



PERSONNEL POLICY MANUAL

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100 INTRODUCTION

Welcome to the City of Stanwood. The City strives to provide consistently outstanding service to its citizens and customers, and to maintain a positive and productive work environment for its employees.

This manual is intended to provide you with general information about the City of Stanwood's personnel policies, procedures, practices, and benefits. We hope it will be a helpful resource for you in the course of your employment and ask that you take time to read it and become familiar with its contents. Of course, the manual is only a summary. This manual is not a contract of employment. It is not intended, and should not be construed, as a promise of specific treatment in any specific circumstance, or as a guarantee of employment for any particular time. Employment at the City is "at will". This means that either you or the City can terminate the employment relationship at any time for any reason, with or without notice or cause.

The policies, procedures, practices, and benefits described in this manual shall apply to all employees of the City except where otherwise noted herein or unless they conflict with provisions of any binding collective bargaining agreement, civil service rule or law.

All policies, procedures, practices, and benefits in this manual were initially adopted on July 1, 2009, and are amended, as needed, by Resolution. Except for the at-will employment relationship, which can be altered only by a written agreement signed by the Mayor, and except for employee benefits and salary ranges which can be altered only by the City Council, the City Administrator reserves the right to modify, amend, supplement, or rescind any or all provisions of this manual as they deem appropriate at their sole and absolute discretion and without prior notice. Final interpretation of the policies, procedures, or practices is the authority of the City Administrator and/or the Mayor. This document should not be construed or relied upon by anyone as a legal document, covenant or contract of any kind.

If you have questions about any part of this manual, please feel free to contact Human Resources, your Department Head or the City Administrator at any time.

200 STAFFING

The City encourages all employees seeking promotion or transfer to apply for open positions they are qualified to fill. It is the policy of the City to offer employment to the applicant possessing the best qualifications and fit for the position available. A decision to promote or transfer from within may be based upon several factors, including but not limited to, past performance. The decision to hire competitively or to promote or transfer from within the organization is solely that of the City's.

201 Staffing Process

When a position becomes vacant or when a new position is requested, the Department Head will review the position, its job description, and the need for such a position prior to any posting or advertisement of the vacancy. The Department Head will then make a formal request to the City Administrator to fill the vacant position through competitive process or by promotion or transfer from within the organization. The position may be posted internally or externally, or an individual may receive promotion or transfer from within, only after the City Administrator has approved the request.

To what extent vacant positions will be advertised internally or externally is solely the decision of the City's.

202 Trial Period

All new employees are in a probationary period for the first six (6) months of their employment with the City to allow for a preliminary review of their performance and fit, and to ensure expectations are being met. Unless a collective bargaining agreement dictates otherwise, the successful completion of the probationary period does not alter, change, or supersede in any way the employee's status as an "at will" employee of the City. Any employee who is promoted shall be subject to a four (4) month trial service period. During the four (4) month trial service period the City may elect to return the employee to their previous position and salary. Any employee who is promoted may elect to return to their previous position and salary at any time prior to the conclusion of the four (4) month trial service period. During the initial trial service period, a newly hired employee is not eligible to use floating holidays. This does not apply to the four (4) month trial service period for promotions.

203 Temporary Employees

With the approval of the City Administrator and the Department Head, temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Temporary employees should not work more than seventy hours a month for more than five months in a twelve month calendar period, unless authorized by the City Administrator to extend a temporary assignment. Otherwise, the nature, length, and scope of temporary assignments are solely the decision of the City.

Temporary employees are eligible for overtime pay as required by law.

During their employment, temporary employees do not receive retirement, vacation, PTO, health insurance, or holiday pay. Pursuant to the Washington Paid Sick Leave law, temporary employees earn one hour of paid sick leave for

every 40 hours worked. Beginning on the 90th calendar day after the commencement of employment, accrued paid sick leave will be available for your use. No other benefits will be received

204 Conflicts of Interest/Nepotism

Employees are prevented from holding positions with the City which place them in a potentially unlawful or improper conflict of interest. Examples of potential conflicts of interest include, but are not limited to the following:

- A spouse/partner or other close family member who would have authority (or practical power) to supervise, appoint, remove, or discipline the other.
- A spouse/partner or other close family member who would handle confidential material that creates improper or inappropriate access to that material by the other.
- A spouse/partner or other close family member who would be responsible for auditing the work of the other.
- An employee who is the spouse/partner or other close family member of an elected official.
- An employee who seeks an elected office with the City

If circumstances exist that create a conflict or potential conflict, the City reserves the right to take action necessary to resolve the conflict, up to and including reassignment and termination.

205 Employees of Other Agencies

Employees of other agencies who may be providing services to the City under inter-local or other agreements shall not be considered employees of the City even if they are supervised or assigned work by City personnel.

206 Re-employment of Former Employees

Upon a former employee's submission of an application, the City may re-appoint the employee to his/her same position or a position of like duties and responsibilities. When former employees apply to be rehired, they will be evaluated on the same criteria as all other applicants. Consideration will be given to past job performance, the circumstances surrounding separation of previous employment, and the former employee's ability to meet the job requirements of the position.

207 Equal Employment Opportunity

The City is an equal opportunity employer. This means that the City does not discriminate in employment decisions or policies in violation of law on the basis of race, color, religion, sex, gender identity, sexual orientation, pregnancy, status as a parent, national origin, age, disability (physical or mental), family medical history or genetic information, political affiliation, military service, or other non-merit based factors. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, reduction in force, recall, transfer, leaves of absence, compensation, and training.

300 EMPLOYMENT POLICIES

301 Employees with Disabilities

The City complies fully with its duty to provide reasonable accommodations to allow people with disabilities to perform the essential functions of their jobs. If an employee has a disability that limits their ability to perform their job, the employee shall inform the Human Resources Manager, City Administrator or their Department Head, so that reasonable accommodations may be considered.

302 Workplace Anti-Harassment

The City of Stanwood is committed to providing a work environment, which is free from unlawful harassment and where all employees are treated with respect. The City expects all of its employees to accomplish their work in a professional manner. The City expressly prohibits any form of unlawful harassment by or against its employees based on race, color, sex, gender identity, sexual orientation, religion, age, marital status, national origin, the presence of sensory, mental or physical disability, veteran status, or status in any other legally protected group.

Harassment may have serious consequences for the employees involved, as well as for the City. Therefore, it is the responsibility of every employee to create an atmosphere free from harassment and to cooperate with and assist in the implementation of this policy. If you believe that you or another employee has been harassed or discriminated against, you must report the complaint, as described below in *Complaints Process*.

For the purpose of this policy, "sexual harassment" is unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes (1) sexual advances and other verbal or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment decisions and (2) unwelcome verbal or physical conduct of a sexual nature that interferes with an employee's work or creates a hostile, intimidating, or offensive work

environment.

Some examples of behavior that could constitute or contribute to sexual harassment include, but are not limited to:

- Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting ones arm around another, or any other similar physical contact considered offensive by the recipient.
- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
- Verbal abuse or teasing that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
- Participation in fostering a work environment that is intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

For the purpose of this policy, "other harassment" (nonsexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of such individual's protected status or characteristics such as their race, color, religion, gender, national origin, age, marital status, sexual orientation, or disability that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

Some examples of behavior that could constitute or contribute to harassment include, but are not limited to: using epithets, slurs, or negative stereotypes; threatening, intimidating, or engaging in hostile acts relating to protected status or characteristics such as those referred to above; jokes or pranks that refer to or denigrate a protected status; or placing on walls, bulletin boards, or elsewhere on the work premises or circulating in the workplace, written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

Complaint Process

Any employee who feels they have been subjected to harassment, should clearly inform the perpetrator, to the extent the employee feels comfortable doing so, that their behavior is inappropriate, offensive, and unwelcome and should immediately cease. If that is not successful or if the employee is not comfortable confronting the offending individual directly for any reason, the employee should report the harassment promptly to the Human Resources Department, Department Head or the City Administrator. If the employee believes the City Administrator is involved in the offensive conduct, or if the employee feels uncomfortable complaining to the City Administrator for any other reason, the complaint should instead be made to the Mayor. Department Heads shall immediately report any such complaints to the Human Resources Department, City Administrator or Mayor.

The WORKPLACE HARASSMENT COMPLAINT FORM made available by the City may be used to make a written complaint.

A harassment complaint will be handled as follows:

1. The complaint will be investigated by a qualified, neutral person. The choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
2. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
3. There shall be no retaliation by the City, its officers, elected officials, supervisors, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint.
4. Where the investigation confirms the allegations, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.
5. There may be instances in which an employee reporting harassment seeks only to discuss the matter informally and does not wish the City to undertake an investigation or to take further steps. In such situations, the City Administrator or designee, may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment should

be aware the City may decide to take action to address the harassment beyond informal means.

All management team members and supervisors are assigned responsibility for implementing this policy, ensuring compliance with, and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Supervisors must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality and objectivity. A supervisor's failure to carry out these responsibilities may result in disciplinary action up to and including termination.

303 Prohibition of Retaliation

The City of Stanwood prohibits any form of retaliation against any employee for good faith actions in filing a complaint under the City's discrimination, harassment, and workplace violence policies, and for participating in the investigation of any complaint of discrimination, harassment or workplace violence. Improper retaliation may include, but is not limited to, discipline, termination, transfers, assignment of unfavorable duties, or treating the employee who made the complaint in a hostile manner when such action or behavior is motivated in substantial part by the employee's participation in protected activity. If you believe that you have been subjected to unlawful retaliation, or if you observe that another employee has been subjected to unlawful retaliation, you are obligated to report the matter immediately, as described in 308, Whistleblower Protection.

304 Use of City Vehicles

It is the policy of the City of Stanwood to provide vehicles for City business use, when practical, in order to allow employees to drive on City business, and to reimburse employees for City business use of personal vehicles. This policy provides guidance on the appropriate use of City and personal vehicles for City business.

The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front end loaders, graders, motorized water craft, and any vehicle or off road equipment listed on the City's automobile or inland marine insurance property schedule.

1. Employees must possess a valid driver's license in order to drive any vehicle for City business and may not drive any vehicle for City business without prior approval of their Department Head or designee, or the City Administrator. Periodically, the City may verify the existence of a valid

driver's license and request from the driver a copy of their current driving abstract.

