determines that an employee is unable to perform the essential functions of the job, even with reasonable accommodation, the City will work with the employee in identifying and applying for other jobs that are or may become available and for which the employee may be qualified.

#### **2.3 LIFE THREATENING/COMMUNICABLE DISEASES**

Employees with life threatening illnesses or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions, including discharge, when a substantial and unusual safety risk to fellow City employees or the public exists.

## **2.4 ANTI-HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT**

The City is committed to ensuring that the practices and conduct of all its employees comply with the requirements of Federal, State and local laws against employment discrimination. The City strives to maintain a work environment that fosters mutual employee respect and promotes harmonious, productive working relationships. Respectful, professional conduct furthers the City's mission and promotes productivity, minimizes disputes, and enhances our reputation. The City believes that harassment and retaliation undermine the integrity of the employment relationship. Therefore, the City prohibits harassment and retaliation by any employee towards any other employee, including supervisors. Employees are also prohibited from harassing or retaliating against third parties, including citizens, vendors, and visitors to the workplace. All employees are expected to be sensitive to and respectful of their co-workers and others with whom they come into contact while at the City. The City also prohibits third parties, including citizens, vendors and visitors to the work place, from harassing employees.

It is the policy of the City that all employees have the right to work in an environment free from harassment based upon their race, color, religion, gender, national origin, age, marital status, pregnancy, honorably discharged veteran or military status, sexual orientation including gender expression and identity, disability, genetic information, or any other protected status or characteristic. Any such harassment of employees by their co-workers, supervisors or others in the workplace will not be tolerated.

A definition of all conduct that could constitute unlawful discrimination or harassment or other unlawful conduct is difficult, if not impossible, to create. For that reason the following list of examples of prohibited conduct is intended to be illustrative but not all-inclusive.

- Verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public.
- Slurs or demeaning comments to employees or members of the public relating to race, ethnic background, color, religion, national origin, pregnancy, age, marital status, sexual orientation including gender expression and identity, military or honorably discharged veteran status, or any other characteristic protected by law.

Sexual harassment is also a form of unlawful discrimination. Examples of prohibited conduct include but are not limited to:

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

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

Every manager, supervisor, and employee is responsible for creating an atmosphere free of harassment, sexual or otherwise. Each employee is responsible for respecting the rights of co-workers and others, including the citizens they serve.

## **2.5 COMPLAINT PROCESS: DISCRIMINATION, HARASSMENT, OR RETALIATION**

Harassment, particularly sexual harassment, and discrimination can be difficult to define. For this reason, the City strongly urges employees to use this harassment and discrimination reporting procedure without worrying about whether the conduct involved would be considered harassment or discrimination in a legal sense. This policy is intended to assist the City in addressing not only illegal harassment and discrimination, but also any conduct that is offensive and inappropriate.

If, at any time, you believe that you are being subjected to harassment or discrimination, if you become aware of such conduct being directed at someone else, or if you believe another employee has received more favorable treatment because of discrimination, you must promptly notify Human Resources or a manager or director with whom you feel comfortable. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact with as part of the employee's job, such as supervisors, co-workers, citizens, vendors or others.

Supervisors and managers have an obligation to immediately report to Human Resources and the Mayor any harassment or discrimination that they observe or become aware of during the course of their employment.

All reported incidents will be investigated under the following guidelines:

- All complaints will be kept confidential to the fullest extent possible. This means they will be disclosed only to management, witnesses, and others as necessary to allow the City to investigate and respond to the complaint, and as may be required by law. However, the City will not allow the goal of confidentiality to be a deterrent to an effective investigation.
- A resolution of each complaint will be reached and communicated to the complaining employee.
- Anyone who the City concludes has violated the anti-harassment or anti-discrimination policy will be subject to disciplinary action, up to and including discharge. Disciplinary action will depend on the gravity of the offense. The City will take whatever action deemed necessary to prevent an offense from being repeated.
- The City will not permit retaliation against anyone who makes a good-faith complaint or who cooperates in good faith in an investigation. Retaliatory conduct will subject the individuals involved to discipline, up to and including discharge from employment.
- If, after investigating a complaint of harassment or discrimination, the City finds that the complaining employee or other witness has deliberately provided false information, disciplinary action may be taken against the individual who gave the false information. However, an employee will not be disciplined for reporting a complaint in good faith, or for cooperating in the investigation of such claims.

**The City strongly urges employees to report all incidents of harassment, discrimination or other inappropriate behavior as soon as possible. The City wants to provide employees with a pleasant and productive working environment, and can only do so if these issues**

**are brought to our attention. Please join the City in our efforts to make the City an enjoyable place to work for all employees.**

## **2.6 EMPLOYEE PERSONNEL RECORDS**

The official Personnel File for each employee is kept in the Human Resources Office. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, certifications, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file. The Police Chief is authorized to maintain specific confidential records on Police Department employees in order to exclude them from a subpoena in criminal cases.

Employees have the right to review their file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, employees may file a written rebuttal statement to be placed in their file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, copies of information from an employee's personnel file will not be released to the public, including the press, unless required by law (e.g., pursuant to a legal subpoena or public records request). A copy of the information will be provided the employee. The City will endeavor to provide written notice of a public records request to the employee prior to the date the information is released.

## **2.7 EMPLOYMENT REFERENCES**

Only the Human Resources Office or the employee's department director is authorized to provide employment references, including letters of reference, on a current or former City employee. Other employees shall refer requests for references to the Human Resources Office who will contact the appropriate director. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release.

## **2.8 EMPLOYMENT RIGHTS**

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. Although the City is hopeful that your employment relationship with will be long term, it is recognized that at times things do not always work out as hoped, and either party may decide to terminate the employment relationship. Unless specific rights are granted to employees in employment contracts, collective bargaining agreements, civil service rules, or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

## CHAPTER III

### RECRUITING, HIRING, AND PROMOTION

#### 3.1 VALUE STATEMENT

The City values employees who are competent, motivated, productive, and customer oriented. The City believes the most efficient way to attract the most qualified employee is to hire them following a fair and consistent selection and screening process. The City also values an open and competitive employment process in which all qualified applicants have the opportunity to apply for City employment and are selected on the basis of objective job related criteria.

#### 3.2 RECRUITING POLICY

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, sexual orientation including gender expression and identity, military or honorably discharged military status, pregnancy, physical handicap, disability, genetic information, age, or any other basis prohibited by law. The Human Resources Office coordinates and monitors the recruitment and selection process for the City to ensure fairness and consistency with the process. Examples of the Office's involvement include such activities as: applicant screenings, developing interview questions, participating on interview panels, performing reference checks and necessary background checks and sending offer letters.

Each applicant shall complete and sign a City application form which includes an authorization to release information, prior to being considered for any position. Resumes may supplement, but will not serve in place of, the City's official application form. Additional materials may be required for Police Department applicants.

Vacancy notices for regular positions will be posted internally on the bulletin boards for at least a five (5) day period. In addition, vacancy notices will be sent to outside agencies representing protected classes of persons in order to encourage and attract the broadest range of qualified job applicants. The Human Resources Office may use other sources of recruitment, such as newspaper advertising and the Internet, as needed to attract qualified applicants. The City may choose to advertise a position to the general public at the same time it posts the promotional opportunity within the City. The City reserves the right to seek qualified applicants outside of the organization at its discretion. To be considered for promotion, an employee must be employed in their current position for at least one (1) year, and meet the qualifications for the vacant position

Applications may not be accepted after the published closing date for the position vacancy. If there are not sufficient qualified candidates at the closing date, the position will be reopened and re-advertised. Applications will be accepted only for a published vacancy opening, and are retained for such period of time in accordance with the Washington State Records Retention policies and requirements. They will not be kept on file for future vacancies.

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

#### 3.3 HIRING POLICY

When a regular position becomes vacant and prior to any posting or advertisement of the vacancy, the department head or division manager shall review the position, its job description, and the need for such a position. The department head or division manager will submit a request to fill

the position to the Human Resources Office. The position will be posted and/or advertised after the request is approved.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may also conduct certain background procedures as required by law and/or policy. Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States and requiring applicants/employees, who have unsupervised access to children or vulnerable adults, to complete a disclosure statement. Additionally, the City may contract with any agency or individual to prepare and/or administer examinations.

Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities including the ability to respond to emergency callouts within an established period of time. The minimum time required for an employee to respond to an emergency callout is established by each Department, or as otherwise noted in the respective collective bargaining agreement for the bargaining unit by which the employee will be represented, or the applicable employment contract.

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. They will also be required to furnish a current (within the last 30 days) Driver's Abstract, which shows any history of driving violations. Applicants with poor driving records, as determined by the City, may be disqualified from employment with the City in positions requiring driving. Applicants, who are under 18 years of age, must provide a valid State Work Permit, signed by a parent or guardian.

The City will comply with State law (RCW 41.04.010 or RCW 73.16.010) with regard to any applicable veteran's preference during the hiring process.

After a conditional offer of employment has been made and prior to commencement of employment, the City may require persons selected for certain positions to successfully pass a medical examination and/or psychological test, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is able to perform the essential functions of the job, and to ensure any physical or mental condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment is conditioned on the results of the examination, and the City's ability to reasonably accommodate any revealed disability.

A candidate may be disqualified from consideration if: (1) found unable to perform the essential duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace); (2) the candidate refuses to submit to a medical examination or complete medical history forms; or (3) if the Drug/Alcohol exam reveals the use of a controlled substance without a valid prescription.

### **3.4 HOURLY EMPLOYEES**

Department Directors and Division Managers may use hourly employees for positions which 1) regularly work less than 20 hours per week, 2) perform seasonal employment, 3) to temporarily replace regular employees who are on vacation or other leave, 4) to meet peak work load needs, 5) or to temporarily fill a vacancy until a regular employee is hired. Hourly employees may be

hired without a competitive recruitment or examination process, although all hiring processes will comply with City policy and state and federal laws. Hourly employees are considered at-will employees and may be terminated from City employment at any time, with or without cause, and with or without notice, by their Department Manager or Director.

Hourly employees are eligible for overtime pay as required by law. Hourly employees normally do not receive vacation, sick leave, health insurance, holidays, or any other benefits during their employment.

Hourly employees pay contributions to the Social Security program. Hourly employees will not be placed in the state PERS retirement system or MEBT, although there are a few exceptions depending on PERS and MEBT eligibility criteria.

### **3.5 ORIENTATION PERIOD**

Upon hire or appointment, all employees enter an orientation period (also known as a probationary or trial period) that is considered an integral part of the selection and evaluation process. The orientation period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

The normal orientation period is six months from the employee's date of hire, rehire or promotion, except for uniformed Police personnel which have a twelve (12) month orientation period. The Mayor may authorize the department director to extend the orientation period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee. Extensions for represented employees also require concurrence with the Union. The City may terminate an employee without cause from employment at any time during the orientation period. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee, if the previous position is still available.

Once the orientation period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the orientation period does not create an employment contract or guarantee employment with the City for a specified duration.

During their orientation period, employees may use their accrued sick leave or any accrued compensatory time from the beginning of their employment, but may not use earned vacation until they have successfully completed their orientation period. Police personnel may use vacation after the completion of the first six (6) months.

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

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

- One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
- One party would handle confidential material that creates improper or inappropriate access to that material by the other;
- One party would be responsible for auditing the work of the other; or

- Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City.

If two employees marry, become related, become registered domestic partners, or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City, unless reasonable accommodations, as determined by the Mayor in consultation with Human Resources and/or the City Attorney, can be made to eliminate the potential problem. The decision as to which employee will remain with the City must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision is made during this time, the City reserves the right to terminate either employee.

### **3.7 PROMOTIONS**

The City encourages promotion from within the organization whenever possible. All openings will be posted so employees may become aware of opportunities and apply for positions in which they are interested and qualified. Employees must remain in a position for a minimum of 12 months before they can apply for a promotion, unless this requirement is waived by the Department Director or the Mayor. Employees who are promoted into a new position, will be required to serve a new 6 month orientation period. Police Department personnel who are promoted into a new position will be required to serve a new 12-month orientation period. If the employee is unsuccessful during their orientation period, he or she may be placed back in their previous position, if the position still exists.

### **3.8 TRANSFERS/LATERAL MOVES**

Upon recommendation of the appropriate department director and concurrence of the Human Resources Office or designee, 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, unless otherwise noted in an applicable collective bargaining agreement. 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.

### **3.9 REHIRE**

The City may rehire previous employees, provided they performed satisfactorily in their previous employment with the City. If an employee has retired from the Washington State Retirement System, they cannot exceed the Washington DRS employee maximum hours per year.

### **3.10 JOB ASSIGNMENTS<sup>1</sup>**

It is the supervisor's responsibility to maintain the employee's primary job assignments within the existing job description, until a revised job description is approved. Requests for revised job descriptions can be made by the Department Director to the Human Resources Office. Revised job descriptions, along with the appropriate pay grade, are subject to the Mayor's approval, before submittal to the Human Resources Office and City Council for their approval. Minor

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<sup>1</sup> Sec. 3.10 last revised 7/19/2022 (resolution 1499)

revisions to job descriptions that do not impact the position's job duties, essential functions, or compensation may be approved by the Mayor without City Council approval.

## CHAPTER IV

### HOURS AND ATTENDANCE

#### 4.1 VALUE STATEMENT

The City values dependability, attendance, and punctuality with its employees. The City's staffing level requires each employee to do their share of the workload and not to overburden others because of attendance problems.

#### 4.2 STANDARD WORK HOURS

Although the City's normal business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m., the City uses a variety of different work schedules to meet the varied service demands of the public. Departments are allowed to establish regular work schedules, including alternatives such as flextime and four/ten schedules, provided that they do not conflict with business needs, and subject to the Mayor's approval. Due to the nature of the City's operations, longer hours may be necessary in some instances, and overtime may be required by the supervisor.

A normal work schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules, such as in the case of the Police Department employees, have been established by the City to meet job assignments and provide necessary City services. Each employee's immediate supervisor will advise the employee regarding his/her specific working hours.

Part-time and hourly employees will work hours as specified by their supervisor.

#### 4.3 OVERTIME

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. Employees will be informed of their overtime status at the time of their appointment.

For most City employees, the established work period is forty (40) hours within a seven (7) day workweek. Public Safety personnel may have a modified work period as established in the collective bargaining agreements. All personnel are responsible for accurately reporting all hours worked on time sheets supplied by the City. Employees failing to accurately record time worked are subject to discipline. Overtime is recorded to the nearest 15 minute increment.

Non-exempt employees are entitled to additional compensation (overtime), either in cash or compensatory time off, when they work more than the maximum numbers of hours during a work period. All overtime must be authorized in advance by the employee's supervisor, although exceptions may be made for emergency situations. Overtime may not be voluntarily worked without the supervisor's permission. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond forty (40) hours in a workweek, provided that public safety personnel may have a different work period, and therefore a different overtime threshold). When computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation time), is not counted as hours worked.

#### 4.4 COMPENSATORY TIME

Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the supervisor. The City is not required to grant comp time instead of overtime pay. If the compensatory time option is exercised,

the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty-eight (48) hours for regular employees. After maximum accrual, overtime compensation shall be paid. Compensatory time, which has been credited to an employee, may be converted to overtime pay at any pay period at the employee's request. Employee compensatory time balances may be reviewed at least annually as part of the City's budget process. Use of compensatory time must be approved by the supervisor. Time off can be requested by the employee or directed by the supervisor.

Exempt employees are not covered by the FLSA or the Washington Minimum Wage Act overtime provisions. They may earn compensatory time as follows;

Department Directors and Division Managers will work under an informal honor system for discretionary time off.

All other exempt employees shall receive compensatory time for nightly meetings, emergency callouts, and other similar times, which they are required by their supervisor to work. Compensatory time generally will not be earned for short term extensions of the regular workday or assignments, such as staying late or coming in early, without the prior approval of the supervisor. Compensatory time shall be earned at the straight time rate, that being one hour of compensatory time for each hour worked, as specified above. Exempt employees, who are regularly scheduled for night meetings should be assigned a flex schedule to adjust for the meeting times. Exempt employees will be allowed to accumulate up to 48 hours of compensatory time during the year. If additional time is earned after the maximum is reached, the exempt employee will be paid for the excess time or given the time off during the next pay period.

Employees may use compensatory time within a reasonable time period after making a request to their supervisor, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and his/her supervisor. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted, however may be approved on a case-by-case basis by the Department Director or Mayor. Use of compensatory time may either be requested by the employee or directed by the supervisor.

#### **4.5 ATTENDANCE**

Regular and punctual attendance is an essential function of every position in the City. Each supervisor is responsible for maintaining an accurate attendance record of his/her employees. Every employee has the responsibility of maintaining a good attendance record. Employees are expected to be at the assigned place of work during their scheduled work time.

Employees unable to work or report to work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the supervisor is unavailable, the employee may leave a message with the Department Director or his/her designated representative, stating the reason for being late or unable to report for work. An employee who is absent without authorization or notification is subject to disciplinary action, up to and including possible termination.

#### **4.6 UNUSUAL WEATHER CONDITIONS**

During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to: vacation, floating holiday, compensatory time, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence. Employees, who are sent home without prior notice by their employer and therefore denied the opportunity to work, shall continue to receive their normal pay for the rest of the day in which they are sent home.

#### **4.7 MEAL AND REST BREAKS**

Except in urgent situations, personal phone calls and conversations should occur during meal periods and rest breaks rather than during working time. An *exempt* employee is expected to effectively handle his or her meal period and rest break schedule. The following policy applies only to *non-exempt* employees. A *non-exempt* employee must notify his or her supervisor at the end of the shift if he or she has not had a meal period or rest break.

A *non-exempt* employee who works at least five (5) hours in a workday will be provided an unpaid meal period of at least thirty (30) minutes, approximately midway through the workday, unless otherwise specified. *Non-exempt* employees must not perform any work during the meal period, and must take at least thirty (30) minutes completely off work.

Employees working at least (3) three hours longer than a normal workday will be allowed a meal period before or during the overtime portion of the shift. A “normal workday” is the shift the employee is regularly scheduled to work. If the employee’s scheduled shift is changed due to working a double shift, or working extra hours, the additional meal period will be permitted. Employees working a regular twelve (12) hour shift will be entitled to a second meal period.

A *non-exempt* employee will be provided one (1) paid fifteen (15) minute rest break for every four (4) hours worked. Rest breaks may be taken on a scheduled or intermittent basis as determined by the employee’s supervisor. These rest breaks are for the purpose of a few minutes of relaxation. The City asks employees to please not stay away from their job beyond the time allotted. Rest breaks are paid, but may not be used to extend a lunch period, leave early, or arrive late. Police Department employee meal and break times will be consistent with the appropriate Collective Bargaining Agreement.

For one year following childbirth, non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. The City will provide a suitable, private location for these breaks.

#### **4.8 CALLBACKS**

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

#### **4.9 PAYROLL RECORDS**

The official payroll records are kept by the Finance Office. Each employee shall submit a signed time sheet to their supervisor for approval each pay period. Each supervisor is responsible for submitting a time sheet (signed by the employee and the supervisor) to Finance, for each employee within their department, noting hours worked, leaves taken, and overtime worked. Each department director is responsible for assigning the payroll entry for his/her department to appropriate personnel in the department. The Mayor shall sign time sheets for all Department Directors.

## **CHAPTER V<sup>2</sup>**

### **COMPENSATION**

#### **5.1 PURPOSE**

The City is committed to maintaining a compensation program that ensures fairness, pay equity, and external competitiveness for the purposes of attracting and retaining talented, engaged, and diverse employees. The purpose of this policy is to provide guidance regarding City compensation goals, subject to collective bargaining and fiscal constraints. All compensation decisions will be made without regard to race, gender, sexual orientation, or any other protected class

#### **5.2 COMPENSATION PHILOSOPHY**

The City's compensation program should be designed to attract and retain dedicated, hardworking, diverse, and talented employees who effectively support the mission of the City. Therefore, the City's compensation philosophy shall be competitive in the relative market considering all appropriate factors. Those factors include, but are not limited to, compensation provided by comparable cities, pay equity and internal equity, and fiscal resources available to the City. The total compensation program is made up of both pay and benefits.

The guiding principles set forth in this policy are expressed as general goals, with a full understanding that wages and benefits are mandatory subjects of bargaining for represented employees. This policy applies to non-represented City employees. It may also serve as a guideline for the City Council in its decision making with regard to labor negotiations. Compensation adjustment for non-represented employees are subject to City Council approval; compensation adjustments for represented employees are subject to collective bargaining, and ratification by the union(s) and City Council.

#### **5.3 DEFINITIONS**

- A. Benchmark – A job or classification that is commonly found and defined, used to make pay comparisons, either within the organization or to comparable jobs outside the organization.
- B. Compensation – Salary or hourly wages and City-paid benefits such as contributions toward health coverage and other group insurance benefits, retirement, paid time off, continuing education allowances, and any other fringe benefit received by employees.
- C. Compensation Philosophy – A set of guiding principles that are based on values that drive compensation decision making.
- D. Pay Equity – The practice of compensating employees in a consistent and fair way for the same or essentially similar work, regardless of race, gender, disability, sex, sexual orientation or other status.
- E. Cost of Living Adjustment (COLA) – A periodic adjustment in wages or salaries to compensate for loss in purchasing power of money due to inflation.

