# *THE CITY OF KELSO*

# *EMPLOYEE HANDBOOK*

## *PERSONNEL POLICIES & PROCEDURES*

***REVISED DECEMBER, 2018***

***Article 4.3 – Section 6; 4.14; 4.15; 5.5; Appendix D – Resolution 18-1203***

***PROPERTY OF THE CITY OF KELSO***

***203 S. PACIFIC AVE, KELSO, WA 98626***

*This handbook belongs to:* _____

*Your job title is:* _____

*Your starting date is:* _____

*Your hours of work are:* _____ *to* _____

*You are a:*

_____ *Full-Time Employee*

_____ *Part-Time Employee*

_____ *Temporary/Seasonal Employee*

*Your position is eligible for overtime:*

_____ *No (Exempt)*

_____ *Yes (Non-exempt)*

*Your position is eligible for insurance:*

_____ *No*

_____ *Yes Effective date:* _____

*Your Department Head's Name is:* _____

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Kelso
WASHINGTON

# Kelso City Statement of Values

**SERVICE**
*Public Service is an Honor* where the highest priority is meeting the needs of our citizens.

**TAKING INITIATIVE**
*Looking Ahead and Moving Forward*, we encourage leadership at every level and make progress through consistent planning, performance, and achievement.

**QUALITY OUTCOMES**
*Excellence in All We Do* means taking pride in daily work to ensure quality performance through teamwork and accountability of public resources.

**INTEGRITY**
*Community Trust* is earned and kept through transparent policy making, ethical administration, and meaningful public engagement through consistent communication and outreach.

**WORKFORCE WELLBEING**
A *Healthy Workplace* values its employees and strives to balance the City's operational goals with the individual's personal and professional needs.

## Terms of Employment

This handbook has been prepared as a guide and reference for all employees. **Unless specific benefits or rights to the contrary are granted to an employee through resolutions, individual employment contracts, applicable Civil Service Rules, or valid and effective collective bargaining agreements, employees are considered at-will employees and may be terminated from city employment at any time, with or without cause and with or without notice.**

The policies and procedures described in this handbook are not conditions of employment. The City reserves the right to amend, delete, supplement, clarify, or rescind any or all such plans, policies, or procedures, in whole or in part, at any time, with or without notice. The City reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost-efficient services to its customers.

These policies and procedures do not promise specific treatment in specific circumstances; they do not create an employment contract either express or implied and they do not guarantee employment for any length of time with the City. Although we hope that your employment relationship with the City will be long-term, we recognize that at times things do not always work out as hoped. Either of us may decide to end the employment relationship at any time.

# Section 1. Introduction

## 1.1 About the City of Kelso

Welcome to the City of Kelso. Kelso has been the county seat of Cowlitz County since 1922. There are approximately 104,000 people living in Cowlitz County, with more than 11,900 residing in Kelso. The City of Kelso, originally known as Crawford, began as a donation land claim on the banks of the Cowlitz River. Peter Crawford, the City's founder, first platted the town in 1884 and renamed it in honor of his birthplace, Kelso, Scotland.

The City of Kelso is a Charter Code city with a Council-Manager form of government which separates the policy-making and administrative functions. The City Council, composed of seven council members elected at large, determines policy and is politically responsible for its actions. The City Council selects a City Manager as chief administrator for the City. The City Manager is accountable to the Council.

Each department within the City's organization has a Department Head who reports directly to the City Manager.

## 1.2 We Are Glad You Are Part of Our Team

As an employee of the City of Kelso, you are now part of a team of dedicated and conscientious professionals working for the total long-term satisfaction of the Kelso community. This handbook has been prepared as a guide and reference to acquaint you with the policies and procedures of the City.

This handbook applies to all employees, regardless of when hired. If there are conflicts between this handbook and any provision of a collective bargaining agreement or Civil Service Rules, the collective bargaining agreement or Civil Service Rules apply.

If you are an existing employee, this handbook is a summary of policies and procedures which have been developed over a period of time. This handbook is intended to reduce any confusion which may arise from unwritten or inconsistent policies and supersedes any previous policies which may be inconsistent with this handbook.

Please spend the time necessary to review and understand this handbook. If you have any questions about this handbook, your job, or any other job-related issue, please feel free to ask your supervisor, Department Head, or the City Manager.

# Section 2. Employment

## 2.1 Equal Employment Opportunity/Nondiscrimination Policy

The City of Kelso is an equal opportunity employer. Every employee has the right to work in surroundings which are free from all forms of unlawful discrimination. All decisions involving any aspect of the employment relationship will be based on merit principles and without regard to race, color, sex, creed, religion, age, marital status, national origin, citizenship, the presence of any sensory, mental, or

physical disability, veteran status, or any other status or characteristic protected by local, state, or federal law. Discrimination and/or harassment based on any of these factors, is totally inconsistent with our philosophy and will not be tolerated.

The City will provide reasonable accommodations to qualified individuals who are employees or applicants for employment, unless to do so would cause an undue hardship. Employees may make a request for accommodation to his/her supervisor, the Department Head, or the City Manager. Upon an employee's request for an accommodation, the supervisor, Department Head, or City Manager and the employee shall engage in an informal process to clarify the individual needs and identify the appropriate reasonable accommodation to enable the employee to perform the essential functions of his/her position. The City reserves the right to obtain documentation from the employee's physician about the disability and functional limitations. The City reserves the right to use a physician of its choice to determine the need for accommodation. The City will pay for the medical assessment should the City exercise its right to use a physician of its choice. The City reserves the right to transfer an employee to an equal and available position consistent with the employee's medical or physical limitations should the employee possess the minimum qualifications for the position.

It is our desire to make equal employment opportunity a fact at the City of Kelso and the City is, therefore, committed to:

* Recruiting, hiring, training, and promoting persons in all job classification without regard to race, color, religion, sex, national origin, disability, veteran status, or any other non-job-related characteristic.

* Ensuring that promotion decisions are in accord with equal employment opportunity requirements by imposing only valid, job-related requirements for promotional opportunities.

* Ensuring that all personnel actions relating to compensation, benefits, transfers, terminations, training, and education are administered in a nondiscriminatory manner.

## 2.2 Harassment

It is the City's policy that harassment on the basis of an employee's race, color, sex, sexual orientation, creed, religion, age, marital status, national origin, citizenship, the presence of any sensory, mental, or physical disability, veteran status, or any other status or characteristic protected by local, state, or federal law will not be tolerated. Prohibited harassment includes comments, slurs, jokes, innuendoes, cartoons, pranks, physical harassment, etc., which are derogatory on the basis of an employee's protected class membership. Harassment also includes negative actions based on an employee's participation in activities identified with, or promoting the activities of the protected group.

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

- Unwelcome or unwanted flirtations, propositions or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm(s) around another, or any other similar physical contact considered unacceptable by another individual.
- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.

- Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-colored jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
- Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office decor, suggestions, requests, demands, physical contacts, or attention.

Complaint Process. An employee who feels harassed should immediately tell the offending individual the behavior is unwanted and to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly. A complaint can be made verbally or in writing to Human Resources. In the alternative, the complaint may be brought to the attention of the City Manager. If an employee brings the complaint to the attention of another manager, department head, or supervisor the manager, department head or supervisor is obligated to report the complaint to Human Resources and/or the City Manager.

The complaint form available from Human Resources may be used to file a written complaint. A harassment complaint generally will be handled as follows:

1. Every complaint is to be reported either by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
2. The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
3. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
4. There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to their Department Head, Human Resources or the City Manager. The City strictly prohibits retaliation under this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.
5. Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.

All officers and managers are assigned responsibility for implementing this policy, ensuring compliance with the knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without the fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity.

**ALL EMPLOYEES ARE PROHIBITED FROM ENGAGING IN THE HARRASSMENT OF ANY OTHER EMPLOYEE.**

## 2.3 Work Place Violence

Work place violence is any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation, or personal contact, that produces fear, causes bodily harm, or damages property. Even joking about violent acts is prohibited. Work place violence may involve family, friends, strangers, co-workers, elected officials, or members of the public. The City does not tolerate acts of violence towards City employees or property. All acts of violence are treated seriously and each act of violence will be dealt with promptly and appropriately using administrative, managerial, legal and disciplinary actions to minimize risk to employees and property.

All employees are responsible for refraining from participating in violent actions and for reporting to their Department Head or the City Manager any threating or dangerous situations that occur within the work place or affect their work requirements. Employees who feel an immediate threat and cannot reach a manager should call 911 and leave the area as soon as possible. With the exception of employees in the Police Department who are permitted and expected to carry weapons as part of their official job duties, City employees may not bring weapons of any type into the workplace.

## 2.4 Eligibility for Employment

In accordance with the Immigration and Naturalization Service's requirements, an employee will be required to verify his/her employment eligibility. All employees are required to provide documents that establish their identity and eligibility for employment in the U.S. within three (3) days of their first day of work.

## 2.5 Medical Examinations/Fitness for Duty Evaluations

To assure an employee's safety and ability to perform the job, a medical examination and fitness for duty evaluation may be required under the following circumstances:

a. After returning from a medical leave of absence.
b. After becoming ill on the job.
c. After suffering a work-related injury.
d. After being exposed to toxic materials.
e. When a supervisor or another manager has reasonable cause to believe an employee is unable to perform the duties of his/her job.

All medical examinations conducted under this Section will be job-related and consistent with business necessity. An employee may be required to have a signed doctor's release when returning from a serious injury or illness, or when returning from sick leave if his/her use of sick leave exceeds the standard for the department. (See section 5, Sick Leave.)

In addition, all applicants for certain physically demanding positions who have been given a conditional offer of employment must pass a physical examination before actually being hired. This examination will be paid for by the City and will be conducted by a licensed physician approved by the City. All applicants for employment with the City are required to take and pass a drug screen before being employed by the City. (See Section 6 of this Handbook.)

## 2.6 Anniversary/Accrual Date

If an employee's first day of work is between the first thru the fifteenth day of the month, his/her accrual date will be the first of that month. If the first day of work is between the sixteenth and the thirty-first day of the month, his/her accrual date will be the first of the following month. The accrual date will be used for vacation determination, as well as other personnel policies and procedures as described in this handbook or in the City's policies. For purposes of the retirement plan, the anniversary date will be the day you actually begin work. To determine when medical coverage is effective for a new employee, see Section 4.3 of this handbook.

## 2.7 Posting of Openings and Selection

We encourage promotion from within. To encourage current employees to apply for open positions, available positions may be posted on designated City bulletin boards at least ten (10) calendar days prior to the last date for filing an application for the position at the discretion of the department head. If an employee is interested in a posted job opening, follow the steps described in the job posting.

## 2.8 Orientation Period

The first few months of any new job, whether newly hired or recently promoted, are critical for both the employee and the City to have the opportunity to closely evaluate whether the employment relationship should continue or whether the promotion is appropriate for the employee.

All new employees and newly promoted employees will have a six (6) month orientation period during which the newly appointed employee has the opportunity to demonstrate his/her capability to fulfill the duties and responsibilities of the job. If during or at the conclusion of the sixth month orientation period, either the City or the employee believes that employment should not continue, separation from employment will follow immediately. In the case of a newly promoted employee, the City, in the discretion of the City Manager and Department Head, may re-assign the employee to another position instead of terminating the employee.

## 2.9 Hours of Work

The regular workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the following Saturday. The City's normal business hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday.

A 9/80 workweek will be from 12:00 p.m. (noon) Friday to 11:59 a.m. Friday with every other Friday off. An employee's hours are kept to 40 per week. This schedule is repeated every week.

Employees are expected to work during the City's normal business hours unless the City Manager approves a flexible work schedule (flextime).

The normal workday for a full-time non-exempt employee is eight hours plus an unpaid meal period of sixty minutes. The employee's department head/manager establishes the normal workday hours and weekly schedule for non-exempt employees. Non-exempt employees may not begin work earlier than five minutes before their shift starts or end work later than five minutes after their shift ends, unless prior approval to work overtime has been obtained. (See section 3.2 Pre-Approved Overtime).

Exempt employees are expected to work during the City's normal business hours. In addition, they may be expected to work additional hours in order to complete duties and assignments. Individual work schedules may be established by department head/manager to ensure department coverage.

Employees are expected to work all assigned hours and days. Requests for scheduling changes or for particular days off must be made ahead of time and approved by the employee's department head/manager.

The City Manager, at his or her discretion, shall have final authority over the establishment of the start work and end work time for each employee and may alter or flex such start and stop times as deemed necessary to the best interests of City operations.

## 2.10 Classification Plan and Employee Status

### A. Classification Plan

The City Manager will prepare and keep current a classification plan for all employees. As part of this classification plan, position descriptions will be developed and positions will be grouped into classes of approximately equal difficulty and responsibility. These classes will then be assigned a pay range. The position descriptions are intended to be used as guidelines and are descriptive, not restrictive.

### B. Employee Status

* A *regular, full-time employee* is defined as one who is regularly scheduled to work 40 hours or more per week.
* A *regular, part-time employee* is one who is regularly scheduled to work less than 40 hours per week.
* A *temporary employee* is one who is scheduled to work for a predetermined, limited period (temporary, seasonal or projects).

An employee will be informed of his/her classification and employee status at the time of hire and whenever that classification or status changes.

## 2.11 Promotions, Demotions, Transfers

### A. Promotions

In order to provide career development opportunities within the City, it is our policy to give current employees promotional opportunities whenever possible. Positions will be filled on the basis of qualifications and experience. Notice of promotional opportunities will be posted as provided above. If an employee is promoted, he/she will receive the starting rate of the new class, or a step increase (whichever is higher), provided, however, the increase may not raise his/her rate of pay over the top of the new salary range.

