

**FIRCREST CITY COUNCIL
SPECIAL MEETING AGENDA**

**MONDAY, JANUARY 14, 2019
6:00 P.M.**

**COUNCIL CHAMBERS
FIRCREST CITY HALL, 115 RAMSDELL STREET**

- 1. Call To Order**
- 2. Pledge Of Allegiance**
- 3. Roll Call**
- 4. Agenda Modifications**
- 5. [Personnel Policies and Procedures Update](#)**
- 6. [Family Wage Job Credit Incentive](#)**
- 7. [Planning Hearings Examiner Hiring Process](#)**
- 8. Adjournment**

AGENDA ITEM 5: Personnel Policies and Procedures Manual Update**FROM: Scott Pingel, City Manager**

BACKGROUND: The City's current Personnel Policies and Procedures manual was last updated in March 2000. Updating the manual is a part of the Administration work plan for 2018. We sent our current manual to CIAW for review. Most of the major updates and suggested changes to the manual are due to the review by CIAW. City Attorney, Mike Smith, has reviewed the document as well and expressed that he was pleased with the changes. City staff implemented all of the changes suggested by CIAW in order to ensure the document includes the latest legal trends. The City's management team also reviewed the manual and made various suggestions, some which have also been implemented in the proposed changes. We sent out the proposed changes to all staff for an opportunity to provide comments and suggestions. All changes were made based on samples from other cities with up-to-date personnel manuals, or samples provided by MRSC.

Main changes due to the CIAW review include the following:

- Changes to the at-will status of employees in Sections 1.2 and 1.3.
- Immediate Family Definition to coincide with the Family Care Act
- Changes to Section 2.1 Equal Employment Opportunity Policy
- Changes to Section 2.4 Non-discrimination and Anti-Harassment Policies
- Addition of Section 2.7 Workplace Bullying Policy
- Addition of Verification paragraph in Section 3.2
- Changes to Section 5.6 Payment of Salary
- Addition of Section 5.11 Timesheets
- Changes to Section 8.2 Paid Sick Leave per new State Law.
- Changes to Section 8.3 Family and Medical Leave per new State Law.
- Changes to Section 9.5 Smoking and Tobacco Policy
- Changes to Section 9.16 Employee Attire, Uniforms, Special Equipment and Clothing

The main changes due to Staff review include the following:

- Definition of Anniversary Date (Section 1.7)
- Added Definition for Casual and Seasonal Employees (Section 1.7)
- Adjustments to the Section 3.8 Promotions and Section 3.9 Reclassification
- Adjustments to Meal reimbursement under Section 5.9 Travel Expense Reimbursement. This brings us more in line with what the State and most Cities provide for meal reimbursement.
- Changes to Section 7.9 Employee Assistance Program. We've simply provided additional information about the program in the manual.
- Additions to Section 7.10 Wellness Program. Again, this just provides additional information about the program.
- Deletion of 7.10 Vision and Hearing Care. This is due to adding the vision benefit for all non-represented employees, which has a hearing portion.

- Adjustment to Section 8.5 Sick Leave Sharing. This changes the policy from having to be catastrophic/death imminent condition. It still needs to be a severe condition, but not quite so extreme as imminent death. The main example I have experienced with this is that I had a former Public Works Director that had throat cancer and missed the better part of 4 months of work going through chemotherapy. His co-workers were able to voluntarily share sick time with him so that he did not have to get into unpaid leave.
- Changes to Section 8.7 Jury and Witness Leave. We deleted the Payment provision because it becomes cumbersome for such a small amount of money.
- Changes to Section 9.1 General Code of Conduct. This addition goes towards employees using their positions for private gain or other conflict of interest.
- Addition of Section 9.6 Sensitivity to Fragrances and Odors
- Addition of Cellular Phone and Smartphone Use under Section 9.9 Use of City Vehicles and Equipment
- Addition of Fitness for Duty Examination under 9.10 Safety/Security
- Addition of Number 7. Portable Computers under Section 9.18 Use of City Computers

ATTACHMENT: [Proposed Amendments to the Personnel Policies and Procedures Manual](#)



THE CITY OF FIRCREST

Personnel Policies and Procedures Manual

Resolution No. _____
Updated _____, 2019

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CHAPTER SECTION 1- **PURPOSE AND SCOPE**

1.1 INTRODUCTION

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

The City places the highest value on its employees and their ~~well-being~~well-being. The City wants to have satisfied workers with the support necessary to achieve the objectives of each position. Only in this manner can employees' contributions to the City organization be the most productive.

It is the City's belief that when consistent personnel policies are known and communicated to all, the choices for greater job satisfaction increase. Employees are ~~encouraged~~encouraged ~~responsible for reading to read~~ these policies and if they have questions, to ask their supervisor or department head. Ideas or suggestions for improvement are also to be given to the department head or City Manager.

1.2 INTENT OF POLICIES

These policies are intended as general guidelines for successful employment and outline what is expected of employees and what they may expect of the City.

These policies are not intended to be a contract, express or implied, or a guarantee of employment for any specific duration. Although the City hopes that employment relationships will be long term, it is recognized that things may not always develop as hoped, and either the employee or the City may decide to terminate the employment relationship at-will, with or without notice, and with or without cause. The City reserves the right to amend its policies at any time with or without notice.

Please understand that no supervisor, department head or representative of the City other than the City Manager has the authority to enter into any agreement for employment for any specified period or to make any written or verbal commitments contrary to what is outlined in these policies.

1.3 EMPLOYEE STATUS

~~Intern, casual/seasonal, and temporary~~e Employment with the City of Fircrest is "at-will" and can be terminated at any time with or without cause and with or without notice by either the employee or the City. Employees covered by the provisions of a collective bargaining agreement or employment contract are governed by those provisions, to the extent they conflict with these policies. ~~All other employees not designated at-will are given a "for-cause" status after successful completion of their working test period.~~

1.4 SCOPE OF POLICIES

These personnel policies apply to all City employees. In cases where these policies conflict with any City ordinance, Civil Service rules and regulations, the provisions of a collective bargaining agreement, personal services contract, or state or federal law, the terms of that law or agreement ~~prevail~~control. In all other cases, these policies apply.

1.5 CHANGING THE POLICIES

As the need arises, the City Manager may modify these policies, except that the City Council, by ordinance, shall enact any changes in compensation or benefit levels.

The City Manager may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the City's citizens.

Employees may request specific changes to these policies by submitting suggestions to their department head, Personnel Officer or City Manager. If adopted by Council, a copy of the revision, addition, or deletion shall be distributed to all employees and may be effective immediately.

1.6 PERSONNEL SYSTEM ADMINISTRATION

These policies and the City's personnel system shall be administered as follows:

City Council: Adopts the budget which includes adjustments to salary ranges, benefit changes, authorization for positions and training appropriations.

City Manager: Has final responsibility for implementing and interpreting these personnel policies and is responsible for the final decision on hiring, termination, and discipline of all employees.

Department Heads: Have responsibility for administering their own department(s) in accordance with these policies and any applicable laws; and are responsible for discipline of employees, subject to approval by the City Manager.

Personnel Officer: Assists the City Manager in administering the personnel system and interpreting policies.

Employees: Have a responsibility to read, understand and adhere to the personnel policies.

1.7 DEFINITIONS

Anniversary Date: The date of hiring, reclassifying or promoting of an employee. After the hire date, if an employee's position is reclassified, or an employee is promoted to another position, the most recent reclassification or promotional date becomes the new anniversary date for the purpose of merit increases.

City: City of Fircrest.

Casual and Seasonal Employee: Employees who are hired by the City to work in seasonal or limited duration positions for less than five months each year in which regular compensation is earned for no more than at least 6979 hours per month. Employees in this category do not receive any City benefits except for paid sick leave.

Department Head: An employee who is responsible for directing one or more departments.

Immediate Family: As defined by RCW 49.46.210, family members included in the paid sick leave law include a child (including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status); a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; or a sibling. Includes the employee's parents, spouse, child, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, or other relative who lives in the employee's home.

Job Share: The sharing of one position by two regular part-time employees who each work fewer than forty (40) hours a week.

May: "May" is interpreted as "permissive".

Regular Full-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works a minimum of forty (40) hours a week.

Regular Part-Time Employee: An employee who has successfully completed a trial period as defined in these policies and who regularly works less than forty (40) but at least twenty (20) hours a week.

Shall and Will: Terms "shall" and "will" are interpreted as "mandatory".

Temporary Employee: Employees who hold jobs of limited duration due to special projects, abnormal work-loads or emergencies. Temporary employees are not eligible for City benefits, except paid sick leave as set forth below.

Working Test Employee: Employees who have not yet completed their working test period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include working test employees.

CHAPTER SECTION 2

GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These policies and all employment practices shall be applied without regard to ~~any individual's~~ the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information, ~~sex, gender, sexual orientation, race, color, religion, national origin, pregnancy, age, marital status, disability~~ or any other basis prohibited by applicable law.

2.2 DISABILITY DISCRIMINATION PROHIBITED

The City will not discriminate against qualified applicants or employees with a sensory, physical or mental disability, unless the disability cannot be reasonably accommodated and prevents proper performance of an essential element of the job.

2.3 LIFE THREATENING/COMMUNICABLE DISEASES

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

2.4 NON-DISCRIMINATION AND ANTI-HARASSMENT POLICYPOLICIES

It is the City's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by employees toward co-workers or members of the public. Employees are expected to show respect for each other and the public at all times.

Harassment Definition. Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, age, marital status, pregnancy, disability, or any other basis protected by applicable law. See 2.6 Discrimination Complaint Procedure.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, or any other characteristic protected by law or that of relatives, friends or associates, and that:

- has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- has the purpose or effect of unreasonably interfering with an individual's work performance;
- otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail and social media).

Sexual Harassment Prohibited. Sexual harassment is a form of harassment and discrimination and will not be tolerated by the City of Fircrest.

Sexual Harassment Definition. Sexual harassment is defined as sexually suggestive conduct directed at the recipient and when such conduct is not welcomed by the recipient. Examples of sexual harassment includes, but is not limited to: requests for sexual favors, sexually suggestive comments or behavior, discussions of one's private sexual life, sexually explicit jokes, and physical behavior such as kisses, hugs, sexually suggestive pats or squeezes. Unwelcome sexual advances and other verbal or physical conduct constitute sexual harassment when:

1. Enduring the offensive conduct becomes either explicitly or implicitly a term or condition of continued employment;
2. submission to or rejection of such conduct is used as a basis for employment decisions; or
3. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or offensive.

Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature. It refers to behavior that is not welcome and which is personally offensive, interfering with effectiveness or creating uneasiness on the job.

Individuals and Conduct Covered. These policies apply to all applicants and employees, and prohibit harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Retaliation is Prohibited. The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Complaint Procedure. Reporting an Incident of Harassment, Discrimination or Retaliation

The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with their immediate supervisor, department head, or the Personnel Officer before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of one of the other City designated representatives identified above.

Important Notice to all Employees:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, federal, state and local discrimination laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and the policies of the City prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to compliment and further these policies, not to form the basis of an exception to them.

Employees engaging in improper harassment or inappropriate behavior are subject to disciplinary action up to and including termination. See Section 2.5 Discrimination Complaint Procedure.

2.5 — SEXUAL HARASSMENT PROHIBITED

~~Sexual harassment is a form of sex harassment and discrimination and will not be tolerated by the City of Fircrest illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the City.~~

~~Sexual harassment is defined as sexually suggestive conduct directed at the recipient and when such conduct is not welcomed by the recipient. Examples of sexual harassment includes, but is not limited to: requests for sexual favors, sexually suggestive comments or behavior, discussions of one's private sexual life, sexually explicit jokes, and physical behavior such as kisses, hugs, sexually suggestive pats or squeezes. Unwelcome sexual advances and other verbal or physical conduct constitute sexual harassment when:~~

~~behavior of a sexual nature which is unwelcome. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks, and leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.~~

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

- ~~(1) Is part of a manager's or supervisor's decision to hire or fire~~Enduring the offensive conduct becomes either explicitly or implicitly a term or condition of continued employment;
- ~~(2) Is used to make other employment decisions like pay, promotion, or job assignments~~submission to or rejection of such conduct is used as a basis for employment decisions; or
- ~~(3) Creates an intimidating, hostile, or offensive work environment~~the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or offensive.

~~Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature. It refers to behavior that is not welcome and which is personally offensive, interfering with effectiveness or creating uneasiness on the job.~~

~~If an employee is uncertain whether he/she is experiencing harassment, the Personnel Officer is available for assistance.~~

~~Employees engaging in improper harassment are subject to discipline, including termination. See 2.6 Discrimination Complaint Procedure.~~

2.66 DISCRIMINATION COMPLAINT PROCEDURE

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

The following procedure outlines the steps to follow if an employee believes he/she has experienced or witnessed harassment or discrimination on the job. This includes, but is not limited to actions related to gender, race, color, national origin, age, disability or any other protected status.

Step 1. Employees who believe they have been harassed or are the victim of discrimination should make it clear to the other person that they are offended, that the person's behavior is not welcome, and request that it stop. If this does not resolve the matter or if reprisal from direct communication is feared, move to step 2.

Step 2. Employees who experience or witness any job-related harassment, or believe they have been treated in an unlawful, discriminatory manner, should promptly report the incident to their supervisor, department head, or the Personnel Officer. No employee will suffer retaliation for reporting such concern or assisting in an investigation. An employee who retaliates or an employee who provides false information may be subject to disciplinary action. ~~To the extent possible, Confidentiality will be maintained throughout the investigatory process to the extent that it does not impair the investigation. complaints will be handled confidentially.~~

Investigation. ~~Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially by the Personnel Office. All complaints will be investigated promptly by the Personnel Officer.~~ Upon receiving a complaint from an employee, supervisor or department head, the Personnel Officer with assistance of the department head will initiate investigation and upon completion of the investigation will recommend to the City Manager whether further action should be taken. The investigation may include individual interviews with

the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Employment Action. If an investigation shows the accused employee did engage in improper harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file or an employee transfer, demotion, suspension or termination.

2.7 WORKPLACE BULLYING POLICY

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the City will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

The City defines bullying as repeated, health-harming mistreatment of one or more people by one or more perpetrators. It is abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.
- Such behavior violates the City's Code of Ethics, which clearly states that all employees will be treated with dignity and respect.