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<sup>2</sup> Chapter V: Compensation Last Revised 7/13/2021

- F. General Wage Increase – A wage or salary increase where either a flat rate or a common percentage of salary is used.
- G. Internal Equity – The pay relationships among jobs internal to the organization.
- H. Labor Market – the market in which workers compete for jobs and employers compete for workers.
- I. Market Adjustment – An adjustment to bring the salary range for a job classification to approximate market values, or to bring City benefits to approximate market values.
- J. Salary Schedule – The levels or hierarchy of job classifications and pay ranges. Salary schedules are generally constructed with consistent percentage changes between each salary range and between the steps assigned to each salary range. Edmonds has established as a standard a 5% increase between ranges and between steps within each range.
- K. Salary Range – A series of consecutive salary steps in the range comprising the pay rates for a job classification.
- L. Salary Compression – A condition in which jobs requiring significantly different levels of responsibility or professional expertise have a pay differential that is too small to be considered equitable.

#### **5.4 COMPENSATION GOALS**

The City's compensation philosophy is to be competitive in the relevant labor market considering all appropriate factors. To carry out that philosophy, the City's compensation goals are:

- A. To attract and retain, dedicated, hardworking, diverse, talented employees who are well qualified to perform their duties in an ever evolving municipal government environment;
- B. To pay employees fairly and to ensure pay equity and internal equity;
- C. To be externally competitive by providing compensation commensurate with the labor market;
- D. To be fiscally responsible and legally defensible.

#### **5.5 MARKET DEFINITION**

The comparable labor market will be defined as Cities in Washington State based on population, assessed valuation, and assessed valuation per capita with a bandwidth of 50% up and 50% down. When establishing comparable cities, those located in Snohomish, King, Pierce, and Thurston County will be given first priority. Cities outside these counties may be considered if a statistically reasonable group of comparators is not established. Other local government agencies and private employers may be taken into consideration when they are determined to be a relevant factor in the labor market.

Because of the diversity and complexity of some positions at the City, the market for dept head or management positions, or highly-specialized positions, may be a mix of public sector and private sector employers. The relevant labor market will be defined in a manner that reflects the primary industries or organizations where labor talent is found, recruited from, or lost to.

## **5.6 MARKET COMPETITIVENESS**

To maintain pay and benefits that are competitive within the compensation of employers offering similar employment and competing in the same labor market, the City sets compensation in relation to the comparable labor market. However, the City recognized that there are conditions where exceptions and flexibility may be necessary in situations which include but are not limited to:

- Recruiting the desired level of talent in certain jobs is a sustained problem and results in negative impacts to the City and the citizens we serve;
- Retention problems including succession and turnover;
- City priorities;
- Internal anomalies in alignment, disparities, or inconsistencies;
- Significant changes in the economy or marketplace;
- Limitations on available financial resources.

## **5.7 SALARY CLASSIFICATION AND GRADES**

Each regular position within the City is classified into a classification title for salary purposes. Each classification title is designated a particular pay grade as shown on the City's salary schedule, which is approved in labor agreements or annually by the City Council. All City employees are assigned to a classification title and provided a job description. This job description shall be reviewed annually with the employee and the supervisor during the employee's performance evaluation, and any changes to the classification shall be referred to the Human Resources Office for review. Any change in a job classification, which would subsequently require a change in salary grade assignment, must have prior approval by the Mayor and City Council, and the appropriate Union as needed prior to the implementation of any classification changes.

## **5.8 PAY RATES**

Employees shall be paid within the limits of the wage range to which their positions are assigned. Usually, new employees will start their employment at the first step on the salary range for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum. Any placement above a step 3 at hire is subject to the Mayor's approval. Requests for placement above a step 3 should first be submitted to Human Resources for review who will then forward to the Mayor for approval. All pay rates for new employees will be reviewed for pay equity to ensure that the City continues to compensate employees consistently and fairly.

## **5.9 SALARY RANGE PROGRESSION**

New employees are advanced to the next salary step increment after satisfactorily completing the first six months of probation. After this, employees advance to the next step in the salary range on the January following their anniversary date and each succeeding January after a concurrent satisfactory overall performance evaluation has been completed by their supervisor, until reaching the maximum step. An employee is considered not to have achieved a satisfactory overall performance rating if two or more performance category areas in the evaluation receive less than a "meets standards" rating. An employee who fails to achieve at least a satisfactory overall performance rating on their annual performance evaluation shall not be eligible for a step increase until their next performance evaluation rating period.

Employees who do not achieve a satisfactory overall performance rating will be immediately placed on a performance improvement plan (PIP). The PIP will provide clear expectations to the employee for the work performance items that must improve in order for the employee to achieve a satisfactory overall performance rating by the next evaluation period (usually 3 and/or 6 months) as determined under the PIP. A PIP also serves as a work plan for the employee that will likely include individualized, supervisor-provided feedback and counseling on improving work performance, as well as outlining any necessary areas of training or retraining in order for the employee to succeed on the PIP.

#### **5.10 NON-REPRESENTED EMPLOYEES' ANNUAL SALARY ADJUSTMENTS**

The Mayor will recommend the adjustment of salary schedule for non-represented employees to the City Council for approval as part of the budget process.

In addition, the City will attempt to mitigate compression issues as they arise. The Mayor will make appropriate and timely recommendations to City Council to maintain internal equity and prevent compression issues.

#### **5.11 NON-REPRESENTED EMPLOYEES MARKET ANALYSIS**

The Human Resources Department will conduct compensation surveys for non-represented positions no later than September 1, every three years.

Salary ranges for positions will be determined by using the prevailing rates in the identified comparator cities. The City will be competitive within the defined market, but normally will not assume the position of a lead pay policy compared to the market; therefore, the median or 50<sup>th</sup> percentile of the mid-range of salary data collected will be used to determine competitiveness. Deviations from this may be considered by Council where such deviations are consistent with the established compensation philosophy.

Every three years, based upon the survey data, the Mayor will recommend salary range market adjustments for non-represented positions to City Council. The Mayor will consider the following goals in developing the recommendation:

1. Maintain the mid-point of each salary range between 5% high/low of the mid-point of the comparator city median.
  - a. Positions requiring adjustment will be assigned to the new salary range within the salary schedule that places the position closest to the comparator cities' median.
2. Ensure that positions which are essentially similar are internally equitable
3. Address any issues of compression between non-represented supervisory positions and their direct reports.
4. Any employee whose actual salary falls below the newly adopted pay range minimum, shall be adjusted up to the new minimum upon adoption of the new pay ranges.
5. Any employee whose actual salary exceeds the top of the approved salary range, will have their salary frozen until such time as the salary range for that position catches up to the compensation of the employee.

#### **5.12 PROMOTION**

An employee promoted to a position in a higher classification and salary range shall receive a promotional pay increase to either 1) the entry step or salary of the new salary range, 2) the next highest available pay step in the new range which provides at least a 5% increase in pay, or 3) to start at the bottom of the pay grade of the higher classification, whichever is greater. Changes in

salary due to a Reclassification of a position will be treated the same as a Promotion. Promotions change an employee's pay anniversary date and subsequent merit pay reviews. Promotions for positions covered by a collective bargaining agreement will be handled per the provisions of that agreement.

An employee transferring from one position to another which are in the same pay range will not be considered a promotion.

### **5.13 PAYDAYS**

City employees are paid semi-monthly on the 5th and the 20th of each month. If a regularly scheduled payday falls on the weekend or a holiday, the paychecks will be distributed on the last preceding regularly scheduled working day. Automatic deposit is available upon request. Pay increases, other than those occurring upon the 1<sup>st</sup> or the 16<sup>th</sup> of the month, become effective at the beginning of the next pay period.

### **5.14 ERRORS IN PAY**

Every effort is made to avoid errors in paychecks. However, any employee who believes that an error has been made should contact the Finance Department immediately. The Finance Department will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly. An employee reporting an error will be notified in writing within 15 business days of the outcome. An employee who believes further discrepancies exist should submit a written complaint to Human Resources immediately. If an employee has been overpaid in error, the City will ask that the amount be repaid by payroll deductions or by agreement, consistent with applicable laws.

### **5.15 DEDUCTIONS**

Some regular deductions from the employee's earnings are required by law; all other deductions must be approved by the City and specifically authorized in writing by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions approved by the City and authorized by the employee, by applicable union contract, or by statute or regulation.

### **5.16 ACTING PAY**

When an employee is temporarily assigned to work in a position with a higher pay rate in order to fill a vacancy or act on behalf of an absent employee, the employee shall be paid Acting Pay in the amount of either the minimum of the salary rate of the acting position or a 5% increase in base pay, whichever is greater. To qualify, the employee must be assigned to the acting position for a period of ten (10) or more consecutive workdays. Acting Pay is limited to a six-month period as noted in the City Ordinance. Any extenuating circumstances requiring Acting pay for a period beyond six months are subject to the Mayor and City Council's approval, or subject to applicable Civil Service Rules.

### **5.17 SPECIAL DUTY PAY**

The Mayor is authorized to pay any manager or director level employee special duty pay in addition to that person's regular compensation when the Mayor has temporarily assigned special duties to that person. No employee may receive special duty pay for longer than one year without city council approval. "Special duties" are defined as those duties not included as essential functions in the employee's official job classification and not otherwise associated with the employee's position.

Special duty pay shall consist of up to ten percent of the employee's salary at the time the special duties are assigned. The Mayor is authorized to grant to each such employee up to five percent (5%) for special duty pay at the Mayor's discretion, and shall be based upon the scope of the additional responsibilities identified by the Mayor. If the Mayor determines that special duty pay above five percent (5%) is warranted for a particular employee, the Mayor will be authorized to grant up to ten percent (10%) for special duty pay upon prior approval by the City Council.

#### **5.18 COMPENSATION UPON TERMINATION**

When an employee's employment with the City is terminated, the employee will receive the following compensation on the next regularly scheduled payday including: 1) regular wages for all hours worked up to the time of termination which have not already been paid; 2) any overtime or holiday pay due; 3) A lump sum payment of any accrued but unused vacation and compensatory time and; 4) any employee-paid health insurance premiums paid in advance for health insurance coverage. Accrued sick leave will be paid in accordance with City Ordinance and Personnel Policies for Non-Represented employees, or the applicable collective bargaining agreement for Union Employees.

#### **5.19 RECLASSIFICATION**

It is the supervisor's responsibility to maintain the employee's primary job assignments within the scope of the existing job classification, until a revised job classification is approved. Requests for revised job classifications can be made by the Department Director to the Human Resources department. In the event that an employee is eligible for a reclassification as determined by his/her supervisor, a reclassification form and a revised job description, along with the recommended pay grade should be submitted to Human Resources for review. All revised job descriptions and reclassification requests are subject to the Mayor's approval, before submittal to the City Council for their approval and/or the respective Union as required.

## CHAPTER VI

### PERFORMANCE EVALUATIONS AND TRAINING

#### 6.1 VALUE STATEMENT

The City values honest communications and the desire to improve services to the customer. It believes these values are the foundation of a Performance Evaluation leading to a positive outcome. Personal development and changes in the work environment require continuous training, communication, and ongoing commitment from both the employee and the City.

#### 6.2 PERFORMANCE EVALUATION POLICY

To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts periodic performance evaluations for all positions. Each supervisor is responsible to set and communicate clear performance standards for his or her employees at the beginning of and throughout the review period. Employees are to be evaluated by their supervisor at both the midpoint and the completion of their orientation period and normally once every 12 months thereafter, unless otherwise specified in the employee's respective collective bargaining agreement. Additional performance appraisals or performance improvement plans may be given, if necessary. Performance review dates are changed following a promotion with a new orientation period. Employees should complete a self-evaluation form for their upcoming evaluation as directed by their supervisor.

During the evaluation process, the employee and the supervisor will review the Department's goals and the employee's role in the Department. They will also review the employee's self-evaluation, job description and rate the employee's job performance outcomes in each of the assigned responsibilities. If changes in the job description are needed to ensure its accuracy, the corrections will be forwarded to the Human Resources Office. The employee and supervisor will discuss and select a course of personal training, which will improve the employee's job performance. Goals for the next year and a training plan will be included in the performance evaluation. The evaluation will be signed by the employee, the supervisor, and the Department Director, and forwarded to the Mayor for review and to the Human Resources Office to be placed in the Personnel File. A copy should be retained by the Supervisor for periodic checkups. If the employee disagrees with the evaluation, he or she is allowed to submit written rebuttal comments to be placed in their personnel file along with the evaluation.

The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

#### 6.3 TRAINING POLICY

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

When training opportunities are identified, the Department will complete an AUTHORIZATION TO TRAVEL and ATTEND TRAINING and submit the registration. Each Department is responsible for budgeting and paying for training for their employees (for courses not specifically approved as outlined in the college reimbursement policy below). Following completion of the training

program, a copy of the AUTHORIZATION will be filed in the employee's Personnel File. Training programs, which are required by the City, are paid by the City, including the employee's wages, travel, registration, and, if needed, out of area expenses directly related to the training. For the purposes of insurance, the employee is to make every reasonable effort to use a city vehicle to attend training events. In the event that using a city vehicle is not possible, the employee will be reimbursed for mileage under the current IRS regulations and as noted in the Edmonds City Code.

Training programs that are initiated by the employees and not required by the City, (such as certification programs) are considered as voluntary programs and will not be paid by the City, unless a direct benefit to the City can be shown. If a benefit can be shown, the City may pay for all or a portion of the training costs, but not to include wages.

#### **6.4 COLLEGE REIMBURSEMENT**

The City will reimburse full tuition for college courses that are required for; 1) advancement to the next promotional rank up to an Associate's Degree level (90 credit hours), and 2) to maintain or upgrade a required certificate or license. Employees must obtain a passing grade of C and/or 2.0 or better in order to qualify for reimbursement of the class at the rate established below.

Employees, who take college courses leading to a Bachelors or Master's degree, will be reimbursed 50% of the tuition costs. This course work must be an educational requirement of a future position in the City, which has been previously identified in the performance evaluation as the employee's career goal. Employees must obtain a passing grade of B and/or 3.0 or better in order to qualify for reimbursement of the class at the rate established below.

Tuition costs will be based upon comparable public education credit hours and charges. Employees will not be on paid City time while attending such courses nor will books, transportation, or course material costs be reimbursed. The maximum costs per employee for college reimbursement in a calendar year cannot exceed \$2000. Tuition Reimbursement is available to the extent funds are budgeted. Should inadequate funding be available in the budget in any given year to reimburse all requests, reimbursements will be made on a "first come, first served" basis.

In order to be considered for tuition reimbursement, an "Authorization to Attend Travel and Training Form" must be completed for each school term and submitted to Human Resources, along with an attachment of the course program registration form and a receipt providing proof of tuition payment. The Authorization Form must have all the required approval signatures on it in order for the employee to be eligible for reimbursement. Reimbursement will be provided after documentation of the proof of payment and the employee's course grade is provided to Human Resources at the end of the course program.

In the event that an employee leaves employment with the City within twenty-four (24) months after receipt of tuition reimbursement funding, the employee shall reimburse the City for the amount they received from the beginning of the previous 24 months.

## CHAPTER VII

### BENEFITS

All benefit programs are administered by the Human Resources Office. For any and all benefits and eligibility related questions, please contact Human Resources.

#### **7.1 MEBT**

The Municipal Employee Benefit Trust (MEBT) is a City retirement program provided in lieu of the federal Social Security benefit. The City does not participate in the federal Social Security Trust, excluding Medicare (employees, who are hired after April 1986, must contribute into Medicare). The MEBT benefit is made up of three components: a retirement benefit, long-term disability insurance, and a \$100,000 term life insurance benefits for survivors. Participation in MEBT is mandatory. The City and all employees make payroll deduction contributions (pre-tax) into the MEBT program in the amount normally paid through a FICA deduction. Employees can also make additional voluntary after-tax contributions into the MEBT program. All hourly and part-time employees working less than 1000 hours per year are not eligible to participate in MEBT, and are required to pay into the Social Security program.

#### **7.2 STATE RETIREMENT**

All regular public safety employees in the police department are covered by the Law Enforcement Officers' and Firefighters Retirement System (LEOFF 2). Benefit levels and contribution rates are set by the State of Washington. All regular full-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Both retirement programs are administered by the Department of Retirement Systems (DRS). Regular part time employees are covered, provided they work at least 70 hours per month for five or more months each year. Benefit levels and contribution rates are set by the State of Washington. Participation is mandatory.

Employees intending to retire should plan to attend a retirement planning seminar provided by the State. They should also notify their department head and the DRS of their intent to retire at least three months prior to the date of retirement.

#### **7.3 DEFERRED COMPENSATION**

Deferred Compensation is a tax shelter program provided to City employees through IRS code 457. Employee deposits are subject to limitations defined by the IRS. Deferred Compensation is a voluntary program made available through payroll deduction (pre-tax), and funded by individual employee contributions only. The City provides several deferred compensation plan vendors, which allows employees to select investment options of their choice.

#### **7.4 INDUSTRIAL ACCIDENT INSURANCE (WORKERS COMPENSATION)**

All employees (except LEOFF I) are covered by the State Workers' Compensation Program. This insurance covers employees for on-the-job injuries or job-related illnesses. All job-related accidents should be reported immediately to the supervisor. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and specific medical costs due to job-related injuries or illnesses. All employees who have enough accrued sick leave are eligible to turn their time loss check over to the City for paid ("sick") leave "buy back."

When an employee receives treatment because of an on-the-job accident/injury, the physician/hospital will file a claim for Workers' Compensation (L&I). In the event of absence due to injury, the employee may use their paid leaves to keep them in paid status while their claim is

under consideration for approval of benefits by L&I. When the employee receives Workers' Compensation benefits, he/she is required to turn their time loss check over to the City so that the City can use the check to buy back a portion of the paid leaves used by the employee which shall be restored to the employee's leave balances. This policy is to ensure that employee will receive prompt and regular payment during periods of injury or disability so long as disability continues, and to allow the employee to maintain as much accrued sick leave as possible after the buy back. The employee will not receive more than he/she would have received had the injury not occurred. In the event that an employee does not have enough accrued leave to keep them in paid status during their period of disability (as certified by their doctor) due to their work related injury, the employee will keep the time loss check from L&I and no buy back will be processed. Employees cannot receive Worker's Compensation benefits and paid sick leave for the same time period. Additionally, absence from work due to a work-related (L&I) approved injury may not be eligible for DRS service credit hours.

In accordance with state law, the City will also provide a wage supplement to LEOFF II employees who are receiving worker's compensation due to an occupational injury or illness. The supplement shall be in an amount which when added to the worker's compensation will result in the same pay the employee would have received for full time active service. The supplemental benefit begins on the sixth day of absence from work. The City pays one half of the supplement and the other half is charged to accrued paid leave in the order of Sick Leave, Compensatory Time, Holiday, and Vacation. The supplement and use of accrued sick leave shall continue, as long as the employee is receiving worker's compensation, to a maximum of six (6) months from the date of the injury. If the employee returns on a part time basis, the supplement and accrued sick leave shall be pro-rated. The employee must furnish a physician's release to return to full work duty without restrictions before returning to work.

At any time during the disability period, but no later than six (6) months from the last day worked, the City may require an examination at its expense, performed by a physician of its choice to determine if the employee can return to work and if he/she will be capable of performing the essential duties of the position.

## **7.5 HEALTH INSURANCE**

Regular full-time and part-time employees (working 20 or more hours per week) and their dependents are eligible to participate in the City's medical, dental, and vision insurance programs. The programs and criteria for eligibility will be explained upon hire. The City contributes toward the cost of premiums in the amounts authorized by the City Council and the labor agreements. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction on a pre-tax basis. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees, and in compliance with the terms of the respective collective bargaining agreements. Part Time employees, who regularly work 20 or more hours each week during the full calendar year, are entitled to participate in the insurance program. Their insurance costs will be pro-rated depending upon the average number of hours they are scheduled to work during the year. Hourly employees, including those who occasionally work 20 or more hours in a week, are not eligible for insurance coverage.

## 7.6 HEALTHCARE REFORM POLICY

### HEALTH COVERAGE

The City's policy is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protection 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 employees and their dependents up to age 26. The benefits, terms, and conditions of the City's health benefits plan, including costs owed by eligible employees, are explained in the separate plan documents attached hereto, including the *Regence Healthfirst PPO and AWC GHC \$10-Co-pay plan*, *AWC WDS Delta Dental Plan F* and *AWC VSP \$10-Co-pay summary of benefits sheets* (collectively referred to herein as the "Plan"). If there are conflicts between this policy, the Plan, and any collective bargaining agreements, the document satisfying the minimum protections of the PPACA shall apply.