2. The City shall comply with Chapter 49.12 RCW Industrial Welfare and WAC 296-125-030 Prohibited and Hazardous Employment-All Minors in regards to driving requirements and restrictions for employees under the age of 18.
3. When driving is a function of the position, the City will evaluate an applicant's driving record to determine eligibility for that position. Periodically, the City may evaluate current employee driving records to determine driving acceptability using a Driver Rating Guide and a Driver Point Value Guide which is a points system to determine if current employees or potential new employees are eligible to operate a motor vehicle within the scope of their employment based on driving history.

Driver Rating Guide

Non-moving violations are not normally considered in evaluating the individual driver unless they are excessive. Moving violations listed on the driver's abstract for the last five (5) years are compared to the rating guide (below); points are assigned to the violations as indicated and total points determine eligibility as follows:

0 to 3 points indicates an acceptable rating as a driver.

4 or 5 points indicate a questionable driver rating. The City will determine whether or not to place or maintain this individual in a driving position.

6 or more points indicate unacceptability. The City may take corrective action up to and including loss of driving privileges.

Driver Point Value Guide

<u>Points</u>	<u>Explanation</u>
<u>Non-Speed Related Moving Violations</u>	
2	At-Fault Accident
1	Failure to Stop at Scales
1	Over Weight/Height/Length
1	Improper Turn (Cutting Corners)
1	Prohibited Turn (U-Turn)
1	Improper Lane Change
1	Improper Lane Travel
2	Driving on Shoulder or Sidewalk
1	Improper Backing
1	Failure to (or Improper) Signal
1	Failure to Yield Right of Way

- at yield sign
- at uncontrolled intersection
- during left turn against traffic
- at traffic obstructed intersection
- on private road
- to emergency vehicle
- while starting from a parked position
- slow-moving traffic to pull off road
- 2 Disobey Signal Person or Officer
- 2 Driving Wrong Way
 - on one-way street (or freeway)
 - straddling or over center line
 - driving on wrong side of road/cross divider
- 2 Failure to Stop
 - steady red signal, steady red arrow, stop signs
 - flashing signal
 - intersection other than arterial
 - train signal
 - certain railroad grade crossings
 - emerging from alley or driveway
 - for school bus
- 1 Disobey Road Sign
 - lane direction control signal
 - school patrol
- 1 Driving Without Lights After Dusk
- 1 Failure to Dim Headlights
- 1 Following Too Closely
- 2 Improper Passing
 - Insufficient distance
 - On hill, curve, or within 100 feet of intersection
 - In no passing zone
- 1 Overtaking or Passing on the Right
- 2-3 Open Container Law Violation (Driver-3 or Passenger-2)
- 1 Illegal or Missing Equipment
- 1 Impeding Traffic
 - blocking
 - slow moving vehicle
- 2 Violating License Restrictions (Medical, Vision, Equipment)
- 1 Defective Equipment
 - muffler/exhaust
- 1 Crossing Fire Hose
- 2 Headphones, Cell phone or Television
- 1 Obstructed Vision or Control
- 1 No Shields or Mirrors (Motorcycle)
- 2 Inattention to Driving

- 1 No License on Person
 - driving without CDL
- 1 No Proof of Liability Insurance
- 4 Driving With a Suspended/Revoked/Cancelled License

Speed Related Moving Violations

- 1 Speed Too Fast for Conditions
- 1 Speed – Basic Rule
- 2 Negligent Driving – 2nd Degree
- 3 Reckless
 - driving
 - endangerment
 - endangerment in construction zone
- 5 Racing

Criminal Violations

- 3 Fail to Secure Load (Safety Chains/Devices) 1st Degree
- 2 Fail to Secure Load (Safety Chains/Devices) 2nd Degree
- 3 Negligent Driving 1st Degree
- 5 Hit and Run
 - occupied vehicle
 - unoccupied vehicle
- 5 DUI/Physical Control
- 5 Driving a Vehicle in the Commission of a Crime or Vehicular Assault or Homicide

4. Employees approved to drive a vehicle on City business are required to:
- Inform their Department Head or designee, or the City Administrator, as soon as practical, of any changes that may affect either their legal or physical ability to drive or their continued insurability. Examples of changes that may affect ability to drive include, but are not limited to, loss or suspension of driver’s license, charge or conviction of driving under the influence (DUI), reckless driving, and driving with a suspended license.
 - Refrain from operating a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication.
 - Exercise due diligence to drive safely and maintain the security of the vehicle and its contents.

- Follow all Washington State laws, to include wearing a seatbelt at all times.
 - Be responsible for any driving infractions or fines as a result of their driving and report them to the Department Head or designee, or the City Administrator no later than the next business day.
5. Employees may use City vehicles for non-business purposes such as running personal errands, driving to lunch, etc., only with the express consent of their Department Head or designee, or the City Administrator. This approval will only be granted to mitigate special circumstances as driving a City vehicle for non-business purposes is generally not allowed.
 6. Non-employee and non-business passengers may not ride in City vehicles without prior approval of driver's Department Head or designee, or the City Administrator. Employees or passengers can seek approval by filling out the Request to Ride in a City Vehicle Form as provided by the City.
 7. When no City vehicles are available, employees may use their own vehicles for business purposes with prior approval of their Department Head or designee, or the City Administrator. Insurance industry practices dictate that auto liability coverage follows the auto. In such circumstances, the employee's personal auto insurance would be considered primary, and the City's coverage excess. Employees who use their personal vehicle for approved business purposes will be reimbursed for expenses pursuant to financial management procedures. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. In the event that an employee uses their personal vehicle as a regular part of the daily requirements of their job, they should obtain auto liability coverage for bodily injury and property damage with a special endorsement for City business use, when possible as determined by their personal insurance agent.
 8. Employees must report any collision to appropriate law enforcement officials. Employees shall also report any collision, theft or damage involving a City vehicle to their Department Head or designee, Risk Manager or the City Administrator, regardless of the extent of damage or lack of injuries, by filling out an INCIDENT REPORT FORM. Such reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers. In the case of an accident employees should refer to the accident card available in all City vehicles.
 9. Employees shall not operate any City vehicle or operate any personal vehicle while on City business while consuming or under the influence of

alcohol, cannabis, illegal drugs, prescription medications, or over the counter medications that may affect their ability to drive. The City has a zero tolerance policy prohibiting operators of vehicles from drinking alcohol, using cannabis, consuming illegal drugs, and taking any medications that affect their ability to drive.

305 Use of City Credit Cards

Employee distribution of City credit or purchasing cards shall only occur with approval of the City Administrator and Finance Director, and will be in accordance with RCW 39.58.180 and RCW 42.42.115.

All employees authorized to use a City Credit or Purchasing Card must read and sign the City's CREDIT CARD USE AGREEMENT as provided by the Finance Department and must adhere to financial management procedures. Failure to comply with the agreement at any time may result in disciplinary action up to and including termination.

For financial control purposes, all credit or purchasing cards are to be signed out from the Finance Department, and returned before the employee separates from the City. The employee is responsible for returning credit or purchasing cards before leaving the employment of the City. All city credit cards will be canceled upon separation of employment.

Employees are responsible for reporting loss or known misuse of a City credit card to the Finance Director or their Department Head immediately.

306 Use of City Cell Phones

The City of Stanwood issues individual cellular phones to employees who are required to be in close contact with the City at all times. While cell phones are a necessary convenience of the City, it is required that employees follow the guidelines listed below for their own safety as well as the safety of others.

Acquisition

The purchase and/or installation of cell phones shall be approved by the Department Head. It shall be the responsibility of the Department Head to ensure that sufficient funds are budgeted for the purchase and monthly operational costs associated with such equipment prior to its use.

Usage

The general use of cell phones shall not be in lieu of more cost effective, practical and available means of communication.

All employees are required to be professional and conscientious at all times when using City phones and comply with state and federal laws.

It is the City's policy that employees who are issued a cellular phone understand that it is issued primarily for business use. Employees are expected to make every effort to use cell phones in a responsible and efficient manner.

It is the City's policy that its employees maintain electronic files in accordance with the State archivist records retention laws and schedules. The City does not archive instant messaging or text messaging records. Therefore, employees are instructed not to use instant messaging or text messaging for communications records that have retention value. City records should be stored on City network storage drives or other authorized business applications. Storage of City records on personally owned devices should only occur on a temporary "as-needed" basis and be transferred to the City's network as soon as practicable.

Cellular phone bills will be reviewed when they arrive. The City reserves the right to require reimbursement for cell phone misuse. The City also reserves the right to limit or terminate an employee's use of a City phone in any way, at any time, and for any reason.

The City has a zero tolerance policy regarding using a cell phone while driving without a proper hands free device in accordance with state law. Employees must follow all laws in regards to the use of cell phones while driving a vehicle.

The City reserves the right to amend or alter the terms of this policy at its own discretion.

Cellular phone users, upon leaving City employment, will be removed from the City's plan. All cell phones must be returned by the employee upon separation.

307 Responding to the News Media

The City Administrator or designee shall be responsible for all official contacts with the news media, including answering of questions from the media. When presented with questions from the media regarding City business, employees should immediately refer the person to their Department Head or the City Administrator. If that is not possible, the employee should politely request that the person seeking information contact City Hall and ask for the City Administrator. In addition, the City Administrator must approve all press releases, publications, speeches, or other official declarations.

308 Reporting Improper Governmental Action

In compliance with Local Government Whistleblower Protection, Chapter 42.41 RCW, this policy is adopted 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 be made first to the City, with a process provided for speedy dispute resolution.

Improper Governmental Action is any action by a City officer or employee 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, is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to public health or safety, or is a gross waste of public funds.

Improper Governmental Action does not include personnel actions (hiring, firing, complaints, promotions, reassignments, 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 shall follow the procedure set forth below:

- 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, but not later than thirty (30) days from the date of occurrence.
- Where the employee believes the improper action involves their supervisor, the employee may raise the issue directly with their Department Director, the City Administrator, or the Mayor. Where the employee believes the improper action involves the Mayor, the employee may raise the issue with the City Attorney.
- The Mayor or his/her designee, as the case may be, shall promptly investigate the report of improper government action. The investigation shall be completed within thirty (30) days of the employee's report. The employee shall be advised of the results of the investigation with the exception that personnel actions taken as a result of the investigation may be kept confidential.