The City considers the following types of behavior examples of bullying:

- **Verbal bullying.** Slandering, ridiculing or maligning a person or his or her family; persistent name-calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- **Physical bullying.** Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- **Gesture bullying.** Nonverbal gestures that can convey threatening messages.
- **Exclusion.** Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.

- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Individuals who feel they have experienced bullying should report this to their supervisor or to the Personnel Officer before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow the City to take appropriate action.

2.78 WORK PLACE VIOLENCE POLICY

The City will not tolerate any acts of violence toward employees or City property. Any employee who commits or threatens an act of work place violence will be subject to investigation and discipline. All acts of violence will be treated seriously and will be dealt with promptly and appropriately using administrative, managerial, legal and disciplinary actions to minimize risk to employees and property.

Work-place violence. Means acts of violence against an employee, vendor or member of the public, threats to inflict physical harm, including threats on social media, or damages to property or any purposeful or knowing behavior which would cause a reasonable person to feel threatened with physical harm committed by an employee or non-employee in the work-place. Work-place violence does not include reasonable force in defense of oneself or others.

Weapon. Means any firearm, switchblade knife, or knife with a blade longer than four inches, dangerous chemicals, explosives, blasting caps, chains, and other objects intended to injure or intimidate others.

Employee responsibilities.

1. Treat other people and property with respect. No employee is permitted to commit or threaten violence against any other employee, vendor, or member of the general public. Examples of prohibited conduct are physical abuse, verbal threats to inflict physical harm, including threats on social media, vandalism, arson, and use of weapons.
2. Do not bring a weapon into the City work-place, unless the weapon is required to fulfill the employee's job duties, such as those of a police officer, unless the City Manager grants a prior exception in writing.

4.3. Immediately report threats or incidents of work-place violence to their supervisor or to the Police Department in the case of immediate serious threat or commission of a crime.

5.4. Even without an actual threat, report any behavior they have witnessed which they regard as threatening or violent.

Supervisor responsibilities.

1. When funded and available, attend training on identifying and defusing work-place problems and conflicts. Supervisors are expected to appropriately intervene when they see an employee on the receiving end of abuse, whether from another employee or a member of the public, where it is reasonably safe to do so.
2. Immediately contact the Police Department if an incident of work-place violence has actually occurred or if they become aware of a threat.
3. Assess their work-places to ascertain their security and suggest to the City Manager measures to bring about work-place security.
4. Assist the City Manager and, if necessary, the Police Department, in investigating instances of work-place violence involving employees in their department(s) and to work to avert future such occurrences.

2.89 EMPLOYEE PERSONNEL RECORDS

A personnel file for each employee is kept in City Hall. -An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, benefit enrollment forms, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, letters of commendation and other pertinent information. Medical information about employees and drug and alcohol testing information are contained in separate confidential files.

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

Confidentiality. Personnel files are kept confidential to the maximum extent permitted by law, except that a supervisor can have access to his or her subordinates' personnel files when necessary. In the event of a request for information, the City will only release individual information such as dates of employment, positions held and pay ranges, unless a more specific release is requested in writing by the employee or a court order. The City will comply with disclosure required by public disclosure laws, subpoenas or other lawful requests.

2.910 EMPLOYMENT REFERENCES

Only the City Manager, Personnel Officer, or department head will provide employment references on current or former City employees. Other employees shall refer requests for references to the appropriate department head, City Manager, or Personnel Officer. References will be limited to verification of employment and salary unless the employee has completed a written waiver ~~and-or~~ release.

2.1011 COMMUNICATIONS WITH CITY COUNCIL

All employees are authorized and directed to keep their supervisors fully and appropriately informed of all major issues and operations affecting their area of responsibility. All department heads are authorized and directed to keep the Council fully and appropriately informed of all major issues affecting the City or Council's legislative and oversight functions.

1. Employees are authorized, encouraged and directed to promptly respond to inquiries from a Councilmember as provided hereafter. Inquiries are those questions which may be answered by a simple yes or no, involve a short briefing of activities or status report, or may involve pulling and copying a readily retrievable document. If an employee is not qualified or does not have the complete information to respond appropriately to the question, the matter will be referred to the appropriate department head or City Manager. Employees should not speculate nor second guess when responding, but provide factual responses.
2. When an inquiry or request for information by a Councilmember or Council committee involves more than a simple response, the request will be immediately referred to the department head to report to the City Manager. If the inquiry would involve a substantial expenditure of resources to respond, the City Manager will refer the request to the full Council for direction before proceeding.
3. In order to fully coordinate activities and bring concerns to the attention of the City Manager, all employees are required to report all essential communications with a Councilmember to the department head to report to the City Manager.
4. To assure completeness, consistency and coordination of effort, all written staff communications with Councilmembers will be reviewed with the City Manager in advance of distribution.

2.12 EMPLOYEE AWARDS

In recognition that employees are the organization's most important asset and resource for providing quality public services to the citizens of Fircrest, there will be an annual employee recognition event. The City wishes to recognize and reward employees for a job well done and for special efforts and accomplishments. Recognition of employees' work and innovative approaches to tasks helps to develop good morale and encourages continued efforts to work hard maintaining high levels of customer service.

As provided in the adopted budget, the City may pay all or part of the cost for the employee recognition event, which will be a two-hour luncheon for all employees citywide in all departments to attend.

CHAPTER SECTION 3

RECRUITING AND HIRING

3.1 RECRUITING

Employees are recruited solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, ~~sex~~gender, sexual orientation, marital status, pregnancy, physical handicap, disability or age, or any other protected class.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application. Application forms will only be accepted during recruitment for a position. Any applicant supplying false or misleading information is subject to immediate termination, if hired.

3.2 HIRING

When a position becomes vacant and prior to any posting or advertisement of the vacancy, the department head shall review the position, its job description and the need for such a position. The position will be posted and/or advertised by the Personnel Officer only after approval by the City Manager. Consideration in the selection of employees will be based on the match between the knowledge, abilities, skills, and interests of the individual and the position duties.

Pre-Employment Examination. The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with an agency or individual to prepare and/or administer examinations.

Verification. Certain items on the employment application or resume will be verified by the Personnel Officer. References, background information, accuracy of degrees and education, job skills, certificates, and past employment will be verified, when possible, along with the industrial safety record and driving record prior to a conditional job offer being made to the applicant. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving. The City may also conduct certain background procedures as required by law. -Examples of such procedures include: requiring applicants/employees to show proof they are authorized to work in the United States and requiring applicants/employees who have unsupervised access to children or developmentally disabled adults to complete a disclosure statement. In accordance with the Federal Immigration Reform and Control Act employment eligibility verification requirements, the Personnel Officer will verify the identity of new employees and ensure they are authorized to work in the United States.

Residency. Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.

Driver's ~~license~~License. Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State

driver's license with any necessary endorsements. ~~Driving records of applicants may be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.~~

Employment Offer. After a candidate's selection or promotion has been approved by the City Manager, he/she will notify the candidate in writing and officially extend an offer of employment or promotion, including compensation information and conditions of employment. Candidates shall be notified that employment and compensation are subject to ~~passing a pre-employment medical examination,~~ budget availability and continued satisfactory performance.

Pre-Employment Medical Examination. After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination, which will include testing for controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

Disqualification. A candidate may be disqualified from consideration if:

1. Found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the work place);
2. The candidate refuses to submit to a medical examination or complete medical history forms; or
3. The examination reveals use of controlled substances or alcohol.

Employment Forms. The Personnel Officer along with department heads will ensure that new employees fill out appropriate employment forms provided by the Personnel Officer on the first day of employment.

Employees will receive a copy of this Manual and must certify in writing that they have read, or will read, and understand the information contained herein prior to being assigned a work duty. The original signed statement will be filed in the employee's personnel file.

3.3 TEMPORARY EMPLOYEES

Department heads may use temporary employees to temporarily replace regular employees who are on vacation or other leave, to meet peak work load needs, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Compensation/Benefits. Temporary employees are eligible for overtime pay as required by law. Temporary employees do not receive retirement, vacation, ~~sick leave,~~ health insurance, holidays or any other benefits, except paid sick leave as required by law, during their employment.

Temporary employees pay contributions to the Social Security system, as does the City on their behalf. Temporary employees will normally not be placed on the state PERS retirement system, although there are a few exceptions depending on PERS eligibility criteria.

3.4 VOLUNTEERS

Utilization of volunteer individuals and organizations can benefit the community by providing services and projects which would not usually be available due to costs. To prevent unnecessary City liability, all volunteers must [complete and sign](#) agreements with the City including agreement to defend, indemnify and hold the City harmless for any claims or lawsuits which arise out of their activities [and](#) conduct themselves in a safe, appropriate and legal manner and must act in accordance with City policies and procedures, outlined as follows.

Scope of Volunteer Service. Except for short-term volunteers, a scope of volunteer service description will be provided to volunteers and/or organizations. The scope of work will include:

1. Duties of the work assigned;
2. Supervision responsibilities;
3. Orientation prior to performing work;
4. Equipment to be provided; and
5. Contact person name and phone numbers.

Volunteer General Responsibilities. Except for short-term volunteers and City appointed commission or committee members, all volunteers must submit time sheets. The City provides State Labor and Industries (Workers' Compensation) coverage for volunteer workers which covers medical injuries incurred by the volunteer when working for the City. It does not cover any time lost nor does it cover any permanent injuries. Volunteers need to provide their own medical insurance. Volunteers may not drive City vehicles.

Background Investigation. State law requires criminal background and criminal checks for volunteers who will have unsupervised access to children and/or vulnerable adults. The background check is in the form of a written questionnaire on which applicants are asked to disclose criminal convictions, adjudications of child abuse or physical abuse in civil actions, and final decisions of the Department of Licensing or disciplinary boards that include a finding of sexual or physical abuse of a minor. As RCW 43.43.834 authorizes, all persons potentially coming into contact with children or vulnerable adults will have criminal record checks through the State Patrol.

In addition, if a volunteer is performing court ordered community service, the volunteer is required to disclose the nature of the infraction or offense for which they are serving. The City may check references for any potential volunteer.

Waiver. Volunteers and volunteer organizations should sign agreements with the City including agreement to defend, indemnify and hold the City harmless for any claims or lawsuits which arise out of their activities. Organizational volunteer service agreements will be reviewed and approved by the City Attorney.

Volunteer Organizations. All organizations performing volunteer services will be asked to provide proof of Commercial General Liability insurance in an amount not less than \$500,000 per occurrence, naming the City as an additional named insured. In addition, a waiver must be signed holding the City harmless for any injuries and claims of any kind resulting from their actions. Organizations must provide necessary supervision for projects.

3.5 WORKING TEST PERIOD

Upon hire or appointment, all employees enter a working test period that is considered an integral part of the selection and evaluation process. The working test period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

The normal working test period is six months from the employee's date of hire, rehire, or promotion. The City Manager may authorize the department head to extend the working test period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance. The City Manager will indicate in writing successful completion of the working test period.

Once the working test period is successfully completed, the employee may be certified to regular employment status; however, satisfactory completion does not change the at-will status, create an employment contract, or guarantee employment with the City for a specified duration.

Performance Evaluations. The employee's performance will be formally evaluated in writing at the mid-point and prior to the end of the working test period.

Use of sick-Vacation Leave/vacation. Working test employees may not use their accrued ~~sick-or~~ vacation leaves until they have successfully completed their trial period. –Employees in a promotional testing period may use their accrued leave.

3.6 EMPLOYMENT OF RELATIVES (NEPOTISM)

The immediate family of current City employees and City Councilmembers will not be employed *except for temporary assignments* where:

1. One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
2. One party would handle confidential material that creates improper or inappropriate access to that material by the other; or

3. One party would be responsible for auditing the work of the other.

For the purposes of this policy, "immediate family" members include those identified under Section 1.7.

Temporary assignment: Includes temporary employees who hold jobs of limited duration due to special projects, abnormal workloads or emergencies and regular full-time employees who are assigned to work in a higher job classification. The temporary assignment is intended to alleviate a temporary City need and will be no longer than sixty (60) calendar days in duration. During the temporary assignment, the assigned employee cannot allow an extension of the duration of the temporary assignment.

Change in circumstances. If two employees marry, become related, become domestic partners, or have a romantic relationship which causes one or more of the same problemsthree prohibited circumstances noted above and in the City's judgment, the potential problemsprohibited circumstances noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City unless reasonable accommodations, as determined by the City Manager, can be made to eliminate the potential problem. The decision as to which employee will remain with the City must be made by the two employees within ninety (90) calendar days of the date they marry, become related, enter a romantic relationship, or become domestic partners. If no decision is made within the specified time, the City reserves the right to terminate either employee.

3.7 PROMOTIONS

The City encourages promotion from within the organization whenever possible. The City Manager shall determine whether the promotional process for a position will be competitive or appointive. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified. Before advertising a position to the general public, the City Manager may choose to circulate a promotional opportunity within the City. The City reserves the right to seek qualified applicants outside of the organization at its discretion. All openings will be posted on City bulletin boards.

~~All openings will be posted on City bulletin boards. To be considered for promotion, an employee must be employed in their position for at least six (6) months, and meet the qualifications for the vacant position.~~

New Working Test Period. After promotion to a new position, a new working test period of six (6) months must be completed, unless waived or reduced by the department head and/or City Manager. The City Manager may authorize a department head to extend a trial period for up to an additional six (6) months. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee if a vacancy exists.

3.8 RECLASSIFICATION

Changing service demands, requirements, and job responsibilities may require periodic review and adjustment of City positions. Subject to budget appropriation and City Manager authorization, reclassification may occur when the level of responsibilities and duties of a position change and the areas of emphasis and skills required in the current position are changed.

Increased work volume and outstanding performance are not criteria which are relevant in a classification review. Positions may be reclassified to higher or lower ranges if the essential responsibilities are determined to be significantly changed from original description.

Process. Reclassification requests will be initiated prior to commencement of the budget process. The department head will submit to the City Manager a comprehensive job description describing in detail the duties, responsibilities, qualifications and specific changes which have been made to the position. If, after a position audit, the City Manager determines a reclassification is appropriate, [the City Manager will implement the reclassification in the preliminary budget for the following Fiscal Year. In presenting the preliminary budget,](#) the reclassification request will be presented to Council for its decision as to inclusion in the [adopted](#) budget.