### DEFINITIONS AND CLASSIFICATIONS

In order to properly implement its provisions, the following definitions and classifications from the PPACA will apply to this policy:

**Full-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, 30 or more hours per week. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the Plan. In no event shall the date of enrollment be later than the first day of the month following the date of hire or the date of change in job classification.

**Part-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, less than 30 hours per week. Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement. Under the City Personnel Policies, part time employees, who regularly work 20 or more hours each week during the full calendar year, are entitled to participate in the insurance program. Their insurance costs, for themselves and any eligible dependents, will be pro-rated depending upon the average number of hours they are scheduled to work during the year. If, based on prior City approval, a part-time employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

**Variable-hour.** At time of hire or change in job classification, the City cannot reasonably determine whether employee will or will not average 30 or more hours per week. Variable-hour employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement. If, based on prior City approval, a variable-hour employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

**Seasonal.** At time of hire or change in job classification, employee is hired or re-hired into a position for which the customary annual employment is approximately six months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of approximately six continuous months and are

not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

**Dependents.** Children of full-time employees up to age 26 (including the entire calendar month in which a child turns age 26). Includes biological and adopted children. Excludes spouses, domestic partners, stepchildren, and foster children. Dependents of full-time employees are eligible for health coverage. Dependents of part-time employees who regularly work 20 or more hours each week during the full calendar year are also eligible for health coverage.

**Volunteers** Individuals who provide services to the City on a voluntary basis and whose compensation is limited to: (1) reimbursement for reasonable expenses incurred in the performance of services as a volunteer; (2) reasonable fringe benefits, excluding health coverage; and/or (3) nominal fees or honorarium provided in connection with services as a volunteer. Volunteers are not employees and are not eligible for health coverage.

### **WORK HOURS LIMITATIONS**

In order to properly implement its provisions, the following work hours limitations apply to this policy:

For certain employee classifications, the City restricts the maximum annual and/or monthly hours of work.

**Full-time** employees are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by the City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. Full-time employees are not subject to initial or standard measurement, administrative, or stability periods (discussed below).

**Part-time** employees are subject to an annual hours limitation and may not exceed **950 hours** annually without prior City approval. In addition to an annual hours limitation, part-time employees may not exceed **125 hours** in any single calendar month without prior City approval. Part-time employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

**Variable-hour** employees are subject to an annual hours limitation and may not exceed **950 hours** annually without prior City approval. In addition to an annual hours limitation, variable-hour employees may not exceed **125 hours** in any single calendar month without prior City approval. Variable-hour employees are subject to both initial and standard measurement, administrative, and stability periods (discussed below).

**Seasonal** employees may work up to 29 hours per week, unless otherwise specified by the City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. If the seasonal employee's workload exceeds 29 hours per week or any other of the above guidelines, the Department Director for that seasonal employee must have approval by the Mayor to work their seasonal employees 30 hours a week and more than 346.67 hours per season and must have an annual break in service of approximately six continuous months before being eligible for re-hire. Seasonal employees may work longer than six months with prior City approval. Seasonal employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

### **MEASUREMENT AND ADMINISTRATIVE PERIODS – INITIAL PERIODS**

The City uses a 12-month initial measurement period to measure the hours of new part-time, variable-hour, and seasonal employees.

The City uses an initial administrative period of not longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

The City uses a 12-month initial stability period for purposes of providing or excluding health coverage to new part-time, variable-hour, and seasonal employees. If an employee works an average of 30 hours or more per week during an initial measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the initial measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period.

**Initial Administrative Period (Phase 1)**-- Begins on date of hire, continues until end of month.

**Initial Measurement Period** -- Begins on first day of first full calendar month following date of hire and continues for 12 months.

**Initial Administrative Period (Phase 2)**-- Begins on first day of first full calendar month following Initial Measurement Period and lasts for the entire month.

**Initial Stability Period** -- Begins on first day of first full calendar month following Phase 2 of Initial Administrative Period and continues for 12 months.

To determine the average hours worked by each employee during the 12-month initial measurement period, the City will divide the employee's total hours worked during the period by 52.

Example:

- Employee A is hired as a new variable-hour employee on April 2, 2015. Employee B is hired as a new part-time employee on April 15, 2015.
- Under the first phase of the initial administrative period, Employee A is placed into an initial administrative period from April 2, 2015 through April 30, 2015. Employee B is placed into an initial administrative period from April 15, 2015 through April 30, 2015. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired in the same calendar month into the same initial measurement and stability periods.
- Employee A and Employee B both have initial measurement periods beginning May 1, 2015 and ending April 30, 2016 (12 months).
- Employee A and Employee B are both subject to the second phase of the initial administrative period, beginning May 1, 2016 and ending May 31, 2016 (one month). During this period, the City calculates Employee A's and Employee B's hours worked during the initial measurement period.

- Employee A and Employee B are both subject to an initial stability period beginning June 1, 2016 and ending May 31, 2017 (12 months). If either employee averaged 30 or more hours per week during the initial measurement period, he/she will be offered and enrolled in health coverage during the initial stability period. If either employee averaged fewer than 30 hours per week during the initial measurement period, he/she will be excluded from health coverage during the initial stability period.

**MEASUREMENT AND ADMINISTRATIVE PERIODS – STANDARD PERIODS**

The City uses a 12-month standard measurement period to measure the hours of all ongoing part-time, variable-hour, and seasonal employees hired on or before the start of a standard measurement period.

The City uses a standard administrative period of 31 days. The purpose of the standard administrative period is to calculate the hours worked by employees during the preceding standard measurement period and to enroll eligible employees in health coverage during the resulting standard stability period.

The City uses a 12-month standard stability period for purposes of providing or excluding health coverage to ongoing part-time, variable hour, and seasonal employees. If an employee works an average of 30 hours or more per week during a standard measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the standard stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the standard measurement period, the employee will not be deemed a full-time employee and will not be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the stability period.

**Standard Measurement Period**      December 1 of [Year 1] through November 30 of [Year 2]

**Standard Administrative Period**      December 1 through December 31 of each year.

**Standard Stability Period**              January 1 through December 31 of each year.

To determine the average hours worked by each employee during the 12-month standard measurement period, the City will divide the employee’s total hours worked during the period by 52.

Example:

- Employee C is an ongoing variable-hour employee who was hired on or before December 1, 2017 (the start of the City’s standard measurement period).
- Starting in 2017, Employee C’s standard measurement period begins December 1, 2017 and ends November 30, 2018 (12 months).
- Employee C’s standard administrative period begins December 1, 2018 and ends December 31, 2018. During this period, the City calculates Employee C’s hours worked during the preceding standard measurement period. If Employee C averaged 30 or more hours per week during the preceding standard measurement period, Employee C will be eligible for health coverage during the resulting standard stability period. If Employee C averaged below 30 hours per week during the preceding standard measurement period, Employee C will be excluded from health coverage during the resulting standard stability period.

- Employee C's standard stability period begins January 1, 2019 and ends December 31, 2019 (12 months).
- Employee C's next standard measurement period begins December 1, 2018 and ends November 30, 2019 (12 months).

### **MEASUREMENT AND ADMINISTRATIVE PERIODS – OVERLAPPING INITIAL AND STANDARD PERIODS**

The City's standard measurement periods apply to all ongoing part-time, variable-hour, and seasonal employees hired by the City on or before the start date of a standard measurement period. New part-time, variable-hour, and seasonal employees will be measured by both the City's initial measurement period and the first standard measurement period beginning on or after each employee's date of hire.

Example:

- Employee D is a new variable-hour employee. Employee D is hired September 29, 2015.
- Employee D is subject to the first phase of the initial administrative period, beginning September 29, 2015 and ending one day later, September 30, 2015.
- Employee D is subject to an initial measurement period beginning October 1, 2015 and ending September 30, 2016.
- Employee D is subject to the second phase of the initial administrative period, beginning October 1, 2016 and ending on October 31, 2016.
- Employee D is subject to an initial stability period beginning November 1, 2016 and ending October 31, 2017.
- Because Employee D was hired on or before the City's 2015 standard measurement period, Employee D is concurrently subject to the standard measurement period beginning December 1, 2015 and ending November 30, 2016.
- Employee D is subject to a standard administrative period beginning December 1, 2016 and ending December 31, 2016.
- Employee D is subject to a standard stability period beginning January 1, 2017 and ending December 31, 2017.

Based on the overlapping nature of initial and standard measurement and stability periods, situations will arise where part-time, variable-hour, and seasonal employees will be subject to simultaneous initial and standard measurement, administrative, and stability periods.

If the City determines an employee is eligible for health coverage during an initial measurement period or standard measurement period, the employee must be enrolled in health coverage for the entire associated stability period. This is the case even if the employee is determined to be eligible for health coverage during the initial measurement period but determined not to be eligible for coverage during the overlapping or immediately following standard measurement period. In such a case, the City may exclude the employee from health coverage only after the end of the initial stability period. Thereafter, the employee's eligibility for health coverage would be determined in the same manner as that of other ongoing part-time, variable-hour, or seasonal employees.

In contrast, if the City determines an employee is not eligible for coverage during the initial measurement period, but is eligible for coverage based on the overlapping or immediately following standard measurement period, employee will be eligible for health coverage for the entire standard stability period (even if the standard stability period begins before the end of the

initial stability period). Thereafter, the employee's eligibility for health coverage would be determined in the same manner as other part-time, variable-hour, or seasonal employees.

### **RULES CONCERNING ELIGIBILITY AND ENROLLMENT**

To be enrolled in health coverage under the Plan, eligible employees must comply with all applicable application requirements and deadlines. Failure to do so may result in delayed or no enrollment until the next annual enrollment period or upon a qualified change in status.

If an eligible employee's payment for the cost of health coverage is untimely, the terms of the Plan provide when coverage terminates and whether there is a grace period for payment. The City is not required to provide health coverage for the period for which the cost of health coverage is not timely paid and may terminate coverage.

Eligible employees have the right to waive enrollment in the City's health coverage. The City will provide a written waiver that must be timely completed, signed, and submitted by an eligible employee desiring to waive enrollment. Unless the Plan specifies otherwise, a new waiver must be completed annually. The City will provide otherwise eligible employees who previously waived enrollment in health coverage the opportunity to enroll at least once annually.

### **HOURS FOR PAID AND UNPAID LEAVE DURING MEASUREMENT PERIODS**

Hours of service for employees during measurement periods include both actual hours of service worked in addition to paid hours for vacation leave, sick leave, holiday leave, or other paid leave.

Periods of unpaid leave, including unpaid FMLA or military leave, are excluded from the hours calculation during any measurement period.

Example:

- Employee E is a variable-hour employee subject to a 12-month (52-week) standard measurement period.
- During the standard measurement period, Employee E takes four weeks of unpaid FMLA leave. The four weeks of unpaid FMLA leave are excluded from the hours calculation. The average is calculated by the total hours worked by Employee E during the standard measurement period (12 months), divided by 48 weeks (instead of 52 weeks).

Administrative periods overlap with measurement and stability periods. Employees offered health coverage during a stability period must remain enrolled in coverage during a subsequent administrative period. Employees excluded from health coverage during a stability period remain excluded from coverage during a subsequent administrative period.

### **BREAKS IN SERVICE**

Employees, regardless of classification, who separate their employment with the City, voluntarily or involuntarily, must have a break in service of at least 13 continuous weeks before being eligible for re-hire. Employees re-hired after a break in service of at least 13 continuous weeks will be treated as a "new" employee, without any consideration given to previous hours worked or previous measurement or stability periods that may have applied prior to separation.

Employees who are re-hired into full-time positions must be enrolled in health coverage no later than the first day of the month following their date of re-hire. Employees who are re-hired into part-time, variable-hour, or seasonal positions are subject to the City's initial measurement, initial administrative, and initial stability periods.

The City reserves the right to suspend this rule on a case-by-case basis.

### **7.7 UNEMPLOYMENT INSURANCE**

City employees may qualify for State Unemployment Compensation after termination from City employment as determined by the Employment Security Department.

### **7.8 LIFE INSURANCE**

Union employees are provided a Term Life Insurance benefit, and the premium is fully paid by the City. The insurance also provides a benefit upon the death of a dependent. Non-represented employees are provided Term Life Insurance, which is based upon a portion or all of their annual salary level. This benefit is explained when the new employee is hired. Police Officers are provided an additional life insurance benefit by the State of Washington in the event of their death in the line of duty. Additionally, all eligible employees are provided a life insurance benefit through MEBT.

### **7.9 EMPLOYEE ASSISTANCE PLAN (EAP)**

EAP is a confidential service, providing short term counseling and referral, which is offered to employees and their dependents at no cost by the City. This service assists employees obtain professional help with problems which may be impacting their jobs. The EAP can assist employees with a wide variety of problems, including financial, personal, and job related. Please contact Human Resources for more information of the EAP.

### **7.10 EXTENDED HEALTH BENEFITS (COBRA)**

In compliance with COBRA (the Consolidated Omnibus Budget Reconciliation Act), 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. These health benefits will be identical to the coverage offered to full-time employees.

- A. For terminated or reduced-hour employees, the coverage may last up to 18 months or until they become eligible for other health insurance coverage, whichever is earlier. In the event of the employee's retirement, divorce, separation, or death, the coverage may last up to a maximum of 36 months for the employee and/or qualified beneficiary.
- B. Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance coverage at the employee's expense during an approved unpaid leave of absence, COBRA continuation rights may apply in the event coverage is not extended through the City.
- C. While an employee is receiving worker's compensation benefits, the City may continue to pay the employee's health insurance premiums for three (3) months, after which the employee may choose to use COBRA rights and self-pay insurance premiums.
- D. Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct."
- E. An administrative handling fee over and above the cost of the insurance premium may be charged the employee or dependents that elect to exercise their COBRA continuation rights.
- F. The employee or beneficiary may waive all rights to continuation coverage notification procedures and time limits outlined in the continuation coverage "Notification of Rights" letter.

### **7.10.1 DEATH OF AN EMPLOYEE AND COBRA<sup>3</sup>**

#### **Purpose**

The City recognizes that in the event of an employee's death, the surviving family members will be impacted by the loss of health insurance coverage and additional costs of COBRA required to continue such coverage. In order to assist the surviving family members with this transition the City has enacted the following policy.

When an active employee dies, the surviving spouse and surviving dependents who are enrolled in the employee's active health insurance (Medical, Dental, Vision) at the time of the employee's death, will receive up to three (3) months of Continuation of Health Coverage (COBRA) paid for by the City. In order to receive this benefit from the City the surviving spouse and dependents must enroll in COBRA in compliance with COBRA regulations and per the City's COBRA administrator requirements.

The City will pay for the cost of COBRA directly to the COBRA administrator.

### **7.11 WELLNESS PROGRAM**

The City of Edmonds recognizes that health of City employees directly affects their ability to provide high quality, efficient services to City residents. The employee wellness program is designed to provide information and activities to City employees and their family members to encourage health and safety in the workplace. All City employees and family members who are eligible for City medical benefits may voluntarily participate in the employee wellness program.

A Wellness Committee, including employee representatives from different departments, labor unions, management and the general employee population, oversees the wellness program and internal Wellness Policy and specifically performs the following duties:

- Provides enthusiastic support of the mission and goals of the Wellness program.
- Helps plan, implement and promote Wellness programs.
- Serves as a liaison between the wellness program, the Safety Committee, the Commute Trip Reduction program, City departments and employees.
- Represents the wellness-related interests, needs and opinions of employees.
- Assists in identifying and reducing potential program barriers and strengthening support for the wellness program.
- Assists in promoting the wellness program.

The Wellness Committee will meet at least once a month during regular business hours and committee members may work on wellness activities during work hours as their normal job duties allow. Membership on the committee is voluntary and members may serve for an indefinite period of time. Members are responsible for:

1. Attending the monthly wellness coordination meetings and informing another attending member if they cannot attend a meeting.
2. Attending any Wellness Retreats. Retreats will be used to review goals/priorities and establish calendar events.
3. Organizing and promoting annual wellness events.

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<sup>3</sup> Chapter 7.10.1 approved 3/31/2022

4. Assisting other members in the execution of their wellness events.
5. Communicating the needs of his/her department's employees to the committee.
6. Communicating the activities of the committee to his/her department's employees.
7. Sharing ideas freely and raising any concerns or objections and offering alternative solutions when a decision is to be reached by consensus.

Participation in some wellness programs such as health screenings and the health benefits fair is allowed during work hours. The Department Head may allow employees additional time during work hours for wellness activities and programs provided work demands are appropriately met.

Wellness program activities may include a wide variety of health, educational and fitness activities, such as those listed below.

- Behavior change programs, such as nutritional counseling and information, stress reduction, smoking cessation, weight management, relaxation and self-esteem.
- Motivational programs, such as interdepartmental and employee group challenges and tuition rebates for successful weight loss and smoking cessation.
- Informational and awareness programs such as flyers, paycheck stuffers, bulletin boards, brown bag lunch sessions, wellness seminars, workshops and classes.

The Wellness program is funded in the budget for the Human Resources program and all City expenditures for employee wellness activities must come from funds appropriated in the current budget. Some wellness activities could and may be offered to employees at the cost of the program, at a City-subsidized price, or for free. Costs of certain programs may be covered by the City's medical plan, and the Wellness Committee may apply for grants provided by the Association of Washington Cities. The Committee's plan purchases and all other related accounting activities must comply with applicable City procedures for City-funded activities.

Confidentiality is important in all health education activities. Because the Wellness Committee may offer programs about potentially sensitive issues, the transactions and interactions regarding personal and medical information that take place in the City's Wellness programs will be confidential and will be respected as such. Employee participation is also on a voluntary basis and will be respected.

#### **7.12 COMMUTE TRIP REDUCTION (CTR) PROGRAM**

The City participates in a Commute Trip Reduction (CTR) program in compliance with the CTR Efficiency Act (WAC 486-63) regulated through the Washington State Department of Transportation (WSDOT) in coordination with Community Transit. This Act requires local governments in urban areas with traffic congestion to develop programs that reduce drive-along trips and vehicle miles travelled per capita. As part of this program, Community Transit and the City of Edmonds encourage employees to participate in the CTR program, by riding the bus, vanpooling, carpooling, walking, biking, using the train or ferry, or compressing their work week (such as through a supervisor approved alternative work schedule) in order to help reach certain County goals regarding Vehicle Miles Travelled (VMT) or Single Occupancy Vehicles (SOV).

The City's CTR program, through the City's CTR Coordinator, may have a budget of funds for authorized use as related to specific CTR program activities and event expenditures. There are various Community Transit sponsored CTR program events throughout the year in which employees are encourage to participate (examples include but are not limited to: Wheel Options,

Bike to Work Day, Dump the Pump day, and Smart Commuter Rewards). The CTR Program Coordinator at the City also provides WSDOT and/or Community Transit with any required reporting and/or compliance information on City participation in the program each year and coordinates CTR program events and activities.

## CHAPTER VIII

### LEAVES

#### 8.1 VALUE STATEMENT

The City believes a balance between time spent working and time spent in pursuit of personal interests creates a better overall employee. The City believes employees need time away from work in order to achieve that balance.

#### 8.2 VACATION

Employees will be provided annual vacation in accordance with their collective bargaining agreement or City ordinance. Non Represented employees receive annual vacation in accordance with the Edmonds City Code Chapter 2.35. In appropriate situations for recruitment purposes, the Mayor, with approval of the City Council, may authorize placement of a newly hired employee at a level on the vacation and/or sick-leave accrual charts consistent with his/her prior experience.

All new employees must satisfactorily complete their orientation period to be entitled to the accrual and use of vacation leave. Employees may only use accrued vacation; vacation credit cannot be advanced to an employee. Regular part-time employees will receive vacation on a pro-rata basis. Hourly employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay.

Each department is responsible for scheduling its employees' vacations with the least disruption of department operations whenever possible. Leave requests shall be submitted at least two weeks prior to taking vacation leave or as otherwise stated in the applicable collective bargaining agreement. Vacation schedules for union employees shall be submitted to their department directors for approval and in compliance with the applicable collective bargaining agreement.

The maximum number of vacation hours which may be accrued is two years at the current accrual rate, unless otherwise stated in a collective bargaining agreement. After reaching the maximum amount, the employee will not accrue any additional vacation, until leave is used. Any exceptions to extend vacation accruals due to extenuating circumstances must be approved by the Mayor. Employees will be paid for unused vacation time upon termination of employment.

#### 8.3 PAID SICK LEAVE<sup>4</sup>

Sick leave provides employees with a measure of financial protection by allowing time off with pay when a personal illness, accident, disability, or an illness of an immediate family member occurs. Effective January 1, 2018, the City of Edmonds implemented the Washington State paid sick leave law, which was an addition to the Minimum Wage Act (RCW 49.46.010 et seq.). While the City's sick leave accrual is more generous than that minimally required by law, the City has chosen to apply the new provisions of the law to all paid City sick leave. Accrued sick leave is available for use immediately upon hire. The provisions of this section shall apply as written unless otherwise noted in a City Council approved collective bargaining agreement.