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

In the case of an emergency, where the employee believes 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 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
3000 Rockefeller Avenue 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 be 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 the procedure set forth below:

- a) 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 City Administrator or 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.
- b) 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.
- c) After receiving the City's response, the employee may request in writing a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred, and to obtain appropriate relief under the law. The request for hearing must be delivered to the City Administrator within the earlier of either fifteen (15) days of employee's receipt of the City's

response to the charge of retaliatory action or within forty-five (45) days of receipt by the Mayor of the employee's charge of retaliation. Failure of the employee to timely request a hearing shall be a waiver of the right to a hearing or further appeal.

- d) Within five (5) working days of receipt of a request for hearing, the City Administrator shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

Office of Administrative Hearings
P.O. Box 42488
Olympia, WA 98504-2488
(360) 407-2700
(800) 558.4857
(360) 664-8721 Fax

- e) At the hearing, the employee must prove that a retaliatory action in violation of Chapter 42.41 RCW occurred by a preponderance of the evidence. The ALJ will issue a written final decision consisting of findings of fact, conclusions of law and judgment no later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.
- f) The ALJ may grant/award the following relief as appropriate:
1. Reinstatement with or without back pay
 2. Relief as may be necessary to return the employee to the position he or she held prior to the retaliatory action and to prevent any recurrence or retaliatory action.
 3. Award cost and reasonable attorney's fees to the prevailing party
 4. Recommend to the City that any city employee found to have retaliated against an employee reporting improper governmental action be disciplined as deemed appropriate by the Mayor.

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.

309 Code of Conduct

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

The City's success in providing excellent service to its citizens and maintaining good relationships with the community depends on its employees. Certain conduct is considered detrimental to the City's goals and objectives and may lead to disciplinary action up to and including termination. Such conduct includes but is not limited to the following list:

1. Misrepresentation or withholding of pertinent facts in securing employment;
2. Theft, and/or unauthorized use or possession of the City's facilities and/or the property of the City or that of any individual or other group;
3. Unauthorized use of position with the City for personal gain or advantage;
4. Accepting gratuities or bribes;
5. Lying or dishonesty;
6. Smoking in any unauthorized posted area or in violation of any federal or state law or regulation, as well as creating fire hazards in any area;
7. Failure to properly secure City facilities or property as determined by City or Department procedures or work rules;
8. Disrupting the City's business or the work effort of other employees at any time;
9. Unauthorized operation or using machines, tools, or equipment to which the employee has not been specifically assigned;
10. Lateness for work without sufficient notice or reason;
11. Absence without proper notification to Department Head or designee, or the City Administrator.
12. Absenteeism without sufficient notice or reason;
13. Disorderly conduct, including fighting on the premises;
14. Spreading rumors or innuendo and gossip;
15. Rudeness, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees;

16. Intentional falsification of records/paperwork required in the transaction of City business;
17. Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work;
18. Failure to observe safety practices, rules, regulations, and instructions;
19. Negligence or conducting unsafe practices that result or could reasonably be expected to result in injury to others;
20. Failure to promptly report to the Department Head or designee, or the City Administrator, an on-the-job injury or accident causing damage to or involving an employee, customer, visitor, City equipment or City property;
21. Unauthorized possession of explosives, firearms, or other dangerous weapons on City-owned property or while on work time;
22. Conviction of certain misdemeanors, or conviction of any gross misdemeanor or felony;
23. Using city equipment, facilities, time, or supplies to engage in political activities, in accordance with all state and federal laws.

310 Political Activities

No City employee may use City time or property in any manner to promote any political issue or candidate, to solicit funds for any political purpose, or to influence the outcome of any election.

No City employee shall be eligible for appointment or election to any public office, when the holding of such office would be incompatible or would substantially interfere with the discharge of the employee's official duties. In such case, the employee shall elect to continue employment with the City or continue in public office.

Any employee who is found to be in violation of this policy may be subject to disciplinary action, up to and including immediate termination.

311 Personal Financial Obligations

Employees should manage their personal finances so that they do not adversely affect job performance. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City through extra

bookkeeping and the need to respond to legal notices and court orders. The City will not disclose employee financial information to outside parties without the express written permission from the employee, except as required by law. The Finance Director is the only person authorized to receive a writ of attachment or garnishment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Finance Department will notify the affected employee and then deduct the required amount from the employee's earnings, as required by law.

312 Appearance/Work Attire

Employees are expected to dress neatly and appropriately for the type of work they are doing, and to present a good, professional image of the City to the public.

1. Clothing should be maintained in good condition and as the work environment permits, clean and free from tears, holes and visible stains.
2. Employees should ensure their personal hygiene does not offend others and does not detract from the high quality service orientation of the City.
3. Safety clothing and accessories (e.g., boots, vests, hard hats) must be worn when safety rules require and/or when circumstances warrant it.

Should uniforms, safety apparel or equipment be required for a particular position, they will be provided at City expense. Except for exigent circumstances, uniforms identifiable with the City of Stanwood shall only be worn during hours of work or duty.

313 Outside Employment

This policy is intended to set forth guidelines to ensure that employees are not involved in any outside employment or activity that will affect the quality or quantity of their work at the City, create a conflict of interest, or create an appearance of impropriety. The purpose of this policy is to outline a process for approval of outside employment. The decision to approve or deny a request to engage in outside employment is the City's alone.

City employees shall not engage in any employment, enterprise, or outside activity which is in conflict with the duties, functions, responsibilities, of the employee's position as an employee of the City. Nor shall the employee engage in any compensatory outside activity which will directly, or indirectly, contribute to the lessening of the employee's effectiveness as an employee of the City. The employee's position with the City is of priority consideration in making a determination as to outside activities. In deciding whether to approve outside

employment, the Department Head, among other pertinent factors, whether the activity involves:

1. The use for private gain or advantage of City time or facilities, equipment and supplies; or the badge, uniform, prestige, authority, or influence of the City office or employment;
2. Receipt or acceptance of money or other form of compensation by an employee to perform duties normally performed or excepted to perform as a regular function of the employee's position and for which the employee is already being compensated by the City;
3. Performance of an act other than the employee's capacity as a City worker, which may later be subject directly or indirectly to the control, inspection, review, audit or enforcement by the City.
4. Conditions or factors which would directly or indirectly lessen the efficiency of the employee in the employee's regular City employment or condition in which there is a substantial danger of injury or illness to the employee.
5. Solicitation of outside work in the name of the City.
6. Inconsistent, incompatible or in conflict with the duties, functions, or responsibilities of the employee's position.

Process

1. An AUTHORIZATION TO ENGAGE IN OUTSIDE EMPLOYMENT FORM must be completed and submitted to the Department Head.
2. The Department Head shall notify the City employee in writing of the final decision.
3. The Department Head may make any restrictions on outside employment consistent with the operation of the department.
4. A copy of the AUTHORIZATION TO ENGAGE IN OUTSIDE EMPLOYMENT shall be filed in the employee's personnel file.
5. The decision to approve or deny requests is the City's alone.
6. Outside employment shall cease when, in the opinion of the City, the outside work is interfering with performance of the employee's City job, or if the employment appears to generate a conflict of interest.
7. Any violation of this policy may result in disciplinary action up to termination.

314 Discipline

In the event discipline is necessary because of a violation of the City's Code of Conduct, any policy within this manual, or for any other reason as determined by the City, the following types of disciplinary actions may be used, depending on the particular situation:

1. Oral Warning.
2. Written Reprimand.
3. Suspension.
4. Demotion.
5. Termination.

The choice of what discipline to apply in any particular case is solely the City's. The use of discipline less than termination in any particular case does not change, or should not be construed to change, the at-will nature of the employment relationship.

400 HEALTH AND SAFETY

401 Workplace Violence

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

Workplace Violence Procedure

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

1. Threatening injury or damage against a person or property
2. Fighting or threatening to fight with another person
3. Threatening to use or having 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 unless the person is engaged in official law enforcement business.

4. Abusing or injuring another person
5. Abusing or damaging property
6. Using obscene or abusive language or gestures in a threatening manner
7. Raising voices in a threatening manner

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

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

Reporting Violent Conduct: Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to their Department Head or designee, and/or the City Administrator or designee, as soon as possible, verbally or in writing. VIOLENCE REPORT FORMS made available by the City can be used to report violence, and are to be completed, as appropriate. If the City determines that an employee has violated this policy, the employee will be subject to immediate disciplinary action, up to and including termination. Concerns with members of the public or other parties shall be handled by the City as it determines under its policies and procedures.

Employees are strongly encouraged to report the existence of restraining orders and protection orders, particularly if the employee fears that the person restrained may attempt to visit him or her at work. Such notice may be essential to protect the safety of all employees at the City.

Imminent Danger/Violence Incident Procedure

Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may become violent, thereby putting the employee or others in imminent danger, the employee should promptly leave the work area and report to their Department Head or designee, or the City Administrator. In certain circumstances, an immediate call to 9-1-1 will be warranted. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a belief that an emerging situation with an aggressive person is likely to become violent. The Department Head or designee should

take immediate action and/or contact the City Administrator as soon as possible. The timing and circumstances of possible return by the employee to the area should be coordinated by the employee with the Department Head or designee, or the City Administrator or designee. The employee, Department Head or designee, or the City Administrator, will follow the City's procedures in response to such events, including incident reporting and the appropriate action deemed necessary.

Security Precautions

All City security rules should be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including termination.

402 Drugs and Alcohol

The City is very proud of its commitment to produce service of the highest quality and providing a safe and productive work environment for its employees. Consistent with this commitment is the City's goal to maintain a drug and alcohol free workplace.

Drug Policy

The following rules represent the City's policy concerning substance abuse. They will be enforced uniformly with respect to all employees.

1. Employees are prohibited from the use, possession, manufacture, distribution, or sale of illegal drugs on City property or while performing City business.
2. Employees are prohibited from being under the influence of illegal drugs during working hours, on callback, or on standby duty.
3. Employees who are taking prescription drugs or medications that could adversely affect the employee's alertness, coordination, reaction, response, or safety should discuss the situation with the Human Resources Manager, Department Head or designee, or the City Administrator.
4. Prescription drugs should be used only in the manner, combination, and quantity prescribed and only by the person for whom they are prescribed.
5. For purposes of this policy, "drug" means any substance other than alcohol, capable of altering an individual's mood, perception, pain level, or

judgment. A “prescription drug” is any substance prescribed for individual consumption by a licensed medical practitioner. An “illegal drug” is any drug or controlled substance the sale or consumption of which is illegal.