### B. Demotions

If, in the opinion of the Department Head and the City Manager, an employee's performance has resulted in decreased value to the City, a demotion and reduction in pay in lieu of dismissal may be authorized by the City Manager. The employee may not be demoted to a class for which he/she does not possess the minimum qualifications. The reduction in pay will not go below the minimum of the pay range and the employee must receive notice of this action thirty (30) calendar days prior to its effective date. The employee will be provided with a written statement of the reasons for the action at least two (2) weeks prior to the effective date of the demotion and reduction in pay.

### C. Transfer

If an employee wishes to transfer to another office or department within the City, the employee should submit a request for transfer to the City Manager, through his/her Department Head. All requests for transfer must be approved by both the employee's current Department Head and the Department Head of the department into which the employee wishes to transfer. An employee may also be transferred if, in the opinion of the City Manager, upon recommendation of the Department Heads involved, the transfer is necessary to serve the best interest of the City.

If an employee is transferred within his /her salary range, the employee will transfer at the same rate of pay. If the employee is transferred to a different salary range, the guidelines involving promotions and demotions will be applied. No employee will be transferred unless the employee possesses the minimum qualifications for the new position.

## 2.12 Exempt/Non-Exempt Definitions

**Exempt Employees:** Some employees are classified as exempt from the Fair Labor Standards Act (FLSA), or applicable state laws, and are not eligible for paid overtime. These positions are typically managerial, supervisory, professional, or administrative.

**Non-exempt Employees (Overtime Eligible):** Non-exempt employees are entitled to overtime compensation or compensatory time off for hours worked over forty (40) in a work week. Positions which are entitled to overtime are not eligible for additional vacation as provided in Section 4 of this handbook.

An employee should see his/her supervisor if he/she has any questions about overtime eligibility or regarding his/her overtime pay. At the time an employee is hired or transferred, he/she will be told whether or not his/her position is eligible for overtime compensation.

## 2.13 Rest Breaks and Meal Breaks

All non-exempt salaried and hourly employees will receive one fifteen (15) minute rest break for every four (4) hour work period. This rest break is to be midway into the work period, but not to be disruptive to regular City business. Rest breaks will be scheduled unless, due to the nature of the job, they can be taken on an informal basis throughout the day. The rest breaks will be considered time worked for pay purposes. Scheduled rest breaks may not be taken immediately preceding or following the meal break or the beginning or end of the workday. Non-exempt employees will receive a sixty (60) minute unpaid meal-break during their shift. An employee's supervisor may require that meal breaks be rotated to allow for continuous operation of City offices.

## 2.14 Performance Reviews

Generally, an employee's supervisor or Department Head will conduct a review of his/her job performance each year during his/her anniversary month. The purpose of this review is to establish performance goals and review the employee's progress toward completing his/her objectives. While on probation, performance reviews will be given to an employee to provide them coaching and counseling feed-back about their progress to assist them to succeed.

## 2.15 Personnel Files

The City maintains a personnel file for each employee. Upon request, an employee will be given a reasonable opportunity to inspect his/her file. If an employee disagrees with anything in his/her file,

he/she may add a statement to the file. If an employee wishes to review his/her file, contact Human Resources to schedule an appointment. Human Resources, or an individual designated by Human Resources, will be present when an employee is reviewing his/her file. Personnel files are City property. Certain portions of an employee's personnel records may be subject to public inspection under Washington law. For more information on public inspection of personnel records, see Section 8 of this handbook.

### 2.16 Health and Safety

It is the policy of the City of Kelso to strive to provide a safe and healthful work environment for all employees. Safety is everyone's responsibility. An employee is required to report hazardous or unsafe situations, and work-related accidents to his/her supervisor immediately. A supervisor will keep a log of accidents and injuries in his/her department(s). Copies of all Labor and Industry reports should be sent to Human Resources.

### 2.17 Employment of Relatives

Family members employed by the City of Kelso will not have supervisory responsibility for other family members and will not be employed in positions that may create a conflict of interest or audit problem. If two employees of the City marry and there exists the possibility of a conflict of interest, one of the two individuals will be required to transfer or to terminate employment. A request to transfer in this circumstance should be made to the City Manager. The city will make reasonable efforts to arrange a transfer whenever possible. If the two employees do not select which of them will be transferred or terminated, the City Manager will make the decision.

## Section 3. Pay Practices

### 3.1 Salary Plan

Salary ranges will be established based on rates of pay for other classes, relative difficulty or responsibility of positions in the class, availability of employees for that position in Cowlitz County, rates of pay in other jurisdictions, cost of living factors, financial policies of the City, and other economic considerations. Salary ranges are intended to provide flexibility to allow the Department Head to recognize differences in performance between employees, provide incentives to employees, and reward employees for meritorious service.

Generally, when an employee is hired, he/she will be paid at least the minimum rate of pay for that position. The City Manager may approve a rate above the minimum if the employee possesses exceptional qualifications or experience which warrants the higher rate. An employee may be assigned a rate less than the minimum for training purposes. This training period may not exceed six (6) months.

The step progression for Non-Represented employees is annually on their anniversary date with the City unless otherwise stated in their employment letter.

## 3.2 Overtime

### A. Pre-Approved Overtime

For payroll and overtime computation purposes, the regular workweek begins at 12:00 a.m. Sunday and ends at 11:59 p.m. the following Saturday. The City's normal business hours are from 8:00 a.m. to 5:00 p.m. Monday through Friday.

A 9/80 workweek will be from 12:00 p.m. (noon) Friday to 11:59 a.m. Friday. This schedule would provide for every other Friday off. The Friday that is worked will be 8:00 hours. The workweek will be 40 hours each. Any hours over 40.0 will be compensated at overtime.

If a position is eligible for overtime (non-exempt), the employee will receive one and one-half (1 ½) times his/her regular hourly rate for every hour he/she works in excess of 40 in the workweek, subject to state law.

Holidays, compensatory time off, vacation leave, and sick leave are considered time actually worked when calculating hours worked for overtime purposes.

### B. Emergency "Call Back" Overtime

If a non-exempt employee has left work or is on a scheduled day off and is called back to perform work, the employee will be compensated at an overtime rate of one and one-half (1 ½) times his/her regular rate of pay. The employee will be guaranteed one and one-half (1 ½) hours of work at this rate for the emergency call back. The City, at its option, will determine whether the employee will work during this period and what work the employee will be assigned.

Certain positions regularly require emergency response. Special overtime procedures may be developed by the department in those cases and the emergency call back overtime provision described above will not apply.

Due to the nature of City operations, an employee may be required to work overtime. Except in the case of an emergency, an employee must obtain approval, in advance, from his/her Department Head in order to work overtime or take work home with him/her. Time sheets must be signed by the supervisor for any overtime worked.

## 3.3 Compensatory Time

Non-exempt employees who work overtime may agree to receive compensatory time off instead of cash payment. If the compensatory time option is exercised, the employee will receive compensatory time off in the amount of one and one-half times the hours worked in excess of 40 hours in the work week. (If compensatory time off is selected in lieu of emergency call back overtime, the employee will receive compensatory time off at the rate of one and one-half (1 ½) times the hours worked for the call back.)

Compensatory time in lieu of overtime that is requested by the employee and granted by the City shall not accumulate to a total amount greater than twenty-four (24) hours. If the maximum is exceeded in any month, those excess hours shall be cashed out.

Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and the Department Head. If an employee wishes to use accrued compensatory time,

he/she must make a request to his/her Department Head, providing reasonable notice. The request will be granted unless doing so would unduly disrupt City operations.

## 3.4 Longevity Pay

In appreciation for years of service with the City, each full-time employee shall receive an annual longevity bonus in addition to his/her regular salary, of four percent (4%) after ten (10) years of employment. The amount of longevity pay is a percentage of the employee's monthly base salary and depends on the employee's length of service, beginning with the month of his/her anniversary date. If an employee is promoted or reclassified and has completed his/her 10 years of service, the 4% longevity will be added to their base. Represented employees should refer to the longevity compensation provisions within their respective bargaining agreements.

## 3.5 Payroll

There is one payroll period each month. If a payday falls on a Saturday or Sunday, employees will be paid on the preceding Friday. If a payday falls on a holiday, employees will be paid on the last working day preceding the holiday.

The payroll cutoff date is the 20th of each month. Paychecks will reflect time worked through the end of the pay period reported. Overtime, sick leave, vacation, and compensatory time off which is not reported on the 20th will be reconciled in the next period.

With each paycheck, employees will receive a statement showing gross pay, deductions, and net pay. An employee should contact his/her supervisor or the payroll clerk if he/she has any questions about his/her paycheck.

An employee may choose to receive a maximum of 35% of his/her net monthly earnings paid as a draw against his/her monthly earnings and subject to verification of available funds. The opportunity to select a draw option is available to an employee after receipt of his/her first check, or once each year in February. Once elected whether or not to receive a mid-month draw, an employee may not change his/her election until the following February. Part-time, temporary, and seasonal employees are not eligible to receive draws. For more information, contact Human Resources.

The City reserves the right to change its payroll practices as it deems necessary or as required by federal/state laws.

## 3.6 Time and Attendance Records

All employees are responsible to make sure that the attendance and hours worked are recorded accurately on his/her timesheet. Altering or falsifying time records, or completing another employee's time and attendance record is prohibited and may result in disciplinary action, up to and including termination. Time and attendance records are the property of the City and are not to be removed from City premises.

## 3.7 Garnishment

The City will enforce garnishments and wage attachments as required by federal or state laws.

## Section 4. Employee Benefits

***PLEASE NOTE: The insurance benefits currently in place as outlined in this section are subject to the terms and conditions found in the carriers' contracts. They are also subject to change at the discretion of the City. This is not an official summary plan description. For further information about your benefits, contact Human Resources.***

### 4.1 Vacation

All regular, full-time employees not covered by a union contract receive vacation, based on years of service, according to the following schedule. (Employees covered by a union contract receive vacation based on the terms of that contract.) Vacation accrues each month beginning with the employee's accrual date. Vacation leave which is earned in one month will be credited to the employee on the first day of the following month. Employees are not eligible to take accrued vacation until six (6) consecutive months of employment.

**Vacation Eligibility: *From accrual date of employment Exempt Employees**

| Upon Completion of Years of Service* | Number of Vacation Days Per Year | Hours Per Month | Hours Additional 5 Days |
|---|---|---|---|
| 1 - 5 | 13 | 8.67 | 12.00 |
| 6 - 10 | 15 | 10.00 | 13.33 |
| 11 - 15 | 20 | 13.33 | 16.67 |
| 16 - 20 | 25 | 16.67 | 20.00 |
| 21 - 25 | 27 | 18.00 | 21.33 |
| Over 25 | 30 | 20.00 | 23.33 |

Exempt employees are entitled to an additional five (5) working days (40 hours) of vacation each anniversary year. (See Section 2 of this handbook for definitions of exempt and non-exempt employees.)

Exempt employees, who have accumulated in excess of 240 hours, may choose, at the end of the fiscal year, to receive a cash payment in lieu of time off for the additional five (5) day vacation benefit described above. No more than forty (40) hours will be paid in cash.

Part-time, temporary, and seasonal employees are not eligible for paid vacation.

Vacation days are accrued each month. After the first six (6) months of employment, vacation may be taken when it is credited to the employee. Employees may only use vacation which has been credited to them and may not "borrow" from future vacation.

Vacation is intended to provide a needed break from work responsibilities and, therefore, the City encourages employees to take all vacation, in full, each year as it is available. However, if this is not possible, a maximum of 30 days (240 hours) of unused vacation may be carried over into the next year.

Vacation schedules must be approved by the Department Head. An employee is encouraged to take his/her vacation in consecutive days, unless some other schedule has been approved by the Department Head. If an employee has any questions regarding his/her vacation accrual, eligibility, or scheduling, he/she should talk to his/her Department Head.

When employees with more than six (6) months of service leave employment with the City, they will receive payment, based on the individual's current rate of pay, for a maximum of thirty (30) days of unused accrued vacation. Any amounts of accrued vacation in excess of thirty (30) days will not be paid directly. Instead, the affected individual will be kept on the payroll in an inactive status until the excess is depleted, based on the individual's current rate of pay.

Employees who terminate employment with less than six (6) months of service will not receive payment for any vacation time.

If a paid holiday occurs during a scheduled vacation, the employee will be given an additional day of paid vacation.

If an employee is experiencing unforeseen financial hardship, he/she may, with Department Head approval, receive pay for up to five (5) days of vacation in lieu of taking time off, provided the employee has a current accrued vacation balance of more than fifteen (15) days. An employee requesting pay in lieu of vacation time off must apply in writing to his/her Department Head. The request will be reviewed by the City Manager and the Department Head.

Employees who are rehired by the City after their employment has been terminated will be treated as new employees and will accrue vacation based on their new accrual date. **(For reinstatement after a leave of absence, suspension, or layoff, see Section 7 of this Handbook.)**

## 4.2 Holidays

The City of Kelso recognizes the following holidays for all full-time employees:

1. New Year's Day . . . . . 1st of January
2. Martin Luther King, Jr. Day . . . . . 3rd Monday of January
3. President's Day . . . . . 3rd Monday of February
4. Memorial Day . . . . . Last Monday of May
5. Independence Day . . . . . 4th of July
6. Labor Day . . . . . 1st Monday of September
7. Veteran's Day . . . . . 11th of November
8. Thanksgiving Day . . . . . 4th Thursday of November
9. Day After Thanksgiving . . . . . Friday after Thanksgiving
10. Christmas Day . . . . . 25th of December
11. Two (2) Floating Holidays . . . . . Individual Employee Choice
12. Any other day(s) proclaimed by the Governor as a legal holiday.