##### 8.3.1 ACCRUAL

All City employees, excepting Elected Officials, are eligible to accrue and use sick leave.

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<sup>4</sup> City Paid Sick Leave Policy Last Revised 12/10/2019

Regular full-time employees shall accrue sick leave benefits at the rate of one (1) workday of eight (8) hours per completed calendar month of continuous employment. Regular Part-time employees will accrue sick leave based on their percentage of full-time employment. Earned sick leave shall be credited at ½ of the month's accrual in each pay period. These rates of accrual shall be in effect until the employee reaches 1,000 hours of sick leave, at which time the accrual will revert to the state minimum accrual of one (1) hour of sick leave for every forty (40) hours worked.

All other employees (including but not limited to variable-hour, seasonal/hourly employees, and paid interns) will accrue the state required minimum of one (1) hours of sick leave per every 40 hours worked (including overtime hours worked) unless an alternate agreement is approved in writing by the Mayor.

In no event will an employee earn less than one hour of paid sick leave for every forty hours of work as defined under the FLSA.

A temporary change of less than one month in the employee's regular weekly work schedule that results in a reduction of their FTE % shall not affect the employee's accumulation of sick leave benefits.

Paid sick leave is accrued with the regular, semi-monthly payroll and balances can be viewed by employees on their pay stubs or by visiting the self-service website.

Employees are notified of their accrual rate and their rights and responsibilities no later than their day of hire.

### **8.3.2 CARRYOVER**

Employees may carryover from one calendar year to the next up to one thousand (1,000) hours of earned but unused sick leave. Accumulated amounts over the carryover max will be deducted from an employee's sick leave bank effective January 1<sup>st</sup> of each calendar year.

### **8.3.3 AUTHORIZED USES OF SICK LEAVE**

Sick leave may be taken for any of the following reasons:

- A. Absences resulting from 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 employees' need for preventative care; and
- B. To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care for 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 preventative medical care; and
- 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; and
- D. For absences which qualify for leave under the domestic violence leave act.

For the purposes of sick leave usage under this policy, “family member” is defined as:

- A child, including biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status.
- A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.

In the event an employee exhausts accrued sick leave, the employee may then use any accrued vacation, floating holiday, or comp time. If the employee has exhausted all accrued paid leave, they may be approved for leave without pay.

Employees should refer to the Industrial Accident Insurance (Worker’s Compensation) policy for information on coordination of use of sick leave with worker’s compensation payments.

#### Coordination with Other Federal & State Protected Leave Laws

An employee who is eligible to use sick leave under this policy may also be eligible for and/or required to receive protections under other federal and state protected leave laws. Employees should be aware that the definitions of “authorized usage” and “family member,” as well as the notification and verification requirements of those laws may be more permissive or restrictive than those under Washington’s paid sick leave law.

#### **8.3.4 PAYMENT FOR SICK LEAVE**

Non-exempt employees will be paid their “normal hourly compensation” for each hour of paid sick leave used. “Normal hourly compensation” is the hourly rate that an employee would have earned for the time during which the employee used paid sick leave. Exempt employees will be paid their regular salary rate.

Sick leave taken is not considered “hours worked” when computing overtime, unless otherwise indicated by an applicable collective bargaining agreement.

The City will pay employees paid sick leave no later than the payday for the pay period in which the paid sick leave is taken. If a verification letter is requested (according to sec. 8.3.7) the City may delay payment for paid sick leave until the pay period in which verification was provided. If payment is delayed, the employee will be notified at the time verification is requested.

#### **8.3.5 NOTIFICATION REQUIREMENTS**

If the need for sick leave usage is foreseeable, employees are required to give ten (10) days’ notice to their department by completing a Request for Leave of Absence form per their department notification procedures. If the employee cannot provide a ten (10) day notification, they must do so as early as practicable.

If the need for sick leave usage is not foreseeable, the employee must provide notice to their department (per department notification procedures) as soon as possible before the required start of shift, unless it is not practicable to do so.

If the employee's need for sick leave usage is due to a reason under the Domestic Violence Leave law, and emergency precludes advance notice, the employee must provide notice by the end of the first day leave starts.

Employees are responsible for contacting their department themselves unless it is impracticable for the employee to do so. In which case another person may provide notification for the employee.

It is the intent of the City of Edmonds that all required notification procedures will not interfere with an employee's lawful use of paid sick leave.

### **8.3.6 VERIFICATION**

If an employee is seeking to use or has used paid sick leave for a purpose authorized by this policy **for more than three (3) consecutive workdays**, the employee may be required complete the "Employee Verification for Authorized Use of Accrued Paid Sick Leave" form which can be found on the Human Resources webpage and/or to provide verification that establishes or confirms that the use of paid sick leave is for an authorized purpose. Acceptable verification may include:

- A provider's note or signed statement indicating that the employee is unable to work for the days of absence or is required to care for a family member.
- A written or oral statement from the employee indicating that the use of paid sick leave is for an authorized reason under this policy.

If the absence is for a reason covered by the Domestic Violence Leave law, the employee may choose any of the following documents, or any combination thereof, to satisfy the verification requirement:

- A written statement that the employee or an employee's family member is a victim of domestic violence, sexual assault, or stalking, and that the leave is taken to address related issues.
- A police report indicating that the employee or the employee's family member was a victim of domestic violence.
- Evidence from a court or prosecuting attorney showing that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking.
- A court order of protection.
- Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's family member is a victim:
  - An advocate for victims of domestic violence, sexual assault, or stalking.
  - An attorney.
  - A member of the clergy; or
  - A medical professional.

When an employee is absent due to the closure of the employee's child's school or place of care by a public official due to a health-related reason, the employee should provide the notice of closure.

If an employee is required to provide verification, it must be provided within ten (10) calendar days of the employee's first day of used paid sick leave to care for themselves or a family member.

All information provided will be kept confidential to the extent allowable by law.

#### Unreasonable Burden or Expense for Verification

If the employee believes that obtaining verification for use of paid sick leave would result in an unreasonable burden or expense, they must contact Human Resources orally or in writing by completing the "Employee Verification for Authorized Use of Accrued Paid Sick Leave" form and submit the form to their department for processing.

The employee should indicate that the absence is for an authorized purpose and explain why verification would result in an undue burden or expense. If the Employee chooses to provide this information in writing rather than orally, the employee may complete the "Employee Verification of Authorized Use of Paid Sick Leave Form" found on the Human Resources webpage or provided by the employee's supervisor, or the employee may send an email to Human Resources which provides the same information.

Within ten (10) calendar days of receiving the employee's request, Human Resources will work with the employee to identify an alternative for the employee to meet the verification requirement in a way that does not result in an unreasonable burden or expense.

The City has the option to withhold sick leave payment for days taken in excess of three (3) consecutive days until verification is provided.

The employee has the right to contact the Mayor if the employee believes the proposed final alternative still results in an unreasonable burden or expense.

If an employee is not satisfied with the City's final alternatives, they may consult with the Washington State Department of Labor and Industries.

### **8.3.7 NO RETALIATION**

It is the intent of the City of Edmonds to not interfere with or discourage employees' lawful use of paid sick leave. Use of paid sick leave shall not be used as a basis for an employment action against an employee. Employment actions include but are not limited to:

- Reduced evaluation scoring
- Denial of promotion
- Demotion
- Discipline
- Change in work schedule

If an employee feels they are being discriminated or retaliated against for the exercise of their Minimum Wage Act rights, the employee is encouraged to first contact their supervisor. If the employee feels it is inappropriate to contact their supervisor, they should contact Human

## Resources.

If an employee is not satisfied with the City of Edmonds' response, the employee may contact the Washington State Department of Labor & Industries.

- Online: [www.Lni.wa.gov/WorkplaceRights](http://www.Lni.wa.gov/WorkplaceRights)
- Call: 1-866-219-7321, toll-free
- Visit: [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices)
- Email: [ESgeneral@Lni.wa.gov](mailto:ESgeneral@Lni.wa.gov)

### **8.3.8 USE OF OTHER LEAVE FOR SICK LEAVE PURPOSES** WASHINGTON FAMILY CARE ACT

Consistent with the Washington Family Care Act, employees may use their choice of any accrued paid leave that they have available for their own use in order to care for covered family members as defined below. This policy reflects requirements for all employees under state law, and therefore applies to represented and non-represented employees alike.

An employee may use available paid leaves to care for his/her child where the child (including biological, adopted, foster, stepchild, legal ward, or a child of a person standing in for a parent) for the following reasons:

- To care for a child with a health condition that requires treatment or supervision.
- To care for a child 18 years and older who is incapable of self-care due to a mental or physical disability. The disability does not need to be chronic to qualify.
- To obtain necessary preventative care for the covered child.

An employee may use their choice of available paid leaves when a spouse, registered domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition" demanding immediate action and meets at least one of the following criteria:

- Requiring an overnight stay in a hospital or other medical care facility.
- Resulting in a period of incapacity or treatment or recovery following inpatient care.
- Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities.

Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as is required for certain kinds of leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The Washington Family Care Act is subject to the City's sick leave policy requirement for providing verification as outlined in the verification section of the sick leave policy.

Employees who exhaust all accrued sick leave, other available leaves (such as vacation, comp time, etc.) and who do not qualify for or have also exhausted other protected leaves and require additional time off work due to illness or injury may, with their department head's prior approval, request a leave of absence without pay. (See Leave Without Pay Policy)

### **8.3.9 ANNUAL SICK LEAVE PAYOUT PLAN**

Employees may annually convert sick leave accrued in excess of eight hundred (800) hours to a cash payment. Conversion will be made at the rate of three hours of sick leave to one hour of compensation. Each hour will be paid at the employee's then current rate of pay, up to a maximum of \$1000 per year.

### **8.3.10 EXEMPT EMPLOYEES SICK LEAVE CONVERSION PLAN**

Employees who are exempt from the Washington State Minimum Wage Act are not subject to the restrictions of the Washington paid sick leave law, which prohibits programs which disincentivize employees' use of sick leave in any one calendar year. Due to this, the following conversion plan applies only to employees classified as "Exempt".

Exempt employees, who maintain a good attendance record, shall be eligible for the following Sick Leave Conversion Plan.

Sick Leave Hours Used during the Calendar Year	Hours of Vacation Leave Earned
0	24
8	16
16	8
24+	0

Incentive leave will be added to the employee's maximum vacation accrual, however earned leave must be used in the year following the year in which the sick leave was earned. Sick leave used due to Workers Compensation illness or injury, FMLA, or other protected leaves will not be counted. The hours earned and used will be pro-rated to the nearest full hour. Employees must be employed for a full calendar year to be eligible for this benefit.

### **8.3.11 SICK LEAVE CASH-OUT AT SEPARATION**

Upon honorable termination, unused sick leave shall be paid to non-represented employees at their then current regular rate of pay, not to exceed a total of four hundred (400) hours. In the event of the death of an employee, any payout of sick leave which the employee would have received per policy, will be paid to the surviving spouse or to the estate of the decedent if there is no surviving spouse. Honorable termination means resignation with at least two (2) weeks' notice or lay-off due to lack of work that is anticipated to last longer than one (1) year and shall not include discharge from service for cause. In the event that further conflicting terms are established by the provisions of collective bargaining agreements, such provisions shall control such payments to represented employees in accordance with their respective bargaining agreements.

### **8.3.12 REINSTATEMENT OF SICK LEAVE**

Employees who are re-hired within twelve (12) months of their separation date will have their previous sick leave balance reinstated up to the maximum carryover limit. Any sick leave that was paid out at termination under City Ordinance and/or according to any applicable collective bargaining agreement, is not eligible for reinstatement so long as the value of the paid sick leave was paid at a rate that was at least equal to the employee's normal hourly compensation or salary as defined by WAC 296-128-690. Upon rehire, employees will be notified of their available balance of accrued, unused sick leave.

## **8.4 FITNESS FOR DUTY**

Whenever a supervisor has reasonable belief that an employee may not be able to perform all of his or her assigned job duties, the supervisor may require the employee to submit to a Fitness for Duty evaluation by a qualified professional and/or medical provider. The Fitness for Duty

evaluation with be at the City's expense. Any employee, who is absent from work because of illness or injury for six (6) months, may be required by the City to submit to a fitness for duty examination by a City physician to determine if he or she can return to work or if he or she is capable of performing the essential duties of their position.

### **8.5 LEAVE WITHOUT PAY**

The Mayor may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as a prolonged illness, parenting, caring for an ill relative, or pursuing an education. Employees who are on an approved leave of absence may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military or public service or when the employment has been approved by the organization under its outside employment and conflicts of interest policy (10.2) and the employee's reason for leave does not conflict with the outside employment. Any leave without pay requests should be forwarded to the Department Director for approval by the Mayor.

Employees do not accrue benefits or DRS service credits during a leave without pay, nor does the City pay for any other benefits, unless specifically stated elsewhere in City Policy or the applicable collective bargaining agreement.

### **8.6 JURY AND WITNESS DUTY**

The City provides all regular employees time off with pay for jury duty service up to a maximum of one month each time they are called for jury service. If jury duty extends beyond one month in any one instance the additional leave will be unpaid. Payment provided by the courts during periods of paid jury duty must promptly be paid over to the City, excluding expense reimbursements, such as mileage and parking fees. Employees must provide their supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, employees are required to provide their supervisor with proof of jury service and submit a copy of these documents along with their jury duty fees check to the City (including receipts for parking expenses to be reimbursed to the employee).

All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless the employee is a witness in a case involving the City. For exempt salaried employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit. Additionally, payment provided by the courts (or other parties to a lawsuit) during periods when employees are being called as witnesses for the City must be paid over to the City, excluding expense reimbursements, such as mileage and parking fees. Employees must provide their supervisor with a copy of the subpoena as soon as possible after receiving it and submit a copy of these documents along with their witness fee check(s) to the City (including receipts for parking expenses to be reimbursed to the employee).

### **8.7 ADMINISTRATIVE LEAVE**

On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the City (as determined by the Mayor) during a pending investigation or other administrative proceeding.

## **8.8 MILITARY LEAVE**

Employees receive paid military leave of up to 21 working days per year beginning October 1 and ending the following September 30. This military service includes annual Reserve and National Guard training. Employees are required to provide their supervisor with copies of their military orders before the leave begins. Military leave in excess of this paid leave entitlement will be unpaid, provided that employees may use accrued vacation or compensatory time off during such military leave. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

**INVOLUNTARY MILITARY SERVICE:** City employees, who are involuntarily called into active duty for an indefinite period of time, are entitled to receive the following benefits, commencing on the first day the employee reports for active duty and continuing for the periods specified below or until the employee's discharge from active duty, whichever occurs first:

- For sixty (60) calendar days – the difference, if any, between the employee's regular City salary and the monetary compensation paid to the employee for the employee's military service, inclusive of housing and food allowances and other similar expenses; and
- For ninety (90) calendar days or three months – the insurance premiums for the employee's dependents, as previously covered by the insurance, shall be paid by the City; and
- Shared Leave as donated by other City employees.

Employees, who have been called to active duty and who apply for the above benefits, must agree in writing to return to work with the City. Failure to return to work with the City upon completion of the military duty will be cause for reimbursement of the compensation and benefits paid under this paragraph in order to be entitled to this benefit.

## **8.9 WASHINGTON MILITARY LEAVE FOR SPOUSES AND DOMESTIC PARTNERS**

During times of military conflict declared by the President or Congress, an employee may be eligible for unpaid leave if his or her spouse or registered domestic partner is a member of the armed forces, National Guard or Reserves. An employee is eligible so long as he or she works an average of twenty (20) or more hours a week.

An eligible employee may take up to fifteen (15) days of unpaid leave upon being notified of an impending call to duty, order to active duty, and before the deployment or when the military spouse/registered domestic partner is on leave from deployment. While leave is unpaid, the employee may elect to use paid sick, vacation, or other accrued paid time off while on leave.

An employee must provide Human Resources with notice of his or her intent to take leave within five (5) business days of receiving official notice that the employee's spouse or registered domestic partner will be on a leave from deployment, or (b) official notice of an impending call to active duty.

Upon returning from leave, the employee is entitled to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment at a workplace within twenty miles of the employee's workplace when leave commenced.

## **8.10 FAMILY MEDICAL LEAVE**

The City complies with the federal Family and Medical Leave Act of 1993 (FMLA) as amended, and all applicable state laws related to family and medical leave, including but not limited to the Washington Family Leave Act (WFLA) and the Washington Pregnancy Disability Regulations

(MDR). This means that, in cases where the law grants an employee more leave than the City's leave policies provide, the employee will be given the leave required by law. The FMLA and WFLA, which usually run concurrently, provide up to 12 weeks of unpaid, job-protected leave every 12 months to eligible male and female employees for certain family and medical reasons. To be eligible for FMLA employees must have worked for the City for at least one year and for 1,250 hours over the previous 12 months, and must not have exhausted their FMLA leave entitlement during the previous rolling 12-month period.

Unpaid FMLA/WFLA leave is granted for any of the following reasons:

- To care for a child after birth or placement for adoption or foster care.
- To care for a spouse, registered domestic partner, son, daughter or parent who has a serious health condition.
- For a serious health condition that makes the employee unable to perform the essential functions of their job.
- Any qualifying exigency as defined by the Secretary of Labor, arising when the employee's spouse, registered domestic partner, child, or parent is called to active military duty or is on active duty. Qualifying exigencies are generally activities related to the active foreign duty or call to foreign duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- To care for an employee's family member who is a covered service member with a serious injury or illness.

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
- A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- A period of incapacity due to pregnancy or for prenatal care;
- A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g. chemotherapy for cancer or dialysis for kidney disease).

Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement. Under some circumstances FMLA leave may be taken intermittently -- which means taking leave in blocks of time or on a reduced leave schedule--by reducing the normal weekly or daily work schedule. FMLA leave may be taken intermittently if medically necessary because of a serious health condition or for a qualifying military exigency. If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the City's approval.

**The City requires employees to use accrued paid sick leave during FMLA leave in circumstances where the City's policy or state law permits the use of sick leave.** If the employee has any sick leave available that may be used for the kind of FMLA leave they are taking, it is the City's policy that the employee must use that paid sick leave, beginning with the first day, as part of the FMLA leave. Employees may use their vacation leave under FMLA at their option to remain in a paid status after first using their sick leave as required by City policy. If sick leave is used for a purpose for which FMLA leave would be available, it is the City's policy to designate the employee's sick leave as counting against their FMLA leave allowance. The employee is required to notify the City if they use sick leave for a reason covered by the FMLA so that the City may properly account for the leave. Please contact the Human Resources Office for any questions about FMLA

The City requires that employees provide advance leave notice, with medical certification, of the need for a leave related to a health condition, and with medical certification of their fitness to return to duty after medical leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met. Employees must give the City at least 30 days' advance notice of their request for leave if the reason for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment. If 30 days' notice is not practicable, employees must give the City notice as soon as practicable, usually within one or two business days of when the need for leave becomes known to the employee. If 30 days' advance notice is not given, and if the need for the leave and the approximate date of the leave were clearly foreseeable by the employee, the City may deny the request for leave until at least 30 days after the date notice is given.

The City requires that employees provide a medical certification to support a request for leave because of a serious health condition (their own or their child's, spouse's, registered domestic partner's, or parent's) whenever the leave is expected to extend beyond five consecutive working days or will involve intermittent or part-time leave. The City may require second or third opinions at its option with such expense covered by the City. Employees are also required to provide a medical certification of their fitness for duty to return to work after a medical leave that extends beyond 10 consecutive working days, that involves a mental disability or substance abuse, or where the medical condition and the job are such that the City believes the employee may present a serious risk of injury to themselves or others if they are not fit to return to work. If an employee takes leave for more than two weeks, they will be required to report to their supervisor at least every two weeks on their status and intent to return to work.

The City can place an employee on Family Medical Leave at any time sufficient evidence exists of a qualifying event. The employee will be notified in writing of this decision.

If the employee is covered by the City's group health plan (medical, dental or vision), their health insurance benefits continue to be paid during FMLA leave on the same basis as during regular employment. But if the employee doesn't return to work after the leave, they will be required to

pay the City back for its portion of the insurance premiums unless the failure to return was beyond the employee's control. If the employee is covered by other insurance plans through the City, such as life or disability insurance, those coverages will continue during paid leave on the same basis as during regular employment. If the employee takes unpaid FMLA leave, they will be responsible during the leave for the premiums normally paid plus the premiums the City normally pays on the employee's behalf. If the employee doesn't pay these premiums, the City may choose to pay them on their behalf, to keep their coverage from lapsing, but the employee will be responsible for repaying the City whether or not they return to work.

If both an employee and their spouse work for the City and leave for the birth, adoption or foster care placement of a child, to care for a new child, or to care for a sick parent is requested, the total annual FMLA leave available to both employees combined for those purposes is 12 weeks. Leave for the birth or for placement for adoption or foster care must be completed within 12 months of the child's birth or placement.

FMLA leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the "12-month" period is a rolling 12-month period measured backwards from the date FMLA leave started.