CHAPTER SECTION 4

HOURS AND ATTENDANCE

4.1 WORKING HOURS

The City's work week is hours of a scheduled shift that starts between 12:01 a.m. Monday and 12:00 midnight Sunday. ~~The scheduled shift for most full-time employees' scheduled shift~~ is Monday through Friday from 8:00 a.m. to 5:00 p.m., with a one-hour unpaid lunch period and two fifteen (15) minute paid rest periods. Due to the nature of the City's operations, longer hours or weekend work may be necessary in some instances.

A normal working schedule for regular, full-time employees consists of forty (40) hours each work week. Different work schedules, may be established by the City to meet job assignments and provide necessary City services. Each employee's department head will advise the employee regarding his/her specific working hours.

Part-time and temporary employees will work hours as specified by their department head.

4.2 ALTERNATIVE WORK SCHEDULES

Certain non-represented positions may be eligible for alternative work schedules, provided there is no appreciable disruption to department operations or service to the public during established hours when City facilities are to be open to the public. It is recognized that some positions do not lend themselves to flexible work schedules.

Flexible Work Schedule. Flexible work schedules permit flexible starting and quitting times other than the standard work day, equivalent to the total authorized normal hours per week for a specific position based on a departmental need. Flexible time schedules are based around an established period of work hours, excluding lunch and break periods. Arrangements must satisfy the requirements of completion of a regular work week, maintenance of full coverage for the position during specified shifts, and no overtime. Employees with flexible work schedules are encouraged to schedule personal appointments (doctor, dentist, etc.) on their scheduled time off whenever possible.

Eligibility. Eligibility is determined by position. -Any regular full-time or part-time non-represented employee may request consideration for a flexible work schedule. Final decisions for participation in an alternative work schedule will be made by the City Manager after review of the circumstances and demands of the position. The proposed schedule must not in any way interfere with the duties required of the position, including attendance at meetings.

Union Members. Employees covered by collective bargaining agreements shall be subject to the specific terms of those agreements and are excluded from the provisions of this policy.

Application Process. The employee completes an application form which includes the proposed alternative work schedule, reasons supporting the request, potential benefits to the City, potential

problems identified and recommended solutions. The department head within ten (10) work days of receipt of the employee application will indicate whether or not the request should be approved and will forward the employee application to the City Manager for review. The City Manager within ten (10) work days of receipt of the employee application will determine whether or not to approve the request.

Termination of Alternative Work Schedule. The City reserves the right to terminate alternative work schedule arrangements if the City Manager deems it would be in the best interest of the City. Changes in workload, funding, legal mandates, changing legal interpretations or other needs of the City or department could cause revision or cancellation of alternative work schedule options offered.

4.3 HOURS OF WORK AND OVERTIME

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. You will be informed of your status by the City.

For most City employees, the established work period is forty (40) hours within a seven (7) day work week. All personnel 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.

Non-Exempt employees. Non-exempt employees are entitled to additional compensation when they work more than forty (40) hours during a work period. All overtime must be authorized in advance by the employee's department head. Failure to get overtime pre-approved may result in discipline, up to and including termination. Overtime pay is calculated at one and one-half (1.5) times the employee's regular rate of pay for all time worked beyond forty (40) hours. When computing overtime, time paid for but not worked (e.g., holidays, sick leave and vacation time), is counted as hours worked.

Non-Exempt Employees' Holiday Pay. Employees required to work on a designated holiday shall receive payment at a rate of two (2) times their regular rate of pay in addition to their regular holiday pay for all hours worked on the designated holiday.

Exempt Employees. Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week. In recognition of the extra time demands of certain exempt positions, informal paid leave may be taken, as mutually agreed upon by the employee and the City Manager.

4.4 COMPENSATORY TIME

No employee shall be entitled to compensatory time off in lieu of overtime pay unless specifically provided by ordinance or labor agreement.

4.5 ATTENDANCE

Punctual and consistent attendance is a condition of employment. Each department head is responsible for maintaining an accurate attendance record of his/her employees.

Employees unable to work or unable to report to work on time shall notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the supervisor is unavailable, the employee may leave a message stating the reason for being late or unable to report for work.

An employee who is absent without authorization or notification is subject to disciplinary action, possibly up to and including termination.

4.6 UNUSUAL WEATHER CONDITIONS

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

An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to: vacation, floating holiday, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

If, due to inclement weather, the City determines to send employees home before conclusion of their work day or determines not to have employees come to work, the employees may charge the time missed to other paid time such as vacation, or charge the time to leave without pay. If employees are authorized to perform work at home, they shall be paid their normal rate of pay for the assigned work hours.

During periods of inclement weather or natural disaster, employees may be assigned to emergency services work schedules other than their normal work assignments.

4.7 BREAKS AND MEAL PERIODS

Employees may take one fifteen (15) minute break for every four (4) hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public.

Pursuant to ~~WAC 296-126-092 (5)~~, state law, where the nature of the work allows employees to take intermittent rest periods equivalent to fifteen (15) minutes for each four (4) hours worked, scheduled rest periods are not required.

Breaks are not intended to be saved in order to extend any other break period. Meal periods shall be scheduled by the employee's department head. The scheduling of meal periods may vary depending on department workload but will commence no less than two (2) hours nor more than

five (5) hours from the beginning of the shift. When an employee works three (3) or more hours longer than a normal work day, the employee will be allowed at least one thirty (30) minute meal period prior to or during the overtime. Meal periods are unpaid.

4.8 CALL BACK

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back may be grounds for immediate disciplinary action, possibly including termination.

Non-exempt (FLSA covered) employees called back to duty will be paid their appropriate rate of pay for hours worked and paid the overtime rate for hours worked in excess of forty (40) per week. [See Section 5.5 for more information on Call Back Pay.](#)

An employee held over at the end of a shift or called in early prior to a regular shift is not considered called back.

4.9 PAYROLL RECORDS

The official payroll records are kept by the Finance Director. Each department head shall turn in work records to the Finance Department on the Monday morning following the last day of the two-week pay period.

Each employee shall sign their work record noting hours worked, leave taken and overtime worked. The department head shall review the work record and by his/her signature, approve the work record for processing. The City Manager shall sign work records for department heads. [See Section 5.11 for more information about timesheets.](#)

CHAPTER SECTION 5.

COMPENSATION

5.1 SALARY CLASSIFICATION AND GRADES

Each job title within the City is classified into one of the City's classifications for salary purposes. Each classification is designated a particular salary or salary range shown on the City's salary and wage schedule ordinance, which is approved annually by the City Council.

5.2 WITHIN-RANGE SALARY ADJUSTMENTS

The salary range is divided into six (6) steps, with five (5) percent increase between steps. ~~Upon successful completion of the working test period and one-year continuous service, an employee is eligible to progress from one pay step to the next higher pay step, provided performance has been evaluated as at least satisfactory. Employees hired prior to January 1, 1994, become eligible to advance on the first day of the first pay period in December.~~ Employees hired-reclassified or promoted after January 1, 1994, become eligible to advance on their annual anniversary reclassification date or promotion date.

City Manager Position Exempt. The City Manager position is exempt from within-range salary adjustments and any salary adjustments shall be conducted pursuant to the employment agreement with the City Council.

5.3 EMPLOYEE PAY RATES

Employees shall be paid within the limits of the wage-salary range to which their positions are assigned. Usually, new employees will start their employment at the minimum wage rate Step A for their classification. However, a new employee may be employed at a higher rate-step than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate-step greater than the minimum.

Pay increases are contingent on satisfactory performance. If an employee's performance is consistently unsatisfactory, the City Manager may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.

The City Manager may propose and the City Council may grant an across-the-board pay adjustment (cost-of-living increase) from time to time, raising the salaries of all positions by a specified amount within a defined group of classifications. Such adjustments, if any, will not change an employee's pay anniversary date.

Any employee promoted or reclassified to a position in a higher classification and salary range shall be placed at the pay step in the new range which represents a pay increase.

5.4 OUT OF CLASSIFICATION PAY

Any employee required by the employee's department head to work in excess of two (2) consecutive scheduled work shifts in a higher job classification shall receive pay for all time worked in the higher classification. [This would apply as soon as an employee begins a third consecutive work shift.](#)

Payment will be at the lowest pay step in the higher classification or one-hundred five (105) percent times the regular position's base rate of pay, whichever is more. Non-worked hours are not authorized for out-of-classification payment. –Employees are required to record all out-of-classification pay hours on the appropriate section of their work record.

5.5 CALL-BACK PAY

Any employee required by the employee's department head to return to work after completion of the employee's regularly scheduled shift shall receive pay for all hours worked at the overtime rate of pay.

Employees called back to work shall be paid a minimum of two (2) hours at the overtime rate of pay, regardless of the number of hours worked. An employee held over at the end of a shift or called in early prior to a regular shift is not considered called back.

5.6 PAYDAYS PAYMENT OF SALARY

City employees are paid bi-weekly on Friday. If a payday falls on a recognized holiday, pay checks will be distributed the previous day.

[Employees should review the pay stubs upon receipt to ensure that the amount paid is correct. Discrepancies must be reported to the Finance Department. Employees may elect to have their paycheck deposited directly into the account of their choice. If you wish to participate in the direct deposit program, please coordinate with the Finance Department.](#)

[Statement of Earnings. Statement of Earnings \(Paycheck Stubs\) will be distributed bi-weekly in such a manner as to not interfere with the normal work day. The Statement of Earnings includes information such as Gross Pay, Regular and Overtime Hours, Vacation, Holiday, Sick, and/or Personal Day Hours used; all applicable deductions, all available leave time available. The amount of Federal or State withholdings is affected by the number of exemptions claimed on Form W-4, the Employee's Withholding Allowance Certificate. If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the Personnel Officer.](#)

5.7 DEDUCTIONS

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee [in writing](#), by applicable union contract, or by statute.

5.8 TRAVEL AWAY FROM THE CITY

All travel away from the City must be approved in advance by the department head and the City Manager. Employees must submit travel requests on the "Training Attendance Request" form.

5.9 TRAVEL EXPENSE REIMBURSEMENT

City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages.

Tips not exceeding fifteen percent (15%) for meals, taxis, or baggage handling are reimbursable. If private automobiles are used, employees will be reimbursed at a rate the Internal Revenue Service allows per mile without supporting documents.

Requests for reimbursement, including receipts, shall be submitted on a "Travel Expense Claim" form signed by the employee, department head, and City Manager.

Meals. Meal reimbursements shall not exceed the amount for per diem meal reimbursement. Meals included with registration costs shall not be reimbursed. -The City shall not reimburse an employee of any expenses associated with the purchase of alcohol. Per diem meal reimbursement rates are:—

- Breakfast: \$610.00,
- Lunch: \$10.00, and 15.00
- Dinner: \$205.00-

Hotel/Motel. Reasonable hotel/motel accommodations are acceptable for travel more than fifty (50) miles from the City and will be reimbursed at a maximum of the single room rate.

Incidental Expenses. Allowable incidental expenses include baggage checking, business telephone, and one *brief* (generally, not exceeding five minutes) telephone call home to a family member every twenty-four (24) hour period.

5.10 COMPENSATION UPON TERMINATION

When an employee's employment with the City is terminated, the employee will receive the following compensation on the next regularly scheduled payday:

1. Regular wages for all hours worked up to the time of termination which have not already been paid,
2. Any overtime or holiday pay due, and
3. A lump sum payment of any accrued but unused vacation.

5.11 TIMESHEETS

All City employees must record all hours worked and all leave hours taken on a timesheet, and submit their timesheets to the Finance Department bi-weekly. All timesheets must be in the Finance

Department by noon the Monday preceding payday in order for an employee's pay to be processed for payday. Attendance records are City records, and care must be exercised in recording the hours worked, overtime hours, and absences. Both the employee and the supervisor are responsible for carefully and honestly completing the timesheets.

CHAPTER SECTION 6

PERFORMANCE EVALUATIONS AND TRAINING

6.1 PERFORMANCE EVALUATIONS

To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts periodic performance evaluations for all positions. The City Manager is responsible for developing and maintaining the City's performance evaluation program.

Employees are to be evaluated by their department head at the midpoint of and prior to the end of their working test period and usually once every twelve (12) months thereafter. Each department head will maintain a list of employee anniversary dates and timely evaluate employees in their departments.

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

6.2 TRAINING POLICY

The City seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge and abilities directly related to City employment to obtain or maintain required licenses and certifications, and to develop staff resources.

Opportunities may include, but are not limited to: on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.

[Any training that requires travel away from the City must be approved in advance by the department head and the City Manager. Employees must submit travel requests on the "Training Attendance Request" form.](#)

CHAPTER SECTION 7 BENEFITS

7.1 RETIREMENT BENEFITS

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

Law Enforcement Officers' and Firefighters' Retirement System (LEOFF). All regular uniformed employees in the police department are covered by the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.

Public Employees Retirement System (PERS). Most regular full-time and part-time non-uniformed 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 of their intent to retire at least three (3) months prior to the date of retirement.

Deferred Compensation Plans. The City provides two voluntary deferred compensation 457 plans for employees to contribute pre-tax dollars.

7.2 DISABILITY BENEFITS (WORKERS' COMPENSATION)

All employees are covered by the State Workers' Compensation Program (Industrial Insurance). This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost and medical costs due to job-related injuries or illnesses. All job-related accidents shall be reported immediately to the supervisor.

When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for workers' compensation. If the employee files a claim, the City will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of workers' compensation benefits.

Coordination of Benefits. When the employee receives workers' compensation benefits, he/she is required to repay to the City the amount covered by workers' compensation and previously advanced by the City. This policy is to ensure that the employee will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred.

Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account. Employees may supplement workers' compensation salary benefits by using accrued sick or other leaves to increase their workers' compensation disability payments up to an amount not to exceed their net pay if they were working their regular schedule. The City may require an examination at its expense, performed by a physician of its choice to determine when the employee can return to work and if he/she will be capable of performing the duties of the position.

Volunteers may be covered by the State Workers' Compensation Program. They must submit on a timely basis the hours volunteered to ensure proper contributions are made on their behalf for the time worked. Commissions, committees and boards are not covered under this provision.

7.3 HEALTH INSURANCE BENEFITS

Regular Full-Time Employees. Regular full-time employees and their dependents are eligible to participate in the City's various insurance programs on the first day of the month following employment. The programs and criteria for eligibility will be explained upon hire.