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

With the exception of those offices involved in emergency services, all City offices will be closed on these holidays, except for floating holidays. Floating holidays will be scheduled by individual employees on a day mutually agreed upon by the employee and the Department Head.

Part-time, temporary, or seasonal employees will not receive paid holidays but will be paid at their regular straight-time rate for hours worked on a holiday. Floating holidays shall be credited to the employee on January 1 of each year for the employee's use and may not be carried over from year to

year; provided however, only one (1) floating holiday shall be credited to an employee in his or her first year of employment.

If a non-exempt, regular full-time employee must work on a holiday, he/she will be given another day off in lieu of the holiday. If the department is unable to schedule him/her for another day off, the employee will be compensated in accordance with the type of overtime worked (i.e.: pre-arranged or emergency call back overtime).

Holidays for Reason of Faith or Conscience

Employees are entitled to two (2) holidays per calendar year for a season of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. Employees may use their accrued leave or the time may be taken as unpaid. Use of sick leave shall not be permitted.

Employees may select the days on which he or she desires to take the two (2) holidays after consultation with their supervisor/department head. If an employee desires to take the two (2) holidays on specific days, then the employee will be allowed to take the holidays on the days he or she selected unless the absence would impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Washington State Office of Financial Management.

Leave allowed in this section must be taken during the calendar year, if at all; the allowed days do not carry over from one year to the next. Requests for partial days off will count as a full day toward the annual allotment of two (2) days. Leave requests shall be approved through procedures established by the department head. Generally, prior written approval will be expected.

## 4.3 Medical, Dental, and Vision Insurance Benefits

Full-time employees are eligible to receive medical, dental, and vision insurance coverage through the City, provided they complete and submit an enrollment card within thirty (30) days of the employee's date of hire. If an employee does not enroll within thirty (30) days of his/her date of hire, the employee must wait until the next open enrollment period (the month of December) to enroll in the City's insurance plan.

For employees, spouses and/or dependents who are properly enrolled, insurance coverage is effective as follows:

* On the first day of the month following the date employment commences.
* On January 1st, for anyone who enrolls during the open enrollment period.

Benefit Plans and Premium Share

1. The City shall offer the following medical insurance plans for each eligible employee and their dependents:

a) AWC Health First High Deductible (HRA/VEBA)

b) AWC Health First 500

c) Kaiser Foundation HSA-Qualified High Deductible $1,500/$3,000 with $10 (generic)/$20 (preferred brand) prescription coverage (HRA/VEBA)

d) Kaiser Foundation Traditional $500 Deductible with $10 (generic)/$20 (preferred brand)/$40 (non-preferred brand)/$150 (specialty) prescription coverage (HRA/VEBA as applicable)

2. The City shall pay the 2016 monthly premium amount for AWC Health First High Deductible and Kaiser HSA-Qualified High Deductible plans for eligible employees, spouses, and dependents in full. Effective January 1, 2017, the City shall pay the increase in the health premium from the prior year in the High Deductible Plans described in this policy up to five percent (5%). Premium increases greater than five percent (5%) up to ten percent (10%) shall be paid by the Employee. The City shall pay the increase above ten percent (10%) in a plan year.

3. The City shall contribute $125.00 each month of employment into a Health Reimbursement Arrangement (HRA)/VEBA account for Employee Only coverage and $250.00 each month of employment into a HRA/VEBA account for Employee plus Spouse and/or Dependent coverage under the High Deductible plan offerings. Employees must adhere to the rules and provisions pertaining to the use of funds deposited into a HRA/VEBA account.

4. The City shall pay the monthly premium for AWC Health First 500 and Kaiser Traditional $500 Deductible plans up to the respective equivalent coverage category cost of the AWC and Kaiser High Deductible Plan offerings plus $125.00 for Employee Only coverage or $250.00 each month for Employee plus Spouse and/or Dependent coverage. Employees are responsible to pay any remaining monthly premium cost, if applicable. The employee's portion of the premium shall be deducted monthly. Where the City's equivalent cost contribution is greater than the premium for either benefit plan described in this subsection, the difference shall be deposited into the employee's HRA/VEBA account established for this purpose.

5. Eligible employees and/or their spouses/dependents may choose to opt out of City-provided health coverage and receive a monthly City contribution to a HRA/VEBA account equal to half of the Employer's premium cost equivalent (which includes the high deductible plan premium plus HRA monthly contribution). The incentive shall be provided for any eligible spouse or dependent(s) opting out of City coverage that result in a premium cost savings to the City. An employee may only opt out if eligible for alternative insurance coverage as defined by the City's provider's plan requirements. No more than twenty-five percent (25%) of employees throughout the organization may choose to opt out of City-provided coverage. Eligible employees choosing to opt out shall make their requests in writing and will be approved by the City's human resources manager on a first-come/first-served basis until the limit is reached.

6. Employees choosing either of the High Deductible plans offered through AWC or Kaiser for the 2019 plan year shall receive an additional HRA allowance of up to $1,000 for Employee Only coverage or $2,000 for Employee plus Spouse/Dependent coverage to reimburse eligible out-of-pocket medical co-insurance expenses incurred in 2019 above the applicable deductible ($1,500 or $3,000 respectively).

Any unused portion of the additional HRA allowance will not be contributed to the employee's HRA/VEBA account.

7. In subsequent years, the City shall pay the increase in the health insurance premium from the previous year in the High Deductible plans described in this section up to five percent (5%). Premium increases greater than five percent (5%) up to ten percent (10%) shall be paid by the Employee. The City shall pay the increase above ten percent (10%) in a year.

8. The City shall pay the full premium cost of dental and vision insurance to cover the employee and eligible dependents.

Specific insurance plans offered and the amount of premium costs shared by employees shall be determined by the City Council and provided for in the City budget. Adding dependents to the City's insurance plan is restricted by the insurance carrier and, depending on the circumstances, may be limited to the annual open enrollment period. Insurance benefits are provided to represented employees in accordance with the provisions of their respective adopted collective bargaining agreement.

## 4.4 Supplemental Insurance Coverage

Full-time employees may also elect to purchase optional supplemental life insurance, as well as additional insurance coverage for cancer, intensive care, hospital, or accident and disability. These insurance options are in addition to the coverage provided by the City. These supplemental insurance programs are entirely voluntary and are available at the employee's cost through payroll deduction. The AFLAC and Colonial payroll deduction may be made through the City's pre-tax Flexible Benefits Plan, also known as the "Cafeteria Plan."

More information regarding this option and enrollment procedures will be provided to an employee at the time he/she is enrolled in the City's insurance program.

## 4.5 Flexible Benefits Plan ("Cafeteria Plan")

The City sponsors an employee benefit program known as a "Flexible Benefits Plan" or "Cafeteria Plan." This Plan gives the employee the opportunity to use pre-tax dollars to pay for specific insurance and benefits programs, such as supplemental insurance coverage.

Under the City's Flexible Benefits Plan, an employee may elect to have some of his/her salary deducted before taxes to pay for certain insurance premiums (subject to IRS regulations). The premiums are paid using pre-tax dollars, thereby reducing his/her total tax obligation and saving him/her money. An employee may, of course, elect not to participate in the Flexible Benefits Plan and pay for any insurance premiums with his/her after-tax earnings.

Information regarding the City's Flexible Benefits Plan will be provided to an employee at the time he/she enrolls in the City's insurance programs.

## 4.6 Long Term Disability

The City currently pays the premium for Long Term Disability Insurance for full-time non-represented employees. The premium is based on his/her salary. Information will be provided at the time of sign up.

## 4.7 Health Insurance Continuation (Cobra)

If an employee is enrolled in the City health insurance plan and his/her employment terminates, or there is a change in his/her marital status, he/she and his/her enrolled spouse, registered domestic partner, and/or dependents may be allowed to continue coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA). All premiums under COBRA are the responsibility of the former employee or the enrolled dependent. An employee will be given more details of his/her rights under COBRA at the time he/she has a qualifying event which entitles him/her to COBRA coverage. Contact Human Resources for more information about the requirements of this program.

## 4.8 Retirement Benefit

The City and all full-time employees contribute a prescribed amount of the employee's salary to a retirement program which is intended to supplement amounts an individual may receive from Social Security. Benefit levels and contribution rates under both LEOFF and PERS are set by the State of Washington.

All regular uniformed employees in the police department are covered by the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF). Non-uniformed police personnel and other full-time employees of the City are covered by the Public Employees' Retirement System (PERS).

Severance pay for a maximum of 240 hours (30 days) of unused vacation may be considered salary for purposes of computing an employee's final average salary at the time of the employee's retirement, subject to approval of PERS. Police personnel covered under LEOFF are subject to Washington State law in this regard.

To avoid excessive compensation issues with the state retirement system, at retirement or termination, the total pay-out of vacation, sick leave (in excess of 720 hours) and comp time (where applicable) cannot exceed 240 hours. For more information on payment of sick leave at termination, see Section 5.2.F of this handbook.

## 4.9 Accidental Death & Dismemberment and Life Insurance

All full-time employees and their dependents are covered by Accidental Death & Dismemberment (AD&D) and life insurance under a program selected and paid for by the City. For more information on this benefit refer to the material provided by the insurance carrier.

## 4.10 Employee Assistance Program

The City of Kelso recognizes that personal problems are a part of everyone's life. The City has made an Employee Assistance Program (EAP) available to employees to give professional assistance in solving personal problems. The City's Employee Assistance Program is sponsored by the Association of Washington Cities Employee Trust and is a voluntary, confidential resource outside of the workplace to assist the employee and his/her immediate family members in coping with life's many complexities and challenges. The EAP services are provided by Olympic Resources. These services are confidential and the initial assessment consultations are free to employees and their immediate family members. If outside referral or continued treatment is required, fees are paid by the employee and can often be integrated with the medical insurance plan. You can reach Compsych 24 hours per day, 7 days per week by calling 1-800-570-9315 or refer to the material provided by EAP.

## 4.11 Workers' Compensation Insurance

All employees (except LEOFF-1 employees) are covered while on the job by Workers' Compensation Insurance. Eligibility and payments for medical expenses and lost time are determined by state law. For qualifying cases, State Industrial Insurance will pay the employee for medical costs and workdays lost due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor. The State Workers' Compensation Program may not cover activities undertaken by employees outside their normal scope of work or workday.

An employee may supplement workers' compensation salary benefits by using accrued sick or other leaves to increase his/her workers' compensation disability payments up to an amount not to exceed his/her net pay if he/she were working his/her regular schedule.

It is the employee's responsibility to inform Human Resources if he/she has received a time loss payment from the Department of Labor and Industries (L&I).

When an employee receives Workers' Compensation benefits, the employee 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 employees will receive prompt and regular payment during periods of injury or disability as long as accrued sick or other 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 pro-rated sick or other leave shall be restored to the employee's account.

Transitional/Light Duty work **may be** available for an employee that has been injured and can return to work but is unable to do his/her job description. When an injury happens at work that requires medical attention, an Employee Incident Report completed by the employee, a Release Authorization to Return to Work, and a Transitional/Light Duty job description has to be completed by the physician and returned to Human Resources before returning to work. These forms are available in your department or you can get them from Human Resources.

## 4.12 Social Security Benefits

Social Security benefits are provided by the federal government when an employee reaches retirement age and may provide disability income for various categories of employed and dependent persons. The City matches the amount deducted from the employee's paycheck for Social Security (FICA) and Medicare benefits as required by federal law.

## 4.13 Other Insurance Benefits

**False Arrest and Errors and Omissions Insurance.** The City provides, at no cost to employees, insurance protecting police officers against claims for damages for false arrest. The City also provides, at no cost to employees, errors and omission insurance. This insurance protects all City employees and officials against claims for damages for errors and omissions committed in the City's business while acting in his/her official capacity.

**Public Liability Insurance.** The City provides public liability insurance at no cost to employees. This insurance protects all City employees and officials against claims for damages for personal injuries or property damages arising out of the operation of a motor vehicle in the City's business.

## 4.14 Paid Family & Medical Leave Administered by Washington State Employment Security Department

As directed by the Legislature, premium assessment begins on January 1, 2019 and benefits can be taken starting January 1, 2020. Benefits will be available for most employees who work at least 820 hours in a qualifying period.

Paid Family and Medical Leave will be a state-run insurance program that is funded by premiums that are paid by both employees and employers who employ 50 or more employees. The total premium that will be paid in 2019 and 2020 will be four tenths of one percent of each employee's wages; of which 36-2/3% will be paid by the employer and 63-1/3% will be paid by the employee through payroll deductions. Employers with fewer than 50 employees are not required to pay the employer portion of the premium.

Eligible employees are assured up to 12 weeks of leave if needed, with partial wage replacement. In certain exceptional cases 16 – 18 weeks may be taken.

The amount of this benefit varies depending on the employee's weekly wage, median statewide incomes, and other factors. The weekly benefit is calculated by the Employment Security Department when an applicant files a claim. Employers are not required to calculate this benefit.

Employees may use paid family and medical leave benefits for:

- Bonding after the birth or placement of a child who is under the age of 18.
- The employee's or a family member's serious health condition.
- Certain military connected events, including leave for short-notice deployments, urgent childcare related to military service and post-deployment activities.

For more information go to: https://esd.wa.gov/paid-family-medical-leave

## 4.15 Tuition Reimbursement

The City encourages employees to pursue training opportunities and to improve their effectiveness as employees. Subject to budgetary constraints, the City will reimburse employees for education and training according to the following guidelines.

