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4.2 Appearance Policy Revised 10.19.2021

CHAPTER 1 PURPOSE AND SCOPE

1.1 INTRODUCTION

The City of Mount Vernon places the highest value on its employees. We wish to see satisfied workers, with the support necessary to achieve the objectives of each position. The City believes that clear, consistent personnel policies contribute to greater job satisfaction. All employees and new hires are required to be familiar with these policies. If questions arise, please begin with a discussion with your supervisor or department director or the Human Resources Director.

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

1.2 INTENT OF POLICIES

This employee handbook sets out general guidelines for City of Mount Vernon personnel policies and practices, rather than statements of specific treatment in specific situations. These policies are not intended to be a contract, express or implied, or any type of promise or guarantee of specific treatment upon which an employee may rely, or a guarantee of employment for any specific duration. Although the City will often make decisions that are consistent with the handbook, there may be times when it is not appropriate to do so, and the City retains the right to deviate from the handbook as circumstances warrant.

It is the City's intent that implementation of these policies, or any future revisions of these policies, will not result in any changes to wages, benefits, or working conditions of represented employees that are determined in the bargaining process.

1.3 AT-WILL EMPLOYMENT

The City hopes that our employment relationship will be long and mutually beneficial. That being said, the City of Mount Vernon adheres to Washington's employment at-will doctrine, meaning that either you or the City may terminate the employment relationship at any time with or without cause, and with or without advance notice. The City of Mount Vernon does not promise or guarantee that you will be employed for any specified length of time.

Unless specific rights are granted in writing in employment contracts, collective bargaining agreements, or civil service rules, all employees of the City are considered at-will employees. No supervisor, department director or representative of the City, other than the Mayor in writing, has authority to enter into any agreement with an employee for employment for any specified period or duration, or to make any written or verbal commitments otherwise altering the at will nature of the employment relationship.

1.4 SCOPE OF POLICIES

These personnel policies apply to all City of Mount Vernon employees. In cases where these policies conflict with any Civil Service rules and regulations, provisions of a collective bargaining agreement, City ordinance or state or federal law, the terms of that law, rule or agreement prevail. In all other cases, these policies apply. In the event of the amendment of any ordinance, rule, or law incorporated in this document or upon which these provisions rely, these personnel policies shall be deemed amended in conformance with those changes.

1.5 CHANGING THE POLICIES

As the need arises, the Mayor may modify these policies. The Mayor may deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the City's citizens. Employees may request specific changes to these policies by submitting suggestions to their department head.

The City also retains the right to revise, supplement, or rescind these policies without prior notice to employees. However, union representatives for the respective bargaining units representing City employees will be given a copy of any proposed changes to these policies for a 14 day (two week) comment period prior to implementation.

CHAPTER 2 DEFINITIONS

Adjusted Hire Date: Date that will be used for step increases and leave accrual adjustments. The 1st day of the month hired will be the adjusted hire date for employees hired on the 1st through the 15th of any month. The 1st day of the following month hired will be the adjusted hire date for employees hired after the 15th of any month.

Appointing Authority: The person empowered with authority to appoint and/or remove employees from City positions, or persons delegated by such appointing authority to perform duties which legally may be delegated. The City of Mount Vernon's appointing authority is the Mayor.

At-will Employee: Unless specific rights are granted to an employee in an employment contract, a collective bargaining agreement, or civil service rules, an employee of the City who may resign at any time, or who may be terminated at any time, with or without cause and with or without notice.

City: The City of Mount Vernon.

City Business: Includes work or job duties directly arising out of a work assignment or work duties that directly benefit the City and its operations.

City Facility: Any building that is owned or leased by the City. Except as otherwise provided herein, the term does not include City parks, parking lots, sidewalks, or streets.

Class/Classification: Systematic arrangement of job titles into categories according to positions sharing similar job functions and/or responsibilities. A representative sample of the City's classification system includes classifications such as Management, Technical/Professional, and Skilled Trades.

COBRA Rights: Federal law which permits employees who resign or are terminated from City employment to continue eligible group medical coverage at their personal expense for a specified period of time determined by federal law.

Days: References to "days" in these policies shall mean calendar days unless otherwise stated.

Department Director or Department Head: An employee responsible for directing one or more City departments or divisions.

Emergency: A circumstance that, if not immediately addressed, may cause injury or damage to persons or property, or an unforeseen set of circumstances warranting a deviation from normal procedures to address it.

Employee Assistance Program: A program designed to assist City employees and their family members to solve problems through professional counseling.

Exempt Employee: An employee who does not receive overtime pay for all hours worked in excess of forty (40) hours per week as provided in the Fair Labor Standards Act (FLSA) because the employee works in a bona fide executive, administrative, professional or other exempt capacity covered by the FLSA and Washington Minimum Wage Act.

Exigent/Emergency Circumstances: Circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.

General Notification: Notification on employee bulletin boards or through an employee newsletter, email or similar form of notification.

Good Driving Record: Established by WCIA point system.

Immediate Family: Includes the following: spouse; registered domestic partner; parent; child; brother or sister; mother or father-in-law; son or daughter-in-law; grandparent; grandchild; or any relative who lives in the employee's home. An individual is considered a relative whether related by blood, marriage or adoption.

Non-Exempt Employee: An employee who receives overtime pay for hours worked beyond forty (40) hours in a standard work week in accordance with the Fair Labor Standards Act (FLSA) and Washington Minimum Wage Act. The amount of overtime pay is one and one-half times the regular rate of pay for actual hours worked, unless provided otherwise in a bargaining agreement.

Non-Public Area of a City Facility: An area which has been declared by the Mayor or department director in charge of the facility as not being open on a regular basis to members of the public.

Non-Represented Employee: An employee who is not a member of a bargaining unit and is not represented by a bargaining agent in matters of wages, benefits, and working conditions.

Other Part-time Employee: Other part-time employee includes seasonal, on-call, and other part-time employees that average less than 20 work hours per week.

Pro-rata Basis: The ratio between the number of hours in an employee's normal work schedule and forty (40) hours per week, as it applies to leaves and benefits.

Regular Full-Time Employee: An employee hired in a budgeted, authorized position, who has successfully completed a trial period as defined in these policies and who regularly works a minimum of forty (40) hours a week on a regular year-round schedule.

Regular Part-Time Employee: An employee hired in a budgeted, authorized position, who has successfully completed a trial period as defined in these policies and who regularly works less than forty (40), but at least twenty (20) hours a week on a regular year-round schedule, unless

provided otherwise in a bargaining agreement.

Represented Employee: An employee who is a member of a bargaining unit and represented by a bargaining agent in matters of wages, benefits, and working conditions.

Trial Employee: An employee who has not yet completed a trial period in a regular position and who has not been granted regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, the reference includes trial employees.

Weapon: Any object, instrument or incendiary device which is (1) designed in such a manner to inflict harm or injury to another person, or (2) used in a manner threatening harm or injury to another person (See Policy 10.5).

CHAPTER 3 EMPLOYMENT

3.1 EQUAL EMPLOYMENT OPPORTUNITY

The City of Mount Vernon is an equal opportunity employer. This means that the City does not discriminate in employment decisions or policies in violation of laws on the basis of race, color, national origin, creed, religion, sex, age, marital status, physical or mental disability, sexual orientation (including gender identity), pregnancy, military or veteran status, genetic information, or any other characteristic protected by federal, state and local law. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, reduction in force, recall, transfer, leaves of absence, compensation and training.

Employees who believe that their protected class status was taken into account in any employment decision should complain immediately to the Director of Human Resources. If the employee believes the Director of Human Resources is involved in the discrimination, the employee should complain to either the Mayor or the City Attorney. Any complaints of unlawful discrimination will be investigated, and the City will take prompt, corrective action to remedy any complaints found to have merit.

3.2 GENERAL PROVISIONS FOR APPOINTMENT

The Mayor is the official authorized to appoint all City employees. Vacancies may be filled by re-employment, trial appointment, original appointment, promotion, demotion, transfer or reinstatement. Each vacancy should be anticipated sufficiently in advance of the need, to provide the involved department and Human Resources Department with ample time to complete the selection process. The appointing authority shall appoint only from among those persons who are confirmed by Human Resources as being eligible for the particular classification or position.

3.3 HIRING AND EMPLOYMENT

Individuals who want to be considered for employment with the City of Mount Vernon must complete application materials. Resumes may supplement, but not replace, the City of Mount Vernon official application. Applications will be accepted for open positions and will be considered only for that position. Applications must be received by Human Resources no later than the closing of City Hall on the published closing date for filing, except for electronically filed and mailed applications, which will be accepted if postmarked by the date of the deadline. A closing date may be extended by Human Resources. Applications, whether accepted or rejected, will not be returned. Applications will be maintained in City archives for at least three years. An applicant who changes his/her address or phone number is responsible for notifying Human Resources of the change.

The City of Mount Vernon relies up the accuracy of information contained in the employment application, as well as accuracy of other data provided throughout the hiring process and employment. Any misrepresentation, falsification, or material omission may result in exclusion of the individual from consideration for employment, or, if hired, termination of employment.

The Mayor has authority to authorize the expenditure of City funds for actual expenses incident to employee recruitment, including, but not limited to, actual moving expenses for newly hired employees not to exceed ten percent of the employee's first full year's salary. The employee may be required to execute an agreement obligating the employee to reimburse all or a portion of the moving expenses paid by the City if the employee fails to remain in the service of the City for a specified period of time.

3.4 NEW HIRE SELECTION

- A. **Vacant Position:** When a position becomes vacant, and prior to any posting or advertisement of the vacancy, the department director shall review the position, its job description and the need for such a position prior to any posting or advertisement of the vacancy. The position will be posted and/or advertised only upon approval of the Mayor.
- B. **Competitive Examination:** The Human Resources Director shall establish competitive examination and/or selection procedures for filling existing and anticipated vacant full-time positions. The City may contract with any agency or individual to prepare and/or administer examinations. Selection procedures for regular positions may be open and/or promotional, as may be determined by the Mayor, depending upon which approach will best serve the interests of the City with regard to a particular vacancy. The City may also conduct background procedures, to the extent allowed by law.
- C. **Operation of Motor Vehicles:** Applicants for positions involving the operation of a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of all finalist applicants will be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment in positions requiring driving duties. City will use point system established by WCIA to determine if driving record is acceptable.
- D. **Applicant Reference Check:** Human Resources may arrange for or conduct a background investigation including contact of references, prior and present employers, and a review of the applicant's listed education and work history. If the results of this investigation uncover information concerning the applicant's qualifications, rating or eligibility, the application process may be terminated or an conditional offer, if already extended, may be withdrawn.
- E. **Conditional Offer:** As a condition of employment, after an offer of employment has been made and prior to commencement of employment, successful applicants may be required to undergo a medical/psychological examination to determine their physical and/or mental fitness to perform work in the position to which appointment is to be made. The purpose of the examination is to determine whether an individual is physically and mentally capable of performing the job and to ensure his/her physical and/or mental condition will not endanger the health, safety or well-being of other

employees or the public. The offer of employment may be conditioned on the results of the examination.

- F. **Positions requiring CDL:** Those applicants being considered for positions which require a Commercial Driver's License (CDL) must submit to and pass a pre-employment urine/drug screen and, upon employment, participate in the Substance Abuse Testing Program.
- G. **Applicant Disqualification:** A candidate may be disqualified from consideration if he/she: 1) is found to lack the requirements/qualifications established for the position; 2) is physically or mentally unable to perform the essential duties of the position, as determined by a competent medical authority (and the individual's disability cannot reasonably be accommodated in the workplace); 3) refuses to submit to a medical examination or complete medical history forms; 4) the medical exam reveals current abuse of alcohol or use of controlled substances; 5) has made a false or misleading statement on the application; 6) has used or attempted to use political pressure or bribery to secure advantage in the selection process; 7) has failed to submit the application correctly or within the prescribed time limit; 8) has directly or indirectly obtained information regarding the testing materials; 9) has taken part in the compilation and administration of the selection process for which he/she is an applicant; 10) is related to an employee working in the same division as the one in which the opening occurs and the provisions of this manual would act as a bar to such employment; or 11) is not considered the best qualified candidate for the position. This is a non-exclusive list of reasons a candidate may be disqualified.

3.5 PERS RETIREE APPLICANTS:

Retiring employees may be eligible to reapply for employment pursuant to RCW 41.40.010 and 41.40.037:

- A. **PERS Plan I Retirees:** may be rehired to work no more than 867 hours per calendar year without suffering the loss of benefits unless the following requirements are met.
- The hours worked in excess of 867 per calendar year may not exceed a cumulative total of 1900 hours for the lifetime of the retiree.
 - There shall be a minimum break in service of three (3) calendar months from the time the Plan 1 retiree retires and the time they are rehired.
 - The City of Mount Vernon must document a justifiable need to rehire the retiree into the position.
 - The retiree must be hired through the City's established hiring process
 - The process, decisions, and results must be documented and retained in the event of an audit.

Once these requirements are met, the retiree may work no more than 1500 hours per calendar year without suffering a loss of benefits.

- B. **Rehiring Plan II or Plan III Retirees:** Retirees under Plan 2 or 3 may work up to a maximum 867 hours in a calendar year in an eligible position defined in RCW 41.40.010 or as a law enforcement officer under RCW 41.26.030, providing there is a

one month break in service between the date of retirement and date of rehire.

3.6 TEMPORARY EMPLOYEES

Department directors may use temporary employees in place of regular employees on vacation or other leave, to meet peak workload needs or temporarily fill a vacancy until a regular employee is hired. In an emergency, temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with applicable state and federal laws.