#### CAREGIVER LEAVE FOR AN INJURED SERVICEMEMBER

Per FMLA, eligible employees may receive up to 26 weeks of unpaid leave in a 12-month period to care for an injured or ill military service personnel:

- Who is the employee's spouse, registered domestic partner, parent, child, or next of kin; and
- Who is a current member of the armed forces, including National Guard and Reserves; with a serious injury or illness incurred or aggravated in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list; or
- Who is a veteran who was a member of the armed forces any time during the five years preceding his/her need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty..

The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year. Spouses who are both employed by the City and who are eligible for FMLA leave may be limited to a combined total of 26 workweeks of leave during the single 12-month period if leave is taken for military caregiver leave, and leave for the birth or placement of a child, to care for the child after birth or placement, or to care for a parent with a serious health condition.

#### QUALIFYING EXIGENCY RELATING TO A CALL TO COVERED ACTIVE DUTY.

Under the FMLA, leave is available for certain qualifying military exigencies, as described below. The City may require certification of a qualifying exigency, which requires the following:

- The eligible employee must be the spouse, son, daughter, or parent of a covered service member. The son or daughter may be of any age.
- The service member must be in covered active duty. “Covered active duty” means the service member must be a current member of the Regular Armed Forces or a member of the National Guard or Reserve (Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve), or be a retired member of the Regular Armed Forces or Reserve who is called to active duty. A call to covered active duty refers to a Federal call to active duty, and the active duty must involve deployment to a foreign country.
- The leave must be needed for a non-medical qualifying exigency which arises out of the service member being on covered active duty or having been notified of an impending call or order to covered active duty. Qualifying exigencies include:
  - Short-notice deployment
    - Eligible employee may take up to seven calendar days’ leave if the military member receives seven or less days’ notice of a call to covered active duty.
  - Military events and related activities (before and during deployment)
  - Certain temporary childcare arrangements on an urgent, immediate need basis (but not on a routine, regular, or everyday basis), or to attend meetings with staff at a school or daycare facility
  - Financial and legal arrangements to address the service member’s absence
  - Counseling by a non-medical counselor (such as a member of the clergy)
  - Rest and recuperation
    - Eligible employee may take up to fifteen days’ leave for each instance when the military member is on temporary rest and recuperation leave.
  - Post-deployment military activities
  - Additional activities agreed to by the Company and the employee relating to the service member’s call to covered active duty

### **8.11 PREGNANCY DISABILITY LEAVE**

The City provides pregnancy disability leave to all female employees for the period of actual disability associated with pregnancy and childbirth. Pregnancy disability leave is for the period of disability that is determined to be medically necessary, and not for child rearing after the disability ends. Pregnancy disability leave is treated the same as leave for any other short-term disability. Like any other medical leave, the City may require medical certification to support a request for leave.

A female employee who has taken a leave of absence only for the period of her disability relating to pregnancy or childbirth will generally be permitted to return to the same job, or a similar job of at least the same pay, except in cases of business necessity.

If eligible for FMLA, the pregnancy disability leave runs concurrent (at the same time) with the FMLA and does not extend the 12 weeks of leave allowed under federal law.

Pregnancy disability leave runs consecutive (one begins after the other ends) with the WFLA and does not extend the 12 weeks of leave allowed under state law for the duration of the physical disability. Thus, a pregnant employee with no complications in the pregnancy and childbirth is likely entitled to 18-20 weeks of leave (six to eight weeks of physical disability leave, plus 12 weeks of leave under the WFLA). Unpaid pregnancy disability leave is without employer-paid benefits unless the leave is also covered by FMLA, although the employee may utilize accrued leave to remain in a fully paid status.

### **8.12 BEREAVEMENT LEAVE**

The City provides regular employees with paid leave for up to three (3) days in the event of the death of a member of the employee's immediate family. Immediate family is defined as the spouse, registered domestic partner, children, stepchildren, mother/father, mother-in-law/father-in-law, step parent, brothers, sisters, brother-in-law/sister-in-law and grandparents. If the death occurs out of area and involves travel; up to three additional days may be granted off provided the additional time is charged to the employee's accrued sick leave.

### **8.13 DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING LEAVE**

In accordance with the Washington State Domestic Violence Leave Law, 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 floating 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 the leave as possible. Leave requests must be supported with one or more of the following:

- A police report;
- A court order of protection;
- Documentation supporting a court appearance;
- Documentation from a healthcare provider, domestic violence advocate, attorney, or clergy;  
or
- 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 Human Resources Office no later than the end of the first day that the employee takes leave.

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.

#### **8.14 SHARED LEAVE**

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

Both accrued sick and vacation leave may be donated for a Shared Leave, which is based on a catastrophic level of illness or injury. Catastrophic illnesses or injuries are those which are potentially career-ending or life-threatening. All donated vacation leave hours must be used prior to any use of donated sick leave hours. However, only vacation leave hours can be donated for a shared leave request, where the need arises from a non-catastrophic level of illness or injury.

Immediate family is defined as spouse, registered domestic partner, son, daughter, mother, father, and in-laws of the same degree.

To be eligible to donate leave, the employee must have at least ten (10) days of accrued leave before he/she is eligible to donate leave hours. In no event shall a leave transfer result in the donor employee reducing his/her vacation leave and/or sick leave balance to less than ten (10) days. Transfer of leave will be in increments of one day of leave. All donations of leave are strictly voluntary.

The employee receiving donated leave shall have exhausted all his/her accumulated vacation, sick leave, holiday, compensatory time, or any other paid leave. Employees on L&I injuries are not eligible for shared leave if they are receiving time loss or LEP checks.

While an employee is using shared leave, he or she will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.

The maximum duration of a shared leave is limited to no more than six (6) continuous months or six (6) months in a five year period and cannot be used to extend the absence beyond the post leave time prescribed by law, labor agreement, or City policy.

## 8.15 HOLIDAYS

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

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

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday. For employees, who are working an alternative work schedule, an alternative eight (8) hour period of time off for the holiday will be granted. Employees, who are represented by a Union, will be paid for the holiday in accordance with their collective bargaining agreement. Hourly employees will be paid at their regular straight-time rate for hours worked on a holiday.

Each employee who, because of the nature of his/her service, serves on a holiday, shall be compensated in accordance with the following provisions:

- Employees classified as nonexempt shall, at his/her option, be compensated for work on that holiday either by payment for such work at the overtime rate of pay or, may at his/her election receive an equivalent amount of compensatory time off at a date convenient to the City. Such day away from service shall be set at a date mutually agreed upon, but shall be set within 12 months of the holiday served. Such rate of pay shall not be pyramided in the event that any hours worked are subject to the overtime provisions of the Fair Labor Standards Act or the Washington Minimum Wage Act.
- Exempt employees shall be permitted one full day away from service with full pay on a day which he/she would otherwise have served. Such day off shall be scheduled at a date mutually agreed upon within the same calendar year in which the holiday occurred.
- If any of the legal holidays set forth in this section are also federal legal holidays but observed on different dates, only the holiday occurring on the date specified in this policy shall be recognized as a paid legal holiday. In no case shall both be recognized as paid legal holidays for employees.

In order to be eligible for holiday pay for the above recognized holidays, employees must be in a paid status the day preceding and the day following the holiday, unless otherwise stated in an applicable collective bargaining agreement.

## 8.16 RELIGIOUS HOLIDAYS

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

## **8.17 UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE**

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

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would 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. The City will also consider the following factors, on a case by case basis, in determining whether granting the request would cause an undue hardship:

- (1) The number, composition, and structure of staff employed by the City or in the requesting employee's department.
- (2) The financial resources of the City or the requesting employee's department.
- (3) The number of employees requesting leave for each day subject to such a request.
- (4) The financial impact on the City or requesting employee's department resulting from the employee's absence and whether that impact is greater than a de minimis cost to the City in relation to the size of the City or requesting employee's department.
- (5) Impact on the City, the requesting employee's department or public safety.
- (6) Type of operations of the City or requesting employee's department.
- (7) Geographic location of the employee or geographic separation of the particular program to the operations of the City.
- (8) Nature of the employee's work.
- (9) Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.
- (10) Any other impact on the City's operation or requesting employee's program due to the employee's absence.

If possible, an employee should submit a written request for an unpaid holiday to the employee's department head a minimum of two (2) weeks prior to the requested day off. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's department head. The employee's department head shall coordinate with Human Resources to evaluate requests by considering the desires of the employee, 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 rule of the Office of Financial Management and any of the above noted factors.

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

**8.18 BENEFITS FOR PART TIME AND HOURLY EMPLOYEES**

Unless noted otherwise in these policies, benefits for regular part-time employees are pro-rated based upon the number of regular hours worked. Hourly employees are not normally granted leave benefits, unless otherwise specified in an individual employment agreement.

**8.19 PAYMENT FOR ACCRUED LEAVES**

Leave must be accrued before it can be taken off for pay. Pay cannot be advanced for leave which has not yet been accrued.

**8.20 MANAGEMENT LEAVE**

To be more competitive in the market place, the City will provide non-represented employees who are ineligible for compensatory time with 24 hours of Management Leave annually. Management Leave will have no cash-out value and will not be carried over at the end of the calendar year.

## CHAPTER IX

### TRAVEL & MEAL EXPENSES

#### 9.0 VALUE STATEMENT

It is the City's policy to pay for reasonable and necessary expenses relating to authorized City business for travel, meals, lodging, and related accommodations. Eligible expenses, with the exception of meals, shall be reimbursed on an actual expense basis only and must be accompanied by invoices and/or receipts showing proof of payment. All persons are to use good judgment and discretion, limiting expenses with the best interests of the City foremost in mind. Excessive or unnecessary expenses will not be approved or reimbursed.

#### 9.1 AUTHORIZATION

All requests for travel out of area shall be submitted on an AUTHORIZATION TO TRAVEL and ATTEND TRAINING FORM. The request must be approved by the Department Director in advance of the travel or expenditure. All anticipated expenses, either known or estimated, should be listed on the authorization.

#### 9.2 ACCOMMODATIONS

Accommodations, including transportation, lodging, and registrations, shall normally be arranged in advance by the designated staff person and billed directly to the City or placed on the Department's credit card. Accommodations shall be made at the lowest reasonable rate available, such as coach fare for air transportation and single occupancy government rate for lodging.

#### 9.3 MEALS

The City's per diem expense for meals will be in conformance with the State of Washington Office of Financial Management guidelines. Receipts are not required unless additional reimbursement is requested. Per diem for meals will be paid a) when the meal is part of a scheduled conference or business meeting and attendance is required, b) for all out of area travel, which includes an overnight stay. Per diem shall also be paid when travel time to and from the destination exceeds the normal workday by three or more hours. Travel time is measured from the employee's workplace to his or her destination. Expenses not approved for reimbursement includes but is not limited to; alcoholic beverages, expenses for family or guests, entertainment, and meals provided as part of the registration costs.

#### 9.4 USE OF PRIVATE VEHICLES

City employees on official business may use private cars when a City vehicle is not available. Employees, who are operating private cars while on City business, must have in their possession a valid operator's license and be insured to the State's minimum liability standards. Employees will be reimbursed at the mileage rate set annually by the Federal IRS. The mileage rate includes all costs associated with the City's use of the private car. Reimbursement to employees, who wish to use their private car in lieu of air transportation, may not exceed the amount, which would have been paid for appropriate airfare. In the event of an accident, the employee's insurance will be primary accident coverage. The Mayor, members of the city council, boards and commissions shall not be reimbursed for mileage expenses incurred within the city limits of Edmonds. Daily commute transportation expenses between the employee's official residence and official station is a personal obligation of the employee and is not reimbursable by the city. All other miles driven on official City business are reimbursable. Employees may be reimbursed for miles driven

between their official station or official residence and temporary duty station, whichever is shortest.

#### **9.5 USE OF CITY VEHICLES**

While operating City of Edmonds vehicles, all employees must have a valid Washington State Driver's License in their possession at all times. Employees who operate a City vehicle shall immediately notify their Department Director any time the employee's driver's license becomes suspended, revoked, or is any way not valid or current, for any reason. Employees shall not resume operation of any City vehicle until a valid, current driver's license is presented to their Department Director.

## CHAPTER X

### EMPLOYEE RESPONSIBILITIES AND CODE OF ETHICS

#### 10.1 GENERAL CODE OF CONDUCT

The City's primary function is to provide service to the citizens of Edmonds. To achieve that goal, all employees are expected to treat the public as their most valued customer. All employees are expected to serve the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.

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

- All persons, representing the City of Edmonds, shall conduct business in a professional manner, respecting all citizens' rights, and showing courtesy to all.
- Their actions shall be conducted within compliance of the laws and regulations governing the City's actions, including but not limited to RCW Title 42.
- City representatives are expected to conduct business in an open manner.
- They shall not engage in any conduct which would reflect unfavorably upon City government or any of the services it provides.
- They must avoid any action which might result in or create the impression of using their position for private gain, giving preferential treatment or privileged information to any person, or losing impartiality in conducting the City's business.

#### 10.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

- (1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) is conducted during the employee's work hours;

- (3) utilizes City telephones, computers, supplies, credit, or any other resources, facilities or equipment;
- (4) is employed with a firm which has contracts with or does business with the City; or
- (5) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

### **10.3 REPORTING IMPROPER GOVERNMENT ACTION**

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

#### Key Definitions:

Improper Governmental Action is any action by a city officer or employee that is:

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

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

- Bring the matter to the attention of his/her supervisor, if non-involved, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- Where the employee believes the improper action involves their supervisor, the employee may raise the issue directly with Human Resources, their Department Director or the Mayor. Where the employee believes the improper action involves the Mayor, the employee may raise the issue with Human Resources or the City Attorney.
- The Mayor or his/her designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action. For the purposes of this section, an emergency is a circumstance that if not immediately changed may cause damage to persons or property.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper government action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur. Outside agencies to which reports may be directed include:

Snohomish County Prosecuting Attorney  
M/S 504  
Everett, WA 98201  
(425)388-3333

Washington State Auditor  
Capital Campus  
P.O. Box 40021  
Olympia, WA 98504  
(360)902-0370

Washington State Attorney General  
1125 Washington Street SE  
P.O. Box 40100  
Olympia, WA 98504  
(360)753-6200

If the above-listed agencies do not appear to appropriate in light of the nature of the improper action to be reported, contact information for other state and county agencies may be obtained via the following link: <http://access.wa.gov/agency/agency.aspx>. It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Retaliatory Action is any material adverse change in the terms and conditions of an employee's employment. Employees who believe they have been retaliated against for reporting an improper government action should follow this procedure:

Procedure for Seeking Relief against Retaliation:

- (1) Employees must provide a written complaint to the supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor. If the Mayor is involved, the notice should go to the City Attorney. The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) The Mayor or his/her designee, as the case may be, shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge. Additional time to respond may be necessary depending on the nature and complexity of the complaint.
- (3) After receiving the City's response, the employee may request a hearing before a state administrative law judges (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the Mayor for response.

- (4) Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge.

Office of Administrative Hearings  
PO Box 42488  
Olympia, WA 98504-2488  
360.407.2700  
800.558.4857  
360.664.8721 Fax

- (5) At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

The Mayor or designee is responsible for implementing these policies and procedures. This includes posting the policy on the City bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

#### **10.4 POLITICAL ACTIVITIES**

City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities without a paid rental agreement.

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

Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment rights.

#### **10.5 NO SMOKING POLICY**

The City maintains a smoke-free workplace. No smoking of tobacco products or electronic smoking devices is permitted anywhere in the City's buildings or vehicles, and offices or other facilities rented or leased by the City. If an employee chooses to smoke, it must be done outside at least 25 feet from entrances, exits, windows that open, and ventilation air intakes.

#### **10.6 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS**

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 expectation of privacy as to any items or information 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. The City reserves the right to search employee desks, lockers and personal belongings brought onto City premises if necessary. Employees who do not consent to inspections may be subject to discipline, up to and including immediate termination.

**Use of Personal Electronic Devices for City Business:** City employees are strongly discouraged from using their own personal electronic devices to conduct City business. This includes, but is not limited to: desktop computers, laptops, tablets, flash drives, portable hard drives and mobile phones. If you violate this policy and use a personal device to conduct City business, you may be required to produce, your device and/or phone records or other appropriate records to respond appropriately to requests under the Public Records Act, RCW 42.56.

You are also prohibited from storing City information, records, data, emails, reports or any other writings pertaining to City business on personal devices. All records must reside on the City network. If you are unclear on this policy language, please see the Public Disclosure and Records Management Specialist.

**Use of Personal Mobile Devices in the Workplace:** While at work, employees are expected to exercise the same discretion in using personal cellular phones and other mobile devices as is expected for the use of City-owned phones. Personal calls during the work day, regardless of the phone used, as well as personal use of other personal electronic devices, can interfere with employee productivity and be distracting to others. Employees are encouraged to make personal calls and use personal electronic devices on non-work time where possible, and to ensure that friends and family members are aware of this policy.

This policy does not apply to the police department employees following department policy.

### **10.7 ELECTRONIC AND TELEPHONIC COMMUNICATIONS OUTSIDE OF REGULARLY SCHEDULED WORK HOURS**

Non-supervisory employees are not expected to access City e-mails accounts or City voice mail accounts outside of their regularly scheduled hours of work.

This policy does not apply to the police department employees following department policy, to emergency situations, employees on call back, call out and stand-by or when the employee's supervisor has directed the employee to monitor e-mail or voice mail.

Please see Appendix A - INFORMATION SERVICES - ACCEPTABLE USE POLICY - for guidelines on use of City computers.

### **10.8 USE OF TELEPHONES AND CITY VEHICLES**

Use of City phones and City cellular phones for local personal phone calls and text messaging should be kept to a minimum; long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for City business only, unless otherwise approved by the Department Director. Employees' misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action up to and including termination. The City

reminds employees that Washington state law restricts the use of cell phones and PDA's while driving. Employees must comply with applicable laws while engaging in work for the City.

#### **10.9 BULLETIN BOARDS**

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

#### **10.10 MEDIA RELATIONS**

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

#### **10.11 USE OF SAFETY BELTS**

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

#### **10.12 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 and/or a Commercial Driver's License (CDL). If an employee fails his or her CDL physical examination or the license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her department head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department head. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, up to and including termination. Failure on the part of an employee to notify their department director of the revocation, suspension, or loss of driving privileges may subject the employee to disciplinary action, up to and including termination.

#### **10.13 SOLICITATIONS**

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of City or employee property. The following limitations apply:

Persons not employed by the City may not solicit, survey, petition, or distribute literature on our premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. Exceptions to this rule may be made in special circumstances where the City determines that an exception would serve the best interests of the organization and our employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.

Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas, or through the City's electronic systems. The employee lunchroom is considered a non-work area under this policy.

#### **10.14 USE OF CITY CREDIT**

Unless otherwise authorized by City policy or specifically authorized by the Mayor, no City employee is authorized to commit the City to any contractual agreement, especially an agreement that lends the City's credit in any way. Employees are prohibited from conducting personal business with companies in any way which improperly implies the employee is acting as an agent of the City.

#### **10.15 GIFTS**

City employees may not receive, accept, take, seek, or solicit, directly or indirectly, anything of economic value as a gift, gratuity, or favor from a person if it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

Additionally, City employees may not accept gifts, other than those specified in RCW 42.52.150, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars (\$50.00). For purposes of this section, "single source" means any person, as defined in RCW 42.52.010, whether acting directly or through any agent or other intermediary. "Single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

#### **10.16 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. Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to helping employees who voluntarily seek assistance to overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the City's benefit program. Please see the EAP counselor for more information. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employers who seek advice or treatment will not be subject to retaliation or discrimination.

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 for violating the Drug Free Workplace Policy that is attached in Appendix C.

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.

Pursuant to the Drug Free Workplace Policy, any employee who is convicted of a criminal drug violation in the workplace must notify his or her supervisor in writing within five calendar days of the conviction. The City will take appropriate action within 30 days of notification. Federal contracting agencies will be notified when appropriate.

Testing: Certain employees of the City, including those who must possess CDL's or who have safety sensitive positions, are subject to random drug and alcohol testing. Any employee may also be required to submit to alcohol or controlled substance testing when the City has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination. The City may also choose to pursue criminal charges, if violations of law are suspected.

The City has adopted Drug and Alcohol Testing Policies and Procedures, which more specifically describe the City's substance abuse policy, and these are incorporated herein by reference as Appendix B.

## CHAPTER XI

### DISCIPLINE AND TERMINATIONS

#### 11.1 VALUE STATEMENT

The City values the self-discipline which most employees exercise in performing their jobs. The City also believes that external discipline can also be positive, if it is honest, constructive, timely, and provided in the best interests of both the employee and the City. When teaching or discipline fails to correct an ongoing problem, progressive discipline will be used to provide sufficient opportunity for the employee to understand and correct it.