Training periods may be conducted before, during, or after regular working hours. Training sessions conducted during regular working hours must be approved in advance by the employee's Department Head, so as not to interfere with work schedules.

Training must be of significant benefit to the City or required by the employee's current position, and must be pre-approved by the employee's Department Head and City Manager in order to receive reimbursement for tuition. If a training session, course, or seminar has been pre-approved, the employee will be reimbursed for tuition costs, upon evidence of satisfactory completion of training. Satisfactory completion will be considered a grade of A, B, or the equivalent.

In most cases, employees will pay the tuition costs in advance and receive reimbursement at the conclusion of the course, unless the employee's Department Head has made prior arrangements with the City Manager.

# Section 5. Absence from Work

## 5.1 Attendance and Punctuality

It is important that employees report to work on time, as scheduled. If for some reason the employee will be delayed more than a few minutes, or is unable to report to work, he/she must call his/her Department Head/supervisor no later than one (1) hour before the employee's start of his/her work shift to explain the circumstances. Excessive tardiness may lead to termination of employment. An employee must call in each day he/she is absent from work unless other arrangements have been made with the Department Head/supervisor.

An employee's pay will be reduced for all unexcused absences from work. If an employee is absent from work during a portion of any work period, the employee's pay will be reduced, based on the number of hours missed, unless excused by the Department Head.

If an employee is absent from work due to illness, the employee's accrued sick leave will be reduced accordingly. If the employee's sick leave has been exhausted, the employee's accrued vacation will be reduced accordingly. After accrued sick leave, vacation leave, compensatory time, and floating holidays have been exhausted, the employee may apply to the Donated Sick Leave Bank, as provided by Section 5.12 of this handbook. After all available paid leave has been exhausted, the employee's pay will be reduced for absences due to illness.

If an employee fails to report for work as scheduled and does not call to report the absence, he/she will be subject to disciplinary action, up to and including termination. Employees who are absent from work for three (3) or more consecutive days without calling in as described above will be considered to have "voluntarily quit."

## 5.2 Sick Leave

### A. Sick Leave Accrual

Full-time employees will receive twelve (12) days (96 hours) of sick leave on their first day of employment. Employees will not accrue additional sick leave until after they have completed twelve (12) months of continuous employment. After twelve (12) months of continuous employment, sick leave will accrue to a maximum of ninety (90) days, at the rate of one (1) day (8 hours) each calendar month in which the employee works twenty (20) or more days. Sick leave will not accrue during any month in which the employee is on a leave of absence for twenty (20) or more consecutive days.

Part-time, temporary, and seasonal employees will accrue one (1) hour of paid sick leave for every forty (40) actual hours worked. Sick leave will be accrued in one (1) hour increments. Sick leave may be used in quarter (.25, .50, and .75) hour increments. An employee is entitled to use accrued paid sick leave beginning the ninetieth calendar day after the commencement of his The maximum annual carryover of sick leave is forty (40) hours. Part-time, temporary, and seasonal employees are not eligible for shared sick leave. Accrued sick leave will not be paid to any part-time, temporary, or seasonal employee upon the employee's termination, resignation, retirement or other separation. When there is a separation

from employment and the employee is rehired within twelve months, previously accrued unused paid sick leave shall be reinstated.

### B. Use of Sick Leave

An employee is authorized to use paid sick leave for the following reasons:

a. An absence resulting from an employee's mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or an employee's need for preventive medical care;

b. To allow the employee to provide care for a family member (as defined in chapter 49.46.210(2) RCW) with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care;

c. When the employee's place of business has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason;

d. Absences that qualify for leave under the domestic violence leave act, chapter 49.76 RCW.

Although most sick leave is unplanned, if an employee knows in advance of a medical condition or procedure which will require use of sick leave the employee must complete a Leave Request PDF Form. The sick leave must be approved in advance by his/her Department Head/supervisor. If possible, notification should include the expected duration of the absence.

In the event of an emergency, notify the Department Head/supervisor as soon as possible at the beginning of the period of illness or physical inability to work.

- If the need for paid sick leave is unforeseeable, and arises before the required start of the employee's shift, notice should be provided no later than one (1) hour before the employee's required start time.
- In the event it is not possible to provide notice of an unforeseeable absence, a person, on the employee's behalf may provide such notice.
- If possible, the notification should include the expected duration of the absence.
- Employees are required to complete a Leave Request PDF form on the day following the employee's return from paid sick leave.

If an employee is seeking to use or has used paid sick leave for authorized purposes for more than three (3) consecutive days during which the employee is/was required to work, the employee may be required to provide verification that establishes or confirms that the use of paid sick leave is/was for an authorized purpose. A doctor's certificate showing fitness for duty may also be required upon the employee's return to work, depending on the individual circumstances.

When an employee or the employee's family member is sick for more than three (3) consecutive days for which the employee is required to work, acceptable verification may include:

- A doctor's note or a signed statement by a health care provider indicating that the use of paid sick leave is necessary to take care of the employee or an employee's family member; or
- A written or oral statement from the employee indicating that the use of paid sick leave is necessary to take care of themselves or a family member.

When an employee is absent due to the closure of the employee's child's school or place of care by a public official due to health-related reasons:

- Notice of closure by a public official that the employee received regarding the employee's child's school or place of care.

Verification must be provided to your Department Head/supervisor within ten (10) calendar days of the first day an employee used paid sick leave to care for themselves or a family member.

Please note:

- You are not required to provide any details concerning the specific nature of the health condition in order to use paid sick leave, unless otherwise required by law.
- Any information you provide will be kept confidential.

If you believe obtaining verification for use of paid sick leave would result in an unreasonable burden or expense, please contact your Department Head/supervisor orally or in writing. Indicate that your absence is for an authorized purpose and explain why verification would result in an unreasonable burden or expense for you.

Within ten (10) calendar days of receiving your request, your Department Head/supervisor will work with you to identify an alternative for you to meet the verification requirement in a way that does not result in an unreasonable burden or expense. Possible options may include, but are not limited to:

- Company-provided transportation;
- Sharing the cost of getting a note from a medical provider;
- Providing a note of explanation in lieu of other forms of verification; or
- Exempting you from the verification requirement based on your explanation.

The City may choose not to pay an employee for paid sick leave taken in excess of three (3) consecutive days until verification is provided.

An employee has the right to contact Human Resources/City Manager if the employee believes the proposed alternative still results in an unreasonable burden or expense.

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

Online: www.Lni.wa.gov/WorkplaceRights
Call: 1-866-219-7321, toll free
Visit: www.Lni.wa.gov/Offices
Email: ESgeneral@Lni.wa.gov

If a request for sick leave is denied by the employee's Department Head, the employee may request, in writing, that the City Manager review the denial. The decision of the City Manager will be final and binding.

For information regarding use of sick leave while an employee is absent from work due to an occupational injury or illness for which the employee is receiving time loss payments, see Section 4 of this handbook.

### C. Sick Leave Buy Back

An employee who has accrued more than ninety (90) days (720 hours) of sick leave may trade each block of three (3) days (24 hours) accrued in excess of ninety (90) days (720 hours) for either one (1) day (8 hours) of vacation leave, or one (1) day (8 hours) of pay in lieu of leave. The sick leave buy back may be exercised each year during the month of December. Except as described above, sick leave may not be converted to cash or used as vacation or holiday time.

### D. Termination of Employment

Upon termination of employment, employees may convert unused sick leave in excess of seven hundred-twenty (720) hours, as provided in Section 5.2 (C) and will receive payment for the amount converted as provided in Section 5.2 (C). Employees will not receive payment for unused sick leave except as provided above. If an employee has any questions regarding the City's sick leave policy, this matter should be discussed with his/her Department Head or the City Manager.

## 5.3 Jury Duty and Appearance as a Witness

All employees of the City of Kelso will receive leave while on jury duty or when subpoenaed to appear as a witness in a case involving the City of Kelso. During the first two weeks of this leave, full-time employees will receive the wages they would have been paid. Additional paid time off for jury duty may be granted by the City Manager on a case by case basis for full-time employees who are called to serve on a federal jury panel.

If jury or witness duty exceeds two weeks, an employee may use available paid leave or take the time as an unpaid leave. Salary for exempt employees will not be reduced in any work week in which the employee works. A copy of the summons or subpoena must be presented to the supervisor or Department Head as soon as possible after receipt.

If an employee is called for jury duty or is subpoenaed as a witness and excused prior to the end of his/her work day, the employee is expected to report back to work immediately and continue normal work activities until again required to report for jury or witness duty.

Part-time, temporary, and seasonal employees will receive unpaid leave for jury or witness duty.

## 5.4 Voting Time off

Except as provided by law, employees will not ordinarily receive time off to vote because in virtually all situations, employees' work schedules are such that they are able to vote prior to, or after normally scheduled working hours. If an employee's schedule does not permit the employee time to vote and the employee is not able to vote by mail, the employee should contact his/her Department Head or City Manager.

## 5.5 Family and Medical Leave

**(See also, Section 4.14 Paid Family & Medical Leave Administered by Washington State Employment Security Department)**

The City complies with the federal Family and Medical Leave Act of 1993 "FMLA" and the FMLA Expansion Act of 2008 and all applicable state laws related to family and medical leave. Employees who have been employed by the City for at least one year and who have worked at least 1250 hours during the prior twelve (12) months, are entitled to twelve (12) work weeks of unpaid leave during any twelve (12) month period. The twelve (12) month period is defined as a "rolling twelve (12) months" which

starts on the first day on which the employee takes an FMLA leave, and continues for twelve (12) months from that date. FMLA can be taken for one or more of the following reasons:

1. To care for the employee's newborn, newly adopted child, or newly placed foster child.
2. To care for the employee's spouse, registered domestic partner, child or parent who has a serious health condition.
3. To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of his or her position.
4. For a "qualifying exigency" arising out of the fact that the employee's spouse, registered domestic partner, son, daughter, or parent is a covered military member (including those in the regular Armed Forces, the National Guard or the Reserves) who is on active duty, or has been notified of an impending call to covered active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.
5. An eligible employee may also take up to twenty-six (26) weeks of leave during a single twelve (12) month period to care for an injured service member who is the employee's spouse, registered domestic partner, parent, child or next of kin. A covered service member is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his/her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered service member may also be a veteran who was a member of the Armed Forces any time during the five years preceding his/her need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty. For purposes of this kind of leave, the twelve (12) month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed twenty-six (26) weeks in the applicable leave year.

A "serious health condition" is generally defined as an illness, injury, impairment, or physical or mental condition that involves inpatient hospital care or continuing treatment by a health care provider. Legal guidelines defining a serious health condition contains examples and much more detail than can be provided here. For additional information and questions, please see the City Manager.

If both a husband and wife are employed by the City, they are together entitled to a total combined leave of twelve (12) work weeks in twelve (12) months if the leave is taken for the birth or adoption of a child, the placement of a foster child, or to care for a parent. Family leave for birth or adoption must be completed with twelve (12) months of the date of the birth or placement for adoption.

Generally, employees are required to use any available paid vacation, comp time, and sick leave as part of the twelve (12) week leave. However, in the case of leave due to birth or adoption (#1 and #2 above), an employee may choose, but is not required to use available paid sick leave prior to taking the leave without pay.

If the leave is foreseeable, the employee must advise his/her Department Head, in writing, at least thirty (30) days in advance of the anticipated starting date of the leave and make a reasonable effort to schedule the leave or required treatments so as not to unduly disrupt operations.

Employees requesting leave for medical reasons must provide certification of a serious health condition from a physician or licensed health care provider. The certification must include the date on which the serious health condition in question began, the probable duration of the condition, appropriate medical facts regarding the condition, a statement that the employee is unable to perform his/her job functions, or a statement that the employee is needed to care for a spouse, registered domestic partner, parent, or child, along with an estimate of the time required. The City may require employees to obtain a second opinion. Second opinions will be paid for by the City. In addition, employees may be required to provide periodic reports during family medical leave regarding the employee's or family member's health status and the employee's intent to return to work.

Employees who return from family leave will be reinstated to the same position held when the leave commenced or to a position with equivalent benefits, pay, and other terms and conditions of employment.

Vacation and sick leave benefits will not accrue during the leave if the leave is longer than twenty (20) consecutive days. An employee on leave will not lose any benefits which accrued before the start of the leave, except for benefits which are used as part of the leave, as noted above. During the leave, the City will maintain coverage under the group health plan at the same level and under the same conditions as if the employee had continued in employment. If the employee does not return to work after conclusion of family leave, he /she may be responsible for reimbursing the City for any premiums paid during the leave period.

Required premium payments, if any, must be made by the employee no later than the first of the month for coverage for that month. If payment is not received within thirty (30) days, coverage may be canceled. If an employee allows coverage under the group health plan to lapse, the employee will be reinstated to the plan upon returning form the leave without having to satisfy waiting periods.

Leave may be taken on an intermittent or reduced schedule only with prior approval (for example, if an employee needs time off each week to take a family member for dialysis or radiation treatment, etc.) The employee will need to consult with his/her supervisor to try to work out the least disruptive schedule for the leave, when possible. An FMLA leave due to the birth or placement of a child must be completed within one year of the event.

In some circumstances, the Department Head or the City Manager may transfer an employee to an alternative position (with equivalent pay and benefits but not necessarily the same responsibilities or authority) that better accommodates the City's business needs.

All time off that meets the criteria described above, including time off because of on-the-job injuries (Workers' Compensation), will be classified as family and medical leave.