Temporary employees may include, without limitation, the following:

- A. **Grant-funded projects:** These employees will be involved in projects or activities that are funded by special grants for a specific time or activity.
- B. **Miscellaneous or special projects:** Other significant and substantial bodies of work may be appropriate for temporary employees. These bodies of work should be either non-routine projects for the department or related to the initiation or cessation of a City function, project, or department.
- C. **Seasonal positions:** Employees who work in positions that, due to the nature of the work, have predictable periods of inactivity exceeding one month.
- D. **Temporary placement in regular positions:** Employees who fill regular positions due to a regular employee's temporary absence such as extended leave or during the recruitment and selection process for a regular position.
- E. **Internships/Job Training Programs:** Employees hired to work in a position for the purpose of gaining practical experience related to his/her course of study in an undergraduate or graduate school program, or other type of formal job training program.

Temporary employees are employed on an “at will” basis and can be terminated at any time with or without cause and with or without notice. They are not entitled to any of the procedural protections contained in the Personnel Policies Manual. Temporary employees are paid on an hourly basis and are eligible to receive worker's compensation, unemployment, and social security benefits; they are not eligible to receive any other City benefits (such as vacation, sick leave, health insurance, holidays). Temporary employees pay contributions to the Social Security system, as does the City on their behalf.

Temporary employees will normally not be placed on the State of Washington Public Employees Retirement System (PERS), although there are a few exceptions depending on PERS eligibility criteria. Temporary employees who fill positions requiring seventy (70) or more hours per month for five (5) or more months in a year over a two (2) year period or on an ongoing basis, will participate in PERS, which requires employer and employee contributions. It is the responsibility of the hiring supervisor to determine PERS eligibility at the time of hire, and to monitor all temporary/hourly positions so that PERS membership requirements are met. Human Resources are available to provide assistance in determining PERS eligibility.

3.7 INTERNSHIPS AND VOLUNTEERS

- A. **Internships:** To assist in the development of future workforces, the City of Mount Vernon may choose to participate in internship programs. All internships must be approved by the Mayor and Department Head. Internships are generally unpaid positions, but in some cases the Mayor may approve compensation for the intern. Interns will be required to comply with City policies and procedures. Internships are stand-alone programs and do not entitle the student to a position at the conclusion of the internship period.

- B. **Volunteers:** The City of Mount Vernon may utilize volunteers to assist within the organization. All volunteer assignments will receive approval from the Department Head prior to commencement. Prior to assigning a volunteer to an assignment, please refer to the Volunteer Handbook and Policy (located on the I drive under Volunteer Programs). Volunteers may receive reimbursement for specific portions of their volunteer service, such as mileage reimbursement. A current employee may not volunteer in any capacity related to his/her paid position. While volunteers are unpaid, volunteers will be required to comply with City policies and procedures and will sign the Volunteer agreement

3.8 TRIAL SERVICE PERIOD

- A. **New Hires:** an employee's first six months of employment with the City of Mount Vernon will be considered a trial service period, unless otherwise stated in a collective bargaining agreement. This period is used to train and evaluate the employee's performance, conduct, observation of rules, and attendance. An employee may be released at any time during this trial period, with or without cause. Unless a collective bargaining agreement or Civil Service rules states otherwise, successful completion of the trial period will not alter the employee's at-will status.

- B. **Promotion/Job Change:** Employees who are promoted or receive a job change will serve a new six month trial service period. This trial service period will be used to determine the employee's ability to perform the new responsibilities. Benefits will not be affected by this period.

If the City has been unable to adequately observe an employee's trial service period (for new employees or promotion/job changes), or if circumstances occur or change during this period that require the need for additional observation, the City may extend the trial service period for a specified length of time.

3.9 EMPLOYMENT OF RELATIVES (NEPOTISM)

To avoid the reality or appearance of improper influence, favor or conflict of interest, and for reasons relating to supervision, safety, and security, the City of Mount Vernon does not allow individuals related by blood, adoption, marriage, or registered domestic partnership to be employed where

- A. One would have the authority (or practical power) to supervise, appoint, remove or discipline the other; or make effective recommendations pertaining to the salary level, promotion, or transfer of the other;
- B. One party is responsible for auditing the work of the other;
- C. One party would handle confidential material that creates improper or inappropriate access to that material by the other;
- D. Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City.

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

3.10 OUTSIDE EMPLOYMENT

The City of Mount Vernon expects employees to place a priority on their employment and avoid other employment or activities that interfere with the employee's ability to do his/her job, meet his/her work schedule or otherwise create a conflict of interest. If an employee is gainfully employed outside of the City, the employee must advise in writing his/her department head of such employment. Outside employment must meet the following conditions:

- A. It shall in no way detract from the efficiency of the employee in the employee's work;
- B. It shall in no way bring discredit to City employment;
- C. It shall not take preference over extra duty required by City employment;
- D. If it involves employment with an agency to which the City contributes financial support, the employee must have approval of the Mayor and concurrence from the City Council;
- E. It shall not result in a benefit of any kind or nature to the employee as a result of his/her position with the City;
- F. It shall not result in any potential for overtime pay liability under the Federal Fair Labor Standards Act or any other State, Federal or local laws or regulations.

3.11 EMPLOYEE PERSONNEL RECORDS & PRIVACY

- A. **Personnel File:** A personnel file is kept for each employee in Human Resources. An employee's personnel file contains: the employee's name; title and/or position held; job description; department to which the employee is assigned; salary; changes in employment status; all training received; performance evaluations; personnel actions affecting the employee, including discipline; accommodation and other pertinent information. Medical information about employees is contained in a separate confidential file. It is the employee's responsibility to notify the Human Resources Department of changes in personal information such as address, marital status, birth of a child, etc.
- B. **Employee Review:** Employees have the right to review their own files at a mutually convenient time with reasonable notice. An employee may request, through the Mayor, removal from his/her personnel file of information the employee believes to be irrelevant or erroneous. If the Mayor denies an employee's request to remove information, the employee may file a written rebuttal statement to be placed in his/her file. A former employee shall retain this right of rebuttal for two years after the last day of City employment.
- C. **Confidentiality:** Personnel files are kept confidential to the extent permitted by law (e.g. Chapter 42.56 RCW and RCW 42.56.230). Except as required by law, access will be limited to the employee, employee's immediate supervisor/department director, Human Resources, City Attorney, Mayor, and Mayor's designee. If an employee is subject to an investigation or other disciplinary matter, regardless of whether discipline results, such information may become available to the public under current interpretations of the public disclosure laws.

3.12 EMPLOYMENT REFERENCES

Only the Human Resources Department, Mayor or Department Directors or designees will provide employment references on current or former City employees. Other employees shall refer requests for references to the appropriate Department Director or Human Resources Department. References will be factual in nature and job related. All written references need to be filed with Human Resources.

The City has immunity under RCW 4.24.730 for certain disclosures of employee information to a prospective employer. Human Resources will endeavor to retain a written record of the identity of the person or entity to which information is disclosed under RCW 4.24.730 for a minimum of two years from the date of disclosure, and the employee or former employee shall have the right to inspect any such written record upon request; any such written record shall become part of the employee's personnel file.

3.13 EMPLOYEE AWARD PROGRAMS

- A. **Safety Award Programs:** The Safety Committee is authorized to develop and establish Safety Award Programs with incentive awards, subject to the approval of the Mayor. Award recipients shall be designated by the Department Directors and the

Mayor. The goal of each safety program will be to reduce workplace injuries, time loss and to improve work practices.

- B. **Service Award Programs:** The City maintains a practice of providing employee recognition awards for years of service. The award may be given to an employee who has completed aggregate City service equal to 5, 10, 15, 20, 25, 30, and 35 years.

CHAPTER 4 GENERAL POLICIES & PRACTICES

4.1 EMPLOYEE CODE OF ETHICS

The City of Mount Vernon is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of City of Mount Vernon employees in performing their responsibilities.

Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, or reputation, or otherwise cause embarrassment to the City. Employees will avoid any action, whether or not specifically prohibited in the personnel handbook, which might result in or reasonably be expected to create an appearance of:

Using public office or public position for private gain,
Giving preferential treatment to any person or entity, or
Adversely affecting the confidence of the public in the integrity of the City.

In addition, employees are expected to use basic tact and courtesy toward the public and fellow employees, abide by safety rules and safe work practices; comply with directions from supervisors; preserve and protect the City's equipment, grounds, facilities and resources; and provide orderly and cost efficient services to citizens. Unsatisfactory employee conduct will be handled through the disciplinary procedures.

All employees should feel comfortable taking appropriate action against illegal, improper or unethical behavior of others. If an employee is unsure of a specific action, it is his or her responsibility to ask questions and seek guidance. In addition, employees should report all unethical behavior to their managers or director or Human Resources Director. Retaliation against employees who raise genuine concerns will not be tolerated.

4.2 EMPLOYEE APPEARANCE (Updated 10.19.2021)

During business hours, the City requires employees present a clean and neat appearance, and to dress appropriately for their positions. Employees are expected at all times to present a professional image to customers and the public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Mount Vernon. Office workers and any employees who have regular contact with the public are expected to dress in a manner that is acceptable in modern business establishments. Examples of inappropriate attire include, but are not limited to, suggestive or physically revealing attire, athletic clothing, cut-offs, shorts, halter-tops, spandex, shirts or hats with unprofessional logos, flip flops (thongs), and similar items of casual attire, unless such clothing is necessary and essential in the performance of the employee's essential job function in which case the employee must receive approval from their Department Director. Employees who come to work dressed inappropriately will be sent home and directed to return to work in proper attire. Under such circumstances, the employee will not be compensated for the time away from work. Repeated violations may result in discipline.

Three issues of personal appearance require special attention: tattoos, extreme hair color and body piercings. Although popular, the City considers tattoos, extreme hair color and body piercings to detract from the professional appearance and image that it seeks to present.

Tattoos. The City requires that tattoos be covered under clothing during work hours. If any employee has a tattoo in a location that cannot conveniently be covered, given its location and/or the attire necessary for your position, please consult human resources to address the matter and, if appropriate, obtain a waiver.

If any employee has a tattoo otherwise visible to the public that comments on a matter of public concern, the City will permit the tattoo to remain uncovered, if necessary to comply with the employee's right of free speech under the First Amendment. Again, please consult Human Resources to address the matter and, if appropriate, obtain a waiver.

Hair Color: Hair should be clean, combed, and neatly trimmed or arranged. Unkempt hair is not permitted. Sideburns, mustaches, and beards should be neatly trimmed. Hairstyles should be appropriately professional and should not present a distraction in the performance of the employee's job function. Hair color should be within naturally occurring color tones. Extreme colors such as green, purple, blue, pink etc., are prohibited. City departments may have specific grooming guidelines that supersede those stated here, particularly where the job function involves direct contact with the public.

Body Piercings. The City requires that body piercings that are visible to the public be removed during work hours. This includes piercings through the nose, tongue, and above the eye.

Religious accommodation: The City recognizes that certain forms of dress and adornment are required by the employee's religious beliefs or practices. The City complies fully with federal and state antidiscrimination laws that require employers such as the City to reasonably accommodate an employee's religious beliefs and practices. Please consult Human Resources if you believe a certain type or style of dress or adornment is required by your religious beliefs or practices.

4.3 EMPLOYEE ID BADGES

As a part of the City's strategy to ensure safety and security of our City employees and improve our services to citizens, effective July 1, 2018; all employees will be required to obtain and carry a City of Mount Vernon photo identification (ID) badge. ID badges shall be obtained through Human Resources on the first day of employment.

City of Mount Vernon employees that don't wear a uniform that identifies them as City employee must visibly display their ID badge on their person during working hours. Employees (wearing a uniform with a city logo) are encouraged, but not required, to display their ID badge on their person during working hours.

Contractors, Volunteers and Temporary Staff with assignments of two or more weeks will be issued a photo ID badge. Those with a shorter assignment may be issued a generic City ID badge without a photo. Contractors, Volunteers and Temporary Staff must wear ID badges at all times while on City premises. It will be the responsibility of the department manager or designee to collect the ID badges on the last day of the assignment.

If an employee's ID badge is lost or stolen, it should be reported immediately to Human Resources, and a replacement obtained. Upon separation from employment, employees are required to return their City ID. It is the supervisor's responsibility to ensure the employee's ID badge is returned for destruction before leaving the City.

4.4 DISABILITY DISCRIMINATION PROHIBITED

The City of Mount Vernon will not discriminate against qualified applicants or employees with a sensory, physical or mental disability. Applicants and employees with a disability must be able to perform the essential functions of the job with reasonable accommodation. Employees whose disabilities require workplace accommodation are asked to seek the assistance of the City in order to initiate a mutual discussion of the employee's and City's needs.

In order to provide a reasonable accommodation, the City may seek to communicate with you and your medical provider(s) to gain a better understanding of any limitations you possess, and given those limitations, the means by which an accommodation would allow you to perform the essential functions of a position. Such communication with your medical provider will occur only after you have given written consent.

4.5 ANTI-HARASSMENT POLICY

It is the City of Mount Vernon's policy to foster and maintain a work environment that is free from unlawful harassment. Toward this end, the City will not tolerate unlawful harassment that is made by an employee toward any co-worker or member of the public. Employees are expected to show respect for each other and the public at all times, despite individual differences.

Unlawful harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public due to their protected class status. Harassment typically includes slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation (including gender identity), age, disability, marital status, military status or any other legally protected status.

Any harassment of a fellow employee or member of the public will be cause for disciplinary action, up to and including termination of employment.

Examples of behaviors which are inappropriate and/or illegal include (but not limited to): *Negative or offensive comments; jokes; slang names or labels; talking about or calling attention to another employee's physical or mental capacity in a derogatory or offensive manner; displaying offensive pictures, cartoons or calendars on City property.*

(See Discrimination/Harassment Complaint Procedure, Policy 4.6, for guidance on what to do if you or a coworker experience harassment.)

4.6 SEXUAL HARASSMENT PROHIBITED

Sexual harassment is a form of sex discrimination and is unlawful. Sexual harassment is also inappropriate and offensive and will not be tolerated by the City of Mount Vernon. The City considers sexual harassment a serious offense, and an employee who harasses another employee or member of the public will be disciplined as in any other case of serious employee misconduct.