Alcohol Policy

Employees must not report for duty (including callback and standby duty) or perform service under the influence of alcohol. Possession and use of alcohol on City property (including City vehicles) or while on duty is strictly prohibited.

403 Safety

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

All employees are responsible for ensuring that they understand and comply with all City safety rules, regulations, and procedures.

All employees are responsible for:

1. Being familiar with all safety and health procedures relevant to their areas of operation;
2. Inspecting their work areas periodically;
3. Identifying conditions that are recognized as being unsafe, and;
4. Reporting accidents and injuries to the Department Head or designee in writing by filling out an EMPLOYEE INCIDENT REPORT FORM as provided by the City.

Employees should report to their Department Head or designee, or the City Administrator, all observed safety and health violations and potentially unsafe conditions.

Violations of City safety rules, regulations, or procedures may result in disciplinary action, up to and including termination.

404 Fitness for Duty

When an employee has been absent from work due to impairment, injury or illness, caused on or off the job, the Department Head, may require that the employee provide a written release from their medical provider, to full unrestricted work status before the employee is allowed to return to work without limitations. Should the treating health care provider determine that the employee

has temporary limitations which may prohibit an unrestricted return to full duty; the City may elect to return the employee to any temporary limited duties which the Department Head determines the employee can safely perform. The City may determine that the employee's limitations do not permit a return to work, even if the employee desires to return to work prior to full recovery. Should the treating health care provider determine that the employee has permanent or prolonged limitations which may prohibit an unrestricted return to full duty; the City may consider reasonable accommodations to the employee's limitations in compliance with the requirements of the Americans with Disabilities Act.

500 HOURS AND ATTENDANCE

501 Hours of Work

A normal working schedule for regular, full-time employees consists of forty hours each workweek. Different work schedules may be established by an employee's Department Head or designee to meet job assignments and provide necessary City services. The Department Head is responsible for advising the employee of their specific working hours.

Part-time and temporary employees will work hours as specified by their Department Head or designee, or the City Administrator.

All non-exempt employees are responsible for accurately reporting all hours worked on forms supplied by the City. Employees failing to accurately record time worked are subject to discipline. Exempt employees must submit leave slips in accordance with all of the City's leave policies and financial management procedures.

502 Alternative Work Schedules

The City provides options for flexible and alternative work scheduling. Alternative work scheduling is used to accommodate special scheduling needs. While these opportunities are available, implementing or continuing a flexible scheduling option is within the sole discretion of the City. Adopting alternative work schedules enables employees to integrate personal and professional lives, reduces or eliminates travel during certain days of the week in compliance with the Washington Clean Air Act (*RCW 70.94.521-551*) and may enhance the ability of the City to recruit and retain qualified individuals.

Flex-time is a work schedule that permits flexible starting times and quitting times for employees other than the standard work day, with a standard number of core hours. The following is the flex-time model adopted for the City of Stanwood:

FLEXIBLE TIME CORE TIME FLEXIBLE TIME

6 am - 9 am **9 am - 4 pm** 4 pm - 6 pm

A compressed work week changes the employee’s schedule from a standard 8-hour day. Possibilities include:

1. **9/80** - The eighty (80) hours in a two week period are scheduled over nine (9) working days. Example: The normal work day is extended by one hour four (4) days one week and four (4) days the next week, with one regular eight (8) hour day. This produces one extra day off every two weeks.

Mon.	Tues.	Wed.	Thurs.	Fri.
9	9	9	9	Off
9	9	9	9	8

Note: In the above example the work weeks would end after the fourth worked hour on the second Monday, and the second Friday in order to comply with the Fair Labor Standards Act (FLSA).

2. **4/40** - The forty (40) hours in a one week period are scheduled over four (4) working days rather than the standard five (5). Example: The normal work day is extended by two hours four (4) days of the week. This produces one extra day off each week.

Mon.	Tues.	Wed.	Thurs.	Fri.
Off	10	10	10	10
Off	10	10	10	10

Note: In the above example the work week would start on Tuesday and end on Friday.

Eligibility

All regular full-time employees are eligible to request alternative work scheduling options. Final decision for participation will be made by the Department Head or designee. The City Administrator will determine the participation of Department Heads.

An employee with a documented performance problem may be denied their request for an alternative work schedule, depending on the nature of the performance problem.

An alternative work schedule may be implemented for any eligible employee where the proposed schedule will not materially interfere with business

operations of the department, or compromise the City's ability to provide service to the public. *Application Process*

1. An employee interested in establishing an alternative work schedule will complete an ALTERNATIVE WORK SCHEDULE REQUEST FORM as provided by the City, which will include the proposed alternative work schedule, the employee circumstances leading up to the request, potential problems identified and recommended solutions. Additional information may be attached to the standard application.

2. The Department Head or designee, or the City Administrator, will approve or disapprove the application and respond back to the employee.

Trial Period

The Department Head or designee, or the City Administrator, may discontinue the alternative work schedule at any time or for any reason. If the alternative work schedule is discontinued, the employee may submit a new application should circumstances of the employee, the department, or position significantly change.

503 Telecommuting

Telecommuting is a voluntary alternative work arrangement in which part of the weekly scheduled work is performed at an alternative work location. Telecommuting is neither a benefit nor an entitlement and, in no way, changes the terms and conditions of employment. Telecommuting is an option when a City employee and the Department Head mutually agree the job duties are well suited to an alternative work location. Telecommuting may be appropriate for some employees and jobs, but not necessarily everyone. Telecommuting may be ongoing, such as working a set number of hours from an alternative location each week, or it may be limited in duration, such as working from home for a few days or intermittently. In cases where an employee anticipates limited durations of telecommuting, the individual should propose specific reasons and particular work plans for consideration. A telecommuting agreement may be part of an ADA reasonable accommodation process. Telecommuting may not be available during an illness when an employee is expected to be recovering versus working. Nothing in this Telecommuting policy shall diminish any terms and conditions of employment provided for in a Collective Bargaining Agreement covering a union-represented employee.

Advance Approval

Telecommuting agreements must be approved in advance by the Telecommuter's Department Manager/Director and the City Administrator. The

conditions of Intermittent or unplanned telecommuting days should be documented in advance by the Manager.

Manager or Director Oversight

Evaluation of Telecommuter performance requires frequent interaction. This may include daily emails, phone calls or other approved forms of communication. The Manager will verify that the Telecommuter is working and resolving any problems that may arise. The Manager and Telecommuter will communicate at a level consistent with the employee's working at the office or in a manner and frequency appropriate for the job.

Managers shall consider the criteria, some basic and some specific, to the Telecommuters position to determine whether a telecommuting arrangement is appropriate.

Telecommuting Agreement

Availability. Telecommuters must be available by phone, e-mail, and other electronic communication during the scheduled hours of work. Schedule changes should be agreed upon in advance and made in compliance with any applicable Collective Bargaining Agreement requirements.

Discontinuation. Telecommuting agreements can be terminated at any time at the sole discretion of the Department Director and the City Administrator. The Telecommuter may also terminate the Agreement. Every effort should be made to provide at least ten calendar days' notice of such a change to accommodate problems that may arise. Although rare, and during times of disaster or other crisis, there may be instances when no advance notice is possible.

Equipment and Alternative Work Environment. Equipment needs will be evaluated under standard policies and procedures, regardless of location. If standard policies and procedures do not address every need, the Manager and Telecommuter will explore potential options and solutions, including reasonable disability accommodation if needed. There may be times where the required equipment presents an unbudgeted or duplicative cost or requires support that the City cannot provide. The Manager shall make a budget request after reviewing with the City Administrator.

The Telecommuter will establish an appropriate work environment for work purposes. The City will not be responsible for costs associated with the initial setup of the Telecommuter's work environment, such as remodeling, furniture or lighting, nor for repairs or modifications to the environment.

Workplace Health and Safety. The Telecommuter represents that the alternative workplace is a safe and healthful work environment, including proper

ergonomics. The Telecommuter shall act responsibly to avoid injury. The Telecommuter must certify that the alternative workplace is free from safety hazards. The Manager must review and verify that the Telecommuters identified workplace is a safe workplace. (See Checklist in Telecommuter Agreement) Failure to take proper health and safety precautions in the alternative workplace may result in discontinuation of the Telecommuting Agreement. The Telecommuter will observe the required meal and rest periods as per the City personnel policy or collective bargaining agreements.

Injuries. Injuries sustained by the Telecommuter while at their alternative work location, and in conjunction with regular work duties, are generally covered by workers' compensation. Telecommuting employees are responsible for notifying their Manager and Human Resources of such injuries in the same manner as if the injury occurred at a work location on the City's premises. The City may visit the alternative work location site where the injury occurred. The City is not liable for any injuries sustained by family members or other visitors to a Telecommuter's alternative work location.

Inspection. Under the Telecommuting Agreement, the City has the right to inspect the alternative workspace with two business days' notice. The inspection is to verify safety conditions, or to repair, maintain, or inspect any City equipment issued to that location. An inspection is required should a workspace injury occur.

Security and Confidentiality. Consistent with the City's expectations of information security and compliance with public records laws, the Telecommuter will ensure the safety and protection of information accessible from their alternative work location. The Telecommuter will check with their Manager when security matters are at issue.

Downloading of confidential information to a data storage device is not permitted (including but not limited to a hard drive, CD, DVD, or USB stick). Examples of confidential information are administrator passwords, social security numbers, credit card numbers, and health information. Any information that is considered confidential or protected will not be removed from the regular office without the Manager and City Administrator specific express approval in writing. Telecommuters found to have downloaded confidential information will be subject to discipline up to and including termination of employment.

Files and Records Management. Management of all files and records is important so that documents are not lost / misplaced. Original documents must remain at City Hall so that they are available for public viewing if requested during the time the employee is telecommuting. Employees must use electronic files uploading in IWorQ's, BIAS, OneDrive or network Drive. Copies of an original document must be clearly marked as a copy, so that the original document is never ruined or lost. All checklists, staff reports or other working

documents should be uploaded into IWorQ's, BIAS and OneDrive and placed in the official City file when the employee has completed work.