## 5.6 Pregnancy or Childbirth Leave

An unpaid maternity leave of absence will be granted for the entire period of time an employee is temporarily disabled because of pregnancy or childbirth. Accrued vacation leave must be exhausted prior to taking an unpaid maternity leave. An employee may choose to use accrued sick leave prior to taking unpaid leave under this Section. After available paid leave is exhausted, the remainder of the leave will be unpaid.

The leave will be for the actual period of disability as certified by a licensed health care provider.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlement to twelve (12) weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave. However, the FLA leave does not run concurrently with any leave taken for Pregnancy Disability; this affords an employee time off to care for her newborn once she has recovered from the Pregnancy Disability. For example: assume that an FMLA and FLA eligible employee works up to her delivery date, and needs six (6) weeks Pregnancy Disability leave to recover from childbirth. This six week period is also covered by FMLA leave. At that point, where the employee is no longer disabled from childbirth, the employee also has up to twelve (12) weeks of FLA leave available to care for the newborn. The remaining six (6) weeks of FMLA leave would run concurrently with the FMLA leave. Thus, the total leave entitlement in this case would be eighteen (18) weeks; six (6) weeks of Pregnancy Disability leave (running concurrently with the first six (6) weeks of FMLA leave) followed by twelve (12) weeks for FLA leave (running concurrently with the remaining six (6) weeks of FMLA leave. Note that the law allowing extra leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care. Employees are encouraged to contact the Payroll Department if they have any questions.

## 5.7 Disability, Serious Illness, and Accommodation

The City of Kelso will make reasonable accommodations for employees who have a disability, serious illness, or other health condition that affects their ability to work. Although all employees must be able to properly perform their job duties, the City may be able to adjust work schedules, transfer a qualified employee to a vacant position, or make other modifications to allow an individual with a disability to continue working.

Such employees are encouraged to contact their supervisor to discuss their circumstances; so the City can evaluate the situation and make whatever arrangements are reasonable. Supervisors will treat such information as confidential, except to the extent that other employees need to know to accommodate the employee concerned. The City will rely on one or more doctor's opinions if there is a question whether an employee's continued work may pose a health risk, or if there is reason to believe the employee may not be able to meet the demands of his/her job.

## 5.8 Military Leave

**Military Training Leave**. Employees who are members of the National Guard, Army, Navy, Air Force, Coast Guard, or Marine Corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted paid military leave for a period of up to twenty-one (21) workdays per year, or any greater period required by law, for performing ordered active duty training or active duty. This shall be in addition to any vacation or sick leave to which the employee is otherwise entitled. An employee must provide his/her Department Head with copies of his /her military orders as soon as possible after he/she receives those orders. For the purpose of this policy, the year runs from October 1st to September 30th.

**Extended Military Leave**. An employee who enters the state or federal armed services for an extended tour of duty is eligible for an extended military leave of absence, which may continue for up to five (5) years, unless otherwise provided under state or federal law. Employees will be paid their accrued vacation pay when their extended military leave begins, subject to the provisions of Section 4.1 of this Handbook. Employees will not accrue sick leave or vacation time while on extended military leave. Any insurance benefits will end on the last day of the month in which the extended military leave begins. An

employee who leaves work to serve in the military is entitled to re-employment as provided under state and federal laws.

In the event an employee volunteers (rather than being ordered) to participate in a military training opportunity, the time may be treated as either vacation or unpaid leave of absence by the City. The City reserves the right to deny an employee's request for a leave of absence to volunteer for military training if such a leave would cause undue convenience or added expense to the City.

The City will continue group medical insurance for employees on military leave of absence until the first of the month following thirty (30) days. After that time, employees may continue their health insurance at their own expense through the COBRA continuation program. Contact the Payroll Department for more information about this program.

**Military Spousal Leave.** During a period of military conflict, an employee, working twenty (20) hours per week or more, whose spouse or registered domestic partner is a member of the United States Armed Forces, National Guard, or Reserves who has been notified of an impending call or order to active duty, or who has been deployed, or when the military spouse is on leave from deployment, is eligible for a total of fifteen (15) days of unpaid leave per deployment.

The employee must give notice of intention to take leave within five (5) days of the spouse/domestic partner receiving official notice of the order to active duty, or official notice of receiving leave from active duty. This leave is unpaid. However, employees may substitute accrued vacation, compensatory time or sick leave for any part of their spousal military leave.

During leave under this policy, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the City for the employer portion of the health insurance premiums.

Upon an employee's prompt application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service – (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the City, in the position in which the employee had been employed prior to military service.
2. More than 90 days and less than 5 years of military service – (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the City, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. Employee with a service-connected disability – if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he/she would have attained or in the position that he/she left, the employee will be employed in (i) and other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the City; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

## 5.9 Domestic Violence/Sexual Assault Leave

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a "reasonable" amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g., vacation, sick leave, compensatory time) in connection with such leave.

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

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

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

Vacation and sick leave benefits will not accrue during the leave if the leave is longer than twenty (20) consecutive days. An employee on leave will not lose any benefits which accrued before the start of the leave, except for benefits which are used as part of the leave, as noted above. During leave under this policy, the City will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may in some cases be responsible to pay back the City for the employer portion of the health insurance premiums.

Upon return from domestic violence leave, an employee shall be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment.

## 5.10 Bereavement Leave

Employees may receive up to three (3) days of bereavement leave in the event of the death of a member of an employee's immediate family. Bereavement leave will not be deducted from vacation or sick leave balances. "Immediate family" is defined as the employee's husband, wife, registered domestic partner, son, daughter, mother, father, brother, sister, aunt, uncle, grandmother, grandfather, stepson, stepdaughter, grandson, or granddaughter.

Employees may receive one (1) day of bereavement leave in the event of the death of an employee's close relative. A "close relative" is defined as the employee's mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

## 5.11 Application Procedures and Special Conditions Relating to Leaves of Absence

Other than the leaves of absence that are provided for under state or federal law and/or under the provisions of this Handbook, employees do not have a right to take a leave of absence from employment. However, the City Manager may grant an employee's request for a leave of absence depending on the circumstances. The decision whether or not to grant a request for a leave of absence is within the sole discretion of the City Manager. Requests for a leave of absence or an extension of a leave, except in very unusual or emergency situations, must be submitted in writing to the employees Department Head at least one month prior to the start of the leave or extension. The Department Head or the City Manager will notify the employee as soon as possible whether his/her request has been approved. An employee should not assume that his/her leave of absence has been approved until he/she has been officially notified of that fact.

All leaves are subject to the following conditions:

* An employee who applies for or engages in any work for compensation while on a leave of absence will be subject to disciplinary action, up to an including termination, unless the City Manager has consented to the arrangement.
* An employee who improperly applies for unemployment benefits while on a leave of absence will be subject to immediate termination.
* An employee who engages in any conduct or activity which violates restrictions imposed by a physician or which might otherwise delay full return to regular employment will be subject to disciplinary action, up to and including termination of employment.
* When requesting leaves, employees should try to estimate the amount of time required for the leave. If the reason for the leave ceases to exist prior to the estimated expiration date, the employee must immediately inform the City Manager.
* The City reserves the right to initiate a leave of absence if it concludes that the employee's attendance, quality or quantity of work, safety, or efficiency have been adversely affected by some medical condition or personal circumstances.
* Unless stated otherwise in this policy, if an employee returns to work at the conclusion of a leave of absence, he/she will be restored to his/her original job or the first one which is available, suitable, and of like status and pay, provided that the requirements for obtaining and returning from the leave are satisfied. If the employee's physician places temporary or permanent restrictions on the employee, the City will attempt to accommodate him/her to the extent that positions are available for which he/she is qualified. In these instances, the employee's job responsibilities, compensation, and benefits may vary.
* If an employee fails to return to work at the conclusion of his/her leave of absence, the leave will be canceled and his/her employment terminated. The effective date of his/her termination will be the last

day worked. Termination will be treated as a voluntary termination. For COBRA purposes, the date group coverage terminated will be the qualifying event effective date.

* All leaves of absence are subject to applicable state law. Questions should be directed to the City Manager.
* Any employee who is reinstated within twelve (12) months to his/her position, after an authorized leave of absence, suspension, or layoff, shall be paid at the step within the classification that he/she held at the time of his/her absence, suspension, or layoff.

## 5.12 Leave Sharing

The purpose of this leave sharing policy is to permit City employees to provide vacation, sick and/or compensatory time to a fellow City employee suffering from an illness or injury who is out of sick leave, vacation time, floating holidays, and compensatory time, and who will imminently go on leave without pay. The following procedures and rules apply to this policy.

### A. General Policy

* An employee may receive the leave sharing benefit from any City employee and an employee may donate leave to any City employee, regardless of whether the donating and receiving employees are within the same bargaining unit.
* All leave donated under this leave sharing policy shall be day for day. A day shall be considered eight (8) hours. No differentiation will be made between the salary level of the donor and the recipient.
* There shall be no retroactive application of donated leave.
* No employee shall be coerced, threatened, intimidated, or financially induced into donating leave.
* Donations to the leave sharing program shall be confidential.

### B. Eligibility to Receive Leave

* An employee may receive leave if the employee suffers from a severe or extraordinary illness, or a non-job-related injury which causes the employee to go on leave without pay.
* Requests to receive the leave sharing benefit shall be submitted to the City Manager. The decision of the City Manager shall be final; however, such leave shall not be unreasonably withheld.
* An employee receiving a leave sharing benefit must have exhausted his/her sick leave, vacation time, compensatory time, and floating holidays.
* Initial grants of shared leave shall be for a period of sixty (60) working days or less. The City Manager may approve requests for additional leave not to exceed one hundred twenty (120) days under extreme circumstances when the need is verified by a physician chosen by the City.
* An employee receiving the leave sharing benefit shall receive no more than a total of one hundred twenty (120) days of such leave during the course of his or her employment with the City of Kelso.
* The employee's position must be one in which vacation and sick leave can be accrued and used.
* The employee must be eligible to use vacation time and sick leave.
* The employee must not be receiving time loss payments as a result of an on-the-job injury.

### C. Donating Leave

* All donations shall be in full days (8 hours).
* Donation of vacation time may not bring the donor's vacation time balance below thirteen (13) days.
* Donation of sick leave time may not bring the donor's sick leave balance below thirteen (13) days.
* All donations shall be strictly voluntary and shall be donated on the *Donation of Leave* form. The donor shall designate the recipient.
* Unused leave will be returned to the donor(s) on a prorated basis.

# Section 6. Personal Conduct

## 6.1 Employee Conduct

It is the policy of the City to regard its employees as responsible adults. The standards of conduct that are established herein are predicated on that premise. The policies are set forth so that there is some common understanding of what is expected of you, as an employee, and how you are to carry on your work- related activities.

An employee is expected to exercise good judgment at all times and to come to work prepared to carry out his/her responsibilities. We hope that the work environment will be one in which the employee will be able to enjoy what he/she does. We like to see employees in good humor and having fun at work but we also consider our work important and take the responsibilities of our tasks seriously. It is the tradition of the City to expect excellence from our employees and to work together as a team to accomplish organizational goals and provide excellent services. When employees fall outside that standard, then unfortunately, we may need to take corrective action, including disciplinary action. We hope these guidelines are helpful to you, as an employee, in understanding the expectations of the organization.

Unless specific benefits or rights to the contrary are granted to an employee through resolutions, individual employment contracts, applicable Civil Service Rules, or valid and effective bargaining agreements, employees are considered at-will employees and may be terminated from city employment at any time, with or without cause and with or without notice.

### A. Guidelines for Appropriate Conduct

All employees are expected to use sound judgment and exhibit a high degree of personal integrity. This involves sincere respect for the rights and feelings of others in both their work and personal lives. It involves avoiding any behavior that might be harmful to you, your co-workers and/or the City, or conduct that might be viewed unfavorably by the public at large. Type of behavior and conduct that is considered inappropriate includes, but is not limited to the following:

* Violating non-discrimination and/or sexual harassment policies;
* Arriving on the job under the influence of intoxicating beverages or drugs, using intoxicating beverages or non-prescription drugs on the premises or during work time, or misuse of prescription drugs on the job that cause a potential hazard to other employees or the public, or any other violation of the city's drug free workplace rules;
* Insubordination;
* Excessive absence or tardiness for any reason, including abuse of sick leave;
* Violation of these policies or other City operating procedures or regulations;
* Unauthorized absence from work;
* Violation of safety rules or personal conduct at work that is potentially dangerous to yourself or others;
* Interfering with, or disrupting the work of other employees on the job;
* Negligent or willful damage to the city's property, waste of supplies and equipment, such as personal use of fax machines, copiers, City vehicles, and long-distance telephone calls, and/or theft of co-workers' or city assets or property;
* Falsifying employment or other city records, or general dishonesty;
* Fighting or using obscene, abusive, or threatening language or gestures;

* Failing to maintain the confidentiality and privacy of City or individual private information;
* Discourteous treatment of the public or other employees; or
* Unsatisfactory job performance as determined by the City.

The above items are intended to be examples of the high standards we expect of our employees. They are meant to be examples only, and are not intended to be a complete list of all possible infractions. If an employee's performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory based on violation either of this guideline or any other City policy, he/she may be subject to disciplinary action, up to and including dismissal.

### B. Corrective Action Procedure

Upon completion of the six (6) month orientation period, and when problems arise with the behavior of an employee, it is best to have a procedure to follow that can address those problems and is understood by all concerned. The City is committed to providing employees with the feedback they need when things are not going well. Therefore, the following procedure will be utilized to the extent possible and appropriate.