The City contributes toward the cost of premiums in the amounts authorized by the City Council. 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.

Regular Part-Time Employees. Regular part-time employees will be entitled to benefits as authorized by the City Manager and City Council.

Temporary Employees. Temporary employees will not be eligible for insurance coverage.

7.4 LIFE INSURANCE BENEFIT

The City provides life and accidental death and dismemberment insurance for regular full-time employees. This coverage is effective the first day of the month following employment. Said policy amount shall be at the sum of one (1) times the annual salary, rounded to the next one thousand (1,000) dollars plus the dollar value of the accrued sick leave as of January 1 each year, rounded to the nearest one thousand (1,000) dollars [\(to the maximum available through the City's insurance\)](#). The City may provide the term insurance policy through any insurance company approved by the State Insurance Commissioner. The program will be explained upon hire.

7.5 LONG TERM CARE INSURANCE BENEFIT

The City provides long term care insurance for eligible active and retired LEOFF I employees.

7.6 CONTINUATION OF INSURANCE COVERAGE

Workers' Compensation Leave. An employee receiving workers' compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The City also continues to pay for

the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any.

After six (6) months, the employee's benefits shall cease unless the City Manager makes an exception based on the criteria stated in Section 1.4 of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives workers' compensation benefits.

Consolidated Omnibus Budget Reconciliation Act (COBRA) rights. Upon an employee's termination from City employment or upon an unpaid leave of absence, at the employee's option and expense, the employee may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations.

An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights.

Termination, retirement, leave of absence. For eligible employees who terminate, retire or are on an approved leave of absence, the City will pay the premium for the month the employee is leaving, provided the employee is on paid status for the first ten (10) days of the month.

7.7 UNEMPLOYMENT COMPENSATION

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

7.8 RETURN FROM UNPAID LEAVE

Upon return from an unpaid leave, an employee's benefits, leave accruals, and insurance coverage will commence on the first day of the month following the return date. ~~The employee must be on paid status the day prior and day after a holiday to qualify for holiday payment.~~

7.9 EMPLOYEE ASSISTANCE PROGRAM

As provided in the budget, the City may pay all or part of the premium cost for regular full-time and part-time employees' enrollment in an approved Employee Assistance Program (EAP). The EAP is a consultation and referral service to assist employees in resolving a variety of problems which may interfere with the employee's productivity on the job. Under the EAP, employees may seek consultation and referral for a variety of problems including emotional, marital, drug and alcohol abuse, family problems, and other situations. After consultation, the employee may be referred to sources where treatment may be obtained. The cost of the initial consultation is paid by the City; however, treatment by the referral source will be the responsibility of the employee. Some of the treatments may be covered by the City's medical insurance programs. Contact your department head or the Personnel Officer to obtain the current phone number for the EAP. Most contacts you make with the EAP are considered strictly confidential.

~~7.10 VISION AND HEARING CARE~~

~~As provided in the budget, regular full-time employees may be reimbursed for claims up to a cumulative total of \$150.00 each year for the cost of vision or hearing care for the employee and/or dependents.~~

~~7.101~~ WELLNESS PROGRAM

The City has an AWC-approved ongoing Wellness Program which ~~provides~~ focuses on health, fitness, activities and healthy lifestyle information ~~wellness issues by promoting positive lifestyle choices among City employees and their families (Resolution No. 1151, Aadopted October 26, 2010). This program helps to stabilize the cost of insurance programs and can help lower insurance premium rates. In addition, the Wellness Program can increase employee productivity and performance, reduce stress and enhance the quality of life.~~ As provided in the budget, the City may pay a portion of wellness programs for employees.

CHAPTER SECTION 8
LEAVES

8.1 VACATION LEAVE

Each regular full-time employee is entitled to vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation Hours Earned</u>
1 - 2 years	88 hours
3 years	96 hours
4 years	104 hours
5 years	112 hours
6 years	120 hours
7 years	128 hours
8 years	136 hours
9 years	144 hours
10 years	152 hours
11 - 14 years	160 hours
15 - 19 years	176 hours
20 years or over	184 hours

Accrual and Use. Vacation time accrues from date of hire and may be taken as it is accrued after successful completion of the working test period. An employee who separates from City service prior to successful completion of the working test period shall not be entitled to receive annual leave or pay for any vacation hours accrued.

Scheduling. Department heads are responsible for scheduling employees' vacations without undue disruption of department operations. As a general guideline, leave requests for one week or more duration should be submitted at least thirty (30) days in advance.

Maximum Accrual. The maximum number of vacation hours which may be accrued is two hundred forty (240) hours. Vacation time in excess of two hundred forty (240) hours shall be used or forfeited, ~~unless vacation requests have been denied in writing by the department head or City Manager.~~

~~In cases where City operations have made it impractical for an employee to use vacation time, the department head with the approval of the City Manager may authorize additional accrued vacation hours.~~

FLSA Exempt Employees. FLSA exempt employees will receive an additional forty (40) hours annual vacation.

Employment Termination. Employees will be paid for unused vacation time upon termination of employment.

Vacation Time Sell-Back. Within the limits of available resources, once annually during the last quarter of the year, an employee may request to sell back unused vacation time, provided the accrued vacation leave is not reduced to less than eighty (80) hours. The City reserves the right to limit an employee's request if the department's budgeted appropriations, in the City Manager's opinion, appear insufficient to pay the amount requested.

Regular Part-Time Employees. Regular part-time employees will receive vacation on a pro-rata basis based on the established number of hours in their regularly scheduled work week.

Casual, Seasonal, and Temporary Employees. ~~Temporary employees~~ under these classifications are not eligible for any vacation benefits.

Leave Without Pay. Employees do not accrue vacation benefits during a leave without pay.

8.2 PAID SICK LEAVE

~~All full-time regular employees, except LEOFF I employees, accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment.~~

Accrual and Use. All full-time regular employees accrue paid sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular Part-Time, Casual and Seasonal employees accrue sick leave pro-rated to their Full-Time Equivalent status (i.e., a 0.5 FTE employee would earn 4 hours of sick leave per month). All employees accrue at least one hour of paid sick leave for every 40 hours worked. ~~Employees accrue and may not use sick leave during their working test periods.~~

Availability. Employees are entitled to use their accrued, unused paid sick leave beginning on the 90th calendar day after the start of their employment.

Maximum Accrual. Paid sick leave granted and not used shall accrue up to a total of one thousand nine hundred forty (1,940) hours. Accrued sick leave is canceled upon termination of employment.

Allowable Uses of Paid Sick Leave. ~~Sick leave covers those situations in which an employee is absent from work due to:~~

Employees may use accrued, unused paid sick leave:

- ~~Employees may use their accrued, unused paid sick leave to:~~ To care for themselves or a family member for Their health needs or the health needs of their family members; ~~Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);~~

- ~~The need to care for the employee's immediate family members and dependent children under the age of eighteen (18) who are ill;~~
- When the employees' workplace or their child's school or place of care has been closed by a public official for any health-related reason.
- For absences that qualify for leave under the state's Domestic Violence Leave Act.
- ~~Employers may allow employees to use paid sick leave for additional purposes (i.e. ~~M~~ medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day);~~
- ~~E~~ exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- ~~U~~ use of a prescription drug which impairs job performance or safety; and
- ~~A~~ additional leave beyond bereavement leave for a death in the immediate family, as authorized by the City Manager).

Doctor's Documentation. A doctor's certificate may shall be required when an employee is absent for a period in excess of five (5) days.

The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job.

Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.

Regular Part-Time Employees. Regular part-time employees may accrue sick leave benefits on a pro-rata basis according to hours worked.

Leave Without Pay. Employees who use all their accumulated sick leave and other leave accruals and require more time off work due to illness or injury may, with their department head's prior approval, request a leave without pay. (See 8.6 Leave Without Pay.)

Employees do not accrue sick leave benefits during a leave without pay.

Unused Sick Leave. Employees will not be paid for any unused sick leave upon leaving City service for any reason.

Temporary Employees. Temporary employees do not earn sick leave benefits.

8.3 FAMILY AND MEDICAL LEAVE

The City complies with the federal Family and Medical Leave Act of 1993 (FMLA) and all applicable state laws related to family and medical leave.

Definitions:

Serious health condition (family leave) means an illness, injury, impairment or physical or mental condition of a child, parent or spouse which warrants the participation of a family member to provide care during a period of the treatment, or supervision of the child, parent or spouse and also involves either an:

1. inpatient facility, or
2. continuing treatment or supervision by a health care provider.

Serious health condition (employee) means an illness, injury, impairment or physical or mental condition that involves:

1. any period of incapacity or treatment in connection with inpatient care, any period of incapacity requiring absence from work of more than three (3) calendar days, and
2. also involving continuing treatment by (or under the supervision of) a health care provider or continuing treatment (or under the supervision of) a health care provider for:
 - a. a chronic or long-term health condition that is either incurable or so serious that if not treated, would likely result in a period of incapacity of more than three (3) calendar days, or
 - b. for prenatal care.

Family Leave Eligibility. The [Family and Medical Leave Act \(FMLA\)](#) is a federal law that provides ~~eligible employees to take~~ ~~provides~~ up to twelve (12) weeks of unpaid, job-protected ~~leave every~~ ~~in~~ ~~a~~ twelve (12) months ~~period to eligible employees~~ for certain family and medical reasons.

To be eligible, an employee must have worked for the City for a least ~~one year~~ [12 months](#), and [has at least for](#) one thousand two hundred fifty (1,250) hours [of service for the City during over the](#) ~~previous the~~ twelve (12) month [period immediately preceding the leaves](#). There also must be at least fifty (50) employees working for the City.

Reasons for Taking Leave. Unpaid FMLA leave is granted for any of the following reasons:

1. [The birth of a newborn child or a newly adopted child who is under the age of 18 or a child just placed with the employee for foster care. Leave must conclude within 12 months of birth, adoption, or placement.](#)

2. To care for a qualified family member who has a serious health condition and needs the employee's care;
3. For a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
4. For any qualifying exigency arising out of the fact that a qualified family member is a military member on covered active duty or call to covered active duty status.
- ~~1. A medical disability directly related to pregnancy or childbirth. (Pregnancy/childbirth disability will be calculated along with leave to care for a new baby to determine the total allowable leave time.)~~
- ~~2. To care for a newborn or newly adopted child.
(Leave to care for a child after birth or placement for adoption or foster care must be concluded within twelve (12) months of the birth or placement.)~~
- ~~3. To care for a spouse, child or parent who has a serious health condition.~~
- ~~4. For a serious health condition that makes an employee unable to perform the essential functions of the position.~~

Substitution of Paid Leave. At the employee's request or the employer's request, certain kinds of paid leave may be substituted for unpaid FMLA leave. Accrued vacation may be substituted for any type of FMLA leave. -

Accrued sick leave may be substituted only in the circumstances where the City's policies or state law allow employees to use that paid leave. -Under the law, employees in Washington State are entitled to use their choice of sick leave or other paid time off, including certain disability plans to care for:

- a child with a health condition that requires treatment or supervision;
- a spouse, parent, parent-in-law, or grandparent, who has a serious health
- condition or an emergency health condition; and,
- children 18 years and older with disabilities that make them incapable of self-care.

The Family Care Act allows employees to use earned sick leave to care for a sick child under the age of 18 years. Employees may use available sick leave or other paid time off, including vacation time and certain disability plans, to care for immediate family members identified by RCW 49.46.210. An employer is prohibited from discharging, demoting, or disciplining employees for exercising their rights under the law. Violations of the Family Care Act provisions may result in a civil penalty. All employees who have paid-leave benefits in Washington State are covered by this law, regardless of the size of the employer.

~~Accrued vacation may be substituted for any type of FMLA leave.~~

~~Accrued sick leave may be substituted only in the circumstances where the City's policies or state law allow employees to use that paid leave. This means, in general, that sick leave may be used only for leave taken because of the employee's own health condition or to care for the employee's child under eighteen (18) years of age who has a health condition that requires treatment or supervision.~~

If an employee has any sick leave available that may be used for the kind of FMLA leave the employee is taking, the City requires use of that paid sick leave as part of the FMLA leave. Use of vacation time for FMLA leave is also an option.

If an employee uses paid leave for a purpose which FMLA leave would be available, the City requires the employee to designate their paid leave as counting against the employee's FMLA leave allowance. Employees are to notify the City if they use paid leave for a reason covered by the FMLA so that proper accounting is made for the leave.

Advance Notice and Medical Certifications. Employees must provide at least thirty (30) days advance written leave notice to their department head, with specific reasons for the medical leave. If circumstances do not allow giving the required notice, employees are to give notice as soon as possible.

Prior to approving the request, the City may require confirmation from a health care provider of the need for and probable duration of the leave requested for a serious health condition. Such notice must be provided within fifteen (15) days of the date of request. If planned medical treatment is required, employees are encouraged-required to make a reasonable effort to schedule so as to minimize disruption to City operations.

Intermittent Use of Leave. If medically necessary because of a serious health condition and under some circumstances, FMLA leave may be taken in blocks of time or by reducing the normal weekly or daily work schedule.

If FMLA leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to City Manager approval.

Benefits While on Leave. Employees will be allowed to have medical and dental coverage continued under the same conditions as before their leave commenced. ~~However, the City's payment of employer paid premiums are conditioned upon the employee's return to work.~~

Except in certain circumstances, if an employee does not return from leave, the City may recover all insurance premiums it paid to continue the employee's coverage while on leave.

Employees taking family or medical leave are required to exhaust their accrued vacation and sick leave first at the beginning of the leave.

Taking an unpaid family leave will not cause employees to lose employment benefits which accrued before the start of the leave, such as seniority. However, employees will not accrue these benefits during the unpaid family leave.

Periodic Reporting. Employees taking leave for more than two (2) weeks, must report to the City at least every two (2) weeks on their status and intent to return to work.

Leave Related to Pregnancy. Employees taking leave for the disability phase of pregnancy or childbirth while they are physically unable to work, will have the time counted against the annual twelve (12) week FMLA leave allowance. For example, if an employee takes six weeks of FMLA leave for childbirth to recover from childbirth, the employee is entitled to only six (6) weeks of FMLA leave after that to care for the new child.

Employees are entitled to unpaid leave for the full period of the physical disability resulting from pregnancy and childbirth, even if the employee is disabled for more than twelve (12) weeks, and even if the employee does not qualify for leave under the federal law.