Office Supplies and Business Expenses. The City will provide appropriate office supplies and reimbursement for business-related expenses approved by the Manager that are reasonably incurred per job responsibilities and in compliance with the City's business expense policy on the same basis as when working at the regular work location.

Non-Exempt Employees. Telecommuters who are not exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) will be required to record all hours worked in the same manner as if they were working on City premises. For purposes of time entry and to enable the City to track telecommuting employees' hours, employees are required to record hours as "Telecommuting Hours". Accrual of overtime or compensatory time will be administered under standard provisions regardless of work location. Advance authorization for overtime or compensatory time is required. Telecommuters must complete a daily log of work activity and submit to their Manager on a weekly basis.

Exempt Employees. Telecommuters who are exempt from overtime provisions under the FLSA must be able to demonstrate accountability to their agreed-upon work schedule. Telecommuters must complete a daily log of work activity and submit to their Manager on a weekly basis.

Leaves of Absence. Use of leave (paid time off, compensatory time, personal holiday, military, bereavement, jury duty, or other leaves) on a planned telecommute day is administered under the same provisions as leave used at the regular work location.

Dependent Care. Telecommuting is not a replacement for childcare. Although a Telecommuter's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

Assignments and Evaluation. The Telecommuter and the Manager mutually agree to adhere to and evaluate a work plan. The Manager shall verify the quality and quantity of work done per the work plan. The quality and amount of work delivered should be equivalent to work performed in the regular work location.

The Manager and Telecommuter shall evaluate, in writing, the telecommuting arrangement after thirty days, and every three months thereafter. At each evaluation point, the Manager will evaluate the continuation of the telecommuting agreement and submit an update to the City Administrator every six months.

Regular Office Space. Telecommuters may be required to forfeit the use of a personal office or workstation in favor of a shared arrangement to maximize

organizational space needs. Managers will be required to established proper shared workspace arrangements.

504 Attendance

Punctual and consistent attendance is a condition of employment and an essential function of each job. Each Department Head or designee is responsible for maintaining accurate attendance records of their employees.

An employee unable to work or unable to report to work should notify their Department Head or designee, or the City Administrator, 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 or as requested by the Department Head or designee, or the City Administrator. If that person is unavailable, the employee may leave a message stating the reason for being unable to report for work and providing a number where they can be reached. An employee who is absent from work without authorization or notification is subject to disciplinary action up to and including termination.

An employee having excessive absences or otherwise violating the City's attendance policy may be subject to disciplinary action up to and including termination. Total attendance may also be considered relative to disciplinary action. Failure to call in for three consecutive days will be treated as job abandonment.

505 Meal and Rest Periods

Employees will receive all meal and rest periods in accordance with federal and state laws and regulations. All meal and rest periods shall be arranged so as not to interfere with City business or service to the public. All meal and rest periods are scheduled by the employee's Department Head or designee. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid.

506 Callback

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. An unjustified refusal to respond to a call back may be grounds for immediate disciplinary action up to and including termination. Employees may volunteer for tasks outside their normal duties that would not be subject to this policy.

507 Overtime

The City overtime pay policy conforms to the overtime provisions of the Fair Labor Standards Act (FLSA) and Washington Minimum Wage Act (WMWA). Exemption from these provisions will be claimed for an employee only when it can clearly be established that the position, duties, and responsibilities meet the requirements for such exemption. Therefore, all City positions are designated as either “exempt” or “non-exempt.”

Non-exempt Employee

Non-exempt employees are entitled to additional compensation, either in wages or compensatory time off, when they work more than the maximum number of hours during a regular work week as recognized by the FLSA. All overtime must be authorized in advance by the employee’s Department Head or designee. Overtime pay is calculated at one and one-half (1.5) times the employee’s regular rate of pay for all time worked beyond the established regular work week.

Exempt Employees

Exempt employees are not covered by the FLSA or WMWA overtime provisions and do not receive overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed in a regular work week.

508 Compensatory Time

Non-exempt employees are entitled to overtime pay but may agree to compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee’s Department Head or designee. The City is not required to grant compensatory time instead of overtime pay. If the compensatory time option is exercised, the employee is credited with one and one-half (1.5) times the hours worked as overtime. Maximum accruals of compensatory time are set in the collective bargaining agreement for represented employees.

Employees may use compensatory time after making a request to their Department Head. The Department Head may deny the use of compensatory time if its use would unduly disrupt City operations. The employee would instead receive the overtime pay.

600 WAGE AND SALARY ADMINISTRATION

601 Salary Ranges and Levels for Non-represented Employees

Each non-represented position within the City shall be assigned a salary range following approval by the City Council.

Salary ranges will be reviewed on an annual basis. Several factors can be considered when adjusting salary ranges, including but not limited to: level of responsibility, working conditions, skill required, potential hazard, amount of supervision given or received, market conditions, and the ability of the City to pay.

No employee shall be paid above the high point of their salary range without authorization from the City Council. When warranted, new employees will start their employment at the minimum wage rate for their salary range. However, a new employee may be employed at a higher rate, after approval from the City Administrator, when the employee's experience, training or proven capability warrant, or when prevailing market conditions require, a starting rate greater than the minimum.

602 Pay for Performance

To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City will conduct employee performance appraisals. The appraisal may be a factor in determining employee development, training needs, validating selection procedures, determining wage increases or decreases, promotions, demotions, and/or transfers.

Employees should be evaluated by their Department Head or designee six months after their hire date and then at least once every twelve months. The City Administrator will evaluate and assess the performance of Department Heads.

Upward or downward movement within the steps of an employee's salary range is contingent on their performance and the City's ability to pay, as determined by their Department Head or designee and approved by the City Administrator.

603 Cost of Living Adjustment

The City Administrator, with the approval of the Mayor, may propose a pay adjustment based on cost of living indicators no more than once per year, raising the salaries of all non-represented positions by a specified amount. Such adjustments, if any, will not change an employee's pay anniversary date. All cost of living increases must be approved by the City Council as part of the annual budget process.

604 Paydays

City employees are paid monthly on the eighth (8th) working day of each month for employment activity through the end of the previous calendar month. If a regularly scheduled payday falls on Saturday or Sunday or on a holiday, paychecks will be distributed on the previous scheduled working day.

604.1 Draws

With the exception of temporary employees, employees may, upon written request, be allowed a draw, which will be paid on the twenty-third (23rd) day of each month. If the twenty-third (23rd) day of the month falls on a Saturday, Sunday, or city-recognized paid holiday, payroll draws will be issued on the previous scheduled working day.

605 Deductions from Pay

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

606 Payroll Records

The official payroll records are maintained by the City as required by state law. Each Department Head shall submit on a monthly basis, a signed work record for each non-exempt employee within their department, noting hours worked, compensatory time or leave used, as well as overtime worked and in accordance with financial management procedures.

607 Pay upon Separation

Upon separation of employment for any reason, the employee will be paid all wages owed. Payment shall be made by no later than the last day of the month.

700 EXPENSE REIMBURSEMENT

City employees will be reimbursed for reasonable and customary expenses actually incurred while performing official City business in accordance with financial management procedures. The City will not reimburse for expenses that have already been paid by another program or organization, or if reimbursement is available through another program or organization.

701 Reimbursable Expenses

Expenses such as meals, conference or training fees, lodging, mileage, parking, bridge tolls, and ferries may be reimbursed according to financial management procedures.

Alcoholic beverages, traffic and parking tickets and similar expenses are non-reimbursable.

702 Meal and Travel Reimbursement

Meal and travel reimbursement shall be processed according to financial management procedures and shall be paid at the Federal Domestic Per Diem Rate as posted by the U.S. General Services Administration.

800 EMPLOYEE BENEFITS

801 Retirement Benefits

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

The City offers a Deferred Compensation Plan for eligible employees. The purpose of this plan is to extend to valued employees certain benefits which ordinarily accrue from participation in a deferred compensation plan. The City does not and cannot represent or guarantee that any particular federal or state income, payroll or other tax consequence will occur by reason of an employee's participation in this plan. A participant should consult with their own attorney or other representative regarding all tax or other consequences of participation in this plan. The City reserves the right to end this program or make changes in the carriers and provisions when deemed necessary or advisable, with prior notice to affected employees.

City Directors and non-represented Managers shall be eligible to participate in a matching Deferred Compensation Program. Enrollment and continued participation shall be in accordance with the rules and regulations of the Deferred Compensation Program and administrative requirements of the Employer. The Deferred Compensation Program shall include a dollar for dollar match up to \$1,440 annually.

802 Social Security

All employees are automatically included as participants in the Social Security System (FICA), as required by federal laws. These benefits are in addition to Public Employees' Retirement System benefits for which the employee may be eligible.

Financing of the FICA program is accomplished by employee payroll deduction contributions and through a match paid by the City in amounts required by law. The City is not responsible for employee retirement or disability benefits except as prescribed by law and regulations. Employees are urged to contact the Social Security System for a full explanation of employee benefits and obligations.

803 Worker's Compensation

All employees are covered by the State Worker's Compensation Program. This insurance covers employees in case of on the job injuries or job-related illness. For qualifying cases, State Industrial Insurance will pay the employee for work lost and medical costs due to job-related injuries or illness. All job-related accidents should be reported immediately to the employee's Department Head or designee, or the City Administrator. After all job-related accidents or near misses will be documented on an EMPLOYEE INCIDENT REPORT FORM and filled out by the employee and an ACCIDENT INVESTIGATION REPORT will be completed by the Department Head or designee.

When an employee is absent for one or more days or receives medical attention due to an on-the-job accident, they are required to file a claim for Worker's Compensation. If the employee files a claim, the City will continue to pay (by use of the employee's unused sick leave or PTO) the employee's regular salary pending receipt of Worker's Compensation benefits.

When the employee receives Worker's Compensation benefits, they are required to repay the City the amount covered by Worker's Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave or PTO is available, while ensuring that no employee receives more than they would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave or PTO shall be restored to the employee's account.

804 Health Insurance Benefits

Regular full-time employees and their dependents are eligible to participate in the City's health insurance programs. Information regarding City programs and the criteria for eligibility will be provided to the employee upon hire. The City contributes toward the cost of premiums in amounts authorized by the City Council. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction. 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.