This procedure is progressive in nature and is designed to give employees the opportunity to correct their behavior before it becomes a serious problem. Supervisors and managers also have the responsibility to provide feedback, either orally or in writing as appropriate, to employees who make improvements in their performance or correct the behavior that was a problem.

The degree of corrective action administered by a supervisor must depend on the severity of the situation. It is the responsibility of the supervisor to objectively evaluate the circumstances and facts involved before finalizing any discipline. (The City Manager may use his/her discretion in applying this section when dealing with performance issues of Department Heads.) In some cases where there are serious problems, it may be necessary to terminate the individual without going through each step. The City may also use the practice of administrative leave with or without pay while conducting an investigation into an alleged wrong doing. This leave should be used when it is necessary to remove the employee from the work place pending the outcome of the investigation. The following disciplinary actions may be taken in accordance with the principles of progressive discipline, though the specific disciplinary action will depend on the nature and severity of the conduct:

**Step One: Oral Counseling or Warning:** This step is used for relatively minor offenses and problems. The supervisor may discuss the offense with the employee and let the employee know the nature of the problem. The supervisor may then make a notation in his/her own log to provide reference for future counseling if needed.

**Step Two: Formal Counseling Session:** This step is used for a repeated offense where the counseling in Step 1 has failed to correct the problem or behavior, or for more serious problems that initially require more immediate action. Under this step, there will be a formal counseling session and a letter given to the employee and placed in the employee's personnel file documenting the problem.

**Step Three: Decision Making Unpaid Leave:** This step is used for repeated offenses where the counseling in Step 1 and 2 have failed to correct the problem or behavior, or for more serious problems that initially require stronger corrective action than the above steps. After discussing the problem with the supervisor, the employee will be given the rest of the day off without pay to make a personal decision as to whether to change his/her behavior and whether the employee wants to continue his/her

employment. This time off is to be used by the employee to compose a proposed written statement if continued employment is desired, detailing what specific actions the employee will take to meet the requirement of the City.

**Step Four: Follow-up Meeting Regarding Decision:** The employee will return to work the day after the leave described in Step 3 and a meeting between the employee and the supervisor will take place to review the employee's written statement. The purpose of the meeting is to reach an agreement on the proposed action of the employee. When agreement cannot be reached, the supervisor will set a separation date.

**Step Five: Termination:** This step is to be used for instances where an employee has failed to correct his/her behavior after going through the above established procedure, or there is a serious violation of City standards of conduct where immediate termination is warranted. Prior to termination for disciplinary reasons, all regular employees shall have the opportunity to respond to allegations made against them.

Depending on the circumstances, the City may also implement a period of disciplinary probation or demotion when an employee has demonstrated an unwillingness or inability to meet the expectations of his/her position.

## 6.2 Personal Appearance

An employee's clothing and grooming should be appropriate to his/her work situation. In some cases, health and safety standards or legal requirements may indicate that the City require special clothing, shoes, hair styles, or uniforms.

## 6.3 Personal Telephone Calls and Mail

Personal telephone calls should be limited to those which are necessary and should be as brief as possible. Telephone conversations conducted on City premises may be monitored from time to time by the City. Personal long distance or toll calls, and long-distance faxes should not be made from City telephones unless charged to the employee's personal calling card or home telephone number. If the employee fails to charge the call or fax appropriately, the call or fax must be logged and the employee must reimburse the City for the cost of the call or fax.

Generally, City-owned cellular telephones and services shall be used for City business and in the event of emergencies. Cellular telephones shall not be used predominately for personal calls. However, the City recognizes that occasions arise in which personal calls need to be made. Employees who are issued cellular telephones are responsible for ensuring payment to the City for personal cellular use. Personal calls made beyond the allotted monthly air-time limits shall be the responsibility of the person whom the phone is assigned.

Generally, the City's address should not be used to receive personal mail. All correspondence, including but not limited to, letters, memos, and electronic mail is subject to review and inspection by the City. In no case should City stationery or other supplies be used for personal use.

## 6.4 Computer Usage

As a City employee, you are likely to use computers extensively in your job. A few rules are necessary so that everyone can get the maximum benefit from the City's investment in technology.

In order to protect the City's computer system from viruses and ensure that the software used is compatible with City computers, only software purchased or approved by the City may be installed on City computers. Before installing any software not purchased by the City, an employee must check with his/her Department Head. Games and other non-business-related software may not be installed on City computers or used on City time.

Software is protected from unauthorized duplication by law. The City respects the legal rights of software developers and expects employees to do the same. No employee may duplicate software, or otherwise use software other than in accordance with the terms of its license. Software that has been duplicated without authorization may not be installed on City computers.

Electronic mail, as well as voice mail, may be used only for City business. All electronic media communications should be professional and business-like. Use of electronic media for jokes, gambling, games, or derogatory remarks is strictly prohibited. Remember, the City management has access to all e-mail, and an employee should not consider e-mail or voice mail communications private.

## 6.5 Employee Internet Access and Use Policy

This policy addresses access to and use of the World Wide Web and all other Internet or electronic information systems. As with all City policies, this policy is subject to revision at any time, particularly because this technology changes continually. Use of e-mail is addressed in Section 6.4 above.

### A. General Statement

The Internet provides a valuable tool for research, interaction, communication, and delivery of services between the City of Kelso and its vendors, peer organizations, and citizens. It is a very public resource. Any use of the Internet access provided by the City should be considered public and potentially accessible to both the public and to City staff and management. It is technically possible to monitor which Internet resources and sites are visited by any user, and also how much time is spent there.

Except as permitted herein for personal use, all approved Internet usage within the City shall be relevant to the job which the user is expected to perform for the City and to enhance the value or productivity of that job.

### B. Obtaining City Email

Internet e-mail will be available to all authorized users for the city's internal electronic mail program. Internet access to specific sites, participation in news or discussion groups, or other uses can generally be monitored from both within the City's computer network system organization and by individuals external to the City. All activities on the Internet using access provided by the City of Kelso should be performed assuming that those activities will be monitored by citizens and may be monitored by City staff.

City management has the absolute right to examine all electronic transactions at any time, similar to its right to examine other aspects of an employee's job. While this does not imply management will look at Internet access files or information, the right to do so is reserved.

The Information Services Department, because of the nature of its job duties, has the technical ability to review all Internet access and use. Department policy is to do so only as directed by management or as required in the care and maintenance of the system.

### C. Acceptable Business Use

Acceptable business use of the Internet varies depending on the nature of an employee's job duties. For example, a librarian would be expected to visit a wide range of sites while an engineer may have legitimate reason to access a smaller subset of Internet sites. In no case is it acceptable to purposely visit sites which have no reasonable relation to City business.

### D. Offensive Material

The Internet has representations on it of all types of interests, business, education, and discussions which otherwise occur in a worldwide society. It is possible to accidentally venture into material which you, as an employee, or others may find personally offensive or which violates laws. If that occurs, immediately back out of such a site and return to acceptable uses of the Internet per this policy. The City cannot be held liable for an employee's contact with information or graphics he/she may not desire to contact; we cannot control the content of the Internet.

Employees of the City shall not cause obscene, pornographic, discriminatory, defamatory, or other offensive material, or material that otherwise infringes a right or inherent right of another person, to be transmitted over the City computer network systems or to be stored in City computer systems.

### E. Downloading or Uploading Files

Files which are downloaded from the Internet may have viruses which may cause damage to the City network, to your computer, or both. Users are advised to use caution when downloading files. This includes ensuring files originate from professional sites and downloading only files needed in the course of your work. Computer programs are not to be downloaded or installed without express permission from the Information Services Department. This includes licensed, or unlicensed software, games, freeware, shareware, updates, or graphics. Any of the above may be subject to copyright law, trademark, license agreement, or other implicit or explicit legal agreement.

Uploading of files to any Internet site or movement of files to the City of Kelso Internet Server must be approved by the Information Services Manager or designee.

### F. Internet Access and Use Software

Software used specifically for the Internet (such as browsers, e-mail software, HTML editing packages, etc.) must be approved by the Information Services Department, licensed, and conform to Information Services Department standards.

### G. Personal Use

Sparse and judicious personal use of the Internet is acceptable. Personal use is subject to all of the same guidelines as used in pursuit of City business. The best analogy is the telephone – it is acceptable to take a call from your children during work hours, or to call a doctor, school, or organization you can't reasonably reach after hours. It is not acceptable to spend half an hour a day on personal calls.

It is OK to "surf" within the guidelines of this policy during a break or after hours.

### H. Public Meeting Act Applicability

The Open Meetings Act of Washington requires meetings of elected officials to occur in public. Some Internet chat or other communication allows concurrent discussion between and among individuals to occur on the Internet. Any e-mail, chat, telephone, or other interactive feature that allows four or more council members to communicate at the same time should be considered a public meeting.

### I. Public Access

It is the City of Kelso's intent to comply with all public disclosure laws. All requests for disclosure of information or documents shall be in accordance with RCW Chapter 42.56.

If requests for Internet logs or other information which represents "public documents" are made, citizens requesting information should be provided prompt service. Such requests must be specific and should be cleared through the City Attorney. General requests such as "all Internet access logs for May" are deemed too broad and cannot reasonably be responded to. It is appropriate and acceptable to charge the incremental cost of providing information to the requester.

### J. Consequences of Failure to Adhere to this Policy

Use of City-owned computers by City employees to access the World Wide Web and any other Internet or electronic information system for any purpose other than the performance of duties directly related to such employee's job is a privilege and not a right. Such privilege requires strict adherence to the policies expressed herein.

Violations of this policy may lead to revocation of Internet access or disciplinary action, including termination of employment.

## 6.6 Personal Property

The City will not assume any responsibility for loss, theft, or damage to personal property, including vehicles, brought to work. The City retains the right to inspect all packages, etc. brought into or taken from the premises.

## 6.7 City Property

The City reserves the right to inspect, with or without advance notice, all City property, including but not limited to, lockers, desks, file cabinets, etc. City equipment, including vehicles, should be used by employees for City business only.

## 6.8 Bulletin Boards

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

## 6.9 Contact with News Media

The City Manager and Department Heads shall be responsible for all official contact with the news media during working hours, including answering questions from the media. In addition, the public information officer will give out information on particular subjects during emergency events. The City Manager may also designate specific employees to give out procedural, factual, or historical information on particular subjects.

When an employee contacts any news media because of a personal opinion or to express a personal viewpoint, the employee may not use his/her title, or in any way connect his/her personal opinion to his/her position as an employee of the City.

## 6.10 Outside Employment

Generally, outside employment, second jobs, or "moonlighting" is discouraged. If an employee is gainfully employed elsewhere and such employment may create a conflict of interest, the employee

must advise his/her immediate supervisor or Department Head, in writing, of the situation. Employees should be particularly aware of conflicts between elected and appointed jobs, as well as conflicts arising from employment with a firm which has contracts with or does business with the City. Employment with an agency to which the City contributes financial support, or with whom the City does business, must have the prior approval of the City Manager.

For those employees working full-time, outside employment should be viewed as secondary to their primary employment at the City of Kelso. This includes being available for work beyond normal working hours, such as during emergencies or peak work periods. Activities related to outside employment (i.e., mail, telephone calls, etc.) must be conducted off-site and not during scheduled work hours.

## 6.11 Political Activities

City employees may participate in political or partisan activities provided that City resources and property are not used and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign during work 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. City officials may not use the authority of their positions to require employees to engage in political activity of any kind.

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

## 6.12 No Smoking

The City prohibits smoking in all City buildings and vehicles as well as offices or other facilities rented or leased by the City. Employees shall not smoke within twenty-five (25) feet of entrances to or exits from City facilities, windows that open, or vent intakes which serve an enclosed "non-smoking" area.

## 6.13 Substance Abuse Policy

### A. Purpose

Substance abuse raises serious concerns regarding employee health and public safety. Because of these concerns, the federal government has passed protective laws that establish drug and alcohol testing requirements for certain employees and call for employers to ensure a substance-free workplace. The City of Kelso is committed to providing such a work environment. To achieve this goal, the City has established this Substance Abuse Policy.

### B. Policy

Employees, including directors, supervisors and administrators are required to report for work in appropriate mental and physical condition. The purpose of this policy is to enforce the City of Kelso's commitment to prevent substance abuse because it affects ***job performance*** and the safety of our employees and customers. Accordingly, use, possession or working under the influence of any substance that can adversely affect alertness, coordination, decision-making, safety, or job performance will not be tolerated. Employees must, as a condition of employment, abide by the terms of this policy. Violations will result in corrective action, up to and including termination of employment, and may have legal consequences.

This Policy applies to all individuals employed by the City, unless a provision of the policy conflicts with a contract or statute (e.g., Collective Bargaining Agreement (CBA), Civil Service Rule, or Memorandum of Understanding (MOU)).

All existing employees and new hires will be trained on this policy. Each employee will acknowledge his/her knowledge of this policy and training by signing an acknowledgement receipt. This receipt will be maintained in the employees personnel file.

### C. Prohibited Conduct

The City is concerned about the adverse effect alcohol and drug abuse may have on safety and job performance. The City recognizes drug and alcohol abuse as treatable illnesses and affirms a commitment to respond to these illnesses through referral to treatment and rehabilitation, when brought to the City's attention before conduct occurs that may give rise to disciplinary action. However, the City affirms its policy that the following are strictly prohibited:

a. Reporting to work under the influence of alcohol, drugs or controlled substances.
    1. Indicated by a positive test for controlled substances, or
    2. Breath alcohol test resulting in an alcohol level of .02 or higher, or
    3. Observed physical evidence of impairment.
b. The unlawful use, possession, manufacturing, distribution, dispensing, transfer or trafficking of alcohol or prohibited substances.
c. The use, in any way, of City property, or the employee's position within the City, to make or traffic in alcohol or prohibited substances.