Return from Leave. Upon returning from a family leave, employees will generally be assigned the same or a substantially similar position as the one held when the leave commenced or to a position with equivalent pay, benefits, and other conditions of employment.

Employees must provide a medical certification of ~~fitness~~-Fitness for ~~duty~~-Duty to return to work after a medical leave that extends beyond five (5) consecutive working days, that involves a mental disability or substance abuse, or where the medical condition and employee's position are such that may present a serious risk of injury to the employee or others. See Section 9.9 for more information about the fitness for duty examination.

8.4 BEREAVEMENT LEAVE

Regular full-time and part-time employees may receive paid leave for up to three (3) days bereavement leave, which will be deducted from the employee's accrued sick leave and/or vacation leave, in the event of the death of an immediate family member as defined in Section 1.7. ~~Up to twenty four (24) a~~Additional hours may be granted upon approval of the department head and City Manager.

8.5 CATASTROPHIC SICK LEAVE SHARING

A ~~catastrophic or severe~~ medical condition, illness or injury is defined as a physician certified ~~death eminent~~ case or a medical condition, illness or injury which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to:

1. Go on leave of absence without pay ~~in excess of ten (10) work days~~; or

2. Terminate City employment; and
3. Will not include any mental, emotional or stress related medical condition, illness, claims or injuries except for periods during hospitalization or institutional internment.

Authorization. The City Manager may permit a regular full-time or part-time employee to receive sick leave donations from other qualified employees if:

1. The condition meets the definition;
2. The employee's absence and the use of shared sick leave are justified;
3. The employee has depleted or will ~~shortly~~ deplete his/her annual vacation leave and sick leave accruals;
4. The employee has abided by all personnel rules regarding sick leave use, including physician certification; and
5. The employee has diligently pursued and been found to be ineligible for State Industrial Insurance benefits or other government or private disability insurance benefits.

Process. The City Manager will determine the sick leave amount which an employee may receive in donations which cannot exceed a total of three hundred forty-nine (349) hours of donated sick leave upon the following considerations:

1. Donated sick leave will be utilized in order of receipt in eight (8) hour increments;
2. In the instance where an illness or injury qualifies an employee for workers' compensation or other disability insurance benefits, the employee's access to shared sick leave will only be for the difference between the employee's base wage rate and the amount paid the employee by the benefits, to the extent of available shared sick leave, if any;
3. An employee with sick leave accrual more than one hundred ninety-two (192) hours may request the City Manager to transfer a specified amount of sick leave to another employee authorized to receive sick leave;
4. In no event may the employee request transfer of an amount that would result in his/her own sick leave accrual under one hundred ninety-two (192) hours; and
5. The amount of sick leave time transferred which remains unused will be returned to the employee(s) who transferred the leave when the City Manager finds the leave is no longer needed.

[Employees who request donated hours will be required to submit medical documentation supporting the need for the leave completed by the primary health care provider. Medical certification must be sufficient to document how the condition qualifies under one of the state or federal protected leave acts. Medical certification requests will be administered in accordance with relevant laws and regulations.](#)

8.6 LEAVE WITHOUT PAY

The City Manager may grant leaves of absence without pay in appropriate circumstances. In order to receive leave without pay the employee must submit a written request to the City Manager after obtaining the permission of his/her department head.–

Failure to return upon expiration date of the leave may be cause for negative employment action.

8.7 JURY AND WITNESS LEAVE

Employees ~~who have completed their working test period may~~shall be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.

It is expected that employees will report to work if there is a break during jury duty where the employee is not required to report to the courts.

You must provide your supervisor with a copy of the jury duty summons as soon as possible after receiving it. Notification is to be given to the department head and Finance Department.

~~Payment. Payment provided by the courts during periods of paid jury duty leave must be paid over to the City, excluding expense reimbursements, such as mileage.–~~

8.8 ADMINISTRATIVE LEAVE

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

8.9 MILITARY LEAVE

Military Training. Employees who are members of the National Guard or federal reserve military units are entitled to paid leave for a period of up to fifteen (15) calendar days per year, or any greater period required by law, for performing ordered active duty training.

If active duty training exceeds fifteen (15) calendar days, the employee will take accrued vacation leave and then leave without pay.

Employees are required to provide their supervisor with copies of military orders as soon as possible after they are received.

Leave for Active Duty. Employees who are called to or volunteer for active duty military service *in excess of* fifteen (15) calendar days will be placed on an indefinite unpaid leave of absence during the time the employee is serving in active duty status with any branch of the United States Armed Forces or state militia.

The employee may, at his/her option, use any or all of accrued vacation leave prior to moving to unpaid status. Any unused leave accruals remaining at the time the unpaid leave begins will be held until the employee returns to active employment with the City. The employee will not earn additional vacation or sick leave during the time of unpaid leave nor will he/she be entitled to health insurance benefits except as may be provided for under COBRA.

Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

8.10 HOLIDAYS

The following are recognized as paid holidays:

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

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

[The employee must be on paid status the day prior and day after a holiday to qualify for holiday payment.](#)

Floating Holiday. In addition to the above holidays, each regular full-time employee shall be granted eight (8) hours floating holiday time each calendar year; provided the employee has worked or is scheduled to work four (4) consecutive months in the calendar year. Accumulated holiday time shall be taken in the year it is accrued or it is lost.

Condition of Payment. As a condition of payment for holidays, an employee must be in a paid status the scheduled work day immediately preceding a holiday and the scheduled work day immediately following the holiday, unless excused by the City Manager.

Holiday Work. Non-exempt regular full-time or part-time employees will be paid for the holiday plus two (2) times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the City Manager or his/her designee.

Regular Part-Time Employees. A regular part-time employee is not entitled to compensation for a holiday unless the day it is observed falls on the employee's regular scheduled work day. Regular part-time employees will be paid on a pro-rata basis based on the established number of hours in their work week.

8.11 RELIGIOUS HOLIDAYS

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

8.12 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

Regular Part-Time Employees. All leaves, including holidays are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and forty (40) hours per week. The City may pay a pro-rata cost of premiums for medical, dental or life insurance for regular part-time employees as authorized by the City Manager and provided for in the annual budget.

Casual, Seasonal, and Temporary Employees. ~~Temporary~~ Employees [under these classifications](#) are not eligible to receive benefits, including leaves, holidays and insurance, [except sick leave as required by law](#).

CHAPTER SECTION 9

EMPLOYEE RESPONSIBILITIES

AND CONDUCT

9.1 GENERAL 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. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.

Minimum standards of personal conduct. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are:

1. Basic tact and courtesy towards the public, vendors, and fellow employees;
2. Adherence to City policies, procedures, safety rules and safe work practices;
3. Compliance with directions from supervisors;
4. Preserving and protecting the City's equipment, grounds, facilities and resources;
- 4.5. Avoiding any action that might result in or create the impression of using their position for private gain, giving preferential treatment or privileged information to any person, or losing impartiality in conducting the City's business; and
- 5.6. Providing orderly and cost efficient services to its citizens.

The City is a relatively small organization. To function as efficiently as possible, employees may be asked to perform seemingly "menial" duties outside their regular assignments. It is no reflection on an employee's worth to the City, but a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the City also reserves the right to change employees' work conditions and the duties originally assigned. If these arrangements become necessary, the City expects employees' best cooperation.

9.2 OUTSIDE EMPLOYMENT AND CONFLICT OF INTEREST

The position that all regular employees hold with the City is viewed by the City as that employee's primary job. Due to the high standards and emergency service expectations of the public for all City employees, all outside employment will be approved in advance by the department head and City Manager.

Employees may engage in another job outside their City employment as long as it does not conflict with the best interests of the City or interfere with the employee's ability to perform his/her City job. Specifically, outside activities may not:

1. Prevent the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
2. Be conducted during the employee's work hours;
3. Utilize City telephones, computers, supplies, or any other resources, facilities or equipment;
4. Be with a firm which has contracts with or does business with the City; or
5. Be reasonably perceived by members of the public as a conflict of interest or otherwise discredits public service.

Conflict of Interest. No employee shall use his/her position for personal gain and shall avoid conflict of interest or the appearance of conflict of interest.

9.3 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy. In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, and Resolution No. 494, employees are encouraged to disclose any improper governmental action taken by City officials or employees without fear of retaliation.

This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Key definitions:

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

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

"Retaliatory Action" is any material adverse change in the terms and conditions of an employee's employment.

"Emergency" is a circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action. Employees who become aware of improper governmental action should follow this procedure:

1. 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.
2. Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the City Manager.
3. The City Manager or his/her designee, shall promptly investigate the report of improper government action. After the investigation is completed (within ten (10) work days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
4. If the employee is not satisfied with the results of the investigation, he/she may request reconsideration in writing within five (5) work days of receipt of the City Manager's written response. The City Manager has three (3) work days to advise the reporting employee in writing whether reconsideration will be granted. If granted, the City Manager has five (5) work days from the date reconsideration is granted to complete additional investigation and provide the employee with a written response.
5. If the employee is still dissatisfied with the response, he/she may disclose the complaint to an outside agency or organization (Office of the Attorney General, Office of the State Auditor, or Office of Pierce County Prosecutor) for further review.

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

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

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.

Protection Against Retaliation. It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow the following procedure.

Procedure for Seeking Relief Against Retaliation.

1. Employees must provide a written complaint to the City Manager within thirty (30) days of the occurrence of the alleged retaliatory action. The written charge shall specify the alleged retaliatory action and the relief requested.
2. The City Manager shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
3. After receiving the City's response, the employee may request 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 within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the City Manager for response.
4. Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an ALJ. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation. The City Manager or designee is responsible for implementation, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, department heads and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

9.4 POLITICAL ACTIVITIES

City employees may participate in political or partisan activities of their choosing provided that City resources, time, and property are not utilized, and the activity does not adversely affect the responsibilities of employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

Any employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours.

Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.

An employee shall not hold an appointed or elected public office of the City when the holding of such office is incompatible with or substantially interferes with the official duties of the employee's job.

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

9.5 NO-SMOKING AND TOBACCO POLICY

It is the City's policy to maintain a safe, healthful, and aesthetically pleasing work environment by prohibiting smoking and use of tobacco products. Smoking is defined to include the use of tobacco-containing products, including cigarettes, cigars, and pipes, as well as the use of electronic cigarettes. For health and safety these considerations, smoking, including vaping, is prohibited on all City-owned property, and the City prohibits smoking, including vaping, and tobacco use by employees in all City facilities, including City-owned buildings, vehicles, work sites, and offices or other facilities rented or leased by the City, including individual employee offices. Smoking is permitted on public right-of-way or where posted "Smoking Permitted" signs are located. This policy applies equally to all employees, customers, and visitors.

Employees are expected to exercise common courtesy and to respect for the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City's grievance procedure.

Employees are protected from retaliatory action or from being subjected to any adverse personal action for exercising or attempting to exercise his/her rights under the smoking and tobacco policy. Any violation of this policy may result in appropriate corrective disciplinary action, up to and including termination.

Employees may contact the Personnel Officer for information regarding the effects of smoking and the availability of smoking cessation programs

9.6 SENSITIVITY TO FRAGRANCES AND ODORS

Employees are asked to be considerate of those who are sensitive to fragrances and odors and avoid using scented products in the workplace. If you use a fragrance or scented product, please use it sparingly.

A general guideline for fragrances and scented products is that they should be barely detectable at an arm's length away, or if it can be smelled by a reasonable person at a distance of between three and four feet away, it is too strong. If there is a question whether a scent is too heavy, err on the side of caution.

When using products such as air fresheners in your work area, please be considerate and coordinate with your coworkers with regard to any sensitivity issues from certain scents.

9.76 PERSONAL POSSESSIONS AND ELECTRONIC COMMUNICATIONS

The City furnishes desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. The City does not assume responsibility for any theft or damage to the personal belongings of employees, and reserves the right to search employee desks, lockers, and personal belongings brought onto City premises, if necessary.

9.87 DRIVER'S LICENSE REQUIREMENTS

As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license.

If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her department head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department head.

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

9.98 USE OF CITY VEHICLES AND EQUIPMENT

City Vehicle Use. City-owned vehicles may be operated for authorized use only. Vehicles will not be taken home during off-duty hours except as approved by the department head and/or City Manager.

Vehicles must be legally and appropriately operated and/or parked. Violations issued to the driver will be the responsibility of the driver, not the City.

City employees will set a proper example of safe driving practices. Pursuant to Washington law, anyone operating or riding in City vehicles must wear seat belts at all times. [Employees shall comply with the laws related to cell phone use and distracted driving.](#)

Smoking, [tobacco use, or vaping](#) in City vehicles is not permitted. Transporting other persons in City vehicles will be allowed only when the person is accompanying an employee to a City meeting or official function or otherwise authorized by the department head and/or City Manager.

Personal Vehicle Use. Employees may use personal vehicles for official City business when no City vehicle is available and with the prior approval of the department head or City Manager. Upon authorization, employees using their personal vehicles will be reimbursed at the Internal Revenue Service rate established per mile.

Driving Record. Employees will be required to authorize for initial and continuous employment a driving record check if their jobs involve driving in the course of City business. A driving record check will be conducted once each calendar year.

Employee drivers shall have and maintain a good driving record and a current, valid driver's license with proper endorsement(s), if required for the job.

Employees who drive personal vehicles in the course of City business will be required to provide information about personal automobile insurance coverage.

Accidents. Employees driving a City-owned vehicle or a privately owned vehicle in the performance of official duties who become involved in an accident resulting in personal injury or property damage shall:

1. Request all parties remain at the accident scene, if possible, until a law enforcement representative has released them;
2. Have all collisions regardless of the amount of property damage investigated by the police agency having jurisdiction or as they select another authority;
3. Refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, City official and insurance representative;
4. Forward a copy of all police reports with attached statements to the Risk Manager;
5. If injured, follow procedures as required for reporting of on-the-job injuries including reporting promptly to supervisor or department head for evaluation/investigation; if needed, dial 9-1-1 for medical aid and be accompanied by supervisor or department head to doctor or hospital; complete the employee's portion of the Department of Labor & Industries Accident Report Form and submit to doctor; and complete Employee's Report of Accident form and submit it to the Risk Manager or Safety Committee.