805 Life Insurance

The City currently participates in a life insurance program. Information regarding the program and criteria for eligibility will be provided to the employee upon hire. The City contributes toward the cost of life insurance at a level authorized by the City Council. If available, employees may at their own cost purchase a higher level of life insurance through the City's program. The City reserves the right to end the life insurance program or make changes in the carriers and provisions when deemed necessary or advisable, with prior notice to affected employees.

806 Long Term Disability

The City currently participates in a Long Term Disability Program. Information regarding the program and criteria for eligibility will be provided to the employee upon hire. The City contributes toward the cost of long term disability at a level authorized by the City Council. The City reserves the right to end this program or make changes in the carriers and provisions when deemed necessary or advisable, with prior notice to affected employees.

807 Employee Assistance Program

The City currently participates in an Employee Assistance Program (EAP). Information regarding the program and criteria for eligibility will be provided to the employee upon hire. The City contributes toward the cost of the EAP at a level authorized by the City Council. The City reserves the right to end the program or make changes in the carriers and provisions when deemed necessary or advisable, with prior notice to affected employees.

The City recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing personal difficulties are encouraged to seek assistance from the EAP. Any individual seeking information about the EAP can contact the Human Resources Department. Employees will not be asked any questions concerning the reasons EAP services are being sought. Furthermore, any request for information about the EAP will be kept strictly confidential.

808 Employee Wellness Program and Committee

The City of Stanwood recognizes that its employees are critical to the quality and efficiency of local government services. The health of its employees directly affects their ability to perform their job duties and provide services to its citizens. The health of employees also has a direct effect on the costs to the City. The City recognizes its need to contribute in a positive way to the health and well being of its employees. This policy is established as a means to provide information and activities to City employees to encourage health and safety in the work environment.

- **Goal.** To support wellness in the workplace by creating a wellness program of health education and fitness activities that meets the needs and interest of the employees.
- **Scope.** All City of Stanwood employees including fulltime, part-time and temporary.
- **Voluntary Participation.** Employee participation in the programs and

activities is voluntary.

- **Wellness Program Committee.**

Membership: The Wellness Committee is made up of at least five (5) members representing each department and the City Administrator's Office, one of which shall be the Committee's chairperson. Membership on this committee is voluntary.

Members of each department shall be appointed by the department director.

- **Duties:** The duties of the committee are to:
 - Provide enthusiastic support of the purpose and goal of the Wellness Committee.
 - Act as a liaison between the Wellness Committee and the employees to represent the interest, needs, and opinions of the employees.
 - Help plan, implement, and promote wellness programs.
 - Provide peer support and advocacy to boost wellness program participation.
 - Prepare an annual budget for program support.
 - Share responsibilities to lessen the workload impact on the Chairperson.
 - Perform evaluation of ongoing programs and activities.

The duties of the chairperson include:

- Setting the time and place of the meetings.
 - Communicating with all members of the Committee to coordinate meeting dates and times.
 - Preparing an agenda in advance of the meeting and distributing copies to other members, along with notice of the meeting.
 - Managing the agenda and discussion of the meeting.
 - Provide communication to the City Administrator.
- **Meeting Schedule.** The Wellness Committee shall meet monthly, or as needed during regular business hours.
 - **Term.** Members of the Wellness Committee will serve an indefinite term.
 - **Attendance/Termination.** If a member has more than five (5) unexcused absences, the Committee may vote to remove that member from the Committee.

- **Program Activities.**

- Behavior change programs such as nutritional information, stress reduction, smoking/tobacco use cessation and weight management.
- Motivational programs such as interdepartmental employee group challenges and awards for healthful eating, exercise and stress reduction programs.
- Information and awareness programs such as flyers, paycheck stuffers, bulletin boards, brown bag lunch sessions, wellness seminars, workshops and classes.
- To explore opportunities to develop and institute additional wellness incentives and policies that contributes to the health and wellbeing of employees and their family members.

809 Continuation of Insurance Coverage

Workers Compensation Leave

The City will continue to pay for the employer's portion of health insurance premiums, provided the employee continues to pay their share of premiums, if any, while the employee is not working and receiving worker's compensation. After six (6) months, the employee's benefits shall cease unless the City Administrator and/or the benefit provider approves an extension. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time they receive Worker's Compensation benefits, up to the maximum allowed by law

COBRA Rights

Upon an employee's separation from City employment, an unpaid leave of absence, or other qualifying event, at the employee's option and expense, the employee may be eligible to continue City health insurance benefits to the extent provided under federal COBRA regulations. An administrative handling fee over and above the cost of the insurance premium may be charged the employee and/or their dependents should they elect to exercise their COBRA continuation rights.

810 Unemployment Compensation

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

811 Benefits for Part-time Employees

For part time employees normally scheduled to work one thousand and forty (1,040) hours or greater, the City will pay the employee-only rate for medical, dental, and vision coverage. In the event that there is a medical, dental, or vision plan where there is no difference between the employee-only rate and employee plus dependent(s) rate, part-time employees will also be allowed to add dependents to that plan.

812 Benefits for Temporary Employees

In accordance with the Washington State Paid Sick Leave law, temporary employees earn one hour of paid sick leave for every 40 hours worked. Beginning on the 90th calendar day after the commencement of employment, accrued paid sick leave will be available for use. Temporary employees usually are not eligible to receive other benefits, unless otherwise authorized by the City Administrator and/or benefit providers, including holidays and insurance with the exception of any position that is required to enroll in the Public Employees Retirement System, per state law.

813 Training and Development

The City recognizes the mutual benefits derived from personal growth and increased work competence, and thereby encourages staff to pursue applicable training opportunities. Training decisions will be based upon availability, need, time away from work and funding. Whether training time is paid or unpaid, depends on the nature of the training and will be determined in accordance with state law.

814 Tuition Reimbursement

Eligibility

Regular, full-time employees who have completed six months of continuous employment are eligible to apply for the tuition reimbursement program.

Covered Expenses

Tuition costs, examination fees and required laboratory fees at an accredited institution may be covered. The annual dollar limit on reimbursable tuition expenses is \$2,000, or as mutually agreed upon. Books, travel, parking, lodging and extraneous fees are not reimbursable expenses. There are no advance payments. Reimbursements are made after a course is completed. Employees who quit a course, quit employment, or are terminated, with or without cause, are not eligible.

Grade Requirements

The eligible expenses that the City will reimburse to eligible employees for courses are based on the employee's final grade received for the course, as follows:

Grade-Amount refundable (up to allowable maximum):

1. Undergraduate coursework C or better: 100%
2. Graduate coursework B or better: 100%
3. Pass/Fail: 100% if "Pass" but only if regular letter grade system is unavailable.
4. No reimbursement for grades less than C.

Approval

In order to be eligible for tuition reimbursement, employees must obtain written approval in advance from their Department Head and the City Administrator. Approval of any course for reimbursement is at the discretion of the City and contingent on the availability of funds.

815 Waiver of Medical Insurance Benefits

This program allows all eligible employees to remove themselves, spouse and/or dependent children from City provided medical insurance if they have alternative medical insurance.

Incentive Amount:

- The insurance premium (that would have been paid on the employee's behalf for the employee or eligible dependents) will be split with the employee.
 - o The City benefits from a 50% cost savings. The employee receives the other 50% cost savings. This incentive is included in the employee's paycheck. The incentive becomes taxable wages.
 - o The incentive is capped at employee, one spouse and two children.

900 LEAVES AND HOLIDAYS

901 Paid Time Off (PTO) – Non-Represented Employees Only

Purpose

The City of Stanwood recognizes that employees have diverse needs for time off from work and, as such, the City of Stanwood has established this paid time off (PTO) policy. The benefits of PTO are that it promotes a flexible approach to time off by combining vacation, sick and other forms of leave (i.e., Bereavement). Employees are accountable and responsible for managing their own PTO hours

to allow for adequate reserves if there is a need to cover vacation, illness or disability, appointments, emergencies, or other situations that require time off from work.

Eligibility

PTO is accrued upon hire or transfer into a benefits-eligible position, currently non-represented positions. Eligible employees must be scheduled to work at least 20 hours per week on a regular basis. Employees working less than 20 hours per week on a regular basis, on-call and temporary employees are not eligible to accrue PTO.

Procedures

Availability

PTO accruals are available for use in the pay period following completion of 30 days of employment. All hours thereafter are available for use in the pay period following the pay period in which they are accrued.

Accrual and Payment of PTO

Accruals are based upon paid hours up to 2,080 hours per year. Employees working less than 40 hours per week and at least 20 hours per week will earn PTO hours on a prorated basis. Length of service determines the rate at which the employee will accrue PTO. PTO does not accrue on unpaid leaves of absence. Employees become eligible for the higher accrual rate on the first day of the pay period in which the employee’s anniversary date falls.

Years of Service	PTO Credit (based on full-time hours)		Credit hours per Regular Hours Worked*
	Days	Hours	
0-4	21	168	0.08076
5-9	28	224	0.10769
10-13	31	248	0.11923
14-19	33	264	0.12692
20+	36	288	0.13846

* Hourly accruals shall be used only in determining pro-rata PTO credit.

** Annual PTO accruals are based on an employee having 2,080 paid hours per year (40 hours per week).

*** No PTO hours will accrue beyond the maximum accruals listed.

Maximum Allowed Balances

Non-Represented Employees - The maximum accrual for PTO is 680 hours. Once an employee's balance reaches 680 hours, all PTO accruals will stop. When the employee uses some PTO and brings the balance below 680 hours, the accruals will resume. This means, in pay periods where the maximum accrual of 680 hours is reached, only full accrual amounts will be granted, so if a full accrual amount will bring the balance over 680, there will be no PTO credited for that pay period. Employees are expected to manage their PTO balances and plan the use of PTO during non-peak operational times.

Directors - The maximum accrual for PTO is 760 hours. Once an employee's balance reaches 760 hours, all PTO accruals will stop. When the employee uses some PTO and brings the balance below 760 hours, the accruals will resume. This means, in pay periods where the maximum accrual of 760 hours is reached, only full accrual amounts will be granted, so if a full accrual amount will bring the balance over 760, there will be no PTO credited for that pay period. Employees are expected to manage their PTO balances and plan the use of PTO during non-peak operational times.