#### 11.2 ACTIONS SUBJECT TO DISCIPLINARY ACTION

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

- Misrepresentation or withholding of pertinent facts in securing employment.
- Unauthorized use or possession of the city facilities/property. Improper use of the Internet.
- Unauthorized use of position with the city for personal gain or advantage. Accepting unlawful gratuities or bribe
- Lying.
- Smoking in any unauthorized area or creating of fire hazards in any area.
- Employee appearance or dress which is inappropriate for the employee's work area, creates a potential safety hazard, violates common decency standards, or otherwise significantly distracts from the employee's job responsibilities.
- Personal telephone calls, both number and duration, should be held to a minimum. SCAN lines and FAX machines are available for City business only. Personal long distance calls must be placed through the City's central switchboard for billing purposes.
- Failure to report an occurrence causing damages to the city, customer, or public property. Failure to properly secure the city facilities or property.
- Loitering after completing day's work, which results in the disruption of the city's business or the work effort of other employees. Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the supervisor.
- Unauthorized operation or using machines, tools, or equipment to which the employee has not been specifically assigned.

- Unauthorized recording of another employee's time record. Both employees can be subject to disciplinary action.
- Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism, or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation.
- Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the city, members of the public, or our employees, on or off premises. Disorderly conduct, including fighting on the premises. Rudeness, discrimination, harassment, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.
- Intentional falsification of records/paperwork required in the transaction of the city business.
- Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work. Concealing defective work. Poor job performance.
- Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in injury to others or damage to property. Failure to wear required safety clothing and equipment.
- Failure to promptly report an on-the-job injury or accident involving City employees, equipment, property, or a visitor.
- Dishonesty or theft, including deliberate destruction, damage, or removal of the city's or other's property from the premises, or any job site.
- Possession, use, sale, or being under the influence of alcohol and controlled substances, as defined by the federal Controlled Substances Act, while on the city business (including standby duty). The only exception to this rule shall be for (a) an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance; (b) an employee carrying in his/her personal vehicle one or more unopened, factory or store sealed container(s) of alcohol; and (c) a law enforcement officer carrying in his/her city vehicle any alcohol and/or controlled substances that have been seized as evidence in a law enforcement action.
- Possession of explosives or weapons on the premises or at any job site.
- Conviction of a gross misdemeanor or felony.

### **11.3 DISCIPLINARY ACTIONS**

In the event that discipline is necessary, the following are examples of types of disciplinary actions that may be used for employees, by the Department Director (with the exception of terminations which are at the discretion of the Mayor). The level selected depends on the particular situation and severity of the offense:

**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.

**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.

**B. Suspension**

A suspension is time off with or without pay for disciplinary reasons. This form of discipline is administered as a result of a severe infraction of rules, standards, or for repeated lesser violations.

**C. 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 as a result 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

**D. Performance Improvement Plan/Last Chance Agreement.**

A Performance Improvement Plan may be used when an employee has violated rules and standards, or has demonstrated an inability to competently perform his/her assigned position, and the employee is given an additional period of time to demonstrate rule abiding and competent behavior.

A Performance Improvement Plan may not exceed six cumulative months. Leave days will not be included in this six month period. If the regular employee fails to correct performance or repeats the unacceptable conduct during the Performance Improvement Plan period, the employee may be discharged.

**E. Termination**

A termination is the involuntary separation of an employee from the City. This form of discipline is also administered as a result 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. Terminations are subject to approval by the Mayor.

The choice of what discipline to apply in any particular case is solely the City's decision. The City reserves the right to discipline employees up to and including termination without following any of the above examples of disciplinary actions in any particular order (unless otherwise specified in an applicable collective bargaining agreement) for single offenses if warranted depending on the severity of the offense.

For exempt employees, Washington State allows *unpaid* disciplinary suspension in increments of less than one week *only* for violations of safety rules of major significance. Unpaid disciplinary suspensions for non-major safety violations cannot be less than full-week increments.

**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. The City may place an employee on unpaid administrative leave if the circumstances warrant this action.

#### **11.4 PRE-DISCIPLINARY OR PRE-TERMINATION HEARING**

Consistent with the United States Supreme Court *Loudermill* decision, a pre-disciplinary hearing shall be conducted in the following manner before a disciplinary action is taken which results in a decrease or loss of pay and/or benefits, for represented employees. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a disciplinary decision is finalized.

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

Pre-disciplinary hearings will be presided over by the Department Director and a Human Resources representative and/or the City Attorney. The hearings are intended to be informal. The employee may show cause why he/she should not be disciplined. The employee may bring one person to the hearing as a representative.

Usually within ten (10) working days after the pre-disciplinary hearing, the Department Director or Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support the recommended disciplinary action. The Department Director or Mayor's decision may include whether to accept the disciplinary recommendation, to impose lesser discipline, or to impose no discipline. Written notice of the decision shall be supplied to the employee.

A longer review period may be required in more complex situations.

Probationary employees who have not completed their orientation period with the City will not be eligible for a pre-disciplinary or pre-termination hearing, and may be terminated from employment with the City at any time during their orientation period.

#### **11.5 LAYOFF**

The Mayor may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place.

In determining who is to be laid off, the Mayor reserves the right, within the budget parameters set by the Council, to determine the layoffs in a way which provides the best mix of skills and experience as needed to provide services by the City. Consideration will be given to the needs of the City, individual job classifications, individual job performance, and the qualifications required for the remaining jobs. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified within a one year period.

## **11.6 RESIGNATION**

As a professional courtesy and in consideration of staffing needs, an employee should provide two (2) weeks' notice of his/her resignation. The employee's department head may waive this time limit; however employees must be aware that by not providing written notice they may in many cases reduce their sick leave pay out amounts upon termination, under applicable collective bargaining agreements.

Once written notice of a resignation is submitted by the employee, the supervisor or Department Director will notify the Human Resources Office. Human Resources will contact the resigning employee to schedule an exit interview prior to the date of their resignation of employment. At the exit interview, the employee will be given information related to benefits and/or continuation of benefit options, and be expected to turn over any City issued property, including keys, ID badges and/or City credit cards. If any employee would also like to meet with the Mayor or Department Director to discuss their reasons for leaving employment with the City, they may do so at their option.

The City may request that the employee work the entire notice period, or may have the employee discontinue working earlier, with full pay and benefits through the duration of the notice period, at the City's sole discretion.

## CHAPTER XII

### RECOGNITION AND SUGGESTIONS

#### 12.1 VALUE STATEMENT

The City would like to show special recognition to employees who provide extraordinary achievement and contribution. To that end, the City encourages this through public recognition and reward.

#### 12.2 AWARDS/RECOGNITION

The City extends formal recognition each year for all regular employees whose work and dedication exceed expected standards. The formal recognition programs include the following:

1. Service Awards - Employees who have completed 10, 15, 20, 25, 30, 35 and 40 years of employment.
2. Employee of the Year - Employee who is selected by his or her peers as the individual who best exemplifies desirable qualities including service to the public, assistance to fellow workers, assumption of extra responsibilities, and/or dedication to the City and its goals.
3. Humanitarian of the Year - Employee who is selected by the Mayor as an individual who goes above and beyond the normal job duties as an exemplary worker and who best exemplifies desirable qualities including service to the public, assistance to fellow workers, assumption of extra responsibilities, and/or dedication to the City and its goals.
4. Service Awards Ceremonies- Expenditures for reasonable refreshments served at: (1) the Mayor's Annual City-wide Employee Awards Programs, including luncheon to recognize employees with 10, 15, 20, 25, 30, 35 and/or 40 years of service; (2) the Holiday Brunch, including brunch to recognize employees selected for service awards; 3) for service retirement recognition (Limited to one each per year) and (4) for employee retirement service events.

#### 12.3 SUGGESTIONS

It is the policy of the City to reward employees whose suggestions result in significant cost reductions, increased value of services, or greater efficiencies of time. Suggestion rewards are limited for creative/innovative changes, which are not performed within the scope of the employee's job description or for work already performed. The Mayor is authorized to pay awards based upon value of the suggestion. The Mayor may appoint a Suggestion Committee to review and investigate employee suggestions and make recommendations for an appropriate reward amount. Suggestion awards which exceed \$250 shall be approved by the City Council and awarded in a public meeting.

## CHAPTER XIII

### SAFETY

#### 13.1 VALUE STATEMENT

The City recognizes that every job is too important to allow it to be done in an unsafe manner. Performing a job unsafely and placing self and coworkers in jeopardy of accidental injury or damage to property is unacceptable behavior, and grounds for disciplinary action.

#### 13.2 GENERAL SAFETY

Every employee has the right to a safe working environment. Every employee is responsible for maintaining a safe work environment and following their Department's safety rules in compliance with the City's Accident Prevention Program (APP). Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her supervisor. The City will make every effort to remedy problems as quickly as possible.

#### 13.3 BLOODBORNE PATHOGENS

Since being exposed to a bloodborne pathogen may lead to sicknesses such as hepatitis, HIV, or malaria, and since the City wants to provide our employees with a safe and healthy work environment, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to bloodborne pathogens. Employees should familiarize themselves with the City's Exposure Control Plan and follow it at all times. Failure to comply with this Plan will result in discipline up to and including termination.

#### 13.4 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:

- Threatening injury or damage against a person or property.
- Fighting or threatening to fight with (physical harm- i.e., hitting, pushing, grabbing or aggressively charging) another person.
- Threatening to use or the possession, custody, storage, or control of a weapon (an instrument or device of any kind which may be used to inflict bodily harm or injury, or to establish fear simply due to its presence on the scene) on City premises including, but not limited to, buildings, offices, work areas, lounges, vehicles, parking lots, desks, cabinets, lockers, storage areas, and any other City owned property on which employees may work, unless the weapon is required to fulfill the employee's job duties, such as those of a police officer. Pepper spray and similar devices maintained for personal protection are permissible, provided that employees are responsible for ensuring that such devices are secure while at work.
- Abusing or injuring another person.
- Abusing or damaging property [city, personal or public].
- Using obscene or abusive language or gestures in a threatening manner [such as raised fists].
- Raising voices in a threatening manner.

Because of 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.

Employees should immediately report threats or incidents of workplace violence to their supervisor, Department Director, Human Resources, or the 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 are responsible for responding to and investigating potential or violent situations. Supervisors detecting situations where they believe an employee represents a workplace violence concern should contact their Department Director or to Human Resources 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.

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 personnel.

If an employee 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. The City will consider possible job modifications and the overall safety interests of the general workforce and the public when determining an appropriate course of action.

### **13.5 SAFETY COMMITTEES**

Each Department with employees that, because of job related duties are subjected to potentially hazardous conditions, shall have an Employee Safety Committee. The members of the Department Safety Committee shall be selected by their coworkers. They shall meet at least quarterly to review accidents and recommend corrective actions, investigate employee safety concerns and complaints, and recommend training and accident prevention programs. They shall keep minutes of their meetings.

There shall also be a City Safety Committee, which shall be composed of a representative from each Department Committee and a representative from Human Resources. They should meet quarterly, but no less than twice a year to review city wide safety issues and recommend corrective actions on unresolved safety problems. One designated member shall prepare minutes of their meetings, which will be maintained by the Human Resources Office.

### **13.6 ACCIDENTS**

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor, and complete the appropriate department accident report

form. In case of vehicle accident, call 911 and request Police assistance. Employees should render aid to injured persons at the scene of an accident to the extent they have been trained to assist. In the event of an accident involving injury or damage to property, the employee(s) involved shall complete a City Accident Report as soon as reasonably possible following the accident. The Supervisor shall investigate the accident and complete the Supervisor's Accident Report. Both reports shall be submitted to the Department Director and the Department Safety Committee. In the next City-wide Safety Committee meeting, the Committee shall review the reports and make recommendations for appropriate corrective actions. The Human Resources Office maintains accident Reports.

### **13.7 TRAINING**

At least one member of each crew working in the field is required to have a valid First Aid/CPR card. This requires recertification training every two years.

#### **SUPERVISORY TRAINING**

Every supervisor (within the first 12 months of appointment to their position) is required to have completed a comprehensive supervisory training program. All supervisors will attend refresher training on an as needed basis as determined by the Mayor.

### **13.8 ACCIDENT PREVENTION PROGRAM**

Each Department must have a formal, written Accident Prevention Program (APP) tailored to its particular operations and hazards. This program must include a safety orientation program and a safety bulletin board. The safety orientation must inform employees of the following: how and when to report injuries and unsafe conditions and practices, the use and care of required personal protection equipment, actions to take in emergencies including exit routes and locations of first aid facilities, and on-the-job safety practices.

Employees will also be provided the hazard communications guidelines supporting the Worker's Right to Know requirements, which provides instructional information on hazardous materials used in the workplace, proper labeling of chemicals used, and emergency procedures for the employee to use in the event of a hazardous exposure or spill. Workers will be provided with proper personal protective equipment while working with hazardous materials and are required to use such safety equipment. Each worksite must also have a designated Safety Bulletin Board for displaying safety bulletins, posters, accident statistic, and other safety educational materials.

Additionally, the Human Resources Office will maintain a comprehensive Accident Prevention Plan (APP) for the City. Compliance updates for the plan are to be provided regularly to Human Resources by each of the affected departments. APP training will be provided to their affected employees by their respective departments. All employees are expected to work safely and comply with work safety practices as outlined in the APP. Copies of safety meeting minutes and safety training records for all departments (with the exception of the Police Department, which maintains its own records) will be provided to Human Resources.

## CHAPTER XIV

### COMPLAINT PROCEDURES

#### 14.1 COMPLAINT PROCEDURES

The City recognizes that sometimes situations arise in which employees feel that they have not been treated fairly or in accordance with City policies. For this reason the City provides employees with procedures for resolving complaints.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor.

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee should attempt to resolve the problem with his/her department head. The complaint must be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee becomes aware of the circumstances. The department head will usually respond to the employee [in writing] within five (5) days after meeting with him/her, if possible.

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

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

The written complaint must be filed within ten (10) working days from receipt of the department head's response.

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

Certain employees may have more than one source of dispute resolution rights, i.e., the City's Civil Service rules, a collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

## **APPENDIX A**

### **Information Technology Acceptable Use Policy**

#### **1.0 Purpose**

This documents acceptable use of City of Edmonds Device and Systems Policy, and provides guidance for managing the use of electronic devices and systems by all departments, employees and users of City systems.

#### **2.0 Background**

The City of Edmonds provides employees with a variety of devices, and technology systems such as telephones, voice mail, computers, facsimile machines, instant messaging, electronic bulletin boards, electronic mail (email) systems, cellular phones, wireless devices, Internet access, and social media.

The City recognizes the importance of electronic devices and tools in accomplishing work in an efficient manner. Access to these systems provides rapid exchange of information that improves productivity. It is important, however, that these devices and systems be used in a manner which benefits the government and which is responsible to City taxpayers.

The goal of this policy is to ensure economical, effective, and efficient management of communication systems and to ensure that employees use these systems in a professional manner that reflects positively upon the City.

This policy establishes privileges and responsibilities for employees, and employees must agree to, and abide by this policy to utilize these systems.

#### **3.0 Scope**

This policy applies to all employees, contractors, consultants, temporary employees, vendors and any others that are provided access to City of Edmonds communication systems, including those workers associated with any third parties who access these systems. Throughout this document, the word "employee" will be used to collectively refer to all such individuals. This policy also applies to all communications and data systems owned by and/or administered by the City of Edmonds both on and off City property.

#### **4.0 Authority**

RCW 42.17 Public Disclosure  
RCW 40.14 Public Records  
RCW 42.56 Public Records Act

#### **5.0 Device & Systems Usage Policy**

The City of Edmonds provides access to the vast information resources available through communication devices and systems including, computers, servers, email, voice mail, bulletin boards, instant messaging, cell phones, telephones, wireless devices, tablets, and other telecommunications and information systems. These information resources are for use to help

employees work better, faster and smarter, and be well-informed about effective business practices.

The facilities to provide that access represent a considerable commitment of City resources. This usage policy is designed to help employees understand the City's expectations for the use of those resources.

First and foremost, the City's supplied devices, software, and systems, are provided at significant cost. That means that the City expects these systems to be used for City business-related purposes: to accomplish tasks, communicate with customers, suppliers, and associates, to research relevant topics and obtain useful business information. With rare exceptions, these systems are not to be used for private purposes. Employees should have no expectation of personal privacy in using them.

The City requires employees to conduct themselves honestly and appropriately in the use of the use of technology provided, and respect copyrights, software licensing rules, proprietary rights and prerogatives of others, just as in any other business dealings. To be absolutely clear on this point, all existing City policies apply to employees conducting business with these devices, software, and systems. This includes especially, but not exclusively, those that deal with intellectual property protection, misuse of City resources, harassment, including sexual harassment, information and data security, and confidentiality.

Unnecessary or unauthorized device and system usage costs money, and causes network and server congestion. It slows other users, takes away from work time, consumes supplies, and ties up printers and other shared resources. Unlawful devices or systems usage may also garner negative publicity for the City and expose Edmonds to significant legal liabilities.

Internet, postings, blogs, chat groups, social media, newsgroups, and email systems give each user an immense and unprecedented reach to propagate City messages and tell the City story. Because of that power the City must take special care to maintain the clarity, consistency and integrity of the City of Edmonds image and posture. Anything any one employee writes in the course of acting for the City on the communication systems can be interpreted as a formal representation of the City's position.

While the City's use of these devices and connections to systems offer many potential benefits, it can also open the door to significant risks to our data and systems if employees do not follow appropriate security discipline. As presented in greater detail, that may mean preventing machines with sensitive data or applications from connecting to a communication system entirely, or it may mean that certain users must be prevented from using certain communication systems or their features, for example remote file access or file transfers. The overriding principle is that security is to be a primary concern of every user. Employees can be held accountable for any breaches of security or confidentiality.

Certain terms in this policy should be understood expansively to include related concepts.

*Document* Covers any kind of file, or stream of data, that can be stored, printed, read, or viewed. This would include files for browsers, desktop applications, such as word processing or desk-top publishing, and specialized software programs databases, GIS, and their viewers.

*Graphics* Includes photographs, pictures, video, images, animations, movies, or drawings.

*Display* Includes monitors, flat-panel active or passive matrix displays, monochrome LCDs, projectors, televisions, handheld screens and virtual-reality tools.

*Audio* Includes any sounds, recordings and files containing sounds or voice.

All employees provided or granted device, software or systems access will be provided a copy of this policy or a “link” to the policy where it may be viewed and/or printed. Any questions concerning the policy should be directed to the employee’s supervisor.

If there is any portion of this policy that is not clearly understood by the employee, it is the employee’s responsibility to bring the question to the attention of their supervisor for clarification.

## **6.0 Detailed Policy Provisions**

### **1. Management and Administration**

1.1. The City of Edmonds has software and systems in place that can monitor and record all software and systems usage. Most systems such as electronic mail, facsimile transmissions, Internet traffic, and voice mail are technologies that create an electronic record. This is what separates these from other forms of communication such as a telephone conversation. An electronic record, like a paper record, is reproducible and therefore special care must be taken to avoid improper dissemination of protected or confidential information. Electronic records are subject to public disclosure laws to the same extent as are paper records. Electronic records may be inspected for audit or legitimate operational or management purposes. The City reserves the right to inspect any and all files stored in any areas of City systems in order to assure compliance with policy.

Electronic records are to be kept, maintained, released, withheld, and destroyed only in accordance with the Public Disclosure Act (RCW 42.17) and the law governing preservation and destruction of public records (RCW 40.14).

1.2. The City’s security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat newsgroup or email message, and each file transfer into and out of City systems, and other communications related information. The City reserves the right to monitor and record such uses at any time. No employee should have any expectation of personal privacy as to their communication systems usage or use of any software or hardware provided by the City. The City will review communication systems activity and analyze usage patterns, and may use this data to assure that City communication systems resources are devoted to maintaining the highest levels of productivity.

1.3. The creation or transmission of any kind of sexually explicit image or document on any City system is a violation of the City’s policy on sexual harassment (see Personnel Policies Section 2.4, Sexual Harassment Prohibited). Some images or documents do not apply to this policy, such as the legitimate needs of public safety agencies. In addition sexually explicit material may not be accessed, viewed, downloaded, archived, stored, distributed, edited or recorded using our network or communication systems. The City of

Edmonds uses independently supplied software and data to identify inappropriate or sexually-explicit material. The City may block access to all such sites of which the City becomes aware. If an employee is inadvertently connected to a site that contains sexually explicit or offensive material, the employee must disconnect from that site immediately, regardless of whether that site had been previously deemed acceptable by any screening or rating program.