Equipment Use. City equipment, including vehicles, should be used by employees for City business only. An employees' misuse of City services, ~~telephones~~ [\(See 9.18 Personal Phone Calls\)](#), vehicles, equipment or supplies can result in disciplinary action including termination.

[Cellular Phone and Smartphone Use.](#) Cellular phones and smartphones provided by the City are intended for City business. Except as allowed in this policy, employees are discouraged from using City-owned cellular phones or smartphones for personal use and must never use them for private business or political purposes. The City Manager, in consultation with the City's department heads, will determine the need for an employee to be issued a City-owned cellular phone or smartphone.

[Use of City cellular phones or smartphones for illegal, unethical, or sexual purposes or that interferes with or affects the ability of the employee to perform their duties is expressly prohibited. -City employees have no expectation of privacy in the use of City-owned cellular phones or smartphones. Any information or data transmitted via a City-owned cellular phone or smartphone will be captured and retained in compliance with the City's retention obligations under State law, and may be subject to public disclosure.](#)

Any personal use of City-owned cellular phones or smartphones that results in additional costs to the City, above the City's normal costs for its cellular phone plan, must be paid by the employee. Personal use of City-owned cellular phones and/or smartphones that does not interfere with the performance of official duties and which do not result in any added costs to the City, is an allowed "de minimus" use of City resources.

The City Manager and City department heads are responsible to ensure that all City-owned cellular phones and smartphones are inventoried and a current, accurate inventory is maintained. Except where a shared cellular phone for a department is approved, responsibility for every City-owned cellular phone and smartphone shall be assigned to a City employee. The City employee assigned the phone shall be responsible for use that occurs on the phone and payment for any added cost due to personal use.

Any City employee who uses a City-owned cellular phone or smartphone inappropriately, or in violation of this policy shall be subject to appropriate disciplinary action, up to and including termination.

9.109 SAFETY/SECURITY

The safety of employees and the public is a primary responsibility of each employee. –Every employee is responsible for maintaining a safe work environment and following the City's safety policies as included in the City's Accident Prevention Program.

Employees are required to promptly report all unsafe or potentially hazardous conditions to their supervisor immediately.

Endangerment of other employees or the public may result in immediate disciplinary action up to and including discharge. -The City will make every effort to remedy problems as quickly as possible.

Employees assigned or provided safety clothing or equipment are required to wear or utilize that clothing or equipment. -Failure to do so may result in disciplinary action.

In case of any on the job accident involving a personal injury, employees shall immediately notify their supervisor, department head or Personnel Officer.

Bloodborne Pathogens. Since being exposed to a bloodborne pathogen may lead to sicknesses such as hepatitis, AIDS, or malaria, and since the City wants to assure employees will have as safe and healthy work environment as possible, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to bloodborne pathogens.

Employees in the Fircrest Police Department should familiarize themselves with the Department's Exposure Control Plan (Appendix C) and follow it at all times.

Safety Committee. The Safety Committee will function in accordance with state and federal laws and will maintain direct communication with management in all areas of safety. The committee will consist of three employees (Risk Manager, Safety Officer, and Wellness Coordinator) appointed by the City Manager and three employees elected by employees. Meetings will be held at least ~~monthly~~ every other month.

Fitness for Duty Examination. A fitness for duty examination may be required when the City reasonably believes that an employee’s job performance may be impaired due to a health problem or the employee may pose a risk to the safety of the employee or others. This examination is a mechanism for identifying whether and to what extent an employee may be unable to perform his/her essential job functions effectively or could endanger the safety of others, him/herself, or City property. The City will choose a qualified health care professional to conduct the examination on a case-by-case basis. The employee’s status during the duration of the examination will be evaluated on a case-by-case basis; options include, but are not limited to, relieving the employee of certain duties, assigning different duties, or sending the employee home under appropriate leave status. If the examination concludes that the employee is not fit for duty, the City will continue the interactive process with the employee in compliance with applicable laws, including the Americans with Disabilities Act, Washington Law Against Discrimination, and the Family and Medical Leave Act to determine if and when the employee can be returned to work or regular duties.

9.110 SOLICITATIONS

Most forms of selling and solicitations for other than City sponsored events are inappropriate in the work place. Solicitations can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of City or employee property. The following limitations apply:

1. Persons not employed by the City may not solicit, survey, petition, or distribute literature on City premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor.

Exceptions to this rule may be made by the City Manager in special circumstances where the City determines that an exception would serve the best interests of the organization and employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.

2. Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods.

Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas.

The employee lunchroom is considered a non-work area under this policy.

9.121 ACCEPTANCE OF GIFTS

Employees are not permitted to solicit or receive a gift, loan, favor, entertainment, or other thing of monetary value if it is or appears to be solicited, received, or given with the intent to give or obtain special consideration or influence to any job-related action by the employee. This policy does not prohibit the following:

1. Attendance at a hosted meal provided in conjunction with a seminar, conference or gathering which relates directly to City business or which is attended as a staff representative;
2. An award publicly presented in recognition of public service;
3. An occasional non-monetary gift (such as fruit, flower, candy given to the City) having a monetary value of \$50.00 or less when the gift is offered without obligation or the appearance of obligation; and
4. Any gift which would have been offered or given to the employee regardless of City employment.

9.132 PROFESSIONAL AND CIVIC ASSOCIATIONS

The City Manager may authorize department heads to be active participants in civic and service organizations whose activities may benefit or otherwise affect the citizens of Fircrest.

Department head memberships must be authorized and approved by the City Manager. Membership costs may be reimbursed up to a maximum of \$100.00 annually for various community based groups, if provided for in the annual budget. The City Manager may limit the number of appointed officials to any given organization.

9.143 SUBSTANCE ABUSE

The City's Drug-Free Work Place Policy prohibits illegal drugs, including marijuana, in the work place and provides for taking appropriate personnel action against employees who are convicted of drug related crimes.

The term "drug" shall mean a substance taken into the body, in any form, which may impair mental facilities and/or physical performance, and shall include alcohol, marijuana, and any controlled substances as identified in RCW Chapter 69.50.

The City's philosophy on substance abuse has two focuses:

–

1. concern for the well-being of the employee; and

1.2.concern for the safety of other employees and the public.

Availability of Rehabilitation or Treatment. As part of the City's Employee Assistance Program, employees who are concerned about their alcohol or drug use are encouraged to seek counseling, treatment and rehabilitation.

Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to helping employees who voluntarily come forward to overcome substance abuse problems. In most cases, the expense of treatment may be fully or partially covered by the City's benefit program.

Employees are encouraged to contact the EAP for more information. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination for seeking advice or treatment.

Use of Medication. An employee taking prescription or non-prescription medication which may affect the employee's ability to work or may affect the safety of the employee, co-workers, or the public is required to notify his/her supervisor prior to commencement of work. The supervisor will make a fitness for duty determination.

When Job Performance is Affected. Although the City is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job.

1. The City may discipline or terminate an employee possessing, consuming, selling or using alcohol, marijuana, or controlled substances (other than legally prescribed) during work hours.
2. The City may also discipline or terminate an employee ~~who exhibits an on-going dependence on~~ when ongoing use of alcohol, marijuana, or controlled substances ~~which in the City's opinion,~~ impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the City or others.

Substance Abuse Policy for operators of Commercial Motor Vehicles. City employees who hold commercial driver's licenses (CDLs) and who operate commercial motor vehicles while employed by the City are subject to additional rules and regulations imposed by the federal government.

These regulations require urine drug testing and alcohol breath testing in the following circumstances:

1. Pre-employment;
2. Reasonable suspicion;
3. Post-accident;
4. Return to duty testing;

5. Random testing.

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the City's Drug and Alcohol Testing Policy for Employees Who Operate Commercial Vehicles for the additional details concerning these rules.

Drug-Free Work Place. The City complies with the federal Drug-Free Work Place Act and has adopted policies as follows:

1. The manufacturing, distribution, dispensation, possession and use of unlawful drugs, [marijuana](#), or alcohol on City premises or during work hours by employees is strictly prohibited.
2. Employees also must notify the City within five (5) days of any conviction for a drug violation in the work-place.
3. Violation of this policy can result in disciplinary action, including discharge. Continued poor performance or failure to successfully complete a rehabilitation program are grounds for termination.

Drug Testing: The City requires pre-employment drug tests and may require an employee to undergo testing for drugs when it has reasonable cause or suspicion to believe an employee may be in violation of the City's Drug-Free Work Place policy. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

9.154 BULLETIN BOARDS

The City maintains bulletin boards for posting information as required by federal or state law as well as to provide information to employees. Posting of materials on City bulletin boards is restricted to materials deemed appropriate by the City. Employees need authorization of the City Manager to post other materials on bulletin boards.

9.165 [EMPLOYEE ATTIRE, UNIFORMS, SPECIAL EQUIPMENT AND CLOTHING](#)

[In order to enhance and maintain a professional image to the general public, all employees should maintain the highest standards of personal cleanliness and grooming and shall present a neat and business-like appearance during working hours. \(Union employee dress codes are already covered in their collective bargaining agreements\). In times of extreme weather or when you must accommodate a medical condition then exceptions to this policy may be granted.](#)

The City may require the wearing of uniforms or special clothing or the use of special equipment. When such requirement exists, the City will pay for the purchase of such uniform, clothing or equipment. -The employee is required to wear or utilize the clothing or equipment in accordance with City policy and practice. Failure to wear or utilize such uniform, equipment or clothing may result in disciplinary action up to and including discharge.

9.176 CONTACT WITH THE NEWS MEDIA

The City Manager shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The City Manager may designate specific employees to give out procedural, factual or historical information on particular subjects. ~~Employees shall not utilize the news media to express their opinions regarding City operations or business nor to publicly criticize supervisors or coworkers.~~

9.1~~87~~ USE OF CITY COMPUTERS

While the City encourages and supports use of computer systems as a means of improving productivity, certain restrictions are necessary to avoid improprieties, ensure that established standards are met, and maintain appropriate security of computerized data.

A fundamental restriction relates to the policy that City computer systems are to be used for official City business purposes only. City computer systems are not to be used for personal correspondence or other personal use during or outside City business hours.

Responsibilities:

- Employees: The procedures described in this policy are to be followed by all employees who use City computer systems.
- Supervisors: All supervisors of employees who use computers are responsible for ensuring that subordinates adhere to this policy.
- Information Systems Department (INS): The INS is available to assist department users in the acquisition and use of computer systems. The City Manager is responsible for enforcing this policy.

Definitions:

"Application" is the system, process or problem to which a computer, program or software is applied.

"Data File" is the collection of data accumulated for a definite use. Examples include word processing documents, spreadsheets, databases, etc.

"Hardware" is the electric, electronic, and mechanical equipment used to process data. Examples include the central processing unit, keyboard, monitor, printer, etc.

"Program" is a unique set of instructions created by City staff or by consultants that tell the computer how to perform a function or series of functions.

"Software" is a set of programs that tell the computer how to perform a function or series of functions, usually created by commercial firms for sale and general use in specific types of applications. Examples include Word, Excel, AUTOCAD, etc.

"**Template**" is a stored pattern of instructions or macros, developed in software, for performing the same repetitive process on different sets of data.

Procedure:

1. **Use of Software or Hardware:** To ensure compatibility between computer systems and provisions of adequate user support, the City has established standard software and hardware for commonly used applications.

Use of specialized software or hardware other than those standard products may be authorized through a special use policy.

The use of unauthorized, non-standard software on City computer systems is prohibited. Consequently, employees shall not install or use unauthorized software or hardware, including personally owned software or hardware, on City computers. Non-standard hardware or software, if discovered, will be reported to the immediate supervisor of the user. It will be the responsibility of the supervisor to notify the City Manager.

2. **Installation of Software and Hardware:** Improper installation of software or hardware can damage a computer system or cause it to malfunction. Consequently, all software and hardware are to be installed by a competent person as directed by the Department Manager. Any moving, relocating, or rearranging of computer hardware should also be reported to the Finance Department so the E.R.R. records can be updated.

3. **Ownership and Confidentiality:** All software, programs, applications, templates, data, and data files residing on municipal computer systems or storage media or developed on municipal computer systems are the property of the City.

The City retains the right to access, copy, change, alter, modify, destroy, delete or erase this property. Computer data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization.

4. **Copying Software, Programs, Applications, Templates, etc.:** Users should notify the City Manager or his/her designee and receive proper authorization before attempting to copy software. In many cases, copyright laws and/or licenses for commercial software, programs, applications, and templates used by the City prohibit making multiple copies.

The City and its employees are required to abide by the federal copyright laws and to abide by all such licensing agreements.

5. **Back-Up of Data Files:** Employees are encouraged to regularly back up computer data files in order to avoid irretrievable loss through hardware failure. At a minimum, all computers should be backed up onto tape, if available, once a week.

6. **Use of Employee Computers to Work on City Data Files:** Employees who own personal computers may wish to use them for work at home. Those who choose to do so must adhere to this policy with regard to use of City-owned software or data files.

Use of outside computers introduces the risk that a "computer virus" could infect City computer systems. -Data files should be checked by virus-detecting software before copying them back to City computers.

7. **Portable Computers.** The use of laptops, notebooks, or other portable computers must comply with all the aforementioned policies. When not in use, portable computers must be stored securely. If they must be left in a vehicle, they should be securely locked in the trunk. If taken offsite, portable computers must either be in direct control of an authorized employee or physically secured accessible only to authorized employees. Storage of confidential information on portable computers should be limited. If confidential data is stored on a portable computer, it must be encrypted in accordance with applicable policies and regulations. Portable computers are more susceptible to damage, both due to their portable nature and their relatively fragile construction. Users are expected to take precautions to ensure that laptops are not stolen, lost, or damaged. If laptops are lost, stolen, or otherwise damaged such that they cannot be restored to normal working order, the employee may be responsible for the prorated cost of the laptop (first year: 100%; second year, 75%; third year, 50%; fourth year, 25%). In case of theft, damage, or loss, the user must file a report with the Information Services Manager promptly.

9.198 PERSONAL PHONE CALLS

Use of City phones for local personal phone calls should be kept to a minimum. ~~Use of City cellular phones for personal use is prohibited except when the City changes the employee's normal work schedule during emergency situations.~~

Employees are not permitted to make personal long-distance phone calls that are charged to the City. However, if City business creates an unforeseeable need for the employee to work late, a *brief* long-distance personal call for the purpose of notifying a family member is permitted.