Examples of sexual harassment that the City prohibits its employees from engaging in include: *Vulgar or sexual comments, jokes, stories, and innuendo, Graphic or suggestive comments about someone's body or manner of dress, Gossip or questions about someone's sexual conduct or orientation, Vulgarly, leering, inappropriate touching and obscene or suggestive gestures, Display in the work place of sexually suggestive photographs, cartoons, graffiti and the like, Unwelcome and repeated flirtations, requests for dates, and the like, Unwelcome sexual advance by a supervisor or a coworker, Solicitation or coercion of sexual activity, dates, or the like by the threat (expressed or implied) of punishment, Intimidating, hostile, derogatory or otherwise offensive remarks that are directed at a person because of that person's sex, where the remarks cause discomfort or humiliation and interfere with the performance of the employees duties.*

Employees engaging in sexual harassment are subject to discipline, up to and including termination. (See following Discrimination/Harassment Complaint Procedure, for guidance on what to do if you or your co-worker experience sexual harassment).

4.7 DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

If at any time you believe you are being subject to harassment or discrimination, or if you become aware of such conduct being directed at someone else, you should promptly notify the Human Resources Director. If you believe the Human Resources Director is involved in the harassment, you should report the conduct to the Mayor. All reported incidents will be investigated under the following guidelines:

- A. The City will appoint or retain an investigator who can be neutral and fair to all parties involved in the investigation. The City may bring an outside investigator if there is no one employed by the City who can complete a fair and timely investigation.
- B. All complaints will be kept confidential to the extent allowed by law, and will be disclosed only as necessary to allow the City to investigate and respond to the complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.
- C. Any employee who is found to have violated this policy is subject to corrective action up to and including termination.
- D. The City will not permit retaliation against anyone who makes a complaint or who cooperates in the investigation of a complaint. Allegations of retaliation will be investigated separately, and if sustained, will be subject to corrective action up to and including termination.

4.8 WORKPLACE VIOLENCE POLICY

The City of Mount Vernon prohibits violence in the workplace and is committed to maintaining an environment that is free of all forms of violence, including verbal or physical threats, intimidation, and abusive statements or any conduct that reasonably causes other to feel intimidated or unsafe.

Employees, with the exception of Commissioned Officers, are prohibited from bringing weapons to work or on City premises. The City reserves the right to inspect employee's desks, offices, file cabinets, computers, City-owned vehicles or other similar work spaces, with or without notice, when the City has a legitimate belief of employee misconduct or when the City needs to obtain work-related materials in the employee's possession. Furthermore the City reserves the right to inspect with or without notice, all personal packages, automobiles and other items, that come on to City property when exigent/emergency circumstances exist and there would be harm if the City waited to obtain consent/warrant. *The definition of Exigent/Emergency Circumstances comprise of circumstances that would cause a reasonable person to believe that entry (or other relevant prompt action) was necessary to prevent physical harm to the officers or other persons, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts.* The City of Mount Vernon encourages its employees to raise workplace concerns with their immediate supervisor. If the supervisor is unavailable, or if the complaints remain unresolved after talking with the supervisor, or if the nature of the complaint is such that the employee does not feel he or she can discuss the complaint with his or her supervisor, the employee may make a complaint to the Human Resources Director or to the Mayor. If the complaint involves an immediate threat to the employee's safety, the employee should alert the police and take any measures reasonably necessary to protect the employee.

The City of Mount Vernon prohibits the following:

- a. Any act or threat of violence made by an employee against another person's life, health, well-being, family or property.
- b. Any act or threat of violence, including but not limited to, intimidation, harassment, or coercion.
- c. Any act or threat of violence that endangers the safety of employees, clients, vendors, contractors or the general public.
- d. Any act or threat of violence made directly or indirectly by words, gestures or symbols.
- e. Use or possession of a weapon on the organization's premises, except for commissioned officers.

Upon receiving a complaint, the City will promptly investigate the matter to determine relevant facts and circumstances. Information about any complaint will be treated as confidentially as possible, consistent with proper investigation and responsive action. Based on its investigation, the City will take immediate and appropriate corrective action. Individuals who lodge good faith complaints or who participate in a City investigation will not be retaliated against or otherwise treated adversely for having done so.

4.9 DRUG FREE WORKPLACE POLICY – See Appendix A

4.10 NON-SMOKING POLICY

Smoking is prohibited in City Vehicles and Facilities, including City-owned buildings and offices or other facilities rented or leased by the City, including individual employee offices.

In accordance with RCW 70.160, smoking is prohibited within twenty-five (25) feet of any entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. The law also applies to any “place of employment,” which the law defines, in part, as “work areas” and any area which employees are required to pass through during the course of employment.

4.11 COMPUTER & ELECTRONIC MEDIA ACCEPTABLE USE POLICY – See Appendix B

4.12 SOCIAL MEDIA POLICY - EMPLOYEE USE – See Appendix C

4.13 COMMUNICATIONS SYSTEMS – CELL PHONE POLICY– See Appendix D

4.14 SOLICITATIONS AND DISTRIBUTIONS

Solicitations of funds, sales of tickets, unauthorized posting of notices, distribution of literature and solicitation of membership in organizations in City facilities or at City work locations during working time are prohibited unless authorized by the Mayor.

4.15 ACCEPTING GIFTS

- A. An employee shall not accept anything of value from the public for or because of any official act he or she has performed or will perform. In this connection, an employee shall not solicit or accept directly or indirectly any gift, gratuity, favor, entertainment, loan or any other thing of monetary value from members of the public with whom he or she has an official relationship, whether or not proffered for or because of any action or decision of the employee, such as from a person or organization that:
 - 1) Has or is seeking a permit, action approval, favorable recommendation, contractual or other business or financial relationship with the department;
 - 2) Conducts operations or activities that are regulated by the department;
 - 3) Has interests that may be substantially affected by the performance or nonperformance of his/her official duties.

- B. The restrictions set forth do not apply to the following:
 - 1) Obvious family or personal relationships, such as those between employee,

his/her parents, children, or spouse, when the circumstances make it clear that those relationships rather than the business of the persons concerned are the motivating factors;

- 2) The acceptance of food and refreshments of nominal value on infrequent occasions in the ordinary course of a luncheon, dinner meeting or other meeting, or on an inspection tour where an employee may be properly in attendance;
- 3) The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans;
- 4) The acceptance of unsolicited advertising or promotional materials, such as pens, pencils, note pads, calendars and other items of nominal intrinsic value;
- 5) The acceptance of an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, fraternal, nonprofit educational or recreational, public service or civic organization;
- 6) Travel, food and lodging paid for by third parties for employees to conduct City business on City time, providing for business, administrative or educational purposes. The benefit of those gifts would go to the City who would normally pay for the travel, food and lodging, rather than to the specific employee who accepts those gifts.

4.16 POLITICAL ACTIVITY

City employees and elected officials shall not:

- A. During working hours knowingly solicit or receive, directly or indirectly, political contributions from anyone, including other employees of the City or from persons on the employment lists of the City;
- B. During working hours permit any office or place of work in the City to be used for the purpose of making or giving notice of any political assessment, subscription or contribution. This section shall not apply to any public auditorium, park or place utilized for political rallies when governmental business is not being otherwise conducted therein;
- C. Use their position or authority in the City to further the political interest of any candidate;
- D. Participate in any political activity while in uniform.

4.17 SALES TO OR FROM CITY

City employees shall not sell or barter anything to the City or to a contractor supplying the City, or make any contract with the City or purchase anything from the City other than those things which the City offers generally to the public, such as, but not limited to, utility services, and then only on the same terms as are offered to the public, unless an invitation to submit sealed bids is published and the City accepts the sealed bid which is most advantageous to the City.

PROVIDED, that certain items which are of such a nature as to make it advantageous to limit public access to them and for which properly trained City employees are willing buyers may be sold by the City to such employees upon establishment of a fair market value by disinterested persons. Such items include, but are not limited to, such things as handguns within the Police Department.

PROVIDED FURTHER, that upon retirement of a police canine, as an alternative to destruction of the animal, a qualified police canine handler shall be entitled to retain such animal as a family pet so long as ownership and control is not transferred to any other party.

4.18 CITY PROPERTY / PERSONAL PROPERTY / PRIVACY LIMITATIONS

- A. **City Property/Personal Liability:** The City of Mount Vernon may furnish desks, closets and/or lockers for security of employee coats, purses and other personal possessions. The City does not, however, assume responsibility for any theft or damage to the personal belongings of employees.

- B. **City Property/Privacy Limitations:** Employees should have no expectation of privacy when using such or any other City property. The City regards desks, closets, lockers, work spaces, computers, file cabinets and files, city vehicles, furniture and other City property, as well as data, programs, communications, messages and other property created on, acquired by, developed for or located in any City facility or equipment, either in printed or digital format, as City property. The City reserves the right to search the same, including any personal possessions contained in them when it determines that there is a security, health, or other appropriate reason to do so. Such reasons may include, without limitation, the following: the need to locate City property; health or safety concerns; reasonable suspicion of misconduct; termination of employee; or for other business-related purposes.

The City reserves the right to review the contents of any document or communication, created or stored on a City computer or phone system, including electronic mail, text messaging, voicemail, and google account information. Employees do not have a reasonable expectation of privacy in these areas or in any other City work areas or when using City equipment.

- C. **City Equipment/Personal Use:** City equipment is provided at public expense to assist employees in carrying out official City business. While personal use of city equipment is prohibited, it is recognized that certain de minimis use may occur, e.g., the receipt of a personal phone call on a City-owned phone. It is the employee's

responsibility to ensure the City of Mount Vernon incurs no cost as a result of any de minimis personal use of City equipment. Inappropriate or excessive use of City equipment for personal purposes may subject the employee to disciplinary action, up to and including termination.

- D. **Removal of City Equipment:** No employee shall remove City property from the premises of the City or authorized City job sites except as required for the official and authorized performance of their duties. Department heads should take care to determine the City assets are not intentionally or inadvertently removed from City facilities.
- E. **Personal Property:** The City recognizes that employees may need or want to bring personal property to work. The City permits employees to do so but asks its employees to refrain from bringing unnecessary or inappropriate personal property to the workplace.

Any property that is not appropriate for the conduct of normal business, that may be disruptive to workflow, may pose a safety risk to employees or the public, or which violates the terms of any City policy may be considered unnecessary or inappropriate. It will be within the City's sole discretion to determine whether certain personal property is unnecessary or inappropriate.

The only personal property that an employee may be asked to use for City business is their personal vehicle. However, employees may choose to bring and use personal property in the performance of job duties. If personal property is used to perform job duties, employees must obtain written approval from a supervisor prior to its use and the property must comply with City standards.

It is the employee's responsibility to safeguard personal belongings. The City will not be liable for lost, damaged or stolen property of its employees and at no time will the City replace or reimburse an employee for personal property that an employee brings to the workplace. Employees are encouraged to exercise reasonable care to safeguard personal items brought to work. For example, employees should not bring valuables to work and should not leave personal items where they might be damaged or stolen.

Improper or excessive use of personal property brought onto City property or worksites or during work hours (for example, the excessive or inappropriate use of personal cell phones for personal phone calls, text-messaging, imaging or videotaping), may also result in disciplinary action, up to and including termination.

4.19 LEGAL LIABILITY

Employees shall comply with the laws and regulations that relate to the performance of their duties and shall perform their duties as reasonable and prudent persons. In accordance with, and to the extent required by the provisions of RCW 4.96.041, the City shall provide and pay for the reasonably necessary expenses of legal defense to employees for actions filed against employees for acts or omissions found by the City to be within the scope of his or her official City duties.

CHAPTER 5 HOURS OF WORK AND COMPENSATION

5.1 ATTENDANCE

- A. **Attendance:** Punctual and consistent attendance is a condition of employment and is considered an essential function of the job for all City employees. All employees are expected to report to work as scheduled and perform productive work for the City during their scheduled work shifts. Each employee is responsible for maintaining an accurate record of his or her attendance.
- B. **Notification of Absence:** Employees unable to work or unable to report for work on time are to notify their supervisor as soon as there is a foreseeable need. Employees must notify and obtain permission from their supervisor for any early departures or absences during the work day. If an absence continues beyond one day, the employee is responsible for reporting in each day, unless other arrangements have been approved in advance by the employee's immediate supervisor or Human Resources. If the supervisor is unavailable, the employee may leave a message with the department director or his/her designated representative, stating the reason for being late or unable to report for work.
- C. **Absence without Authorization or Notification:** An employee who is absent without authorization or notification on a scheduled work day is subject to disciplinary action, including possible termination.
- D. **Abandonment:** An employee who is absent without notification or authorization for three (3) consecutive scheduled work days shall be considered as having abandoned his or her job and may be terminated. Employees may also be disciplined up to and including termination for failing to report to work without notice or with insufficient notice for non-medical reasons.

Absence due to Medical Condition: If an employee's regular attendance is impacted by a medical condition, the affected employee is expected to notify his or her supervisor or Department Director, or contact Human Resources, to discuss whether a temporary change in their work schedule is appropriate.

5.2 WORK DAYS AND WORK SCHEDULES

- A. **Standard Work Day & Schedule:** The standard work days for most employees, are Monday through Friday with an 8 hour work day, which includes two 15-minute paid rest periods. Employees will also receive a half or hour unpaid lunch period.

For most City employees, the designated work week is forty (40) hours within a seven (7) day work period, from Sunday (12:01 a.m.) to Saturday (midnight). Some departments or positions may use a different designated workweek if specified in a union contract or working an alternative work schedule. The employee's department director will advise the employee regarding his/her specific work schedule and work hours. Part-time and temporary employees will work hours specified by respective department directors.