- 1.4. The creation or transmission of derogatory, inflammatory or harassing messages or content (including, without limitation, derogatory, inflammatory or harassing remarks about an individual's race, age, gender, disability, religion, national origin, marital status, military or honorably discharged veteran status, sexual orientation, including gender expression or identity, genetic information or any other protected characteristic) is a violation both of this policy and of the City's Anti-Harassment Policy.
- 1.5. Use of City communication systems for solicitation of non-City business or for personal gain is prohibited.
- 1.6. The City of Edmonds communication systems and computing resources must not be used to violate the laws and regulations of the United States or any other nation or the laws and regulations of any county, city, province or other local jurisdiction in any material way. Use of any City resources for illegal activity is grounds for discipline, up to and including immediate dismissal and consistent with applicable law. The City will cooperate with legitimate law enforcement and regulatory agencies for logs, diaries and archives on employee activities.
- 1.7. Any software or files downloaded via the City's devices, software, or systems into the City's systems may be used only in ways that are consistent with their licenses or copyrights.
- 1.8. No employee may use City systems to knowingly download or distribute pirated software or data. Any file that is downloaded must be scanned for viruses before it is run or accessed.
- 1.9. No employee may use a City device, software, or its systems to deliberately propagate any viruses or other code harmful to City data or systems.
- 1.10. No employee may use City devices, software, or systems to knowingly disable or overload any computer system or network or to circumvent any security feature of the systems.
- 1.11. Each employee shall identify themselves honestly, accurately and completely (including City department and function where requested) when participating in authorized chats or newsgroups, or when setting up accounts on outside computer systems.
- 1.12. Only those employees or officials who are duly authorized to speak on behalf of the City to the media, to analysts or in public gatherings may speak/write in the name of the City to any electronic media, such as newsgroup, chat room, blog, or social media. Other employees may participate in electronic media in the course of business when authorized and relevant to their duties, and should be cautious to make it clear when

they are expressing an individual opinion as opposed to establishing or representing the City's position or policy on a matter. Where an individual participant is identified as an employee or agent of the City of Edmonds, the employee must refrain from political advocacy and must refrain from the unauthorized endorsement or appearance of endorsement by the City of any commercial product or service.

- 1.13. The City of Edmonds retains proprietary rights and the copyright to any material posted to any electronic media (including, without limitation, any social media, forum, newsgroup, chat room or World Wide Web) by any employee in the course of his or her duties with the City, unless otherwise provided by law.
- 1.14. Electronic transmission of protected or confidential City information is governed by the same rules and principles that govern paper transmittals. Protected or confidential City information may include, but is not limited to, certain financial data, personal data, certain proprietary information, security information, trade secrets, and any other material exempted from disclosure, or required to be held confidential by law and City policies and/or procedures. The unauthorized release of protected information - whether or not the release is inadvertent - may subject an employee to penalties or discipline under existing policies and procedures.
- 1.15. A wide variety of materials may be deemed offensive by colleagues, customers or business suppliers. Employees must be aware of this and not store, view, print or redistribute any document or graphic file that is not directly related to the user's job or City activities, or that is likely to be deemed offensive by a reasonable person. (Exception: Viewing of unsolicited material sent to the employee.)
- 1.16. Employees must understand that copyright, trademarks, libel, slander and public speech control laws of all jurisdictions in which the City conducts business apply to the City and its employees. Care must be taken so that the use of the communication systems does not inadvertently violate any laws which might be enforceable against the City.
  - 1.16.1. Employees with device and communication systems access may only download software for direct business use, and they must arrange to have such software properly licensed and/or registered with Information Services. Downloaded software if subject to a license must be used only under the terms of its license.
  - 1.16.2. Employees may not download entertainment software or games or play games with others over the communication systems.
  - 1.16.3. Employees may not download audio, images or videos unless there is an explicit business-related use for the material and such downloading does not violate any copyright or licensing requirements.
- 1.17. Employees may not upload any software licensed to the City or data owned or licensed by the City without explicit authorization from the manager responsible for the system, software or data.
  - 1.17.1. All software applications installed on any City owned device must be approved by the Information Technology Department prior to installation.

- 1.18. Applications, systems, hardware, tampering or procedures that bypass, circumnavigate or disable any process required to be undertaken in order for the City to remain in compliance with RCW 42.56 (Public Records Act) shall not be permitted.

## **2. Technical**

- 2.1. User identification (IDs) and passwords help maintain individual accountability for communication systems resource usage. However, the issuance of ID's and passwords is not intended to create any personal privacy rights. Any employee who obtains a password of or for a device or system resource must keep that password confidential, except for communication with authorized personnel. City policy prohibits the sharing of user IDs or passwords obtained for access to devices, software and systems. Employees shall not use the password or ID of another user, except in cases of job related necessity as approved by the Department Head. Employees shall not reveal the password or ID to an unauthorized person or entity.
- 2.2. Video and audio streaming and downloading technologies represent significant data traffic which cause local network congestion. Employees should schedule communications-intensive operations such as large file transfers, video or audio downloads, mass e-mailings and the like so as not to impact other users of the City's systems. The preferred time for such transfers are the off peak hours between 6:00 PM and 7:00 AM Pacific time.

## **3. Security**

- 3.1. The City has installed a variety of firewalls, application, network address screening programs and other security systems to assure the safety and security of systems. Any employee who attempts to disable, defeat or circumvent any security facility is subject to discipline up to and including dismissal and possible criminal prosecution.
- 3.2. Files containing confidential and/or protected data that are transferred in any way across communication systems must be protected.
- 3.3. Devices that use their own network to create an independent data connection can sidestep network security mechanisms. These independent connections to outside networks can be used by an attacker to compromise City software, systems and networks. Any device used for an independent network connection must be isolated from the City's internal networks and approved in advance by Information Services.
- 3.4. Only those communication systems, services and functions with documented City business purpose will be enabled at the systems firewall.

## **4. Incidental use**

- 4.1. *De minimis* use is an infrequent or occasional use that results in little or no actual cost to the City. An occasional brief local phone call, Internet access or email to make a medical or dental appointment is an allowable *de minimis* use of communications

systems. The cost of a brief local phone call is negligible and need not interfere with job performance.

- 4.2. The proper stewardship of City resources, including funds, facilities, tools, property, and employees and their time, is a responsibility that all employees share. Accordingly, employees may not use devices, software, or systems for personal benefit or gain or for the benefit or gain of other individuals or outside organizations. Personal benefit or gain may include a use solely for personal convenience, or a use to avoid personal expense.
- 4.3. Responsibility and accountability for the appropriate use of devices, software, or systems ultimately rests with the individual City official and City employee, or with the City official or City employee who authorizes such use. Employees and officials are cautioned that their own personal use of devices, software, or systems should never interfere with another City official or employee, or obligate another employee to make personal use of City resources. In addition, City employees have an affirmative duty to ensure that any personal use of devices, software, and systems is the most efficient in terms of time and resources.
- 4.4. Extensive or repeated personal misuse of City resources, including time, significantly undermines public trust in government. Nevertheless, a very limited personal use of City devices, software, and systems that supports organizational effectiveness would not undermine public trust and confidence.
- 4.5. Subject to restrictions elsewhere in this policy, a City official or employee may make an occasional, but limited, personal use of devices, software, or system resources only if each of the following conditions are met:
- 4.6. There is little or no cost to the City;
  - 4.6.1. Any use is brief in duration, occurs infrequently, and is the most effective use of time or resources;
  - 4.6.2. The use does not interfere with the performance of the officer's or employee's official duties;
  - 4.6.3. The use does not disrupt or distract from the conduct of City business due to volume or frequency;
  - 4.6.4. The use does not disrupt other City employees and does not obligate them to make a personal use of City resources; and
  - 4.6.5. The use does not compromise the security or integrity of City property, information, or software.
- 4.7. The City Code, state and federal laws, strictly prohibit uses of taxpayer resources for private benefit or partisan political purposes. Any use of City resources to support such activity clearly undermines public confidence in government and reflects negatively on City employees generally. In compliance with these provisions, this policy explicitly prohibits, at all times and to any degree, the following private uses of devices, software, and systems and resources:

- 4.7.1. Any use for the purpose of conducting an outside business or private employment.
  - 4.7.2. Any use for the purpose of supporting, promoting the interests of, or soliciting for an outside organization or group, including, but not limited to: a private business, a nonprofit organization, political candidate, a political party, or a ballot issue (unless provided for by law, City code, or other policy). (Note: It is not intended to prohibit forwarding information related to United Way or other organizations related to city government such as the Association of Washington Cities (AWC)).
  - 4.7.3. Any use for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.
  - 4.7.4. Any use related to conduct that is prohibited by a federal or state law or rule, or a City code or policy; and
  - 4.7.5. Any private use of any devices, software, or systems property that has been removed from City facilities or other official duty stations, even if there is no cost to the City.
- 4.8. The general ethics standard is that any use of devices, software, or systems resources other than for official business purposes needs to be brief in duration and frequency to ensure there is little or no cost and the use does not interfere with the performance of official duties.

## **5. Policy Changes; Other City of Edmonds Policies**

- 5.1. The City of Edmonds Information Services may modify or revise its devices, software, and systems use policies (including these specific regulations) at any time, in its sole discretion. The City will notify the Union of any changes in policy that may affect wages, hours, or working conditions prior to implementation. Employees are required to comply with all such subsequent modifications or revisions. Modifications and/or revisions will be posted on a shared network resource, posted on City Web sites, distributed through email, staff meetings or other communication method.
- 5.2. These devices, software, and systems use policies are in addition to, and do not replace or supersede, any and all other policies promulgated by the City from time to time which are applicable to its employees (including general policies relating to misuse of City assets or resources, sexual harassment, unauthorized public speaking and misappropriation or theft of intellectual property). Misuse or inappropriate use of devices, software, or resources, in violation of these or any other City policy, may result in discipline, up to and including discharge.
- 5.3. Violation of these policies may result in discipline, up to and including discharge, regardless of whether the particular section or paragraph refers to disciplinary action.

## **6. References:**

- 6.2. Regulatory Codes of Washington (RCW) 42.52.160, 42.52.180, 42.17.190
- 6.3. Washington Administrative Code (WAC) 292-120-035, 292-110-010

## **Appendix B Drug and Alcohol Testing Policies and Procedures**

**Introduction:** The City of Edmonds has adopted a substance abuse policy as part of the Personnel Policies that establishes that any employee may be required to submit to alcohol or controlled substance testing for reasons described in this policy. The City reserves the right to designate certain positions as “safety sensitive,” which may require pre-employment drug screening and random drug testing. Additionally, drug and alcohol testing policies and procedures are required by the U.S. Department of Transportation for employees who are required to have a Commercial Driver’s License (CDL) to perform their job.

This document has three parts:

- 1) Policies that apply to employees who are not required to have a CDL (non-CDL employees)
- 2) Policies that apply to employees who are required to have a CDL; and
- 3) Procedures applicable to all employees.

## **PART I: POLICIES THAT APPLY TO ALL EMPLOYEES WHO ARE NOT REQUIRED TO HAVE A CDL (NON-CDL EMPLOYEES)**

### **Policy**

The City of Edmonds is committed to protecting the health, safety and well-being of its employees and all individuals who come into contact with our employees and workplace. In addition, we strive to create and maintain a productive and efficient work environment in which all employees have an opportunity to thrive and be successful. Recognizing that drug and alcohol use and abuse can pose a serious threat to these goals, the City of Edmonds is committed to providing a drug and alcohol-free workplace for all of its employees.

### **Definitions**

**Drugs** - For purposes of Part I of this policy, “drugs” refers to any illegal substance or controlled substance as defined by the federal Controlled Substances Act, taken without a valid prescription, including but not limited to: marijuana (THC), cocaine, opiates, synthetic opiates, phencyclidine (PCP), and amphetamines.

**Alcohol** – “Alcohol” means ethyl alcohol, the intoxicating agent in alcoholic beverages, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

**Medical Review Officer (MRO)** - The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.

**Reasonable Suspicion** – Reasonable suspicion is based on specific personal observations that a City of Edmonds Human Resource representative or a supervisor can describe and document (using a Reasonable Suspicion Testing and Documentation Form) regarding an employee’s appearance, behavior, speech, breath odor, or other factors that indicate the employee may be under the influence of alcohol or drugs.

**Substance Abuse Professional (SAP)** - A Substance Abuse Professional is a licensed physician, a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

Drug and Alcohol Testing

### **Tests**

The City of Edmonds may test any employee or applicant for drugs or alcohol as set forth in this policy. This includes urine drug testing and evidential breath alcohol testing. Alcohol and drug testing required by this policy is a mandatory condition of employment. Refusing to submit to such tests constitutes a violation of City policy and will result in termination of employment (or, for an applicant, withdrawal of the conditional job offer.)

**Reasonable Suspicion** – Whenever a City of Edmonds Human Resource representative, or a supervisor has reasonable suspicion (described and documented using a Reasonable Suspicion Testing and Documentation Form) suggesting that the employee is under the influence of alcohol or drugs, the employee shall submit to a reasonable suspicion drug and/or alcohol test. Only

supervisors who have been trained in detecting the symptoms of alcohol misuse or drug use and who have directly observed behaviors, appearance or physical symptoms can subject an employee to reasonable suspicion testing. Supervisors should complete a Documentation Form and, if possible, have the form signed by a witness.

If a supervisor has reasonable suspicion to believe that an employee who is on duty, about to go on duty, or just completed duty is under any influence of drugs or alcohol, the supervisor will remove the employee from duty immediately. The employee will be advised of the reasons for reasonable suspicion and will be transported to the collection site by the supervisor for testing.

If a reasonable suspicion alcohol test is not conducted within two hours of determination that it is necessary, the supervisor will prepare and maintain documentation of the reasons why it did not occur within that time frame.

**Post-Accident** – An employee who is involved in an accident while driving a vehicle for City business will be required to submit to a drug and alcohol test if the accident: (a) results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (3) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle; and (b) the employee caused or contributed to the accident and there is reasonable possibility that drugs or alcohol could have contributed to the accident.

After an accident, employees are responsible for contacting their immediate supervisor or other management personnel. If the above conditions are met, the employee must make himself or herself available for post-accident testing as soon as possible. Post-accident testing for alcohol should occur within two hours if possible, but may not exceed eight hours. Testing for drugs should occur within 32 hours.

An employee who does not comply with the post-accident testing will be considered to have refused testing and will be subject to disciplinary action. An employee in a post-accident situation should cooperate with law enforcement personnel investigating the scene.

Supervisors are responsible for determining if the accident qualifies the driver for post-accident testing and should escort the employee to the collection site if possible. If an employee is unable to provide consent to testing due to their medical condition, the supervisor will document the reasons why the employee was not tested. If testing is not completed within the required time following an accident, the supervisor will document in writing why the tests were not administered.

**Return to Duty** – Employees who have violated this policy but are allowed to return to work must test negative prior to being released for duty. A return-to-duty test following alcohol misuse may not exceed an alcohol concentration of 0.02.

**Follow Up** – An employee who is referred for assistance related to alcohol misuse and/or use of drugs may be subject to unannounced follow-up testing for a period not to exceed twenty-four (24) months as directed by a Substance Abuse Professional. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional, but will not be less than six (6) tests in the first twelve (12) months following the employee's return to duty.

## **PROHIBITED CONDUCT**

The City of Edmonds strictly prohibits the following:

- Reporting to work or remaining on duty under the influence of alcohol or drugs.
- Testing positive for alcohol or drugs. An alcohol concentration of 0.02 or higher is considered a positive test.
- The use, possession, manufacture, distribution, dispensing, transfer or trafficking of alcohol or drugs and their paraphernalia in any amount or any manner on City premises, in City vehicles, or while on duty at any time.
- Operating a City vehicle within four (4) hours after consuming any amount of alcohol. An on-call employee who consumes any amount of alcohol within four (4) hours of being called in must acknowledge the use of alcohol and may not report for duty.
- The unauthorized use or distribution of prescription drugs on City premises, in City vehicles, or while on duty at any time.
- The use of any legally obtained drug (prescription or over-the-counter) when such use adversely affects an employee's job performance, their safety or the safety of others, or any combination thereof.
- Violations of this policy.

Employees who are taking medically prescribed or over-the-counter drugs should notify their supervisor if the medication may cause a direct threat by impairing job performance of safety-sensitive functions. Employees are prohibited from distributing, possessing, or reporting to work under the influence of marijuana under all circumstances, including where the employee has a medical prescription or a medical marijuana green card.

Any employee found in violation of the above stated prohibitions will be subject to disciplinary action up to and including termination.

### **REFUSAL TO SUBMIT**

An employee may not refuse to submit to a post-accident, reasonable suspicion, or follow-up alcohol or drug test as directed by this policy. A refusal is treated as though the test, if taken, was positive.

An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy. Tampering, adulteration, substitution, or other interference with the collection and testing process are considered a refusal to test.

### **CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT**

Employees are subject to disciplinary action up to and including termination (and as specified in the Personnel Policies) for violating this policy. All employees, regardless of disciplinary action, will be advised of resources available for assistance with drug or alcohol misuse.

Employees who violate this policy but whose employment is not terminated will not be permitted to return to work unless the employee:

1. has been evaluated by a SAP; and
2. if recommended by a SAP, has properly followed any rehabilitation prescribed; and
3. has had a post-treatment evaluation by the original SAP and is released to return to work; and,

4. has a verified negative return-to-duty test. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02.

An employee who successfully returns to work will be subject to follow-up random testing as recommended by the SAP with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty.

## **PART II: POLICIES THAT APPLY TO EMPLOYEES WITH COMMERCIAL DRIVER'S LICENSES**

### **Purpose**

The purpose of this part of this policy is to establish compliance with the Federal Motor Carriers Safety Administration regulations requiring drug and alcohol testing for Commercial Driver's License holders. Regulations issued by the United States Department of Transportation mandate urine drug and evidential breath alcohol testing for employees in safety sensitive positions, including those who are required to hold certain Commercial Driver's Licenses. These regulations may be found in 49 CFR Part 40 and Part 382 of the U.S. Code. This policy sets forth the City of Edmonds alcohol and drug testing program and the testing and reporting requirements as required by those regulations.

### **Application**

Part II applies to all employees of the City who are required to have and maintain a Commercial Driver's License in order to perform the duties of their job.

### **Policy**

The City has a significant interest in the health and safety of its employees and the citizens of the City of Edmonds. In furtherance of that interest, it is the policy of the City to take those steps necessary to ensure that its employees perform their duties and responsibilities free of the influence of drugs and alcohol. Employees are encouraged to seek confidential counseling on problems associated with alcohol and drug abuse through the Employee Assistance Program. There will be mandatory drug and alcohol testing for employees and job applicants as outlined in this part of this policy.

### **Definitions**

**Commercial Vehicle** - A commercial vehicle is one that either: 1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); 2) is designed to transport 16 or more persons, including the driver; or 3) is used to transport hazardous materials.

**Driver** - All employees whose positions may involve driving a commercial vehicle and which require the possession of a Commercial Driver's License.

**Drugs** - For the purposes of this policy, in accordance with the applicable federal regulations for Commercial Driver's License holders, "drugs" refers to the following five substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines. Nothing in this policy shall preclude the City from requesting testing for additional illegal or controlled substances taken without a valid prescription, including but not limited to synthetic opiates.

**Follow Up**-An employee who is referred for assistance related to alcohol misuse and/or use of drugs may be subject to unannounced follow-up testing for a period not to exceed sixty (60) months as directed by a Substance Abuse Professional. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional, but will not be less than six (6) tests in the first twelve (12) months following the employee's return to duty.

**Medical Review Officer (MRO)** - The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.

**Pre-Employment** – After receiving a conditional offer of employment, applicants whose position requires a CDL are required to submit to, and successfully pass, a drug test.

**Reasonable Suspicion** – Reasonable suspicion is based on specific personal observations that a City of Edmonds Human Resource representative or a supervisor can describe and document (using a Reasonable Suspicion Testing and Documentation Form) regarding an employee's current appearance, behavior, speech and breath odor or other factors that suggests the employee is under the influence of alcohol or drugs.

**Return to Duty**-Employees who have violated this policy and who under the discipline policy are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02.

**Safety Sensitive Position** - For purposes of this part (Part II) of this policy, these are positions that require a Commercial Driver's License.

**Substance Abuse Professional (SAP)** - A Substance Abuse Professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.

## **Prohibited Conduct.**

**The following conduct regarding alcohol and drug use or abuse is prohibited:**

### **A. Alcohol**

- An employee may not report for or remain on duty requiring the performance of duties covered under this policy while having an alcohol concentration of 0.02 or greater.
- An employee may not possess or use alcohol while on duty or while operating a City vehicle.
- An employee may not operate a commercial vehicle within four (4) hours after consuming alcohol. An on-call employee who consumes alcohol within four (4) hours of being called in must acknowledge the use of alcohol and may not report for duty.

### **B. Drugs**

Reporting for duty or remaining on duty when the employee has used a drug or drugs is strictly prohibited, as defined with these adopted policies.

### **C. Use of Prescription Medication**

Except for medical marijuana, use of prescription medication or over-the-counter medication pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial

vehicle is not a violation of this policy. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively must inform their supervisor and may be required to provide written notice from their physician or pharmacist with respect to the effects of such substances and their ability to safely and effectively perform their job. Employees are prohibited from distributing, possessing, or reporting to work under the influence of marijuana even if the employee has a medical marijuana prescription or medical marijuana green card.

**D. Refusal to Submit to a Required Test**

An employee may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or drug test as directed by this part of this policy. A refusal is treated as though the test, if taken, was positive.