Use and Scheduling of PTO

Employees are required to use available PTO when taking time off from work. PTO may be taken in increments of as low as one hour for non-exempt staff.

Whenever possible, PTO must be scheduled in advance. PTO is subject to supervisory approval, department staffing needs and established departmental procedures. Unscheduled absences will be monitored. An employee will be counseled when the frequency of unscheduled absences adversely affects the operations of the department.

When PTO is used, an employee is required to use PTO hours according to his or her regularly scheduled workday. For example, if an employee works a six-hour day, he or she would request six hours of PTO when taking that day off. PTO is paid at the employee's straight time rate. PTO is not part of any overtime calculation.

An employee may run a negative PTO balance during the year, to the extent that the PTO balance is not less than zero (0) on the 31st of December. Employees who terminate their employment for any reason and have a negative PTO bank shall have such amount deducted from their final paycheck.

Short-Term Disability Insurance

As part of the Paid Time Off program, the City will provide at no cost to the employee, disability insurance to maintain the employee's salary at no less than sixty percent (60%) of the employee's regular pay, for the period commencing with the thirty-first (31st) working day following the first day of absence for any disability up to and including the ninetieth (90th) working day from the employee's first day of absence for said disability. This benefit shall only apply to non-job

related injury or illness. To be eligible for this benefit, non-represented employees must be medically incapacitated from performing any work for the City and shall not be eligible if they refuse a bona fide offer of work accommodation or revision that has been approved by their treating physician.

The City will, at the option of the employee, compensate the employee out of their accrued PTO bank that amount which will provide for one hundred percent (100%) of the employee's regular pay when the employee is off work and on Short-Term Disability Insurance. The employee can also make application for Washington State Paid Leave in lieu of using their accrued PTO. Prior to an employee's return to duty from disability or a medical leave of absence, the City may require medical certification from the employee's physician certifying the employee's ability to perform the duties of their job, with or without reasonable accommodation.

Payment upon Termination

An employee will be paid up to 320 hours for PTO hours accumulated, but not used, upon resignation or separation. Upon completion of ten (10) years of continuous service or retirement, an employee will be paid up to 450 hours for PTO hours accumulated, but not used. All PTO in excess of the hours listed above must be taken prior to separation or forfeited. All PTO must be taken prior to taking any time off without pay (except on approved voluntary unpaid furloughs).

902 Executive Leave

In lieu of compensatory time, Department Heads may be granted up to ten (10) days of executive leave each calendar year as determined by the City Administrator and/or the Mayor. Executive leave may be used for any reason. The Department Head must schedule and receive approval for the use of executive leave from the City Administrator. Executive leave must be used in the calendar year granted and shall not be carried into the next calendar year. Executive leave must be taken in full-day increments. The number of days of executive leave that an employee will earn shall be approved by the City Administrator. The City reserves the right to reduce, eliminate, or increase executive leave at any time.

903 Leave without Pay

Leave without pay may be granted for absence from work not covered by any other type of leave or if other leave balances are exhausted.

The following requirements apply:

1. Leave without pay may be granted to an employee for a period of up to three calendar months, upon the approval of the City Administrator. Leave without pay requests may be denied for any reason at the sole

discretion of the City with exception to requirements provided by state or federal law.

2. Accrued compensatory time, vacation leave or paid time off (PTO) must be exhausted prior to taking any leave without pay. Sick leave must be exhausted if the leave is for reasons to which sick leave is applicable. Time spent utilizing accrued paid leave or compensatory time is included in the three month maximum leave.
3. An employee's benefits are suspended during the period of leave without pay until the employee returns to work. In certain circumstances, self-payment of medical benefits may apply.
4. Vacation, paid time off (PTO), sick leave and/or any other leaves do not accrue while an employee is on leave without pay
5. An employee who fails to report promptly at the end of the leave without pay is presumed to have voluntarily resigned. An employee returning from leave without pay may, at the City's option, return to the same position or similar position at a comparable rate of pay.
6. If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position, with or without reasonable accommodation.
7. Parental Leave: In appropriate circumstances either parent may take leave without pay for parental leave related to birth or adoption of a child. Parental leave must be taken within one year from the time of childbirth or adoption.

904 Maternity Disability Leave

Under Washington State law (WAC 162-30-020), pregnant employees are entitled to leave without pay for the period of time that they are physically disabled due to pregnancy and/or childbirth. The leave period of temporary disability may last no more than eight (8) weeks if the pregnancy and childbirth are without complications. If complications exist, such as required bed rest before childbirth, the leave period may be extended.

The City may require a doctor's note or other documentation before the leave is taken.

The employee must exhaust all accrued sick leave, paid time off, vacation leave, floating holiday, or comp time. Only after all leave has been exhausted is the employee entitled to leave without pay.

The City will not pay the premiums on the employee's health care benefits during any leave without pay. The employee may, however, continue such benefits during leave without pay by paying COBRA premiums.

Upon returning from leave, the employee will be restored to their original job, or to another job with equivalent pay, benefits, and other employment terms and conditions.

905 Washington Paid Family and Medical Leave

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. PFML benefits will be available starting on January 1, 2020.

This policy provides a summary of the PFML program. Employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the City will administer this benefit program consistent with applicable statutes and regulations.

Payroll Deductions. The PFML program is funded through premiums collected by ESD via payroll deductions and employer contributions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount, or the amount established in the current collective bargaining unit agreement. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the City will modify payroll practices to reflect those statutory changes

Eligibility. Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.

Job Protection: In order to be eligible for job protection under PFML, an employee must meet eligibility requirements (must have worked for the City for at least 12 months and have worked 1250 hours in the last year).

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

Leave Entitlement. Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy. The claim year begins when the employee files a claim for PFML benefits or upon the birth/placement of the employee's child. PFML leave may be taken for the following reasons:

Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

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

Notification Requirements. An employee must provide written notice to the Employer of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the Employer, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the Employer will advise the employee whether the employee is eligible for job protection under PFML. If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt City operations.

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

PFML Monetary Benefits. If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a maximum of \$1,000 per week. ESD's website is expected to include a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Paid leave accruals (PTO, floating holidays, compensatory time, or any other accrued leave) are not supplemental to PFML. An employee may elect to use such accrued leave during a PFML-covered absence, although the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated weekly PFML benefit. **Important note:** failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

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

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

906 Family Care Act

Employees may use their choice of any available accrued leave in order to care for their child, spouse, registered domestic partner, parent, parent-in-law or grandparent as described below.

An employee may use available accrued leave to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services.)

An employee may use available accrued leave when a spouse, registered domestic partner, parent, parent-in-law, or grandparent has a “serious or emergency health condition” which are conditions:

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

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

907 Jury Duty

The City provides all employees leave for jury duty service. Regular full-time and regular part-time employees receive paid jury duty leave of up to ten (10) business days each time they are called for jury service. In general, if jury duty extends beyond ten business days in any one instance the additional leave will be unpaid. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.

Exempt salaried employees who are asked to serve longer than two weeks should contact the City Administrator or designee to discuss whether future paid leave will be provided. Payments provided by the courts during period of paid jury duty leave must be turned over to the City, excluding expense reimbursements, such as mileage. The employee must provide the City with a copy of the jury duty

summons as soon as possible after receiving it. Upon completion of jury duty, the employee is required to provide the City with proof of jury service.

908 Witness Duty

All employees summoned to testify in court are allowed time off for the period they serve as a witness. In general, witness duty leave is unpaid unless the employee is a witness in a case involving the City.

909 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, to be used in the best interest of the City as determined by the City Administrator.

910 Military Leave

The City provides all employees leave while performing military service in accordance with federal and state law. Regular full-time and part-time employees receive paid military leave of up to twenty-one (21) business days per year for military service. In general, if military service extends beyond twenty-one (21) business days, the additional leave will be unpaid. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Military service may include active military duty and Reserve or National Guard training. An employee is required to provide the City with copies of their military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

911 Military Leave for Spouses

During a period of military conflict, military spouses are entitled up to total of fifteen (15) days of unpaid leave per deployment. The leave can be taken:

- (a) When the soldier/spouse is on leave from their deployment; or
- (b) After the soldier/spouse learns of the deployment, but before they commence active duty.

The employee must exhaust all accrued vacation leave, paid time off, floating holiday, or comp time. Only after all leave has been exhausted is the employee entitled to leave without pay.

The employee is responsible for payment of all health premiums during any leave without pay. The employee may, however, continue such benefits during leave without pay by paying COBRA premiums.

Employees must give notice of intention to take leave to their Department Head or designee, or the City Administrator, within five (5) days of the soldier/spouse receiving official notice of the order to active duty, or official notice of receiving leave from active duty.

Upon returning from leave, the employee will be restored to their original job, or to another job with equivalent pay, benefits, and other employment terms and conditions.

912 Religious Holidays

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with their Department Head's approval or the approval of the City Administrator, take the day off using vacation leave, paid time off, or compensatory time.

913 Leave for Domestic Violence, Sexual Abuse, or Stalking

Washington law requires reasonable leaves without pay from work (either in a continuous block of time or intermittently), or continued employment on a reduced work schedule, when the reason for the leave is one or more of the following:

1. An employee seeks assistance from a lawyer or law enforcement to prepare for or participate in a civil or criminal proceeding related to incidents domestic violence, sexual assault, or stalking that involved either the employee or a family member of the employee.
2. An employee seeks or attends treatment for physical or mental injuries of the employee or a family member caused by domestic violence, sexual assault, or stalking.
3. An employee obtains services from a domestic violence shelter, rape crisis center, or similar facility for the employee or a family member.
4. An employee obtains mental health counseling for domestic violence, sexual assault, or stalking for the employee or family member of the employee who has been a victim.
5. An employee participates in safety planning or relocation for the employee or a family member.

The following documentation may be requested by the City in support of a leave request:

1. police report,
2. court order of protection,
3. documents supporting a court appearance,

4. statement from a domestic violence advocate, attorney, clergy member, or medical “or other professional,” or
5. an employee’s written statement.

The City will maintain the employee’s health benefits while the employee is on leave for the purpose of this policy.

Employees must use accrued vacation leave, paid time off, comp time, or floating holiday before taking leave without pay. Sick leave must also be used if it applies.

If possible, employees are required to give advance notice. If the situation does not allow for advance notice, the employee must notify their Department Head or the City Administrator no later than the end of the first day that the employee takes leave.