- B. **Alternative Schedule:** Consistent with the operational needs of the City and upon approval of the Mayor and the Human Resources Director, a department director may authorize alternative work schedule. Alternative work schedules are considered within an established period of work hours and may be implemented provided there is no appreciable disruption to department operations or service to the public during the established hours when City facilities are open to the public. The Mayor may terminate an alternative work schedule by department, division, or on an individual basis at any time.
- C. **Uniformed Personnel:** For uniformed fully commissioned police and fire suppression personnel, the City elects the 7(k) exemption under the Fair Labor Standards Act. The designated work periods for such personnel are set forth in the bargaining unit's collective bargaining agreement.

5.3 NON-EXEMPT EMPLOYEES

City employee may be required, as a condition of employment, to work overtime when necessary as determined by his or her department director.

- A. **Overtime Compensation:** In accordance with the Fair Labor Standards Act (FLSA), non-exempt employees, with the exception of uniformed personnel, will be paid at the rate of one and one half times the regular rate of pay for hours worked in excess of forty (40) hours per week. Vacation, sick leave and holidays taken in a pay period is not considered worked time for the purposes of calculating overtime. An employee should record his/her time to the nearest quarter hour. Employees that are mandated to work a holiday, will be allowed another day off in lieu of the holiday or will be paid overtime for hours worked on the holiday.

All overtime must be authorized in advance by the employee's department director. Working overtime hours without proper authorization may result in employee discipline, up to and including termination.

- B. **Breaks and Rest Periods:** Employees will typically receive a half hour to a one hour unpaid lunch period and will receive a 15-minute paid rest period for each four (4) hours worked. Employees cannot waive rest periods, combine the rest period with the lunch period, or use this time to shorten the work day, unless approved by the Department Head.
- C. **Compensatory Time:** Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's department head. The City is not required to grant compensatory instead of overtime pay. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Eligible employees accrue compensatory time in the same manner as overtime. The maximum accrual of compensatory time shall be forty (40) hours. Employees may use compensatory time within a reasonable time period after making a request to their department head, unless doing so would unduly disrupt City operations. Effective

1/1/2019, employees must use compensatory time prior to vacation time unless otherwise stated in a collective bargaining agreement.

Accrued compensatory time shall be compensated on an hour for hour basis when an employee terminates employment with the City.

Part-time employees will not accrue compensatory time unless working over 40 hours in a work week. All time worked over normal part-time schedule, shall be paid as hours worked.

5.4 EXEMPT EMPLOYEES

Employees in exempt positions as defined by the Fair Labor Standard Act (FLSA) are exempt from overtime payments for hours worked beyond forty (40) hours in a workweek. Such employees will be paid on a salary basis.

5.5 COMPENSATION FOR ONE DAY TRAVEL – NON EXEMPT

Employees shall be paid for time spent traveling to and from another city for a meeting/training/conference in the same day. Travel time from home to City job location is not compensable and is subtracted from travel time when employee goes from home directly to location of training/meeting. Travel will only be paid at the overtime rate if the employee has work more than 40 hours within the work week not to include holiday, sick or vacation leave.

5.6 COMPENSATION FOR OVERNIGHT TRAVEL – NON EXEMPT

When employees are required to travel away from their homes and the travel spans more than one workday, an employee shall be paid for actual time spent traveling if it occurs during regular work hours. Employees traveling on non-work days, shall be paid for the travel if it takes place during the employees regular work hours.

Travel time as a passenger on an airplane, train, boat, bus or automobile outside of regular working hours, whether on a regular work day or non-regular work day is not considered work time. The exception is that the driver's time is considered compensable whether driving during regular work hours or not.

Example:

An employee who regularly works from 8 a.m. to 5 p.m. from Monday through Friday is assigned work out of town. On Friday, the employee works at his regular job location until 4 p.m. and then travels by bus to an out of town work location, arriving at 6 p.m. The employee should be compensated for 8 hours on Friday, since with overnight travel only the travel time that overlaps the employee's regular working hours must be paid. On Saturday, the employee works from 8 a.m. to 4 p.m. with an hour meal break. The employee then leaves to travel home by bus, arriving at 6 p.m. Since only the travel time that overlaps the employee's regular working hours on a non-working day must be paid, the employee is compensated for 8 hours of pay. (8 hours x 1.5)

5.7 CALL BACK

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back without a reasonable excuse is grounds for disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked, including overtime if applicable. Exempt employees that are mandated to return to work on their unscheduled day, will receive straight pay for hours worked.

5.8 PAYROLL RECORDS

The official payroll records are kept by the Finance Department. Each employee shall submit a payroll record to his or her supervisor on twice a month (or as designated by the Finance Department) basis, a signed or electronically signed work record, noting hours worked, leave taken and overtime worked. An employee's physical or electronic signature on his/her work record constitutes his/her verification that the time reported as worked or paid leave taken away from work was in accordance with the policies of the City and all time has been recorded accurately. All employee time must be reviewed and approved by the supervisor. The Mayor shall approve work records for department directors.

5.9 PAY-DAYS

The City will pay employees twice monthly (5th and 20th of the month). If a designated payday falls on a Saturday, Sunday or holiday, the paycheck for that payday will be ready for each employee on the preceding business day.

Any errors in an employee's pay shall be corrected on the next paycheck, provided said error(s) are reported by the employee to the supervisor and payroll at least ten (10) business days prior to issuance of the next check. This reporting deadline is designed to allow processing time and failure to meet it will not result in forfeiture of an employee's right to claim an adjustment at a later date. In some situations, additional time may be needed to investigate and verify the error.

5.10 PAYROLL DEDUCTIONS

The City will withhold from the employee's paycheck those deductions required by law and any voluntary regular deductions authorized by the employee, applicable union contract, or statute. The City will deduct other contributions and/or payments upon written employee authorization, subject to approval by the Mayor and the capabilities of the City's computer accounting system.

5.11 REPORTING COMPENSATION ISSUES

It is the City's policy to comply with the requirements of the FLSA and Washington Minimum Wage Act and any other laws regarding compensation and deductions.

If an employee believes that an improper deduction has been made to his or her paycheck, or believes that his or her pay has been calculated improperly, the employee should immediately

report this information to his/her direct supervisor, Payroll, or the Finance Director.

Reports of improper deductions or improper payment will be promptly investigated. If the City determines that an improper deduction has occurred, the employee will be reimbursed for any improper deduction made or any correction in pay needed to remain consistent with the wage and hour provisions, or any governing provision of a union contract or other legal obligation. Similarly, improper payments to employees will also be subject to reimbursement by the employee. Errors made by employees on timecards shall be corrected the following pay period.

5.12 SALARY CLASSIFICATION AND GRADES

Each job title within the City of Mount Vernon is structured into a salary classification system. Each position is designated in a particular salary range as shown on the City's salary and wage schedule. The wage schedule for non-represented positions is approved annually by the City Council. The wage schedules for represented positions are covered by bargaining agreements and are approved by the City Council for the contractual period of the respective agreement. All wages are included in the City's annual budget.

5.13 JOB DESCRIPTIONS AND RECLASSIFICATION

Job descriptions are the official description of the representative duties, responsibilities and supervisory relationships of a classification. The job description sets forth the following information for each position: title; summary of nature of work; essential duties and responsibilities; minimum requirements and qualifications, including knowledge, skills and abilities essential for satisfactory performance in the position. The descriptions may also include a summary of the physical demands, work environment and key relationships an employee may encounter while performing the essential functions of the position. The Human Resources Department maintains a master set of all job descriptions.

The content of any job description is intended to be descriptive rather than restrictive and shall not to be construed to limit or modify the authority of the Mayor to take from, add to, eliminate entirely or otherwise change the job content of any position. To make the most efficient use of personnel, the City reserves the right to change an employee's work conditions and duties as originally assigned either on a temporary or permanent basis. Department directors may address the possible reclassification of positions by making a request to the Human Resources Department. Human Resources will review the request and make a recommendation to the Mayor, whose decision is final and not subject to review or appeal.

5.14 EMPLOYEE PAY RATES

- A. **Initial Employment:** New employees will usually begin employment at the beginning wage rate for their salary range. However, a new employee may be employed at a higher rate than the beginning wages when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the established beginning rate. Additionally, the Mayor may negotiate and authorize leave accrual rates and balances for a new employee above entry-level rates.

- B. Anniversary Date & Step Increases:** After an employee has been certified as having successfully completed the appropriate trial period, his or her anniversary date of employment will be retroactive to the date first employed on a full-time basis. Non-represented employees may be eligible for a step increase on their anniversary date or an evaluation of successful performance and recommendation by the Department Head and approval of the Mayor. Step increases for non-represented employees are subject to the availability of budgeted funds.
- C. Cost-of-living Adjustments:** The Mayor may propose, and the City Council may grant, an across-the-board pay adjustment (cost-of-living adjustment) raising the salaries of all positions by a specified amount within a defined group of classifications.
- D. Promotions:** Any employee promoted to a position in a higher classification and salary range will normally receive the next highest available pay step in the new range. The Mayor may authorize advancement of an additional step in some situations if the next highest step increase results in a raise less than 5% above the employee's base pay prior to the promotion.
- E. Reinstatement to Former Position:** When an employee is reinstated to a former position after an unsuccessful trial period from a promotion or transfer, the former salary step may be restored. When an employee who has been laid off is reinstated to the same classification occupied immediately prior to lay-off, the employee will usually return to the same salary step held at the time of lay-off.
- F. Pay Rates - Interim Temporary Assignments:** An employee approved for temporary assignment by the Mayor for an interim period lasting in excess of twenty (20) work days to perform the duties of a higher classification may have his/her salary raised to the next higher rate (of employee's current wage rate) within the new assignment classification. Temporary assignments will not usually exceed six (6) months duration. Compensation for interim temporary assignments shall not result in a classification change.
- G. Payroll Change Notices:** An employee scheduled to receive an increase in pay will receive the increased pay effective the first day of the month if the anniversary date or payroll change date is prior to the 15th of the month in which the increase is due. If the step increase date or payroll change date is after the 15th, the pay increase will be effective the first day of the following month in which the increase is due. A payroll change notice with appropriate signatures must be received and processed by Human Resources before a pay increase will take effect.
- H. Time Reporting:** Employees will record and be paid to the nearest quarter hour.

5.15 COMPENSATION UPON TERMINATION

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

- A. Regular wages for all hours worked up to the time of termination which have not already been paid;
- B. Any overtime, compensatory time or holiday pay due;
- C. Any unused vacation up to a maximum of 240 hours.
- D. Full-time and permanent part-time employees who have worked for the City for five consecutive years and leave the City in good standing shall receive 10% of their unused sick leave up to a maximum of 96 hours for full time employees and 48 hours for permanent part time employees.

5.16 EMERGENCY CONDITIONS

Occasionally adverse weather or other emergencies might interfere with normal arrival and departure times from the office. Every reasonable effort will be made to keep City offices open. If City offices close early or open late, employees will receive regular pay for that day(s) unless they were otherwise absent that day.

If the office is open during adverse conditions employees should make every effort to try and make it to work. Any employee not reporting to work must notify their supervisor and may elect to take vacation pay, compensatory time, personal holiday, sick pay or leave without pay, in this order.

CHAPTER 6 TRAVEL AND PERSONAL EXPENSES

6.1 TRAVEL & EXPENSE AUTHORIZATION AND REIMBURSEMENT

- A. Employees may be authorized to make certain expenses from personal funds for the benefit of the City, and to receive reimbursement therefore from the City. Reimbursement may only be made for funds expended by the employee as an agent of the City for the City's purposes only, and specifically to defray necessary costs while performing the employee's official duties.
- B. In order to qualify for reimbursement, all expenses must be reasonable and prudent under the circumstances and directly related to the conduct of City business. All such expenses are expected to be moderate in amount and care must be taken to avoid unnecessary or excessively costly expenditures. To be reimbursable, expenditures must be specifically authorized. Unauthorized expenditures include but are not limited to:
- 1) Liquor
 - 2) Expenses of a spouse, registered domestic partner, or other person not authorized to receive reimbursement.
- C. All overnight travel must be pre-approved by the Department Director and the Mayor. Requests for overnight travel shall be submitted using the City Travel Request Form.
- D. No claim for reimbursement shall be paid unless it is accompanied by a bona fide vendor's receipt. Such receipt should show a date, a description of the purchase, vendor identification and amount paid. Credit card receipts are preferable where possible. Ticket stubs will be accepted as adequate documentation for reimbursement.
- E. Reimbursement for the expenses related to business travel is acceptable under the following general guidelines:
- 1) City vehicle. Expenses necessarily incurred for vehicle operation are acceptable such as gas, oil, tires and necessary repairs. Such expenditures should not be made, however, except where necessary and where access to the City shop is impractical;
 - 2) Personal vehicle. Expenses shall be reimbursed for mileage on a private vehicle at the rate then allowed by the Internal Revenue Service for business related travel. Such mileage shall be computed by reference to, and by use of the most direct public highway route to and from, the employee's destination;
 - 3) Rental Vehicle. The cost of vehicle rental will be handled on an exception basis and must be approved in writing by the Mayor;
 - 4) Air travel. Advance arrangements for air travel shall be made whenever possible

for direct payment by the City to the travel agent or airline in a normal course of payment of bills;

- 5) Other travel expenses. Miscellaneous travel costs, such as traveler's checks, bus, taxi, bridge or other tolls, parking, ferry, porter and the like (but not including maid service) are authorized by listing the same as provided on the reimbursement form. Payment of a reasonable amount for porter service and the like is considered to be a necessary payment as therefore reimbursable. A vendor's receipt will be required only when the single item costs of this type of expense exceeds ten dollars (\$10.00);

F. Meals

Ordinarily meals consumed within Skagit County are not reimbursable; however, the reasonable costs of meals consumed in Skagit County while conducting City business may be authorized for reimbursement where required as a reasonable business necessity and where such expense would not otherwise have been incurred. The reasonable cost of meals consumed while conducting City business outside Skagit County is authorized for reimbursement. **Reimbursement for actual meal costs must be documented by a vendor's receipt** (preferably a credit card receipt). The maximum reimbursable amount for meals, which may include gratuity of not to exceed eighteen percent (18%), shall be the amounts set forth in accordance with the OFM Account Division Standard Per Diem Rates (www.ofm.wa.gov/resources/travel/colormap.pdf). If traveling for less than a day than the individual meal reimbursement amounts established by the OFM will be used.