**E. Positive Drug Test**

An employee may not report for duty or remain on duty requiring the performance of duties covered under this policy if the employee tests positive for drugs or alcohol.

**F. Tampering with a Required Test**

An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy. Tampering, adulteration, substitution, or other interference with the collection and testing process are considered a refusal to test.

## Testing

### 1. Pre-employment Drug Testing

All individuals who are covered by this part of this policy must pass a drug test as a post-offer condition of employment.

### 2. Reasonable Suspicion Testing

Employees subject to this part of this policy shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulated observations. Only supervisors who have been trained in detecting the symptoms of alcohol misuse or drug use and who have directly observed behaviors, appearance or physical symptoms can subject an employee to reasonable suspicion testing.

Alcohol testing for reasonable suspicion may only be conducted just before, during or after an employee operates a commercial vehicle. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

- a) an alcohol test is administered and the driver's breath alcohol concentration measures less than 0.02; or
- b) Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

### 3. Post-Accident Testing

All employees covered by Part II of this policy will be subject to post-accident testing if they are involved in an accident with a commercial vehicle on a public road or right-of-way which results in:

- a) A fatality OR
- b) The driver receives a citation under state or local law for a moving violation AND
  - i. there is bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene OR
  - ii. one or more motor vehicles incurs disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Post-accident testing for alcohol should occur within two hours if possible, but may not exceed eight hours. Testing for drugs should occur within thirty-two (32) hours.

After an accident, employees are responsible for contacting the immediate supervisor or other management personnel and remaining readily available for testing. An employee who does not comply with the post-accident testing will be considered to have refused testing and will be subject to disciplinary action. An employee in a post-accident situation should cooperate with law enforcement personnel investigating the scene.

Supervisors are responsible for determining if the accident qualifies the driver for post-accident testing and should escort the employee to the collection site if possible. If an employee is unable to provide consent to testing due to a medical condition, the supervisor will document the reasons why the employee was not tested. If testing is not completed within the required time following an accident, the supervisor will document in writing why the tests were not administered.

### 4. Random Testing

Employees covered by these procedures have been included in the AWC Drug and Alcohol Testing Consortium pool. This pool contains all eligible individuals from all of the consortium members. The pool database is managed by HealthForce Partners and is updated monthly as changes in personnel occur.

The annual random testing rate required under federal regulations is fifty (50) percent of the pool of employees covered by this policy for drug testing and ten (10) percent of the pool for alcohol testing. This means that if the pool contains 1,000 members, there will be at least 500 random drug tests and at least 100 random alcohol tests conducted throughout the year.

HealthForce Partners uses a software program to randomly select individuals for random testing on a monthly basis. Some individuals will be selected for drug testing and others will be selected for both drug and alcohol testing.

Employees selected for random testing will be scheduled for a test by the Designated Employer Representative at some time during the month that the name was selected. Employees selected for alcohol testing may only be tested just before, during or after driving a commercial vehicle. Employees will not be notified until just prior to the testing.

Upon notification of selection for random testing, the employee will receive an *Employee Notification of Scheduled Drug and/or Alcohol Test* letter from the Designated Employer Representative. The employee will be asked to sign this letter and a *Testing Consent* form. The employee must present the *Employee Notification of Scheduled Drug and/or Alcohol Test* letter at the collection site along with picture identification at the time of testing. A copy of all of the forms will be retained by the City.

After notification, the employee must proceed immediately and directly to the collection site for testing.

If an employee scheduled for an alcohol test receives a confirmed test result with a breath alcohol level of 0.02 or above and is unaccompanied at the collection site, a supervisor will be called to the site to transport the employee.

Refusing to submit to a test will be considered the same as a positive test result and will subject the employee to the same consequences as receiving a positive test result.

#### **5. Return to Duty Testing**

Employees who have violated Part II of this policy, including those who have tested positive on a drug or alcohol test, and who are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of 0.02.

#### **6. Follow-up Testing**

An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed sixty (60) months as directed by a Substance Abuse Professional. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional, but will not be less than six (6) tests in the first twelve (12) months following the employee's return to duty.

#### **7. Split Sample Testing**

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer.

### **Refusal To Take An Alcohol Or Drug Test.**

No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include, but is not limited to:

- a. a failure to provide adequate breath for testing without a valid medical explanation;
- b. failure to provide adequate urine for drug testing without a valid medical explanation;
- c. engaging in conduct that obstructs the testing process;
- d. failure to appear for a test;
- e. failure to remain at the testing site until the testing process is completed;
- f. failure to permit the monitoring of the provision of a specimen as directed by the collector;
- g. failure to take a second test as directed by the collector;

- h. tampering with a urine sample;
- i. failure to complete all required forms and documents.

**Refusal to submit to a test shall be considered the same as a positive test result.**

### **Securing Information From Previous Employers.**

If a person is to be hired into a position subject to this part of this policy and during the previous two (2) years has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver within the past two (2) years to release information on the following:

- a. Positive alcohol or drug tests
- b. Refusal to be tested

The City will make a good faith effort to obtain and review the information from prior employers within twenty-eight (28) days of the person performing safety sensitive duties for the first time.

Applicants are directed to disclose to the City any positive federal drug tests taken for entities other than bona fide employers within the previous two years.

If the City obtains information that indicates either a positive test or that a refusal to be tested occurred within the past two (2) years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional (SAP) was made, return to duty testing was administered, and the individual remains in compliance with the return to duty provisions outlined by the original SAP.

### **Confidentiality and Record Retention.**

All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees.

### **Consequences of Engaging in Prohibited Conduct or Positive Drug or Alcohol Tests.**

#### **A. Discipline**

An employee will be subject to appropriate disciplinary action as specified in the Personnel Policies up to and including termination from employment if:

1. the employee tests positive for a drug or drugs;
2. results from an alcohol test indicate a breath alcohol level of 0.04 or greater; and/or,
3. the employee has engaged in prohibited conduct as outlined in the Personnel Policies.

All employees, regardless of disciplinary action taken, will be advised of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

## **B. Positive Test Result and/or Engaging in Prohibited Conduct.**

The following provisions apply to employees who are not terminated for violating this policy:

If an employee tests positive for drugs or has an alcohol test that indicates a breath alcohol level of 0.02 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in the Personnel Policies, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:

1. has been evaluated by a qualified Substance Abuse Professional; and,
2. if recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed; and,
3. has had a post-treatment evaluation by the original SAP; and,
4. has a verified negative result on a return-to-duty alcohol (<0.02) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty (60) months as recommended by the Substance Abuse Professional, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty.

### **Employee Assistance Program/Voluntary Referral.**

The City supports employees who voluntarily seek assistance with alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program described in Part III. Any employee who comes forth and notifies the City of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this part of this policy or other policies of the City.

Sick leave, vacation leave or leave of absence without pay may be granted for treatment and rehabilitation as with other illnesses. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

## **PART III: POLICIES APPLICABLE TO ALL EMPLOYEES**

### **RESOURCES**

#### **A. Designated Employer Representative (DER)**

The Human Resources Manager has been designated by the City to answer questions about the program and program materials and may provide employees with resource materials or referral assistance.

#### **B. Employee Assistance Program**

The City offers an Employee Assistance Program (EAP) designed to assist employees and their families who are experiencing personal or job-related problems. The EAP is available to employees who need assistance in dealing with a substance abuse problem. Employees are encouraged to contact the EAP for assistance in early detection of substance abuse problems and referral for treatment programs. All EAP services are confidential and at no cost to the employee. Employees who would like information on benefits of the Employee Assistance Program should contact the Human Resources Department.

#### **C. Testing, Evaluation and Referral Services**

The City has joined the Association of Washington Cities (AWC) Drug and Alcohol Testing Consortium for the administration of this program. The AWC Consortium has contracted with HealthForce Partners to conduct the random testing services, provide the testing laboratory facilities, arrange the testing collection sites, and provide the Medical Review Officer (MRO) functions. The services of a Substance Abuse Professional (SAP) are also available for employees with positive test results.

#### **Drug and Alcohol Testing Collection Sites:**

CarePlus Medical Center  
14330 Aurora Avenue N  
Shoreline, WA 98133  
206.365.0220

Swedish/Stevens (after hours testing)  
PacLab  
21601 76<sup>th</sup> Ave. W.  
Edmonds, WA 98026  
(425) 640-4179

#### **Testing Laboratory, as approved by the US Substance Abuse & Mental Health Services Administration (SAMHSA):**

LabCorp  
1229 Madison Street, Suite 500  
Seattle, WA 98104  
(206) 386.2661

#### **Medical Review Officer**

DrugFree Business MRO Services  
Dee McGonigle, MD

18912 North Creek Parkway, Suite 202  
Bothell, WA 98011  
(866) 448-0651

**Substance Abuse Professional**

Compsych  
1.800.570.9315

Compsych will refer caller to a Substance Abuse Professional in the local area.

**TESTING PROCEDURES**

**A. Pre-Employment Testing**

Following a conditional offer of employment, prospective employees will be tested for the presence of drugs if being hired into a job requiring a CDL, or as determined by the City.

Current employees who are transferring from a position that does not require a Commercial Driver's License to a position that does require one, will be tested for the presence of drugs prior to performing duties that require driving or operating a commercial vehicle.

A positive drug test result for an employment candidate will result in the City rescinding the conditional offer of employment. The individual will only be eligible to re-apply for a position covered by these procedures after six (6) months. Proof of compliance with USDOT return-to-duty regulations will be required. A positive drug test result for an employee seeking to transfer to a position requiring the driving of a commercial vehicle will result in denial of the transfer and the employee will be subject to discipline as described in the Drug and Alcohol Testing Policy.

**B. Random Testing**

**1. After Hours Testing**

If the need for testing occurs outside of the normal hours of operation of the designated collection site, a supervisor or manager will be responsible for following the procedures established by HealthForce Partners for such occurrences.

**2. Dilute Specimens**

If a test is reported to the City with a result of "Negative Dilute", the City will require the employee to take another test immediately in the following circumstances: for pre-employment, return to duty, reasonable cause, and follow up. The result of the recollection shall become the official test of record.

**TESTING COSTS AND COMPENSATION**

**A. Testing Costs**

1. The City will pay for the following alcohol and or initial drug tests:
  - a. Random testing
  - b. Reasonable suspicion testing
  - c. Post-accident testing
  - d. Pre-employment
  - e. Follow-up testing
  - f. Return to duty testing
2. Employees are responsible for the costs associated with the following tests:
  - a. Split sample re-tests made at the employee's request

Split sample testing will be initiated by the MRO immediately upon the request of the donor without regard to which party will ultimately be responsible for payment. However, the City will pursue reimbursement from the donor if the split test reconfirms the original positive result.

3. Substance Abuse Professional and rehabilitation costs will be the responsibility of the employee.

## **B. Pay Status**

### 1. For Time Spent Testing

Employees will be compensated for time spent to report to the testing facility and be tested for the following alcohol and/or initial drug tests:

- a. Random testing
- b. Reasonable suspicion testing
- c. Post-accident testing
- e. Follow-up testing

### 2. Waiting for Results

Employees who have been asked to submit to a reasonable suspicion drug test will be placed on paid leave pending the outcome of the test results. Such employees are eligible to use accrued vacation or sick leave during this time. If the test result is negative, the time will be paid and any sick or vacation leave used will be credited.

### 3. Waiting to Return to Duty

An employee who receives a positive drug test or who tests 0.02 or greater on an alcohol test is not allowed to return to work until all of the applicable requirements are met as outlined in the above policies. Such employee may use accrued vacation or sick leave during this absence.

## **TESTING METHODS**

### **A. Drug Testing**

Drug testing requires donors to provide a urine specimen of at least 45 ml to be tested. The specimen will be sent to LabCorp, a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMSHA) to

conduct screening and confirmation tests according to the protocols identified in the Department of Transportation Rules. All test results will be reviewed by the Medical Review Officer (MRO).

**B. Alcohol Testing**

Alcohol testing will be conducted using an approved evidential breath testing (EBT) device operated by a trained breath alcohol technician (BAT) at the collection site.

**TRAINING AND EDUCATION**

The City will provide all affected employees with copies of the Drug and Alcohol Testing Policy and other information as may be required by the federal regulations. Each employee must sign a receipt upon having been provided the above referenced information.

Managers and supervisors designated to determine whether reasonable suspicion exists to require an employee to undergo alcohol or drug testing will receive at least sixty (60) minutes of training on alcohol and sixty (60) additional minutes of training on drug abuse. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

**POLICY MODIFICATIONS**

The City reserves the right to amend this policy as required by changes to Federal law, State law, accepted industry practice, or for minor administrative modifications. Employees will be notified in writing of any changes made that affect them. A current copy of this policy will be kept in the office of the Drug Enforcement Representative and is to be incorporated as Appendix B to the City of Edmonds Personnel Policies.

## APPENDIX C

### Drug Free Workplace Policy

Furthermore, as a condition of employment on a Federal contract or grant, employees must abide by the terms of the City's Drug Free Workplace Policy, which is required by the Drug-Free Workplace Act of 1988 (41 U.S.C. 81).

**1. The City of Edmonds Recognizes Alcohol and Drug Abuse as Potential Health, Safety and Security Problems.**

- Drug use and abuse negatively impacts the City, the employee, and co-workers. The City has adopted this Drug-Free Workplace policy to protect and benefit the City and its employees by helping to create a safe and efficient work environment.

**2. All Employees are Responsible for Maintaining a Drug Free Workplace.**

- The City expects all employees to assist in maintaining a work environment free from the effects of alcohol, drugs, or other intoxicating substances.
- Employees are prohibited from unlawfully manufacturing, dispensing, possessing, using or distributing alcohol or controlled substances on City premises or in City vehicles during working hours. The use of prescription or over-the-counter medications, when such use adversely affects an employee's job performance, their safety or the safety of others, or any combination thereof, is also prohibited.
- This includes when the employee returns from his/her lunch break during which he/she consumed one of the above substances.
- If an employee suspects his/her co-worker of being under the influence, he/she must report it to the appropriate supervisor or Human Resources.

**3. Employees Shall Report to Work in an Appropriate Mental and Physical State.**

- Employees are required to report to their jobs in an appropriate mental and physical condition, ready to work.
- If an employee may be impaired because of taking medication according to a doctor's prescription, he/she is expected to discuss it with his/her supervisor before commencing work that day.
- If a supervisor develops a reasonable suspicion that an employee is under the influence of drugs or alcohol while at work, he/she may require that employee to take a drug/alcohol test.
- Reasonable suspicion includes, but is not limited to, abnormal coordination, behavior, speech or odor, unusual work performance or attendance problems.
- The suspicion needs to be confirmed by a reliable witness who has received substance abuse awareness training.
- All suspicious factors must be documented.
- Since the symptoms mentioned above could be the result of other issues, every effort must be made to confirm possibilities other than drug/alcohol influence before requiring an employee to be tested.

### Maintaining A DRUG FREE WORKPLACE

**4. Employees Convicted of a Criminal Drug Violation Occurring on City Property or Time Shall Report it to the City.**

- Any employee who is convicted of any violation of any criminal drug statute (including misdemeanors) for a violation occurring on City property or time shall notify his or her supervisor within five (5) days of the conviction.
  - Employees convicted of a drug-related crime shall be subject to termination. A conviction includes any finding of guilt (including one agreed to by the employee), or pleas of no contest, and/or any imposition of a fine, jail sentence or other penalty.
5. **Employees With Drug or Alcohol Abuse Problems are Strongly Encouraged to Seek Assistance.**
- Employees who have an alcohol or drug abuse problem are strongly encouraged to seek assistance through programs offered by the City's health carriers or the Employee's Assistance Program.
6. **The City will Utilize Available City Resources to Educate Employees About the Dangers of Drug and Alcohol Abuse.**
7. **Violations of This Policy May Result in Discipline Up To and Including Termination.**
- Any violation of this substance abuse policy will result in discipline up to and including termination. Compliance with this substance abuse policy is a condition of employment.

**APPENDIX D  
RECEIPT OF PERSONNEL POLICIES**

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

Enclosed are the City of Edmonds Personnel Policies. These policies supersede any prior oral or written statements of the City's Personnel Policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and rules, and some organizational philosophy. It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship. Unless specific rights are granted to you in employment contracts, civil service rules, or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

As the City grows and changes, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor. Please refer to the on-line version or contact Human Resources for the most up-to-date version. Please also understand that no supervisor, manager or representative of the City other than the Mayor has the authority to make any written or verbal statements or representations which are inconsistent with these policies.

The City, as the employer, reserves the right to deduct from an employee's final paycheck and/or accrued benefits of any amounts advanced to an employee that remains unearned when his or her employment with the City ends.

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

Your signature below signifies you have received and understand the information stated above and that violation of any of these policies may be subject to potential disciplinary action.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Employee Printed Name

\_\_\_\_\_ Date

## Appendix E<sup>5</sup>

### Washington State Paid Family & Medical Leave

#### Overview

Paid Family and Medical Leave is a mandatory statewide insurance program that will provide almost every Washington employee with paid time off to give or receive care. If you qualify, this program will allow you to take up to 12 weeks, as needed, if you:

- Welcome a child into your family (through birth, adoption, or foster placement)
  - Experience a serious illness or injury
  - Need to care for a seriously ill or injured relative
  - Need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.
- For specifics on military-connected paid leave, visit [www.dol.gov/whd/regs/compliance/whdfs28mc.pdf](http://www.dol.gov/whd/regs/compliance/whdfs28mc.pdf)

If you face multiple events in a year, you might be eligible to receive up to 16 weeks, and up to 18 weeks if you experience a serious health condition during pregnancy that results in incapacity.

#### Payment of Premiums

This program is funded by premiums paid by both the employee and employer. It is administered by the state Employment Security Department.

Premium amounts for both the medical and family coverage are set by the state. Premium costs may be shared between employer and employee but employers must pay a minimum of 33% of the total premium for both family and medical coverage. Premium sharing for represented employees will be as agreed to in their respective collective bargaining agreements. Premium cost sharing for non-represented employees will be recommended by the Mayor as part of the annual budget process.

Any employee portion of the premiums will be deducted from the employee's paycheck on each pay cycle. Supplemental wages as defined in this policy are not subject to premiums.

#### Applying for benefits

Starting January 1, 2020, employees who have worked 820 hours in the qualifying period (equal to 16 hours a week for a year) will be able to apply to take paid medical leave or paid family leave. The 820 hours are cumulative, regardless of the number of employers or jobs someone has during a year. All paid work over the course of the year counts toward the 820 hours, including part-time, seasonal and temporary work. While on leave, you are entitled to partial wage replacement. That means you will receive a portion of your average weekly pay. The benefit is generally up to 90 percent of your weekly wage, with a minimum of \$100 per week and a maximum of \$1,000 per week in 2020. Future maximum benefits will be adjusted by the commissioner annually by September 30<sup>th</sup> to be effective the following January 1<sup>st</sup>. You will be

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<sup>5</sup> WA State Paid Family & Medical Leave Appendix Approved 12/19/2019; Last Revised 4/27/2021

paid by and must apply for benefits through the Employment Security Department rather than by the City. For information on applying for benefits please go to [paidleave.wa.gov](http://paidleave.wa.gov).

#### Supplementing Washington Paid Family & Medical Leave with other accrued leave

The City allows the supplementing of paid leave with an employee's available accrued leave. Employees who choose to supplement their paid family or medical leave payments must first use sick leave and then may use other accrued leave once sick leave is exhausted. HR will calculate the Employee's supplemental benefit amount by using the WA PFML online calculator. If the employee disagrees with the calculation, they can provide their official benefit application approval notice from the Employment Security Department for recalculation.

Employees may not normally use supplemental benefits to receive more than 100% of their gross regular compensation (PFML benefit plus supplemental benefit). However, if an employee's calculated supplemental benefit amount does not fully cover their regular pay-period deductions (such as medical, dental, vision, FSA, etc.) the employee may use additional supplemental benefits, not to exceed 150% of their gross regular compensation (PFML benefit plus supplemental benefit).

Employees must follow normal payroll procedures in order to use accrued leave as supplemental leave while on Paid Family & Medical Leave.

#### Coordination with Shared Leave

Employees who wish to receive shared leave must also apply for paid family & medical leave benefits through Employment Security. If approved for shared leave, the amount of leave awarded will be calculated the same as if an employee used their own accrued leave to supplement.

#### Leave Protections

Employees who return from leave under this law will be restored to a same or equivalent job if they meet the following requirements:

- have worked for the City for at least 12 months, and
- have worked 1,250 hours in the 12 months before taking leave (about 24 hours per week, on average).

You may remain on your City provided health insurance while on leave. If you contribute to the cost of your health insurance you will continue to be responsible for that portion. The City will pay the full premium for your health coverage while on you are on leave and you will be required to make arrangements to repay this when you return to work. Should you fail to return to work, any amount paid for your health care premiums on your behalf by the City will be deducted from your final paycheck.

#### No Discrimination or Retaliation

The City of Edmonds is prohibited from discriminating or retaliating against you for requesting or taking paid leave under this law.