For the purpose of this policy, family members include children, spouses, parents, parents-in-law, grandparents, or anyone with whom the employee has a dating relationship. The City may require proof of a family relationship, such as a birth certificate, a court document, a statement of the employee, or other similar documentation.

The City will maintain the confidentiality of all documents associated with leave requested or taken. These documents can be disclosed only with the consent of the employee, by order of court or administrative agency, or otherwise required by federal or state law.

Upon returning from leave, the employee will be restored to their original job, or to another job with equivalent pay, benefits, and other employment terms and conditions.

914 Holidays

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

<u>Holiday</u>	<u>Day Observed</u>
New Year’s Day	January 1 st
Martin Luther King’s Birthday	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran’s Day	November 11 th
Thanksgiving Day	Fourth Thursday in November

Day after Thanksgiving

Day Immediately following

Christmas Day
2 Floating Holidays

Thanksgiving
December 25th

In order to be eligible to receive holiday pay an employee must be at work the day before and the day after said holiday, unless they have applied for and been approved leave prior to the holiday.

With the exception of those employees normally scheduled to work on a weekend day, City-paid holidays which fall on a Saturday will be observed on the preceding Friday; paid holidays falling on a Sunday will be observed on the following Monday.

Regular part-time employees receive holiday pay on a pro-rated basis. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week.

Floating Holidays

On January 1st of each year, all regular full time employees will be credited with sixteen (16) hours (2 days) of floating holiday leave and all regular part time employees will be credited with a pro rata amount of floating holiday leave. An eligible employee may then select when to take their floating holiday hours subject to approval from their Department Head or designee, or the City Administrator.

Floating holidays can be scheduled and taken in the same manner as paid time off or vacation time.

New hires starting June 1st through September 30th will receive one (1) floating holiday in the year of hire. New hires starting after September 30th will not receive any floating holidays in the year of hire.

Work on Holidays

In the event that a non-exempt employee is required to work a holiday, they will be paid for the holiday plus one and one-half times his/her regular rate of pay (two and one-half total) for all hours worked on the holiday. Such time must be pre-authorized by the Department Head or designee, or the City Administrator.

915 Inclement Weather

Purpose

The citizens of Stanwood expect the City to offer continued public service and emergency services during periods of inclement weather. This policy covers conditions that limit transportation or mobility such as snowstorms, ice storms, wind storms, earthquakes, floods or any other event as defined by the City which may cause unsafe driving conditions for both public and private transportation.

Attendance

Because of the public safety nature of those positions in the Police and Public Works Departments, employees in those departments should assume City business will proceed as normal even when the City offices are closed and other employees are not required to come to work. However, if employees within these departments decide that weather conditions prohibit them from coming to work safely, they may contact their Department Head or designee, or the City Administrator, and request leave per the provisions of this policy.

Compensation

1. During a significant weather event that forces the City to close administrative operations for a period of time and employees are told not to report to work, they will be compensated for the day. However, if an Employee chooses not to report to work, then accrued leave must be used or the time may be taken unpaid.
2. Department heads may permit employees to make up short periods of absence due to inclement weather within the pay period the absence occurs, provided such activity does not conflict with City policy or labor agreements, and that such adjusted work time does not result in additional overtime payments.

Notification

On days when poor weather conditions exist, the Mayor or the City Administrator may place the City under the inclement weather policy, close City offices, or limit hours City offices are open for business. To be notified about these decisions, employees are responsible for contacting their department managers prior to the start of their regular work shift to obtain updated information on City office closures or modified hours of work.

916 Pandemic or Public Health Emergency Response

It is the policy of the City of Stanwood to take all appropriate measures needed to address a pandemic and protect public health. Protecting the community and City

staff is a top priority and this policy establishes some of the actions that may be taken, and the authority, granted to address a pandemic.

Procedures: The following procedures are established to minimize disease exposure and maintain continuity of City operations in the event that a pandemic becomes a threat to the health or safety of City employees, their families, and the community at large.

- 1) *Declaration of Pandemic and/or Public Health Emergency:* Public health professionals at organizations such as the Centers for Disease Control and Prevention (CDC), Washington State Public Health Department, Washington State Governor, and/or Snohomish County Health Department may declare that a pandemic, outbreak, or public health emergency exists. Such declarations may contain instructions or recommendations to both private and public sector entities. The City will follow all mandatory instructions and will implement recommendations to the extent it determines these to be applicable and/or feasible or practicable under the particular circumstances.
- 2) *Procedures to help minimize the spread of germs:* Employees are urged to practice standard Non-Pharmaceutical Interventions (“NPI’s”), including covering coughs by coughing into a tissue or, if a tissue is not available, into their elbows, regular hand washing, regular use of alcohol hand sanitizer, and avoiding touching eyes, nose, or mouth. Hands and work surfaces should be disinfected frequently. Employees are also urged to utilize social distancing such as maintaining a distance of six feet from others when practical to do so.
- 3) *Proclamation of Emergency/Disaster Due to Pandemic:* Upon the City’s proclamation of emergency/disaster due to pandemic, the following shall apply:
 - i. Employees who have a communicable illness or are experiencing flu-like symptoms (as then-defined by the applicable health authorities), are prohibited from coming to work and are encouraged to consult their physician.
 - ii. Employees reporting to work who exhibit symptoms of a communicable illness will be sent home and encouraged to consult their physician. Unless otherwise provided by law, the employee shall be required to utilize accrued leave, pursuant to these policies, or applicable collective bargaining agreement, if they are sent home due to symptoms of an illness.
 - iii. If the illness of an employee or member of an employee’s household interferes with reporting to work in a timely manner, the

employee is responsible for notifying their supervisor. Employees must not return to work until they have been free of illness symptoms (fever, chills, sore throat, etc.) for at least 24 hours (or any longer applicable incubation period determined by the appropriate health authority) or are deemed no longer infectious by a medical professional.

- iv. Except as otherwise prohibited by law, employees are required to first utilize their accrued sick leave and then any other accrued paid time off (vacation, paid time off, compensatory time, or floating holidays) while recovering from, or caring for a spouse or dependent recovering from illness.
- v. If the school or place of care of an employee's child is closed due to pandemic, the employee may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave), to care for the child.
- vi. Employees may donate accrued sick leave to employees who do not have enough accrued leave balances to cover their absence, in accordance with the City's shared leave policy.
- vii. When quarantine of an employee is ordered by State or County Health Officials due to a pandemic illness, employees may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave) for the period of quarantine.
- viii. At the discretion of the Mayor or City Administrator, City Hall may alter its business practices, hours of business, and services provided. Examples of potential measures that could be taken include but are not limited to:
 - a. The City may implement temporary emergency procedures to minimize in-person contact between employees. Such measures may include greater use of e-mail, phone, and teleconferences, including telecommuting (see policy), as opposed to in-person meetings and contact.
 - b. *Reduced Reception and Front Counter Service:* The City may alter how it conducts business with the public by limiting or halting services at counters/areas of the City Hall and other facilities where front-line services are typically provided.

- c. *Partial Work from Home Schedules:* Some staff may be permitted or assigned to work from home.
- d. *Full or partial City Hall Closure:* City Hall may be partially or fully closed. During closure, staff who are able to reasonably work from home, whether in full or partial shifts, will be allowed to do so, and City managers and supervisors will coordinate this directly with the subject employees (See Telecommuting Policy).

917 Volunteer Emergency Services Personnel Leave

In accordance with RCW 49.12.460, an employee who is a volunteer firefighter, reserve peace officer, or member of the Civil Air Patrol will not be subject to discipline or termination when an emergency call, fire alarm, or emergency service operation prevents them from showing up to work on time.

In the case of a volunteer firefighter working at, or returning from, a fire alarm or emergency call that causes the employee to be late or miss work, the on-scene commander must order the firefighter to remain at the scene. Training and other non-emergency activities do not qualify. Volunteer firefighters cannot be paid and must be away from their regular job when the fire alarm or emergency call comes in to qualify for this leave.

A reserve peace officer, as defined in RCW 41.24.010, must be called to an emergency to be late or miss work. A member of the Civil Air Patrol must be involved in an emergency service operation, as defined in RCW 49.12.460, to be late or miss work.

Notice Requirements

An employee shall make every reasonable attempt to give his or her department head advance notice of the need to take leave.

Type of Leave

An employee who is absent from work pursuant to this policy may elect to use his or her accrued vacation leave, paid time off, floating holiday, compensatory time or unpaid leave time.

Verification

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

918 Shared Medical Leave Program

The City of Stanwood recognizes that certain circumstances may exist where employees may need additional leave to assist them during a period of time

when they are off from work for medical purposes, but do not have enough accumulated leave. These additional leave days will be voluntarily donated by other City employees. Donated leave days, for medical purposes, may also be used by an employee because of immediate family illness.

Eligibility

To be eligible to donate either vacation, paid time off or sick leave, an employee must have over one hundred (100) hours of accrued vacation leave or paid time off, and two hundred (200) hours of accrued sick leave. In no event shall a leave donation result in the donor reducing their vacation leave balance to less than one hundred (100) hours or sick leave balance to less than two hundred (200) hours. Transfer of leave will be in increments of eight (8) hours (1 day). Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient.

For an employee to receive donated leave, the employee must first exhaust all of the employee's own accumulated compensatory time, sick leave, paid time off and vacation leave. In the case of work related injury, the employee must diligently pursue and be found ineligible for worker's compensation benefits, prior to receiving donated leave.

Process

All donations of leave are strictly voluntary and confidential, and will occur on a "per event" basis. If employees have a need to use the Shared Medical Leave Program, they should contact their Department Head or designee, or the City Administrator or designee. When an employee is in need of donated leave, and so requests, the City will inform other employees in writing that donated leave has been requested.

An employee using shared leave will continue to receive the same salary and benefits as an employee using vacation, paid time off or sick leave. Unused donated leave will be given back to the donor(s).

919 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 unduly disrupt operations, impose an undue hardship, or the

employee is necessary to maintain public safety. The term “undue hardship” has the meaning contained in the rule established by the Office of Financial Management.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee’s supervisor a minimum of two (2) weeks prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee’s supervisor. The employee’s supervisor shall 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.

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. A day is defined as a 24-hour period.