CHAPTER SECTION 10

DISCIPLINE AND TERMINATIONS

10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

Employees are responsible to the public and are held to a high standard of performance to maintain the public trust. In pursuing Fircrest's goal of excellence in City service, the mission of employees is to provide efficient, courteous, professional services to enhance the quality of life for employees and the community.

The following examples of types of inappropriate work behavior that may result in discipline up to and including discharge are listed as illustrative and not comprehensive.

1. Falsification of any work, personnel, or other City records;
2. Unauthorized use of City property and taking or removal of City funds or property;
3. Unauthorized use of position for personal gain or advantage; acceptance of unlawful gratuities or bribes;
4. Insubordination or other disrespectful conduct;
5. Being on the job in possession of, distributing, selling, or using alcohol, marijuana, or controlled substances or under their influence. (The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.);
6. Unauthorized disclosure of confidential information;
7. Poor performance; inability, inefficiency, negligence, or concealing defective work;
8. Excessive absenteeism or tardiness or failure to report in when absent or tardy; insufficient reasons for absenteeism; loitering, shirking duties, failing to assist others in a work situation;
9. Smoking or vaping in any unauthorized area or creating of fire hazards in any area;
10. Violation of duties or personnel policies or any other City policy or rule;
11. Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City or employees, on or off premises, including on social media, except that no employee will be subject to discipline for conduct protected by the First Amendment;
12. Disorderly conduct, including fighting on the premises, violence or threats of violence, rudeness, harassment, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees;

~~14.13.~~ Failure to observe safety practices, rules, regulations, and instructions or failure to promptly report on-the-job injury or accident involving an employee, equipment, or property;

~~16.14.~~ Possession of weapons in the work place, except as authorized by the City;

~~17.15.~~ Conviction of a gross misdemeanor or felony which could adversely impact the employee's ability to perform job duties;

~~18.16.~~ Dishonesty or lying.

This list contains examples of inappropriate work behavior and is not exhaustive. It is not intended to and does not modify the status of any employee employed "at-will." The examples are presented for guidance only and are not intended to nor do they establish or limit the basis upon which the City may make disciplinary or termination decisions.

10.2 POSSIBLE DISCIPLINARY ACTIONS

These policies are furnished to all employees to inform them of expected behavior and work performance. Breaches of behavior expectations or unsatisfactory work performance may result in disciplinary action, at the discretion of the City, in disciplinary action.

The disciplinary alternatives are provided as a means of facilitating the resolution of employment issues, but are not meant to modify or alter the at-will status of an employee. Disciplinary action, in the sole discretion of the City, may include one or more of the following:

1. **Oral Warning.** The supervisor will discuss behavior and performance problems with the employee on an informal basis. Such discussion may be temporarily documented in the supervisor's file, but not in the employee's personnel file.
2. **Written Warning.** This is a formal written disciplinary action for misconduct, inadequate performance or repeated lesser infractions. Written warnings are placed in the employee's personnel file. The written warning may include the nature of the infraction, suggestions to correct the conduct or improve performance and clear warning that repeated instances or lack of improvement will result in further disciplinary action.
3. **Suspension.** This is a temporary, paid or unpaid absence from duty which may be imposed as a penalty for significant misconduct and the action is made a part of the employee's personnel file.
4. **Demotion.** An employee may be demoted to a position for which they qualify for lesser pay and responsibility as a disciplinary action when determined appropriate by the City Manager. Demotions cannot be considered if it would result in laying off another employee who would not have otherwise been laid off.
5. **Discharge.** See paragraph 10.3(5) below.

Each of these actions is independent of the other and need not follow the sequence listed above.

The choice of what discipline to apply in any particular case is solely the City's. Employees who are exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full workweek, unless the infraction involves violation of safety rules of major significance.

10.3 TERMINATION

Termination from employment with the City may be for a number of reasons including:

1. **Resignation.** An employee may initiate termination of employment by choosing to leave City employment voluntarily.

An employee should provide two (2) weeks written notice of resignation. These time limits may be waived by the City Manager. Failure to provide appropriate notice may result in ineligibility for rehire and a resignation not in good standing.

2. **Retirement.** Voluntary retirement from active employment status initiated by the employee.

3. **Layoff.** The City Manager may lay off employees for lack of work, budgetary restrictions, reorganization or other changes that have taken place. Employees will be given two (2) weeks written notice stating the reason for the layoff.

Temporary employees or employees who have not completed their working test period will be laid off before regular employees are affected.

In determining who will be laid off, [the City Manager will evaluate the needs of the City and identify which position\(s\) have the least impact to the City. Further](#) consideration usually will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, as determined by the City.

Employees who are laid off may be eligible to ~~be re-employed~~ [reapply](#), if a vacancy occurs in a position for which they are qualified.

4. **Medical.** If an employee has a physical or mental impairment that prevents him/her from performing the ~~required~~ essential duties of the employee's position and the employee cannot be reasonably accommodated, the employee or the City may institute termination for medical reasons.

The City may require an examination at its expense performed by a physician of its choice prior to termination. Failure to submit to such a request may result in a discharge from employment.

5. **Discharge.** It is hoped employment relationships with the City will be long-term; however, it is recognized that at times things do not develop as hoped and the City may decide to terminate the employment relationship. An employee may be involuntarily discharged from City employment for any of the reasons listed below:

- a. During or at the end of employee's working test period with or without cause;
- b. At-will ~~employees may be discharged with or without cause~~; and
- c. For-cause employees may be discharged as a result of disciplinary action for unsatisfactory performance, for inappropriate conduct; or due to loss of skills certification or other conditions which would make the employee unable to satisfactorily perform the job or be unfit for service.

Prior to termination of employment, the employee ~~will~~ may participate in an exit interview normally conducted with the department head and/or City Manager during which the employee's benefits, rights and responsibilities following termination are explained. At the exit interview employees are expected to return all City property.

10.4 PRE-TERMINATION HEARING

In the case of involuntary termination of an employee for cause, other than working test employees, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a termination decision is finalized.

~~In the event the City Manager desires to terminate an employee, t~~he employee shall be provided with a notice of the recommendation for termination. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-termination hearing. If the employee fails or refuses to appear, the termination may proceed.

Pre-termination hearings will be presided over by the City Manager or a designated representative. The hearings are intended to be informal. The employee may show good reason(s) why he/she should not be terminated. The employee may bring one person to the hearing as a representative.

Usually within five (5) working days after the pre-termination hearing, the City Manager will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support termination. A longer review period may be required in more complex situations.

10.5 DEMOTION

If qualified, an employee may be demoted to another position of lesser pay and responsibility as a disciplinary action when determined appropriate by the City Manager. Demotions cannot be considered if it would result in laying off another employee who would not have otherwise been laid off.

10.6 RETURN OF CITY PROPERTY

Prior to release of a terminated employee's final pay check, the employee will be required to return to the City all property in his/her possession or assigned to him/her including but not limited to:

1. Equipment, tools, and cellular phones;
2. Keys;
3. Manuals and written or electronic materials/computer access codes; and
4. Protective equipment and uniforms.

The property not returned or lost will result in appropriate legal action being taken to reclaim the property or recover the value of the property not returned.

CHAPTER SECTION 11

COMPLAINT PROCEDURES

11.1 COMPLAINT PROCEDURES

A "complaint" is defined as an action by an employee alleging that he/she has not been treated fairly concerning the administration of these personnel policies or other administrative policies of the City. No punitive action will be carried out against an employee for using the following procedure.

This complaint procedure does not apply to claims of discrimination, sexual harassment, or reports of improper governmental action. Separate procedures apply to these types of complaints. (See 2.6 Harassment/Discrimination Complaint Procedure, or 9.3 Reporting Improper Government Action.)

Complaint Procedures.

1. Employees discuss the problem with their supervisor. The supervisor will reply within five (5) work days, unless mutually agreed that additional time is needed.
2. Employees who feel the problem is not resolved to their satisfaction with the supervisor or they disagree with how personnel policies have been applied, should discuss the matter with their department head. He/she will respond within five (5) work days after receipt of complaint unless it is mutually agreed that additional time is needed.
3. Employees who remain dissatisfied with the response from the department head can submit the problem in writing to the City Manager. The written complaint needs to include a description of the problem and the remedy sought and must be filed within twenty (20) work days after first becoming aware of the circumstances.

The City Manager may meet with the parties involved and will prepare a written response within ten (10) work days of the meeting unless mutually agreed that additional time is needed. The City Manager may bring in a third-party to help resolve the problem. The City Manager's response and decision are final and binding.

AGENDA ITEM 6: Family Wage Jobs Incentive Discussion**FROM: Scott Pingel, City Manager**

BACKGROUND: Earlier this year in response to Seattle adding a tax to businesses per Family Wage Job in order to pay for homelessness efforts, Pierce County established a Family Wage Jobs Incentive by ordinance. Pierce County has encouraged Pierce County cities to enact a similar ordinance. So far, Lakewood, Sumner, Steilacoom, and University Place have adopted ordinances that are very similar to the County's ordinance other than differences in the definition of Family Wage Job. Bonney Lake and DuPont both anticipate that they would adopt a similar ordinance, but they did not have any specific dates or timeframes for doing so. Gig Harbor has indicated that they will not adopt an incentive ordinance.

The basics of the ordinances adopted so far include the following:

- Goes into effect January 1, 2019
- Requires a minimum of five (5) Family Wage Jobs
- Family wage job is calculated using the most recent Pierce County median household income as determined by OFM.
 - Steilacoom requires 100% or higher
 - Pierce County requires 80% or higher
 - The City of University Place requires 80% or higher
- Provides \$275 per family wage job created
- There is no maximum except the total amount paid in fees
- It works like a refund after the employer demonstrates the jobs were created
- Sunsets at the end of 2024

Using Chick-fil-A as a gauge, the Planning/Building Administrator calculated the potential impact of an incentive program. For a business coming in similar to Chick-fil-A that created 5 family wage jobs, building permit revenue would be about \$13,731 and land use fees would be around \$3,380. The credit for 5 family wage jobs (based on \$275 per job) would be \$1,375.

The question for the Council is whether to establish a similar ordinance in the City of Fircrest.

ATTACHMENT: [Pierce County Family Wage Jobs Ordinance](#)

1 Sponsored by: Councilmembers Derek Young, Pam Roach and Douglas G. Richardson
2 Requested by:

3
4
5
6 **ORDINANCE NO. 2018-51s**
7

8
9 **An Ordinance of the Pierce County Council Adopting a New Chapter 2.132**
10 **to the Pierce County Code, "Pierce County Family-Wage**
11 **Jobs Credit Program"; Setting an Effective Date; and**
12 **Establishing a Sunset Date.**
13

14 **Whereas**, household income in Pierce County lags behind other counties in the
15 Puget Sound region; and

16
17 **Whereas**, more than 100,000 Pierce County residents commute outside of the
18 County for work, increasing traffic congestion and decreasing community involvement;
19 and

20
21 **Whereas**, Pierce County is committed to partnering with business, labor, and
22 community leaders to increase local family-wage jobs; and

23
24 **Whereas**, jurisdictions throughout Pierce County recognize the critical role
25 businesses play in creating vibrant communities and are actively working together to
26 encourage businesses to choose Pierce County; and

27
28 **Whereas**, the County requires payment of certain permits and fees pertaining to
29 construction of commercial buildings and facilities; and

30
31 **Whereas**, in order to support and incentivize the creation of local family-wage
32 jobs, the Council desires to rebate a portion of the permit and fee payments made by
33 employers; and

34
35 **Whereas**, in consideration of the creation of new family-wage jobs, the rebate
36 will be available to those employers that made payments for construction fees and
37 permits and who provide evidence that they have created five or more new family-wage
38 jobs of indefinite duration in Pierce County; and

39
40 **Whereas**, providing the family-wage job credit will help to increase the number of
41 higher paying jobs in Pierce County, make the County a more attractive place to start or
42 grow a business, enhance economic activity, and expand the tax base; and

43
44 **Whereas**, the rebate will be limited to maximum one-time rebate of \$275 per new
45 family-wage job created; and
46



1 **Whereas**, the public benefits derived from the creation of a new family-wage job
2 will exceed the value of the rebate provided. An example of one public benefit is
3 increased local sales tax revenue which is estimated to be \$280 or more per year for
4 incomes of at least \$50,000 per year; **Now Therefore**,

5
6 **BE IT ORDAINED by the Council of Pierce County:**
7

8 Section 1. A new Chapter 2.132 of the Pierce County Code, "Pierce County
9 Family-wage Jobs Credit Program," is hereby adopted as shown in Exhibit A, which is
10 attached hereto and incorporated herein by reference.

11
12 Section 2. The effective date of this Ordinance shall be January 1, 2019.

13
14 Section 3. Chapter 2.132 of the Pierce County Code, "Pierce County Family-
15 Wage Jobs Credit Program," shall sunset December 31, 2025.

16
17
18 **PASSED** this 17th day of July, 2018.

19
20 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

21
22
23 Denise D. Johnson
24
25 **Denise D. Johnson**
26 Clerk of the Council

Douglas G. Richardson
27
28
29 **Douglas G. Richardson**
30 Council Chair

Bruce F. Dammeier
31
32 **Bruce F. Dammeier**
33 Pierce County Executive
34 Approved Vetoed _____, this
35 23rd day of July,
36 2018.

36 Date of Publication of
37 Notice of Public Hearing: July 4, 2019

38
39 Effective Date of Ordinance: January 1, 2019



"New Chapter"

Note: The Chapter number and title shall also be inserted chronologically in the Table of Contents for Title 2.

Chapter 2.132

PIERCE COUNTY FAMILY-WAGE JOBS CREDIT PROGRAM

Sections:

- 2.132.010 Title.
- 2.132.020 Purpose.
- 2.132.030 Definitions.
- 2.132.040 Family-Wage Jobs Credit.
- 2.132.050 Administration.
- 2.132.060 Reconsideration.
- 2.132.070 Sunset.

2.132.010 Title.

This Chapter shall be officially cited as the Pierce County Family-Wage Jobs Credit Program.

2.132.020 Purpose.

The purpose of this Chapter is to encourage businesses to create new family-wage jobs in Pierce County by crediting certain charges and fees associated with establishing or expanding a business.

2.132.030 Definitions.

"Credit" means a monetary payment or reduction in present or future balance due to the Planning and Public Works Department.

"Department" means the Planning and Public Works Department.