- 1) It is intended that meals shall only be eligible for reimbursement if they are reasonable and necessary under the circumstances. It is expected that menu selections and restaurant selections shall be moderate in price where possible. No charges relating to alcoholic beverages shall be allowed.
- 2) In addition to the foregoing, the Mayor and department heads with the express prior authorization of the Mayor are expressly authorized to receive reimbursement for the purchase of meals, within or outside of Skagit County, for dignitaries, officials or other persons where, in the judgment of the Mayor, it is in the best interests of the City to do so. The limitations set forth in this section shall apply to such reimbursements, except that meal costs shall be considered a guideline, and not a maximum limit.

G. Lodging

Lodging will be reimbursed by the City when employees are required to spend the night away from their homes to attend to City business and it has been approved by the Department Director and Mayor. Lodging expenses must be considered reasonable for the area.

- H. Where it is found to be reasonably necessary to exceed the maximum reimbursable amounts set forth in this section, reimbursement may be made for expenses in excess of the maximum, but only upon the express written authorization of the Mayor which shall be attached to the request for reimbursement.

6.2 USE OF CITY CREDIT CARDS

Each department in the City has been assigned bank credit cards to be used whenever possible by employees for any authorized employee expenses as described in the previous section. Such use is preferable to the employee reimbursement process. All limitations, exclusions and restrictions set forth in section 6.1 apply to such credit card usage. All credit card receipts must be submitted in a timely manner and in accordance with the appropriate billing procedure to the Finance Department upon returning from authorized City business (See appendix F).

6.3 OUT-OF-STATE TRAVEL

All requests for out of state travel must be presented to the mayor on a Travel Request Form prior to travel for approval.

6.4 CLOTHING REIMBURSEMENT

Departments requiring field work, such as the Building and Engineering departments, may need work clothing suitable to such work. The City shall not purchase work clothing for employees, except for protective gear such as over-boots or overalls. Where an employee's personal clothing is damaged due to the hazards of field work, the Finance Director is authorized to reimburse the employee for the purchase of replacement clothing, PROVIDED, the replacement is reasonable. Employees will not receive reimbursement for unusually expensive clothing or clothing damaged because of a lack of protective gear. Any replaced articles shall be turned into the Finance Director, who may then donate the damaged articles to any appropriate charitable institution. PROVIDED, that employees of the fire department and police department shall be provided with clothing or receive an allowance consistent with the benefits provided to the unionized, uniformed employees of their department.

CHAPTER 7 PERFORMANCE EVALUATIONS AND TRAINING

7.1 PERFORMANCE EVALUATIONS

To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts periodic performance evaluations for all regular full and part-time positions. Employee reviews are normally conducted by department directors or direct supervisors prior to completion of a trial period and every March thereafter. The evaluation function is a communication tool to provide an opportunity for supervisors and employees to discuss, in a structured way, what each can do to make the workplace more productive.

The evaluation is part of an employee's personnel record and may be a factor in determining whether the employee has successfully completed his/her trial period, receives a wage increase, or is promoted, transferred, disciplined, demoted, laid off or terminated. In the event an employee is not performing up to the City's and the supervisor's standards, the supervisor may establish a Performance Development Plan with a time frame for improvement and identify the tools needed for improvement. If the employee fails to improve in the time frame specified, the employee may be subject to discipline, including but not limited to demotion, or termination. Evaluations may also be used during periods when additional information or training is being used to increase an employee's ability and performance.

Supervisors and employees are encouraged to meet regularly to discuss performance, whether in a formal or informal setting. Communication on performance will regularly occur informally. Annual performance evaluations help employees understand the nature and quality of their performance. These meetings provide a plan for improvement, the motivation to improve performance, if needed, and the development of goals for future performance. Prior to an internal transfer into a new position, an evaluation shall occur. Employees assuming duties in the new position will normally be evaluated within six (6) months of assuming the new duties.

Within five (5) working days of the receipt of a copy of a performance evaluation, the employee may express agreement or disagreement with the evaluation by writing in the comment section of the evaluation form and/or attaching an additional page. The employee's response will be reviewed by the employee's supervisor, department director, and the Mayor. The employee's written response will be attached to the evaluation form and included in the personnel file.

Employee performance evaluations are not subject to grievance procedures.

Trial Employee –. The standard trial period shall be six months, but may be extended by the Mayor, up to an additional six months. Successful completion of the trial period does not alter an employee's at will status, unless the provisions of a collective bargaining agreement state otherwise.

7.2 EDUCATION/TRAINING BENEFITS

- A. **Mandatory Education/Training:** Mandatory training shall be provided at no cost to the employee. In addition to salary, travel expenses and tuition costs will be paid by the City, if applicable (see travel authorization and reimbursement – Section 6.1).

- B. Optional Education/Training:** The City will reimburse the cost of tuition and lab fees for an advanced education course which would improve the employee's service and effectiveness to the City and which is pre-approved by the department head providing the course is satisfactorily completed with a grade "C" or higher. Reimbursement shall be limited to one (1) class per quarter or semester as appropriate and does not include the cost of textbooks. All course work related activities shall be on other than City time, except when approved by the department head.
- C. Seminars:** The City will reimburse the cost of tuition and fees for seminars and training sessions which advance an employee's service to the City when pre-approved by the department head and subject to budgetary considerations. Seminars and training sessions shall be scheduled to minimize interference with work schedules.
- D. Certifications:** The City will reimburse the cost of certifications that are required for the employee's position. If the employee fails the certification exam, the employee will be responsible for any further exams.

CHAPTER 8 GENERAL BENEFITS

8.1 BENEFITS DISCLAIMER

The City of Mount Vernon strives to provide competitive and cost effective benefits for employees as part of the employee's total compensation package. Employees should recognize that the total cost to provide the benefits programs described herein is a significant supplement to each employee's pay, and should therefore be viewed as additional compensation, paid in various benefit forms (including vacation and holidays) on behalf of each employee.

This portion of the manual contains a very general description of the benefits to which you may be entitled as an employee of the City of Mount Vernon. Please understand that this general explanation is not intended to, and does not, provide you with all the details of these benefits. Therefore, this manual does not change or otherwise interpret the terms of the official plan documents. The City of Mount Vernon refers its employees to the official plan documents for a complete description of the available benefits, as well as any pre-requisites, limitations or conditions on the receipt of those benefits.

The City of Mount Vernon reserves the right, in its sole discretion, to amend, modify or terminate, in whole or in part, all or any component of its benefit program, with the exception of those benefits required by law or through a collective bargaining agreement.

8.2 SOCIAL SECURITY AND DEPARTMENT OF RETIREMENT

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

All regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF). All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Eligibility, benefit levels and contribution rates for each system are determined by the State of Washington.

Employees intending to retire are asked to notify the department director of their intent at least three months prior to the date of the planned retirement.

8.3 EMPLOYEE HEALTHCARE COVERAGE

The City of Mount Vernon provides employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all eligible employees and beneficiaries on a timely and continuing basis. The City reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. In addition, the administrator of each benefit plan has discretionary authority to determine eligibility for benefits and to interpret the terms of the City's medical plan.

The extent of coverage and percentages of premiums paid by the City are determined annually through the budget process for non-represented employees and through the collective bargaining process for represented employees.

Under the terms of this policy and the City's health plan, the City provides health coverage to full-time employees and their dependents up to age 26. The benefit levels, terms, and conditions of the City's medical plan, including costs owed by eligible employees, are explained in separate plan documentation and/or applicable collective bargaining agreements. If there are conflicts between this policy, the City's medical plan, and any applicable collective bargaining agreements, then the document satisfying the minimum protections of the ACA shall apply.

Medical Coverage

The City's medical benefits policy is administered in accordance with the Affordable Care Act ("ACA"). For purposes of this section of the Employee Handbook, the City uses employee definitions and categories as described by the ACA. These definitions apply solely for purposes of determining eligibility for medical benefits and do not apply to other sections of the Employee Handbook.

Eligible employees may enroll themselves and their dependents in one of the City's offered Medical Insurance plans. Employees that enroll in the High Deductible Healthcare Plan, the City will offer an HRA/VEBA plan based on coverage. Employees enrolled in this plan will receive and notional HRA (\$1,500 for individual employees and \$3,000 for families). Employees who are actively employed on December 31st of any given year will receive the unused deductible amount in the form of a HRA/VEBA contribution in April of the following year. In addition, the City will pay out of pocket expenses covered by the plan once the employee has paid \$1,000 in approved in-network, out-of-pocket expenses (above and beyond the deductible). The City will use a third party administrator of its choice to administer this plan.

For employees who work more than 30 and less than 40 hours per week, the City will pay a prorated amount of the Medical premium for the employee only. These employees may enroll their dependents up to age 26 and pay 100% of the monthly premium.

Dental/Vision Coverage

The City currently offers Dental/Vision to full time employees.

Employees who work more than 30 and less than 40 hours per week pay 100% of the monthly premium for employee and dependent coverage.

Definitions and Classifications (for purposes of determining health coverage only)

Full-time. At time of hire or change in job classification, an employee who is reasonably expected to work, on average, **30 or more hours per week**. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the City's healthcare plans. Generally employees are enrolled in the City's healthcare plans the first day first day of the month following the employee's hire date. In no event will the employee be enrolled more than 90 days after their hire/rehire date.

Full-time employees working 30 or more hours per week, but less than 40 hours per week, are eligible for health coverage and can enroll in the City's healthcare plans.. For these employees, the City will cover a prorated amount of the monthly medical premium for the employee only. Please see the City's medical plan documentation and/or applicable collective bargaining agreement for costs owed by employees for health coverage.

Part-time. At time of hire or change in job classification, an employee who is reasonably expected to work, on average, **less than 30 hours per week**. Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the City's medical plan or applicable collective bargaining agreement. If, based on the City's prior approval, a part-time employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

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

Seasonal. At time of hire or change in job classification, an employee who is hired or re-hired into a position for which the customary annual employment is approximately six months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of approximately six continuous months and are not eligible for health coverage, unless otherwise specified under the terms of the City's medical plan or applicable collective bargaining agreement.

Dependents. The definition of "dependent" is contingent on the hours worked by employees.

Full-time employees working 40 or more hours per week: Children of full-time employees up to age 26, including biological, adopted, and step children. Also includes spouses and registered domestic partners. The City's medical plan documentation or applicable collective bargaining agreements determine costs owed for dependents.

Full-time employees working less than 40 hours per week: Children of full-time employees up to age 26, including biological, adopted, and step children. Also includes spouses and registered domestic partners. The City does not contribute towards the cost of spouse or dependent health coverage for full-time employees working less than 40 hours per week.

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

Work Hours Limitations

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

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

Part-time employees are subject to an annual hour limitation and may not exceed **1500 hours** annually without the City's prior approval. In addition to an annual hour limitation, part-time employees may not exceed **125 hours** in any single calendar month without the City's prior approval. Part-time employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

Variable-hour employees are subject to an annual hour limitation and may not exceed **1500 hours** annually without the City's prior approval. In addition to an annual hour limitation, variable-hour employees may not exceed **125 hours** in any single calendar month without the City's prior approval. Variable-hour employees are subject to both initial and standard measurement, administrative, and stability periods (discussed below).

Seasonal employees are not subject to an annual or monthly hours limitation and may work 30 or more hours per week, without limit, unless otherwise limited by the City's overtime policy, job description, the terms of any applicable collective bargaining agreement, or the terms of any other City policy or agreement. **Seasonal employees are limited to an annual employment duration of approximately six months** and must have an annual break in service of approximately six continuous months before being eligible for re-hire. Seasonal employees may work longer than six months with the City's prior approval. Seasonal employees are subject to initial and standard measurement, administrative, and stability periods (discussed below).

Measurement and Administrative Periods – Initial Periods

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

The City uses an initial administrative period of no longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City time to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

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

<u>Initial Administrative Period (Phase 1)</u>	--	Begins on date of hire, continues until end of month.
<u>Initial Measurement Period</u>	--	Begins on first day of first full calendar month following date of hire and continues for 12 months.
<u>Initial Administrative Period (Phase 2)</u>	--	Begins on first day of first full calendar month following Initial Measurement Period and lasts for the entire month.
<u>Initial Stability Period</u>	--	Begins on first day of first full calendar month following Phase 2 of Initial Administrative Period and continues for 12 months.

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

Example:

Employee A is hired as a new variable-hour employee on April 2, 2015. Employee B is hired as a new part-time employee on April 15, 2015.

Under the first phase of the initial administrative period, Employee A is placed into an initial administrative period from April 2, 2015 through April 30, 2015. Employee B is placed into an initial administrative period from April 15, 2015 through April 30, 2015. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired in the same calendar month into the same initial measurement and stability periods.

Employee A and Employee B both have initial measurement periods beginning May 1, 2015 and ending April 30, 2016 (12 months).

Employee A and Employee B are both subject to the second phase of the initial administrative period, beginning May 1, 2016 and ending May 31, 2016 (one month).

During this period, the City calculates Employee A's and Employee B's hours worked during the initial measurement period.

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

Measurement and Administrative Periods – Standard Periods

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

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

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

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

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

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

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

Example:

Employee C is an ongoing variable-hour employee who was hired on or before December 1, 2017 (the start of the City's standard measurement period).

Starting in 2017, Employee C's standard measurement period begins December 1, 2017 and ends November 30, 2018 (12 months).

Employee C's standard administrative period begins December 1, 2018 and ends December 31, 2018. During this period, the City calculates Employee C's hours worked during the preceding standard measurement period. If Employee C averaged 30 or more hours per week during the preceding standard measurement period, Employee C will be eligible for health coverage during the resulting standard stability period. If Employee C averaged below 30 hours per week during the preceding standard measurement period, Employee C will be excluded from health coverage during the resulting standard stability period.