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

### D. Prohibited Substances.

a. Alcohol.
b. Substances regulated by the criminal law, including but not limited to narcotics, depressants, stimulants, hallucinogens, and cannabis, controlled substances defined in RCW 69.50.101. **MARIJUANA**: The City does not allow employees to use, distribute, possess, or report to work under the influence of marijuana, even if the employee may lawfully use marijuana for recreational purposes under Washington State law, and / or is qualified and has a recommendation from a physician to use marijuana for medical reasons as outlined in Chapter 69.51 RCW.
c. Substances which are available as prescribed medications but for which the employee does not have a prescription or is using in violation of a prescription.
d. Any other use, possession or trafficking of alcohol or illegal drugs in a manner which is detrimental to the interest of the City, creates a safety concern, or unduly interferes with job performance.

### E. Prescription and Over-the-Counter Medications

Employees who are taking prescription medications (e.g.: narcotics, benzodiazepines, barbiturates, amphetamines, etc.) or over-the-counter medications that impact their alertness, perception, judgment, or ability to safely operate vehicles or equipment must disclose the matter to their supervisor and may be required to provide their physician's release to work while using the medication.

The City reserves the right to request a second opinion, at its expense, from a qualified physician if the City reasonably concludes that the employee's physician has not fully and competently addressed the issue of the impact of the use of the prescription drugs on performance and safety.

## F. Identifying and Handling Employees with Substance Abuse Problems

1. Possession

Any on-duty employee possessing prohibited substances will be directed to hand over the suspected substance. Whenever possible, another member of management or a representative of a collective bargaining unit who has completed the 60 minute training course will be present as a witness.

Refusal on the part of an employee to comply with a directive constitutes insubordination and is grounds for disciplinary action, up to and including termination.

Any confiscated material will be carefully preserved in an appropriate container in the presence of another witness (preferably a management representative), sealed and marked by describing the contents (e.g., "green vegetable matter," "white powder," "clear liquid," etc.), and noting the date, time, and source of the material. The supervisor will sign the container label or place the container in an envelope, and then sign and seal the envelope. The evidence is to be stored in a place inaccessible to others (i.e., a locked desk drawer) in order to maintain the proper "chain of custody" necessary to support investigative, disciplinary, and/or legal action.

The City Manager or designee will be notified immediately whenever suspected substances are confiscated. A decision will be made as to whether the substance should be analyzed by a competent laboratory and/or turned over to law enforcement authorities.

2. On-the-Job Use

Subject to the provisions of Section D.3, employees are prohibited from consuming prohibited substances while at the work place or while performing any work-related activities. Any employee who has violated this prohibition, will be removed from the work place for at least twelve (12) hours, is subject to drug/alcohol testing, and possible disciplinary action.

3. Pre-Shift or On-Call Use of Alcohol

The consumption of prohibited substances is prohibited for all employees while they are receiving stand-by pay.

## G. Substance Testing Guidelines

The City's Substance Abuse Policy applies to all applicants and current employees, except as otherwise noted in these policies.

### 1. Pre-Placement Testing

All applicants for a safety sensitive position (e.g.: police, CDL holders) who have received a conditional offer of employment must pass a drug test to receive a final offer. Each applicant must provide a signed consent form with his/her signed application for employment. (A sample form is attached as Appendix

A.) The applicant must then provide a urine specimen at a site designated by the City. The specimen will be sent to a laboratory designated by the City for testing. The pre-employment drug screen will be paid for by the City.

The drugs that will be tested for are: Amphetamines (including methamphetamine, speed, crank, and ecstasy); THC (cannabinoids, marijuana, hashish); Cocaine; Opiates (heroin, morphine, codeine, opium); and Phencyclidine (PCP). The drug test will be administered after the conditional offer for employment is made and before the first day an employee reports to work. Notice will be given to the candidate to report for the test and the test will be administered in sufficient time to allow results prior to initial reporting to duty. The offer of employment is contingent upon passing this drug test.

Those applicants who do not successfully pass the drug test shall be ineligible for hire for at least six (6) months.

**2. Post-Accident Testing**

When a City employee becomes involved in an accident or incident affecting persons or property while performing business or work for the City, a City management representative will determine whether or not an alcohol and/or drug test is appropriate. Typically, the following circumstances will require testing:

a. After an incident when there has been damage to the City's or citizen's property;
b. After any accident resulting in an OSHA recordable injury, or a near-miss that could have resulted in a serious injury or death;
c. After any accident involving injuries requiring only first aid, where there is a reasonable suspicion that a drug and/or alcohol test is appropriate;
d. After any accident involving vehicles regulated by the Department of Transportation (DOT); or
e. Testing as required by the Department of Transportation (DOT). An employee may choose to be tested for self-protection at city expense after an accident.

**3. Reasonable Suspicion Testing**

An employee who is reasonably suspected of being under the influence will be tested when requested by a supervisor or manager and when the suspicion is substantiated by another supervisor or manager. The following procedures apply to reasonable suspicion testing. Reasonable suspicion must be based on observable evidence, including, but not limited to the following:

* Observed alcohol or drug use during work hours or on City premises;
* Apparent physical state of impairment, as indicated by odor of alcohol, slurred speech, staggering walk, etc.;
* Incoherent mental state;
* Marked changes in personal behavior and/or deteriorating work performance that is not resolved through usual corrective action; or
* Accidents, motor vehicle offenses, fights, assaults, and flagrant violations of established safety, security, or other operating procedures during work hours, while on City premises, or when otherwise representing the City.

When an employee is asked to submit to drug and alcohol testing he/she will be informed of the reasons for testing and will be informed that refusal constitutes insubordination and is grounds for disciplinary action, up to and including termination of employment. If the employee is a member of a bargaining unit and the employee so requests, reasonable efforts will be made to have the union representative present, if it will not cause unreasonable delay. An employee who challenges the decision to require testing should be told that he/she must submit to testing now and may file a grievance later. If the employee refuses to take the test, he/she will be relieved of duty without pay to await disciplinary proceedings. Testing methodology will follow the same guidelines as any other cause for substance testing.

Each supervisor who observes evidence suggesting that a substance test is necessary will write a separate report of the incident. This report will include a description of the employee's observed condition, any statements made, and any actions taken by and persons involved in the incident. In all circumstances of suspected drug or alcohol use, appropriate transportation will be provided for the employee. If the employee refuses to accept transportation and attempts to drive, the proper authorities may be notified.

4. **Random Testing - CDL Holders**

Random testing for controlled substance and alcohol use will be conducted in compliance with Federal regulations on any employee of the City required to possess a Commercial Driver's License (CDL) to operate a covered vehicle in the performance of the job duties.

The selection process for random testing will be through a scientifically valid method. Procedures for random testing, including timing, frequency, number of employees to be tested, selection of employees to be tested, and test sites will be determined by the City. All employees in the relevant pool of persons subject to random testing will have an equal chance of being selected in each random test conducted.

The Department of Transportation's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) does not authorize "medical marijuana" under a state law to be a valid medical explanation for a covered employee's positive drug test result. Accordingly, an employee testing positive for THC/marijuana under these policies may be subject to discipline even if he/she has an authorized medical prescription for the use of marijuana.

## H. Drug Testing Methodology

Drug testing will be conducted by an appropriately certified lab. Testing may be conducted for any or all of the following drugs or their metabolites:

| | | | |
|---|---|---|---|
| Amphetamines | Cannabinoids | Alcohol | Barbiturate |
| Methamphetamines | Opiates | Phencyclidine | Methadone |
| Benzodiazepines | Propoxyphene | Methaqualone | Cocaine |

Initial screening of urine samples will be performed by immunoassay. All DOT regulated employee samples that are positive on initial screen will be confirmed by a NIDA-certified laboratory by gas chromatography/mass spectrometry (GC/MS). The testing facility will report all results directly to the City's Medical Review Officer (MRO) – a licensed physician with knowledge of substance abuse disorders. A final review of test results will be made by the designated MRO. This review will provide an opportunity for employees to discuss positive test results. The MRO will review any available medical records to determine if a confirmed positive test resulted from something other than prohibited use. If

the MRO is unable to reach the employee directly, after using all reasonable efforts, the MRO will contact the City's designated authorized representative. The City's authorized representative will ask the employee to contact the MRO. If the employee fails to present information affecting the result of the drug test, or if the employee refuses to speak with the MRO, the MRO will verify a positive test result, in accordance with ACOEM/CFR Part 40 (MRO Guidelines), and will report this to the City's authorized representative.

## I. Employee's Request to Retest

The MRO will inform the employee at the time the test result is verified that he/she may request a sample of the original specimen be provided to the original or another equally certified/accredited laboratory for re-testing. If an employee wishes the sample to be re-tested, he/she must confirm the request within 72 hours of notification by the MRO. The employee will be responsible for all costs associated with the additional test. The City may require that payment for the additional test be deducted from the employee's pay.

## J. Drug Testing Procedures

Because of the sensitive nature of substance testing, an employee is not to be tested, until approval is obtained from Human Resources/Risk Manager, or designee.

Employees must sign appropriate consent forms prior to testing. If the employee refuses, he/she will be informed that this will be treated as insubordination and will result in discipline, up to and including termination.

### 1. Reasonable Suspicion and Post-Accident Testing

If the City has determined that a drug test is necessary due to reasonable suspicion, or as defined above, the following steps should be taken:

a. Direct the employee to read and sign the Consent and Release Form. (A sample form is attached as Appendix B.)

b. Transport the employee to the local collection facility. If the employee refuses to accept transportation and attempts to drive, the authorities will be notified immediately.

### 2. Random and Pre-Placement Testing

If a random or pre-placement drug test is necessary, the following steps should be taken:

a. Direct the employee to read and sign the Consent and Release Form. (A sample form is attached as Appendix B.)

b. Notify the local collection facility that an employee will be coming to provide a urine specimen.

## K. Alcohol Testing Procedures

1. If the City has determined that alcohol testing is necessary, the following steps should be taken:

a. Direct the employee to read and sign the Consent and Release From. (A sample form is attached as Appendix C.)

b. Notify the designated breath-alcohol technician ("BAT") or test facility that an employee will be coming to take a breathalyzer test.

c. Determine from the BAT whether the employee's alcohol concentration level prevents the employee from performing safety-sensitive functions (i.e., 0.02 or greater).

2. If the test indicated an alcohol concentration level of between 0.02 and 0.04, the employee must be removed from performing safety-sensitive functions, but may be permitted to return to work to perform other job duties. Coordinate this step with the Human Resources/ Risk Manager or designee.

3. If the test indicated an alcohol concentration level of 0.04 or greater, the employee will not be allowed to return to work. If the employee's alcohol concentration level is at or near the legal limit for driving (i.e., 0.08), he/she will not be allowed to drive, and he/she will be required to obtain alternative transportation – either from a friend, a family member, or a taxi at the employee's expense.

## L. Consequences of a Positive Test Result

1. **Disciplinary Action**

The City may take disciplinary action, up to and including termination, for employees who violate this policy.

2. **Assessment and Treatment**

An employee who tests positive for alcohol or prohibited drugs may be referred to the City's Employee Assistance Program for mandatory assessment as a condition of continued employment. An employee who tests positive will be considered unqualified to work and may not be permitted to return to work until he/she agrees to participate in a treatment, continuing care or drug/alcohol rehabilitation program as recommended by an approved substance abuse evaluation counselor.

3. **Last Chance/Return to Work Agreement**

The employee will be required to sign a Last Chance/Return to Work Agreement and successfully complete any program (including recommended after care) as recommended by the treatment professional and approved by the Substance Abuse Professional (SAP).

4. **Return to Work**

Upon successful completion of any required treatment program as recommended by the treatment professional and approved by the Substance Abuse Professional (SAP), an employee may be released to resume work, but must agree in writing to unannounced, random testing for not more than twenty-four (24) months after returning to work. A positive test under these conditions or **at any time** thereafter may result in immediate termination.

## M. Privacy and Record Keeping

In all aspects of the City's drug-free workplace program, individual privacy will be maintained with the strictest of confidentiality. To accomplish this, the following procedures will be implemented. Test results will not be released without the written authorization of the tested individual, other than to the testing laboratory, the MRO, the individual, the SAP and the authorized City representative, except where required by law (including RCW 42.56) or subpoena to local, state or federal authorities. Written records regarding drug testing and/or communication with the employee regarding rehabilitation will not become part of the employee's personnel file but will be stored separately in a secure file. The City will not release an employee's rehabilitation or test records to a subsequent employer unless the employee requests it in writing.

### N. Rehabilitation

The City encourages employees who feel they have developed an addiction or dependence on alcohol or drugs to seek assistance. Requests for assistance will be confidential. Any employee who voluntarily comes forward and reveals the existence of a drug or alcohol problem will be referred to the City's Employee Assistance Program (EAP) for evaluation and referral. The cost of any evaluation of treatment and rehabilitation may be covered by the employee's medical insurance. Any costs which are not covered by the employee's medical insurance are the responsibility of the employee. The employee will be expected to enter into, cooperate with, and complete such treatment as is prescribed by professionals to whom the employee is referred. Any employee who fails to contact, enter into, cooperate with, or successfully complete all segments of treatment will be subject to discipline, which may include termination.

## 6.14 Inventions and Creative Output

Any written work by an employee of the City of Kelso which is subject to or capable of being copyrighted, or the invention or development of any process or device which is subject to or capable of being patented under the laws applicable thereto, which is written, produced, or developed wholly or partially during the course of employment with the City, or which is developed or produced through the use of City equipment or property, shall be the sole and exclusive property of the City of Kelso. Exceptions to this section may be made only by the City Manager and such exceptions must be in writing.