"Director" means the Planning and Public Works Director.

"Eligible charges and fees" means monetary payments paid by the family-wage jobs credit applicant or the applicant's agent to Pierce County after December 31, 2016, for building permits, critical area review, traffic impact fees, sewer connection charges, and land use actions such as conditional permits and variances. Expressly excluded from the definition of eligible charges and fees are state building code charges and fees, Tacoma-Pierce County Health Department charges and fees, fire inspection charges and fees, residential land use action charges and fees, and residential building permit or associated application charges and fees.



1 "Eligible employer" means an individual or entity that has created and filled at least five new
2 family-wage jobs in unincorporated Pierce County after January 1, 2019, and has paid, or whose
3 agent has paid, an eligible charge or fee to Pierce County.
4

5 "Family-wage job" means an ongoing employment relationship of indefinite duration in which
6 an employee is compensated by an employer at a gross annualized rate, excluding employer-paid
7 benefits such as health benefits and pension payments of any type, at or above 80 percent of the
8 most recent calculation of Pierce County's median annual household income by the Washington
9 State Office of Financial Management, which is \$52,197 for calendar year 2019.
10

11 "New family-wage job" means a family-wage job that an employer did not advertise or fill in the
12 previous calendar year that results in a net increase in employees employed by the employer in
13 unincorporated Pierce County compared to the previous calendar year.
14

15 **2.132.040 Family-wage Jobs Credit.**

16 Eligible employers may apply to the Department of Planning and Public Works for a credit in
17 the amount of \$275 per new family-wage job created in unincorporated Pierce County, up to the
18 maximum allowed credit amount.

19 The maximum allowed credit amount is the total of eligible charges and fees paid to Pierce
20 County by the eligible employer or the eligible employer's agent. Credit payments shall be
21 subject to funds available from other sources appropriated for this purpose. Eligible employers
22 may apply multiple times but may not receive credits exceeding the maximum allowed credit
23 amount for each eligible family-wage job they created.
24

25 **2.132.050 Administration.**

26 The Planning and Public Works Department is responsible for administering this Chapter.

27 The Department must create and make publicly available a standard application that enables
28 the Department to determine applicant eligibility for a credit under the provisions of this
29 Chapter. The Department may require applicants provide Wage and Hour Reports (Form 5208)
30 as submitted to the Washington State Employment Security Department, with social security
31 numbers redacted, and may require applicants provide other information deemed necessary by
32 the Department Director.

33 The Department must review applications for completeness prior to acceptance and no credit
34 may issue without Department approval. Approved credits must be processed in a reasonably
35 expeditious manner.
36

37 **2.132.060 Reconsideration.**

38 Within seven working days of the date of the Director's decision, aggrieved applicants may
39 file with the Planning and Public Works Department a written request for reconsideration based
40 on any one of the following grounds:

- 41 A. Errors of procedure or misinterpretation of fact, material to the party seeking the request
42 for reconsideration.
- 43 B. Additional supporting information will demonstrate the applicant's eligibility for a credit
44 under this Chapter.
45



1 Upon receipt of a request for reconsideration, the Planning and Public Works Director shall
2 review said request considering the record and take such further action as is deemed proper
3 including, but not limited to, requesting a response from another party, denying the request,
4 granting the request, and may render a revised decision.

5 The result of the reconsideration is the final determination and may not be further appealed
6 or contested.

7
8 **2.132.070 Sunset.**

9 The Department may not accept any applications for a credit utilizing the provisions of this
10 Chapter after December 31, 2024. This Chapter shall sunset on December 31, 2025.



AGENDA ITEM 7: Planning Hearings Examiner Hiring Process**FROM: Angelie Stahlnecker, Planning and Building Administrator**

BACKGROUND: The City of Fircrest has proposed the use of a hearing examiner for quasi-judicial applications. The City conducts one to two quasi-judicial hearings a year. A hearing examiner's role is to make determinations based upon the hearing record, Fircrest Municipal Codes, the Fircrest Comprehensive Plan, state and federal law and legal precedent.

Prior to taking final action, the City Council has requested review of the proposed hiring process. In addition, concerns have been raised about hiring someone from outside the area.

The City has two options for hiring a hearing examiner:

- Option One: Contract with another city or Pierce County through an interlocal agreement. For example, we currently contract with the City of Tacoma for appeals to our dangerous dog ordinance.
- Option Two: Go out for RFP and hire an individual or firm to use as our hearing examiner. The attached draft request for proposals (RFP) includes a preference for someone who resides in or has substantial experience in Pierce County. It has been recommended by MRSC, Jeff Boers and others to use the Hearing Examiner Association of Washington for advertising.
- In addition, the position of hearing examiner could be administered strictly by the contract or be added to Title 2 Administration and Personnel, similar to the Municipal Court Judge and City Prosecutor.

Under the proposed selection process, the City Manager reviews the applications, convenes an interview panel to include members of the City Council, and makes an appointment for the City Council to approve.

Going forward, the amendments related to the transition to a hearing examiner will be put forth to the City Council for action. The effective date will be tied to selection of a hearing examiner from one of the two options listed above.

ATTACHMENT: [Draft Request for Proposals](#)

REQUEST FOR PROPOSAL

HEARING EXAMINER SERVICES

The City of Fircrest (“City”) is seeking a qualified person or firm to contract for Hearing Examiner Services related to land use decisions. **The deadline for submittals is 5:00 pm on XXXX XX, 2019.**

BACKGROUND

The City of Fircrest has a population of 6,710 and is 1.6 square miles. The City is in the process of transitioning from the current system, which relies on a volunteer Planning Commission to make land use decisions and the elected City Council to be the appeal body to the hearing examiner system to review land use applications. The Examiner’s decision is final unless appealed to Pierce County Superior Court.

DESCRIPTION OF THE POSITION

The Hearing Examiner conducts fair and impartial hearings on such matters as land use and development permit and zoning applications, adequacy of environmental documents and decisions and code enforcement appeals. At hearings, the Examiner regulates the conduct of the proceedings, rules on motions, administers oaths, and makes evidentiary and procedural rulings. The Hearing Examiner prepares timely written decisions and recommendations based upon the hearing record, Fircrest Municipal Codes, the Fircrest Comprehensive Plan, state and federal law and legal precedent.

The following is representative of the caseload of the Hearing Examiner over the past several years:

2015 – 1 conditional use permit with 2 major variances

2016 – 1 major site plan amendment

2017 – 1 major variance; 1 preliminary site plan

2018 – 1 preliminary site plan review with a major variance; 1 conditional use permit

PREFERRED QUALIFICATIONS

- A licensed attorney in the state of Washington and/or shall have training and experience necessary to perform the duties as described.
- Demonstrated ability to exercise good judgment when applying law to specific facts.
- Working knowledge of relevant law and legal principles, ability to write clearly and concisely.
- Ability to establish and maintain positive and effective control of hearing proceedings.
- Ability to develop and maintain the respect of City staff, community groups, government officials and the general public.
- Ability to read, interpret and explain complex factual and legal issues including procedure and reference materials.
- Located in Pierce County or has substantial experience within Pierce County.

TERM OF SERVICES

The duration of this Agreement will be for a two-year term, from XXXX, XX 2019, to December 31, 2020.

GENERAL STATEMENT OF SCOPE OF SERVICES

The Hearing Examiner conducts quasi-judicial hearings on complex land use matters and regulatory compliance issues on behalf of the City and issues decisions and recommendations supported by findings and conclusions. The individual or firm with whom the City contracts shall perform the duties of the Hearing Examiner as set forth in the Fircrest Municipal Code (“FMC”).

The Hearing Examiner is responsible for conducting hearings on and adjudicating quasi-judicial cases involving a variety of complex land use and regulatory compliance issues, and other issues which the City Council may designate to the Hearing Examiner by ordinance or resolution. The Hearing Examiner shall issue decisions and recommendations based on relevant ordinances, regulations, policies, statutes, and other authorities.

Hearing Examiner decisions are appealable to either the City Council or Superior Court, as specified in the Municipal Code.

Hearings will generally be conducted at Fircrest City Hall, 115 Ramsdell Street, Fircrest Washington. The City will mail public notices, advertise the hearing, provide staff support at hearings conducted by the Hearing Examiner to mark exhibits and record proceedings, and mail decisions to parties of record.

All duties shall be performed in a manner consistent with accepted practices for examiner services, including interpreting, reviewing and implementing the City's land use regulations and the pertinent and appropriate provisions of Fircrest Municipal Code (FMC) Title 22 and 12, conducting orderly and impartial hearings and hearing appeals, and preparing written decisions in a timely manner which are understandable and based upon reasoning and all applicable laws.

In addition, the examiner shall take such action as may be specifically assigned by other sections of the municipal code or by ordinance or resolution, and as may be delegated or assigned from time-to-time by action of the City Council.

HEARING EXAMINER TO HAVE ITS OWN ADMINISTRATIVE SUPPORT

The City will provide a properly equipped hearing room and on-site audio-visual assistance. The Hearing Examiner shall independently provide for the Examiner's clerk and/or administrative staff and other support services. Scheduling of hearings is generally done in coordination with staff from the City's Planning and Building Department. The City is responsible for recording the proceedings for the purpose of records retention.

Changes to this intended level of City support – either related to requiring more or less support – should be specifically addressed in any proposal submitted.

COMPENSATION

The City and any party selected for these services will enter into a professional services agreement which will address compensation. Proposals must clearly set forth the fees or fee structure (e.g., hourly rate, monthly retainer, per-case fee) to be charged for the proposed services.

The City will reimburse the Hearing Examiner for actual out of pocket expenses incurred in the conduct of the Examiner's duties, including mileage to and from hearings and to sites selected for viewing to gain a satisfactory understanding of the facts and issues, as well as for parking, long distance telephone charges, fax transmission charges, and copying charges. All invoices are expected to identify the basis of the charge and the matter or proceeding for which it was incurred.

SELECTION PROCESS

All proposals will be reviewed and screened by the City Manager. Proposals will be evaluated by considering the Proposer's quality of experience, the strength of the approach described in the proposal, the responses to the questions provided below, and the cost to the City.

The City Manager will convene an interview panel to include members of the City Council and staff, and finalists will be invited for interviews. Following the interviews, the City Manager will make an appointment for City Council confirmation.

SCHEDULE OF EVENTS

The schedule has been developed to allow the City of Fircrest to proceed in an orderly manner to consider all factors involved in reaching a decision as quickly as possible.

Release of RFP	xx, 2019
Proposal Submission Deadline	xx, 2019
Interview Selected Vendors	xx, 2019
Complete Final Selection	xx, 2019

PROPOSAL SUBMISSION

A. All proposals are to be sent to:

City of Fircrest
Attn: XXX
115 Ramsdell Street
Fircrest, WA 98406

Proposers are responsible for assuring delivery. For more information contact XXXXX.

B. One reproducible copy of the proposal may be or mailed/delivered to the address listed above, or sent by e-mail with the proposal attached as a PDF file. Proposers are responsible for assuring delivery.

C. Proposals must be received by _____, 2019. No faxed or telephoned proposals will be accepted.

D. All proposals must include the following information:

- The name(s) of individual(s) who will be providing Hearing Examiner services, including resume/bio.
- The specific experience the individual(s) have in serving as a municipal Hearing Examiner.
- Disclosure of any criminal or professional disciplinary findings that have been entered against any of the examiners who will be providing services.
- Professional references.
- A cost proposal (per case or hourly)

E. Right to Reject Any and/or All Proposals.

The City of Fircrest reserves the right to reject any/or all proposals, to waive technicalities and/or information and accept any proposals deemed to be in its best interest.

INSTRUCTIONS TO REPLY TO THIS REQUEST FOR PROPOSALS

To reply to this RFP, please submit a proposal of no more than five (5) pages stating:

1. Name and contact information. Identity and provide a resume or similar description of the educational and professional background for the individual who desires to serve as the City's Hearing Examiner, including the name of that individual's law school and the year of graduation from law school. Also provide information related to the professional and educational background of the individual who will serve as the clerk or administrative support for the Hearing Examiner.
2. Hearing Examiner experience. Describe relevant experience working for other jurisdictions as a Hearing Examiner, ALJ, or other quasi-judicial official. If the Proposer is a law firm, provide this information for all attorneys anticipated to provide services to the City.
3. Expertise. Describe your experience with administering and interpreting: land use laws, codes, and municipal regulations in the State of Washington; environmental laws, such as SEPA and NEPA; and other similar local, state, and federal laws.
4. Civil violation proceedings. Describe your experience with code enforcement and other types of administrative appeals, including appeal proceedings outside of the land use context.
5. Provide a statement describing your view of a municipal Hearing Examiner's roles and duties. Describe your approach to conducting hearings and your perspective about what constitutes a "good result" for hearings over which the Hearing Examiner might preside.
6. Fee proposal. Provide a fee proposal that describes how you will be paid for the proposed services (e.g., hourly rate, monthly retainer, per-case fee).
7. Provide two Hearing Examiner reports. Provide two Hearing Examiner writing samples (i.e., recommendations, decisions, or orders) for hearings conducted by the Proposer, or

similar written reports or documents demonstrating similar experience. Writing samples are not included in the five-page limit.

8. Provide professional references. Provide contact information for three professional references with personal knowledge of the Proposer's work and experiences that demonstrate qualifications and ability to serve as the City's Hearing Examiner.

As stated in the first part of this RFP, all materials shall be submitted electronically in one packet to the following email address: astahlnecker@cityoffircrest.net

ALL APPLICATION MATERIALS MUST BE SUBMITTED BY 5:00 P.M. ON FEBRUARY ____, 2019.

At the City's discretion, proposals submitted after the due date and time may be considered. Proposers accept all risks of late delivery of submitted proposals.

PROPOSED AGREEMENT

A proposed Agreement is provided as an attachment with this RFP. It is important that each Proposer review the Agreement prior to submitting a proposal, particularly the Scope of Work. The City typically does not accept changes to the Agreement's terms and conditions. Should the Proposer wish to propose changes to the Agreement's terms and conditions, the desired changes must be identified in the proposal. The City is under no obligation to accept such proposed changes and may reject a proposal based on proposed changes unacceptable to the City.

The City will verify Proposer representations that appear in the proposal. Failure of a Proposer to perform services as represented may result in elimination of the Proposer from further competition or in termination of the Agreement, consistent with the terms of the Agreement.