Employee C's standard stability period begins January 1, 2019 and ends December 31, 2019 (12 months).

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

Measurement and Administrative Periods – Overlapping Initial and Standard Periods

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

Example:

Employee D is a new variable-hour employee. Employee D is hired September 29, 2015.

Employee D is subject to the first phase of the initial administrative period, beginning September 29, 2015 and ending one day later, September 30, 2015.

Employee D is subject to an initial measurement period beginning October 1, 2015 and ending September 30, 2016.

Employee D is subject to the second phase of the initial administrative period, beginning October 1, 2016 and ending on October 31, 2016.

Employee D is subject to an initial stability period beginning November 1, 2016 and ending October 31, 2017.

Because Employee D was hired on or before the City's 2015 standard measurement period, Employee D is concurrently subject to the standard measurement period beginning December 1, 2015 and ending November 30, 2016.

Employee D is subject to a standard administrative period beginning December 1, 2016 and ending December 31, 2016.

Employee D is subject to a standard stability period beginning January 1, 2017 and ending December 31, 2017.

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

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

In contrast, if the City determines an employee is not eligible for coverage during the initial measurement period, but is eligible for coverage based on the overlapping or immediately following standard measurement period, employee will be eligible for health coverage for the entire standard stability period (even if the standard stability period begins before the end of the initial stability period). Thereafter, the employee's eligibility for health coverage would be determined in the same manner as other part-time, variable-hour, or seasonal employees.

Rules Concerning Eligibility and Enrollment

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

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

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

Hours for Paid and Unpaid Leave During Measurement Periods

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

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

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

Breaks in Service

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

Employees who are re-hired into full-time positions must be enrolled in health coverage no later than 90 days following their date of re-hire. Employees who are re-hired into part-time, variable-hour, or seasonal positions are subject to the City’s initial measurement, initial administrative, and initial stability periods.

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

8.4 DUAL INSURANCE INCENTIVE

Full time employees may remove themselves spouses/registered domestic partners, and/or dependents from the City’s medical and dental plan(s) upon hire date or during open enrollment and receive **45% of the City’s portion of the monthly premium**. Part-time eligible employees may only opt themselves out of healthcare only and receive 45% of the City’s portion of the monthly premium. The amount of the incentive will be calculated using the City’s Preferred Medical Plan (High Deductible Plan). Married employees both working for the City may only opt themselves out of healthcare when their spouse and dependents are already covered by the City healthcare plan. This incentive will be added to the employee’s paycheck as taxable income. To qualify for this incentive, employees will be required to sign a waiver certifying that they, their spouses/registered domestic partners, and their dependents are covered by other employer-sponsored group health coverage. If the employee, dependents, or spouses/registered

domestic partners later lose their (non-City) medical coverage, they are eligible to rejoin the City's medical plan the 1st day of the following month. Removing employee coverage is limited to the first 25% of the workforce (determined by application/waiver receipt date). There is no limit on employees removing spouses/registered domestic partners or dependents from the medical plan. A dependent must be on the medical plan for at least one year before the employee qualifies for an incentive to remove the dependent (new hires are excluded from this rule). The City reserves the right to cancel this program at any time.

8.5 CONTINUATION OF INSURANCE COVERAGE

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

It is the responsibility of the employee to notify the plan administrator of his intent to have continuation of coverage through COBRA. This request must be in writing within sixty (60) days of the date of the qualifying event (termination, etc.). Notice, other than written notice, will not be binding until confirmed in writing.

8.6 LIFE INSURANCE

Regular full-time non-represented employees are provided with a life insurance & AD&D policy in the amount of \$50,000. Regular full-time represented employees are provided with a life insurance & AD&D policy in the amount of \$20,000. For eligibility requirements, please refer to the plan information documents.

8.7 EMPLOYEE ASSISTANCE PROGRAM

The City of Mount Vernon offers an employee assistance program (EAP) through AWC to provide support for employees who may experience problems which affect the physical, mental and/or spiritual well-being of the employee or employee's family. The EAP provides an opportunity for employees or their family members to confidentially discuss problems and concerns affecting them. EAP staff provides assistance in addressing problems involving family and/or personal relationships or relationship problems at work, legal and financial issues or problems involving alcohol or other types of substance abuse. The program is part of the City's dental insurance program and provides up to three meetings per event with a counselor to assess an employee's needs, develop a plan of action and/or provide the employee with problem-solving referrals. The cost of any referral to another resource is the responsibility of the employee or family dependent, although these costs may be covered by the employee's health insurance. Employees' use of the EAP is confidential to the extent Washington State Law allows, unless the employee or family member signs a release specifically authorizing the sharing of information.

8.8 CITY WELLNESS PROGRAM

Annually, the City Council appropriates funds to provide a variety of programs designed to measure, monitor and encourage healthy lifestyles. These programs may include health screenings, health club membership subsidies or various wellness training classes. The Wellness Coordinator is responsible for determining which programs may be available in any given year subject to budgetary restraints.

8.9 WORKER'S COMPENSATION

All employees and volunteers are covered by the State of Washington's Worker's Compensation Program. This insurance covers employees and volunteers in the case of an on-the-job injury or job-related illness and is funded by an employee and employer-paid premium. For qualifying cases, the State Industrial Insurance will pay the employee for medical costs and a portion of lost compensation when certain criteria are met. Employees shall be paid accrued leave for the difference between regular pay and that paid by the State and the leave shall be charged to the appropriate bank. Employees that have an on the job injury will be paid from their leave banks until L&I time loss payments are issued. Once the time loss payment order is issued, the employees leave banks will be reimbursed based on the L & I payment amount and that payment amount will be deducted from the employee's paycheck.

Employees must report all job-related accidents to their supervisors and complete a Safety Incident Report immediately. Employees seeking professional medical attention for job-related injuries or illnesses should inform their health care professional as to the nature of their injury/illness so the appropriate paperwork can be filled out to open a claim.

Time loss due to a work injury will be run concurrent with FMLA.

8.10 UNEMPLOYMENT COMPENSATION

City employees may qualify for Washington State Unemployment Compensation after separation from City employment depending on the reason for separation and if certain qualifications are met. For more information on these benefits, contact your local Employment Security office and/ or web site.

CHAPTER 9 LEAVE BENEFITS

9.1 VACATION LEAVE

- A. All regular full-time employees are entitled to vacation leave as follows (vacation leave will be accrued on a monthly basis at one twelfth of the yearly rate):

<u>Years of Service</u>	<u>Vacation Earned/Year</u>
0 to 5 years	10 Working days
Over 5 years	15 Working days
Over 10 years	20 Working days
Over 15 years	23 Working days
Over 20 years	25 Working days

- B. New employees shall be credited with vacation benefits from the employee's adjusted date of employment for use following satisfactory completion of his/her trial period.
- C. Each department director is responsible for scheduling its employees' vacations without undue disruption of department operations. Vacations will be scheduled with due regard to the wishes and desires of the employee and with particular regard for the needs of the City.
- D. Exempt employees, in recognition of responsibilities, duties and time commitments outside of the normal work hours, shall be entitled to an additional five (5) work days of vacation time annually.
- E. In addition to vacation periods set forth above, the Mayor is authorized to grant up to five (5) work days of vacation time to those employees who are required to attend a significant number of meetings such as City Council, Planning Commission, task forces, committees, etc., outside of normal working hours or in recognition of the employee's past experience. Such time shall be granted within the sole discretion of the Mayor.
- F. Earned vacation time may accumulate to a maximum of ten (10) work days over and above that earned in any one (1) year. Vacation days accrued in excess of ten (10) work days over and above that earned in any one (1) year shall be credited to an employee only when vacation has been deferred at the request of the department head or due to heavy work load and when authorized by the Mayor or Human Resources Director.
- G. Accrued but unused vacation will be paid out to an employee upon separation from employment to maximum of 240 hrs. Any remaining accrued vacation time must be used before separation or is forfeited. However, if a new employee is terminated due to unsatisfactory completion of a trial period, all accrued vacation time is forfeited.

9.2 HOLIDAYS

A. The following are recognized as paid holidays for all regular full-time employees:

<u>Holiday</u>	<u>Day Observed</u>
New Year's Day	January 1
Martin Luther King Birthday	Third Monday of January
President's Day	Third Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday of November
Day after Thanksgiving Day	Fourth Friday in November
Christmas Day	December 25
One Floating Holiday	Employee's choice with department head approval and subject to subsection (E) of this chapter

- B. When a holiday falls on a Saturday, employees not scheduled to work Saturday shall observe the preceding Friday as the holiday.
- C. When a holiday falls on a Sunday, employees not scheduled to work Sunday shall observe the following Monday as the holiday.
- D. Holidays observed during an employee's annual vacation or other paid leave period shall not be counted as leave time.
- E. An employee shall be entitled to one (1) paid "floating" holiday per calendar year after completing six (6) months of continuous City service. This floating holiday must be used before January 1 of the succeeding year or it shall be forfeited without pay.
- F. Holiday hours will be counted toward eligibility for sick leave and vacation benefits.
- G. If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her department director's approval, take the day off using vacation, comp time, or a floating holiday. If the foregoing leaves are exhausted, an employee may request leave without pay.

9.3 SICK LEAVE

A) Eligibility

All City employees, whether regular, full time, part-time, temporary or seasonal are eligible to accrue sick leave in accordance with RCW 49.46.210 (Washington Paid Sick Leave Law-WPSL). Employees are guaranteed to accrue WPSL at the rate of 1 hour for every 40 hours worked. For accrual purposes, hours worked encompasses actual working time, and not paid or unpaid leave. To establish the minimum accrual rates and to meet the requirements of the law, sick leave will be administered in the following manner:

Regular full-time employees accrue paid sick leave at the rate of 8 hours per month of continuous employment. The maximum number of hours of sick leave that regular full time employees can roll over at year end is 960 hours. Employees do not accrue sick leave benefits during a leave without pay. Accrual will begin on employee's first day of work and will be eligible for usage immediately. Accrued but unused sick leave will be cashed out upon separation in accordance with Chapter 5.15.

Regular part-time employees (working an average of twenty (20) hours or more per week – year round) accrue paid sick leave at the rate of 4 hours per month of continuous employment. The maximum number of hours of sick leave that permanent part time employee can roll over at year end is 480 hours. Employees do not accrue sick leave benefits during a leave without pay. Accrual will begin on employee's first day of work and will be eligible for usage immediately. Accrued but unused sick leave will be cashed out upon separation in accordance with Chapter 5.15. If a regular part time employee separates employment and is not eligible for a cash-out, and is rehired within 12 months, the employee will receive their sick leave balance at time of separation limited to 40 hours.

Other part-time employees (temporary, seasonal employees and employees working less than 20 hours per week) accrue paid sick leave at the rate of 4 hours per month of continuous employment. The maximum number of hours of sick leave that a temporary or seasonal employee can roll over at year end is 40 hours. Other part-time employees do not accrue sick leave benefits during a leave without pay. On-call employees will receive 1 hour of sick leave for every 40 hours worked (Payroll will calculate this based on the hours entered for these employees). Accrual for temporary, seasonal and on-call employees will begin on employee's first day of work, although sick leave may not be used until the employee has been employed for 90 calendar days. Accrued but unused sick leave will not be cashed out upon separation from the City. If an employee separates from the City and is rehired within 12 months any sick leave balance that existed at the time of separation will be reinstated, provided that if the rehire occurs in the following calendar year, reinstatement of the balance will be limited to 40 hours.

B) Accrued Sick Leave may be used for:

1. The employee's own illness, injury or health condition; to accommodate the need for medical diagnosis, care or treatment of a health condition; or preventive medical care.

2. The employee's care for a family member with illness, injury or health condition; care for family member who needs medical diagnosis, care or treatment; care for family member who needs preventive medical care. Family members include an employee's child (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent and regardless of age or dependency status); parent (whether biological, adoptive, in-law, de facto, step-parent, legal guardian or person who stood in loco parentis to employee when employee was a child); spouse or registered domestic partner; grandparent; grandchild; or sibling.
3. An absence due to closure of the City's offices by order of public official for any health-related reason, or where the employee's child's school or day care is closed for such a reason.
4. Absences covered by the Domestic Violence/Sexual Assault/Stalking leave policy (9.6).

C) Notification:

Where the need to use sick leave is foreseeable, employees should submit written notice of the need for leave to their supervisor at least 10 days in advance of the leave date(s); for unforeseeable leave, employees must contact their supervisor as soon as the need for leave becomes known. Absences for more than three (3) consecutive work days will require documentation (see Employee Verification for Authorized Use of Accrued Paid Sick Leave form). An employee will have up to 10 calendar days to provide the required documentation. Documentation need not disclose the nature of the medical condition causing the need for leave, and if a requirement to provide documentation will result in unreasonable burden or expense to the employee, an employee may advise their supervisor of this concern and the City will evaluate its request in light of the circumstances.

Supervisors must notify HR when an employee misses more than three (3) continuous work days due to a medical condition.

9.4 FAMILY LEAVE

In accordance with the federal Family and Medical Leave Act of 1993 (FMLA) and all applicable state laws related to family and medical leave, including but not limited to the Washington Family Leave Law, Chapter 49.78 RCW, regular city employees may be eligible for an extended leave of absence for certain family or medical reasons.

1. Family Leave under Federal Law:

- A. **Eligibility:** The FMLA provides up to twelve (12) weeks of unpaid, job-protected leave every twelve (12) months to eligible employees for certain family and medical reasons. To be eligible, one must have worked for the City for at least twelve (12) months with a minimum of 1,250 hours worked during the previous twelve (12) month period.

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

1. To care for a **newborn child, newly adopted child, or foster care child**. Leave to care for a child following birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement;
2. To care for a **spouse, child, or parent** who has a serious health condition; or
3. An **employee's own serious health condition** which leaves the employee unable to perform the functions of his or her position, or for an employee's disability due to pregnancy, prenatal medical care or childbirth.