## 6.15 Solicitation

It is our goal to conduct the operations of the City in an orderly and efficient manner. We believe our employees should have the opportunity to work without interference from persons who are pursuing a purpose not related to our normal business.

With the exception of the annual United Way campaign, the City will not allow non-employees to come upon its premises to solicit employees or customers or to distribute literature or other materials for any purpose at any time. Furthermore, employees are prohibited from distributing any form of literature or other materials in their work areas which are not related to the City's business purpose and authorized by the City Manager. Employees are prohibited from soliciting other employees for any cause during their assigned working time. For this purpose, working time means time during which either the soliciting employees or the employees who are the object of the solicitation are expected to be actively engaged in their assigned work.

## 6.16 Union Membership

Compulsory membership in any labor union or employee organization shall not be a prerequisite for employment, but under some union contracts the employee may be required to join a union a reasonable time after employment. Any employee who attempts to coerce or intimidate any other employee concerning this rule will be subject to discipline, up to and including termination.

# Section 7. Separation from Employment

## 7.1 Termination, Resignation, and Retirement

While we hope your employment with us will be long and mutually rewarding, the length of that employment is not for any fixed term and may be terminated by you or the City at any time. (Employees

covered by union contracts, Civil Service Rules, or other agreements which address separation of employment should follow those provisions to the extent they may conflict with this section.)

If an employee decides to leave the City's employment, we request two (2) weeks written notice in order for an employee to leave in "good standing." Failure to provide two (2) weeks written notice, without the approval of his/her Department Head, may result in the employee's ineligibility for future employment with the City. The City has the option of either allowing the employee to work during this period or providing pay in lieu of his/her notice to quit.

Final paychecks will be issued on the next regularly scheduled payday.

## 7.2 Reductions in Force and Lay off

In the event the City experiences a lack of work or lack of funds, the City may be required to lay off employees. Affected employees will be given at least two (2) weeks written notice before such a lay off is to take place. An employee may, at the discretion of the City Manager, be given pay in lieu of notice.

No employee shall be laid off while another person in the same classification is employed on a probationary or temporary basis in a position for which the employee, in the opinion of the Department Head, is qualified. In determining which employees are selected for lay off within a department, the Department Head and the City Manager will consider qualifications, performance, and seniority in the position.
Laid off employees who have a positive history of employment with the City, will be placed on a re-employment list according to seniority on the job. Said re-employment status shall be valid for one (1) year. A "positive history of employment" includes positive performance reviews, lack of disciplinary action, and a good attendance record.

An employee may request to transfer to a lower classification to avoid layoff. Such transfer is not automatic and is not to be considered a "right" of an affected employee. A transfer to a lower classification requires the approval of the City Manager and will, if approved, result in a reduction in pay to correspond with the pay range of the new class. If the City Manager does not approve an employee's request for a transfer to a lower classification, the employee will be laid off pursuant to this section.

An employee transferring under these circumstances will be given priority consideration if his/her previously held position reopens within twelve (12) consecutive months following the transfer. An employee may not transfer to a class or a position for which he/she does not possess the qualifications to perform the functions of the job without additional training.

## 7.3 Exit Interviews

Regardless of the reason for an employee's separation from employment, he/she may request an exit interview with the City Manager. The City may also request an exit interview prior to an employee leaving city employment. An exit interview is voluntary on the part of the employee.

## 7.4 Severance Pay

Employees leaving City employment with at least six (6) months of service will receive payment, based on the employee's rate of pay at the time of termination, for unused vacation, any earned holidays for which the employee has not been paid, and any sick leave in excess of 720 hours which has been converted to paid leave as provided in Section 5.2( C ). Such payment is "severance pay" and is not

considered salary, except in the event of retirement, as set out below. The total amount of severance pay may not exceed 240 hours.

If an employee has more than 240 hours of accrued, unused vacation, the individual shall be kept on the payroll in an inactive status until accrued vacation in excess of 240 hours is depleted.

Terminating employees will not receive payment for unused sick leave except as described in Section 5.2 regarding sick leave incentive payment.

Severance pay for up to 240 hours (30 days) may be considered to be salary for the purpose of computing final average salary upon an employee's retirement, subject to approval of PERS. Police personnel covered under LEOFF are subject to Washington State Law in this regard.

Uncompensated overtime and unused compensatory time shall be paid to the terminating employee on the next regular pay day following separation. The City may elect to keep an individual on the payroll in an inactive status until unpaid overtime and compensatory time has been paid.

### 7.5 Reinstatement and Rehires

Any employee who is reinstated within twelve (12) months after an authorized leave of absence, suspension, or lay off, shall be paid at a step within the classification that he/she held at the time of his/her absence, suspension, or lay off. His/her original anniversary date shall be used for accrual of vacation, longevity pay, and all other benefits.

Any other re-hired employee shall be treated as a new employee and his/her new anniversary date will be used for accrual of vacation, determination of longevity pay, and all other benefits.

## Section 8. Miscellaneous

### 8.1 Reference Checks and Requests for Public Records

If another employer requests information about a current or former City employee as part of a reference check, it is the City's policy to release only the dates of employment and position(s) held unless written approval to release additional information is received from the employee.

Other requests for information are governed by Washington law. When the City receives a public records request for personnel information, the City will disclose as appropriate or as required by law. Certain information is exempt from disclosure under Washington law and, except as required by law or a court, the City will not release that information without the affected employee's consent.

### 8.2 Accepting Applications for Employment

It is the policy of the City to accept applications for employment only when there is a current opening. If a individual requests an application, and there is no current opening, inform the individual of the City's policy. If you are aware of a current opening for which the City is soliciting applications, refer the individual to the City's

website – www.kelso.gov; AWC (Association of Washington Cities) Jobnet – www.awcnet.org; Washington Employment Services (Work Source) and/or appropriate association websites.

## 8.3 Workplace Health and Safety

It is the policy of the City to reduce potential hazards to employees as directed in the adopted Accident Prevention Program.

In support of this policy, the City will maintain an updated Accident Prevention Program guideline.

## 8.4 Reporting Improper Governmental Action ("Whistleblowing")

It is the policy of the City of Kelso to encourage reporting by its employees of improper governmental action taken by City officers or employees and to protect City employees who have reported improper governmental actions in accordance with the City's policies and procedures contained within Appendix "E" of this Handbook. For more information, please contact the City Manager.

## 8.5 Vehicle Use

An employee must have a valid driver's license, automobile insurance, and the prior approval of his/her supervisor before he/she may drive vehicles for City business. If an employee has been approved to drive on City business, he/she must inform his/her supervisor of any changes that may affect either his/her legal or physical ability to drive or his/her continued insurability.

## 8.6 Complaint Procedures

We encourage employees to bring to the attention of management any complaints or disputes about work-related situations, including interpretation of policies. The purpose of this policy is to provide an orderly method for resolving grievances and complaints except as otherwise provided by union contracts or Civil Service regulations.

If an employee has a complaint or grievance, he/she should bring it first to the attention of his/her supervisor within five (5) days of the event leading to the complaint.

If unsatisfied with the response from his/her immediate supervisor, submit the problem, in writing to his/her Department Head within Fifteen (15) calendar days from the event leading to his/her complaint. The written complaint should be signed by the employee and he/she must contain, at a minimum the following:

1. A description of the problem;
2. An identification of the policy or procedure which he/she believes has been violated or misapplied;
3. The date of the circumstances leading to the complaint or the date he/she first became aware of the circumstances; and
4. The resolution he/she is seeking.

The Department Head will attempt to resolve the employees concerns within a reasonable time, generally within ten (10) calendar days of when he/she submitted it to him/her. If, after thirty (30) calendar days from the date of the event leading to the employee's complaint, his/her concern(s) remain unresolved, the written

complaint may then be presented to the City Manager. The City Manager will respond in writing within a reasonable time, generally within twenty (20) calendar days from the date he/she submitted it him/her. Failure to submit a grievance in accordance with the process and time limits described above shall constitute abandonment of the grievance unless mutually agreed in writing.

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

## 8.7 We're Happy You've Joined Our Team!

We hope this handbook has answered your questions and provided you with some background about the City of Kelso.

There are many aspects of our organization that cannot be explained in a handbook such as this. We have an "open door" policy; any questions, problems, concerns, and suggestions are always welcome. Our goals and expectations are high. We are glad you are a part of the city workforce, and we welcome your contributions.

# Appendix A

## Pre-Placement Testing

**Applicant Consent Form and Authorization for Specimen Collection, Substance Testing, and Release of Information**

I, _____, as a job applicant, voluntarily consent to provide a urine specimen at Workplace Wellness Services, or any other site designated by the City of Kelso ('City"). I understand that the urine specimen will be tested for the presence of drugs or controlled substances prohibited by City policies. I give my consent for the release of such test results to the City's Medical Review Officer, who shall interpret such results for the City's Personnel Director/Risk Manager or that person's designee.

I further authorize the City and its management to use this information as necessary in considering my application for employment. I understand that I may not be hired if I test positive for drugs or controlled substances prohibited by City policies.

Upon request, the City will give me a copy of any written test results it receives.

_____ _____

Applicant Signature Date

# Appendix B

**Employee Consent Form and Authorization for Specimen Collection, Substance Testing and Release of Information**

I, _____, voluntarily consent to provide a urine specimen for substance testing at Workplace Wellness Services, or any other site designated by the City of Kelso ("City"). I understand that the urine and/or blood specimen will be tested for the presence of drugs, alcohol, and/or controlled substances prohibited by City policies. I give my consent for the release of such test results to the City's Medical Review Officer, who shall interpret such results for the City's Personnel Director/Risk Manager or that person's designee.

I understand that I will be subject to discipline up to and including termination if I test positive for drugs, alcohol, or controlled substances in violation of City policies.

Upon request, the City shall give me a copy of any written test results it receives.

_____ _____

Employee Signature Date

# Appendix C

**Employee Consent Form and Authorization for Breath-Alcohol Testing and release of Information**

I, _____, voluntarily consent to submit to breath-alcohol testing by way of an evidential breath testing device ("EBT"), also known as a "breathalyzer." I understand that the EBT will determine my breath-alcohol concentration level based on the breath sample that I provide. I give my consent for the release of the EBT test results to the City's Medical Review Officer, who shall interpret such results for the City's Personnel Director/Risk Manager or that person's designee.

I further authorize the City and its management to use this information as necessary for its employment decisions. I understand that I will be subject to discipline up to and including termination if I show a blood-alcohol concentration level higher that that permitted by city policies.

Upon request, the City shall give me a copy of any written test results it receives.

_____ _____

Employee Signature Date

# Appendix D

Left blank for insertion of current Res 18-1203 Salary Classification Table.

## Appendix "E"

## Reporting Improper Governmental Action and Protecting Employees Against Retaliation

### Policy Statement

The City of Kelso, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

### Definitions

"Improper Governmental Action" is any action by a City officer or employee that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the officer's or employee's employment, and

(a) in violation of any federal, state or local law or rule;

(b) an abuse of authority;

(c) of substantial and specific danger to the public health or safety; or

(d) a gross waste of public funds.

"Improper Governmental Action" does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

"Retaliatory action" means any adverse change in the terms and conditions of a City employee's employment, or hostile actions by another employee towards a City employee that are encouraged by a supervisor or senior manager or official.

"Emergency" means 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 raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief

that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee's supervisor, the employee may raise the issue directly with Human Resources or within the employee's Department Head or City Manager. This should be done as soon as the employee becomes aware of the improper action. In the event a particular complaint involves allegations of criminal behavior, the City may refer the matter to the appropriate law enforcement authorities. If the complaint involves allegations of criminal behavior that may cause immediate harm to an individual or to property, the complaining employee may first report the matter to the Police Department before initiating the procedures described in this policy. The Department Head or City Manager (or a designee) shall take prompt action to assist the City in properly investigating the report of improper governmental action. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes in writing the disclosure of the employee's identity. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except the personnel actions taken as a result of the investigation may be kept confidential (to the extent permitted by law).

In an emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper action, such as:

Cowlitz County Prosecuting Attorney
Attorney General, State of Washington
U.S. Attorney (Western District of Washington)

As noted above, the employee may also report an emergency criminal matter to the Police Department or another law enforcement agency.

Employees may report information about improper governmental action directly to the appropriate governmental agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred; or that insufficient action was taken by the City to address the improper action, or that for any other reasons the improper action is likely to recur.

Employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

**Protection Against Retaliatory Actions**

Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

An employee who believes he or she has been retaliated against for reporting an improper governmental action must provide written notice to his/her supervisor within 30 days of the alleged retaliatory action. If the supervisor is allegedly involved in the retaliation, the written notice should be provided to the Department Head, City Manager. The written notice must specify the alleged retaliatory action and the relief requested. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation. Represented employees may elect to pursue such issues through the labor agreement grievance process, in which case the procedures that follow would not apply.

After receiving the City's response to the retaliation complaint, or 30 working days after the delivery of the complaint to the City, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for the hearing to the Department Head or City Manager within the earlier of either 15 working days after delivery of the City's response to the complaint of retaliation, or 45 working days after delivery of the employee's complaint of retaliation to the City. Upon receipt of the request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

**Management Responsibilities**

The City Manager is responsible for implementing City policies and procedures, for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are:

1. Permanently posted where employees will have reasonable access to them;
2. Made available to any employee upon request, and;
3. Provided to all newly hired employees.

Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action up to and including discharge.