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

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

C. Intermittent Leave: Under some circumstances, FMLA leave may be taken intermittently (that is, taken in blocks of time, or by reducing the normal weekly or daily work schedule), if medically necessary because of a serious health condition. If FMLA leave is for birth, placement for adoption or foster care, use of intermittent leave is subject to the City's approval. An eligible employee may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service.

D. Maintenance of Health Benefits: The City will maintain group health insurance coverage for employees and their dependents while the employee is on FMLA as if the employee had continued to work. Arrangements will be made for employees to pay their share of health insurance premiums while on leave. In some instances, the employer may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave

- E. **Notice and Certification:** Taking leave, or reinstatement after leave, may be denied if these requirements are not met:

An employee must give the City at least thirty (30) days' advance notice of a request for leave. If circumstances do not allow the employee to give the required notice, notice shall be given as soon as possible once the need for leave becomes known. If thirty (30) days' advance notice is not given, and the need for the leave and the approximate date of the leave were clearly foreseeable, the City may deny the request for leave until thirty (30) days after the date of notice.

Prior to approving a request for medical leave, including intermittent or part-time leave, the City may require medical certification from a health-care provider of the need for and probable duration of the leave for a serious health condition of the employee or the employee's immediate family member.

The City will require a medical certification of fitness for duty to return to work after a medical leave where the employee's own serious health condition made the employee unable to perform the employee's job, or where the medical condition or job are such that the City believes there may be a serious risk of injury to the employee or others if the employee is not fit to return to work.

- F. **Periodic Reporting:** If an employee takes leave for more than two weeks, the City requires a report at least every thirty (30) days on the employee's status and intent to return to work. The City may also require subsequent re-certification of the need for continued leave. If an employee discovers after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary, the employee may return to work earlier but only after providing the City with reasonable (usually two business days) advance notice of the intent to return, the reason for the change and any required medical release to work or fitness for duty certification.

- G. **Other Insurance Benefits While on Leave:** Employees covered by other City insurance plans, such as life or disability insurance, those coverages will continue during the paid leave on the same basis as during regular employment. If the employee takes unpaid FMLA leave, he/she will be responsible during the leave for the premiums normally paid plus the premiums normally paid by the City.

Taking a FMLA leave will not cause an employee to lose any employment benefits which accrued before the start of the leave (e.g., seniority). However, the employee will not accrue these benefits during FMLA leave.

- H. **Couples Employed by the City:** If a married couple is employed by the City, FMLA leaves may be restricted to a combined total of twelve (12) weeks in a twelve (12) month period for the birth or adoption or foster care placement of a child, or the care of the employee's parent with a serious health condition. Each Spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee's own serious health condition. Employees should confer with Human Resources

regarding their leave rights under FMLA.

- I. **Determining Leave Availability:** FMLA leave is allowed for up to twelve (12) weeks during a twelve (12) month period. For purposes of calculating leave availability, the "12-month" period is a rolling 12-month period measured backwards from the date the employee uses any FMLA leave.
- J. **Substitution of Paid Leave:** An employee on FMLA leave must use any accumulated vacation, sick and/or other accrued leave they have available. After an employee on FMLA leave has exhausted their accumulated leave, the remainder of the FMLA leave will be unpaid. An employee who incurs a work-related illness or injury may be eligible to receive worker's compensation benefits. Any time off due to the work-related illness or injury will count toward the employee's FMLA leave entitlement.
- K. **Designating Leave as FMLA Leave:** The City has the authority to designate before leave starts, whether any paid leave to be taken counts towards an employee's FMLA leave entitlement, and will notify the employee immediately upon learning that it qualifies as FMLA leave. The initial notification to the employee may be oral, but will be confirmed in writing by the next regular payday. The City's designation is based upon information obtained from the employee or the employee's spokesperson (e.g., spouse, parent, physician, etc. if the employee is incapacitated). The employee must provide enough information to enable the City to make a determination, if not; the City may make a tentative designation until further inquiry is made to obtain the additional information. If the employee has accrued vacation or sick leave in their banks that they can use in compliance with City policy, the employee may choose to forego their right to FMLA leave (and the protections that being on FMLA provides) by signing a FMLA waiver form stating that it was the employee's choice to use their vacation leave or sick leave first and save their FMLA leave for later (See Section L below).
- L. **Alternatives to Using FMLA:** Employees who have accrued leave in their banks (e.g., accrued sick leave), and can use their accrued leaves in accordance with City policy, may choose to use their accrued leaves first and save their FMLA leave for later, except for employees that are on Worker's Compensation. There are certain benefits and risks associated with such a choice. One of the benefits is that an employee may extend the amount of time the employee can be out on leave by saving FMLA leave for later. There are two primary risks of such a choice. First, an employee will not have the legal protections he/she is afforded when leave time is designated as FMLA leave time. Second, an employee who chooses to use accrued leave first must keep in mind that he/she will only qualify for FMLA leave in the upcoming 12 month period if he/she actually worked 1,250 hours in the past 12 months. Thus, an employee who remains out of work using accrued leave for substantial period may forfeit his/her FMLA leave entitlement for the upcoming year. The City requires that employees who forego FMLA for qualifying events to sign a form stating that they understand their FMLA rights and they are choosing to not take FMLA at this time. Employees that are receiving worker's compensation benefits will have FMLA run concurrently with any leave taken as a result of an on the job injury.

2. Medical Family Leave under State Law:

The State Family Leave Law (WFLA) expands on the Federal Leave law by allowing employees to use their choice of any accrued leave they have available to care for their child, spouse, state registered domestic partner, parent, parents of state registered domestic partner, parent-in-law, or grandparent as described below.

A. **Eligibility:** Employees that have worked for the City for at least 12 months, although those months need not be consecutive, before the employee is entitled to leave under the FLA. In addition, the employee must have worked for at least 1,250 hours during the last 12 months before the leave is to commence.

B. **Reasons for Taking Leave:** Employees may use their accrued leave under the Washington Leave Law for the following reasons:

1. To care for a **child** with a health condition that requires treatment or supervision, or where the child needs preventative care (such as medical, dental, optical or immunization services).

Child means a biological, adopted or foster child, a step-child, a legal ward, or a child of a person standing in loco parentis, who is (a) under 18 years of age or (b) an adult child 18 years of age or older and incapable of self-care because of a mental or physical disability.

2. To care for a **spouse, state registered domestic partner, or parent** who has a “serious or emergency health condition”.

Serious or emergency health condition is a condition that involves:

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

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

D. Concurrent Running of Leave: Leave taken under the Washington Family Leave Act ("WFLA") runs concurrently (that is, at the same time) with leave taken under the federal Family and Medical Leave Act of 1993 ("FMLA"), with the exception of leave taken by the mother for pregnancy and the birth of a child. In that circumstance, leave under the FMLA begins when the mother takes time off for the pregnancy or childbirth. Leave under the WFLA only begins to run after the mother has exhausted her leave under the Washington Pregnancy Disability Regulation ("WPDR"). Under the WPDR, mothers generally have six weeks of leave beginning when the baby is born, but can be granted more leave when there are complications in the pregnancy or childbirth. Employees are required to use their accrued sick leave and/or vacation leave to receive compensation for the time off while on FMLA, WFLA, or WPDR. Employees who have accrued sick leave or vacation leave in their banks, and can use their accrued leaves in compliance with City policy, may choose to use those leaves first and save their FMLA/WFLA leave for later. Employees who choose to forego their right to FMLA/WFLA leave (and the protections that being on FMLA/WFLA provides) by signing a FMLA/WFLA waiver form stating that it was the employee's choice to use their vacation leave or sick leave first and save their FMLA/WFLA leave for later.

The intersection of these leave laws is complicated and employees are encouraged to contact Human Resources with questions about how much leave they are legally entitled to.

E. Return from State or Federal Family Leave: Upon returning from a family leave, the employee will generally be assigned the same position held when the leave commenced or to a position with equivalent pay, benefits, and other conditions of employment. If other changes to the position occurred that were not related to the scheduled leave, the City may opt to process those changes (i.e. a department reorganization, or planned change that was decided on prior to the employee's scheduled leave). If an employee is found to have engaged in serious misconduct occurring prior to or after commencing family leave, which would normally give rise to discipline or termination, the City may proceed with such discipline, when discipline is not based on the employee's leave request.

Not all details concerning state or federal family leave are covered in this policy. If an employee needs to take family leave, please discuss this policy with the appropriate department director and with Human Resources to complete the required forms.

9.5 WASHINGTON PREGNANCY DISABILITY LEAVE

WA Pregnancy Disability Leave allows a mother leave from work for the period of time she is temporarily disabled because of pregnancy or childbirth. FMLA will run concurrently with the Washington Pregnancy Disability Leave and Washington Family Leave Act for up to 12 weeks. Employees are eligible to utilize their accrued leave for the portion of disability leave. When an employee has exhausted her paid leave, she will be placed on a leave of absence without pay for the duration of the leave.

Once the pregnancy disability leave has ended (or the mother has been released by the physician), the WA Family Leave Act (FLA) provides an additional 12 weeks of leave to care for a newborn.

Medical benefits are not paid after the initial 12 weeks of FMLA leave unless the employee has leave banks to cover the additional time taken. The Washington Family Leave Act (FLA) also provides up to twelve weeks leave to care for a state registered domestic partner to the same extent as a spouse.

9.6 DOMESTIC VIOLENCE LEAVE

In accordance with the Washington Domestic Violence Leave law, Chapter 49.76 RCW, the City will provide reasonable leave from work, including leave on an intermittent or reduced-schedule basis, for an employee to:

- A. Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;
- B. Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;
- C. Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;
- D. Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking; or
- E. Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

The employee may elect to use sick leave, vacation, compensatory time, or other accrued paid time off, or may take unpaid leave. Domestic violence leave, including documentation of such leave, will be applied and administered in accordance with the provisions of the state Domestic Violence Leave law. Nothing in this section shall be construed to provide greater or lesser leave rights to employees who are victims of domestic violence, sexual assault, or stalking than those required by Chapter 49.76 RCW. Employees requesting Domestic Violence leave will be required to notify Human Resources.

9.7 MILITARY LEAVE

- A. **Leave Under the Washington State Family Military Leave Act:** The City supports employees that are members of any United States Armed Forces division. An employee shall be entitled to and shall be granted military leave of absence from employment for a period not exceeding twenty-one (21) working days each calendar

year (10.5 shifts for employees working a 24- hour shift). In general, if military service extends beyond twenty-one (21) working days, the additional leave shall be unpaid unless the employee uses accrued vacation or compensatory time. Such leave must be for the purpose of active training duty. Such military leave shall be in addition to any vacation or sick leave to which the employee might otherwise be entitled. The employee must furnish a copy of his/her orders to his/her department head prior to starting a tour of duty in order to receive full City pay for the period involved. Reinstatement upon return from military service will be determined in accordance with applicable federal and state laws. As soon as practicable, individuals returning from any military leave of 30 days or more are required to provide evidence, such as a certified copy of release papers, that they are entitled to reemployment.

B. Washington Leave for Spouses/Registered Domestic Partners of Military

Personnel: In accordance with the provisions of the Washington State Family Military Leave Act, Chapter 49.77 RCW, during a period of military conflict a regular full-time or regular part-time employee who is the spouse/registered domestic partner of a member of the U.S. armed forces, national guard or reserves is entitled to take up to fifteen (15) days of unpaid leave: while their spouse/registered domestic partner is on leave from a deployment; or before and up to deployment once the spouse/registered domestic partner receives official notification of an impending call or order to active duty. The employee must provide his or her supervisor with notice of the employee's intention to take leave within five business days of receiving official notice: that the employee's spouse/registered domestic partner will be on leave; or of an impending call or order to active duty. The 15 days of unpaid leave is per deployment. The employee may elect to substitute any form of accrued leave (except sick leave) for any part of the family military leave. Family military leave is in addition to other leave to which the employee may be entitled.

C. Federal Caregiver Leave for an Injured Service Member: In accordance with the provisions of the federal Family and Medical Leave Act of 1993, as amended by the National Defense Authorization Act of 2008, an employee who is the spouse, son, daughter, parent or nearest blood relative, may take up to 26 workweeks of unpaid leave during a single 12- month period to care for a member of the U.S. armed forces, national guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred by the service member in active duty that may render the person medically unfit to perform the duties of the member's office, grade, rank or rating. The 26-week cap includes leave taken by the employee for other FMLA qualifying reasons. Caregiver leave can be intermittent. The administration of caregiver leave under the FMLA is subject to other FMLA procedures as may be appropriate, such as procedures regarding substitution of paid leave, reasonable notice, certification of the need for leave, and determining whether or not an employee is eligible to use such leave. (An "eligible employee" must have worked for the City for at least 12 months, with a minimum of 1250 hours worked during the past 12 months.) As with other forms of FMLA leave, not all details concerning caregiver leave are covered in this policy. If an employee needs to take

caregiver leave, please see Human Resources for appropriate forms.

- D. **Federal Family Leave Due to a Call to Active Duty:** Also in accordance with the provisions of the 2008 amendments to the federal Family and Medical Leave Act of 1993, an eligible employee may take up to 12 workweeks (during any 12-month period) of unpaid FMLA leave for any “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty in the U.S. armed forces, national guard or reserves in support of a contingency operation. This form of FMLA leave shall be administered in accordance with applicable procedures of the FMLA and final regulations issued by the Secretary of Labor.

9.8 SHARED LEAVE PROGRAM

A leave sharing program is hereby established for the purpose of permitting City employees, at no additional cost to the City other than the administrative costs of administering the program, to come to the aid of a fellow City employee who is suffering from, an extraordinary medical emergency which has caused, or is likely to cause, the employee to take leave without pay or to terminate his or her employment.

- A. Eligible employees may donate excess sick leave for use by another employee who is suffering from an extraordinary medical emergency. The severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- B. Employees may request a leave donation if:
- 1) the employee has or reasonably expects to use all of their accrued leave, with the exception of five (5) days which may remain in the employee’s leave bank including vacation, sick, personal days, compensatory time, and exchange time,
 - 2) the employee would otherwise be on a leave without pay,
 - 3) the employee has been found to be ineligible to receive industrial insurance benefits and
 - 4) the employee requesting a leave donation has provided medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition.

While an employee is receiving shared leave, the employee continues to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits. Not under any circumstances, shall the total of the employee’s salary and other benefits, including but not limited to any other benefit received as a result of payments by the city to an insurer, healthcare provider or

pension system, exceed the total salary and benefits which the employee would have received had he or she been in a regular pay status.

- C. The maximum number of days an employee can receive of donated leave is sixty (60) in a rolling 12 month period. The Mayor and Human Resource Department retain discretion to determine the eligibility to receive donated leave. At such time it is found that shared leave is no longer needed, or will not be needed beyond a particular time, and then the value of any shared leave which remains unused shall be returned at its original value to the employee or employees who donated that leave. To the extent administratively feasible, the unused leave shall be returned on a pro-rata basis.
- D. The maximum amount of sick leave that can be donated per request, per calendar year is 40 hours. The donating employees' sick leave balance may not fall below 480 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.
- E. The donating employee must complete the "Approval to Transfer Leave" form and submit to the Human Resources Department. The employee requesting shared leave must complete the "Request for Leave Share Form" and submit to the Human Resources Department.
- F. The leave donation program is a Good Samaritan program. The names of the people who have donated leave will be made available to the recipient if the recipient asks, but donations are not made with the expectation of receiving any gratuity. The recipient is welcome to write letters of appreciation, but gifts with monetary value are not allowed
- G. The Human Resource Department shall monitor the use of shared leave to insure equivalent treatment for all employees of the City. Inappropriate use or treatment of the shared leave provision may result in cancellation of the donated leave or use of shared leave. This program may be amended, suspended or terminated at any time by the City.

9.9 BEREAVEMENT LEAVE

In the event of the death of a member of the immediate family or close relative, or others with approval of the Mayor (not to exceed at total of 40 hours), all full-time employees shall be allowed to remain away from his/her employment as follows:

- A. Three (3) work days with full pay if the funeral is within the State of Washington.
- B. An additional two (2) work days off with full pay if it is necessary to travel outside the state, and only upon approval of the Mayor.

9.10 LEAVE OF ABSENCE WITHOUT PAY

Upon written request of the employee, the Mayor may grant a leave of absence without pay not to exceed one (1) year. Employees must exhaust all accrued leave before requesting approval for

a leave of absence without pay. Approval of such leave will be in writing and signed by the Mayor. Such leave shall be used in exceptional circumstances, solely in the discretion of the Mayor, who shall consider the length of such leave, the work load involved, and the need for a replacement employee. Leave of absence without pay shall not be routinely granted. No vacation or sick leave benefits or any other fringe benefits shall accrue while the employee is on leave without pay. Furthermore, the employee's anniversary date will be adjusted by the length of the leave granted. Upon expiration of the regularly approved leave without pay, the employee shall be reinstated in the position held at the time the leave was granted or other equivalent position.

9.11 JURY AND WITNESS DUTY LEAVE

In the event any employee is called for jury duty or is required to attend court as a witness, such employee shall be granted a leave of absence without loss of compensation for scheduled worktime. There shall be no reduction of accrued vacation or sick leave during the period such employee is actually serving as a juror or witness. In the event the employee is excused prior to the end of his/her work day, such employee shall report back to work immediately until again called by the court. Any juror fee or any witness fee paid to the employee may be retained by the employee, PROVIDED, the employee may not receive compensation in excess of the fee paid to all witnesses generally or for services as an expert witness, and also receive paid leave under this section.

9.12 ADMINISTRATIVE LEAVE

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

CHAPTER 10 USE OF CITY VEHICLES AND EMPLOYEE SAFETY

10.1 USE OF CITY VEHICLES

Employees shall not use City vehicles, for personal, non-City-business purposes; provided however, employees assigned emergency response duties may use City vehicles in accordance with applicable departmental policies. All City vehicles shall remain on City property while not in service, unless specifically authorized by the Department Director and Mayor. An employee's misuse of City vehicles can result in disciplinary action up to and including termination.

Drivers of City vehicles shall be required to:

- A. Operate the vehicle in a safe manner that will comply with local and state traffic laws;
- B. Use the vehicle for official business only;
- C. Transport passengers only in connection with official City business;
- D. Take reasonable precautions to protect the vehicle against damage or theft;
- E. Report any accident promptly to the employee's department head or the Mayor, to the City Attorney's office and to the appropriate law enforcement agency;
- F. Keep the interior and exterior of the vehicle reasonably clean;
- G. Be responsible for any fines related to violations while operating the vehicle;
- H. Assure the safety of the driver and passengers by using and requiring the passengers to use seat belts and follow all necessary and standard safety precautions. This also applies to employees who operate their personal vehicles on City business;
- I. Refrain from operating the vehicle after consuming any intoxicating liquor or drug;
- J. Refrain from smoking in the vehicle.

10.2 EMPLOYEE SAFETY & ACCIDENT REPORTING

It is the City's intent to provide safe working conditions for its employees. Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Copies of the City's Accident Prevention Plan, provided by the City of Mount Vernon Safety Committee, are available on the City's electronic shared drive and also available in Human Resources and in each City Department. Employees shall promptly report all unsafe or potentially hazardous conditions to their department director. The City will make every effort to remedy problems as quickly as possible.

The City encourages the promotion of accident prevention and safety education at regular department/division safety meetings. Employees in certain jobs or when performing certain tasks, operating equipment or as otherwise instructed are required to use appropriate personal protective equipment provided by the City, such as safety vests/glasses, hearing protection, gloves and/or hard hats. Employees are prohibited from removing guards or other protective devices from machinery and equipment or in any way tampering with or disabling safety measures. Violations of safety requirements may result in discipline, up to and including termination.

In case of an accident involving personal injury or damage to property regardless of how minor or if a motor vehicle is involved in a collision of any kind, any involved employees shall immediately notify their supervisor or department director or designee. In any accident that results in serious property loss or bodily injury, it is the City's policy to test the employee for drugs or alcohol use, to confirm that the use of drugs or alcohol was not a factor in the accident. In addition, no City employee is permitted to engage in conduct after an accident or injury occurs, that will negatively impact the City's or law enforcement's investigation of the accident.

On the Job Employee Injuries: When an on-the-job injury occurs, employees are to report to their immediate supervisor each injury or illness regardless of the degree of severity. As soon as possible after an accident or occupational illness is discovered, the employee and Supervisor must complete the Employee Safety Incident Form and submit it to Human Resources within twenty-four (24) hours. If applicable, the employee is responsible for completing the Washington State Labor and Industries claim form. Supervisors are required to complete the supervisor portion of the accident report form. Should the injury require attention beyond basic first aid, the employee should have his or her treating physician complete the applicable portion of the Washington State Labor and Industries Claim form. Injured employees that are absent from work for more than seven (7) days are required to keep their supervisor informed of their condition, progress and intent to return to work (at least bi-weekly).

Accidents/Incidents: Employees shall report any work-related accidents involving a third party personal injury and/or damage to public/private property or equipment, regardless how minor, to their immediate supervisor, department director and Human Resources. Such report shall be made as soon as possible, but in no event later than one (1) hour following such accident. So that an accident may be timely reported, the initial report may be given verbally. Accident report forms are available from supervisors or Human Resources. A written accident report shall be completed by the employee as soon as possible, and, unless the employee is medically unable to, no later than twenty-four (24) hours following the accident, or sooner if required by the employee's department director or Human Resources.

Employees shall compile any reports requested by their supervisor, department director and/or Human Resources. In the case of a vehicular accident, the employee shall immediately notify the law enforcement agency having jurisdiction, which shall determine whether or not an accident investigation and/or police incident report is necessary. If required, a State Motor Vehicle Collision Report shall be completed by the employee.

10.3 RETURN TO WORK

Before being allowed to return to work, an employee who has been away from work due to an injury or illness may be required to provide a written statement from the appropriate medical personnel certifying that the employee is able to resume his or her job duties, or specifying limitations on any duties. If restrictions or limitations are placed on the employee's ability to perform the job, the City, in cooperation with the employee and any medical personnel, will determine if there are any reasonable accommodations that it can make to enable the employee to return to work and perform the essential functions of his or her job. The City may require a physical examination at City expense, performed by a physician or physicians of its choice, to determine when the employee can return to work and if he/she is capable of performing the duties of the position. This requirement applies to all employees who have been unable to perform their duties for an extended period of time, whether their injury was initially work-related or not.

10.4 CITY EMPLOYEE SAFETY & HEALTH POLICY – See Appendix D

10.5 FIREARMS AND DANGEROUS WEAPONS

In order to facilitate a safe work environment, employees are prohibited from bringing, carrying, exhibiting or using any dangerous weapon in the workplace or into a City facility. This includes, but is not limited to, a weapon for which employees have a valid permit. "City facility" means all areas within the ownership and/or control of the City, and includes, but is not limited to, offices, buildings, city vehicles, desks, cabinets, lockers, or storage areas. The term "dangerous weapon" includes, but is not limited to:

- A. Any firearm, rifle or handgun, whether such person has a license or permit to carry such firearm or not, and whether such firearm is concealed or not.
- B. Any knife, sword, dagger, or other cutting or stabbing instrument, with a blade of a length of three inches or more, or any razor with an unguarded blade, whether such weapon or instrument is concealed or not.
- C. Any instrument or weapon of the kind usually known as a slingshot, taser, throwing star, bow, sand club, blackjack, metal knuckles, or any stick, chain, metal pipe, bar, club or combination thereof including a device known as numchuk sticks, or any device having the same or similar components or parts, whether or not connected by a rope, chain or other device, or any explosive or poison or injurious gas (excluding those normally used in the course of one's employment duty), or any other instrument capable of producing bodily harm, whether such instrument or weapon is concealed or not.
- D. Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or any explosive device, cutting or stabbing instrument, club or any other object capable of producing bodily harm where held or used, in a manner, under

circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of another person or persons.

This policy does not apply to or affect the following:

- A. Any person who is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, for which the job requires possession of the dangerous weapon in question, while in the performance of such duty.
- B. Any person making or assisting in making a lawful arrest for the commission of a felony.
- C. Any situation where an employee's job duties require the carrying or use of explosives, poisons or other potentially dangerous chemicals or devices, while in the performance of those duties and only as it relates to those items.
- D. Other exceptions as may be authorized in writing by the Mayor.

Any employee violating this policy may be subject to disciplinary action, up to and including termination.

CHAPTER 11 DISCIPLINE AND TERMINATIONS

11.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

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

- A. Misrepresentation or withholding of pertinent facts in securing employment.
- B. Unauthorized use of/or possession of City facilities/property. Unauthorized use of position with the City for personal gain or advantage. Accepting unlawful gratuities or bribes. Lying.
- C. Smoking in any unauthorized posted area or creating of fire hazards in any area.
- D. Violation of dress standards.
- E. Violation of the City's telephone use or electronic media policy.
- F. Failure to report an occurrence causing damage to City, customer, or public property. Failure to properly secure the City's facilities or property.
- G. Loitering after completing day's work which results in the disruption of the City's business or the work effort of other employees. Vending, soliciting, or collecting contributions for any purpose whatsoever during working time on the premises without the permission of the supervisor.
- H. Unauthorized recording of another employee's time record. Both employees can be subject to disciplinary action.
- I. Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism, or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation.
- J. Making malicious, false or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City or our employees, on or off premises. Disorderly conduct on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees. Immoral conduct while on duty.

- K. Intentional falsification of records/paperwork required in the transaction of the City business.
- L. Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work. Concealing defective work.
- M. Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in injury to others. Failure to wear required safety clothing and equipment.
- N. Failure to promptly report to your immediate supervisor an on-the-job injury or accident involving an employee, equipment, property or visitor.
- O. Dishonesty or theft, including deliberate destruction, damage, or removal of the City's or other's property from the premises, or any job site.
- P. Possession, use, sale, or being under the influence of alcohol and controlled substances while on City business. The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given his/her supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.
- Q. Possession of explosives or weapons on the premises or at any job site.
- R. Engaging in criminal conduct, acts of violence, or making threats of violence toward anyone on the City premises; fighting or provoking a fight on City property. Threatening, intimidating or coercing fellow employees on or off the premises, at any time, for any purpose.

11.2 DISCIPLINARY ACTION

Under many circumstances, the City of Mount Vernon utilizes a policy of progressive discipline as noted below; however, the City does retain the right and discretion to administer discipline in any manner it sees fit, and to terminate “at will” employees with or without cause.

- a. Oral Warning
- b. Written Reprimand
- c. Suspension
- d. Demotion
- e. Termination

The choice of what discipline to apply in any particular case is solely the City's.

11.3 PRE-DISCIPLINARY HEARING

In the case of possible suspension, demotion or termination (collectively “discipline”) of an employee, other than trial employees, the City will conduct a pre- disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a final disciplinary decision is made.

In the event a department director or Mayor desires to discipline an employee, the employee shall be provided with a notice of the proposed disciplinary action. The notice will include:

- A. identification of the charges or grounds on which the proposed disciplinary action is based;
- B. a summary explanation of the City’s evidence;
- C. the date, time and location of the pre- disciplinary hearing;
- D. notice of the employee’s opportunity at the hearing to respond to the charges, either verbally or in writing, including a chance to explain why the City should not go ahead with discipline; and
- E. notice of the employee’s right to have a representative present at the hearing.

If the employee fails or refuses to appear, the disciplinary action may proceed to be imposed. Pre-disciplinary hearings will be presided over by the Mayor or a designated representative

Although the written notice of the City’s evidence should be sufficient to inform the employee of the basis for discipline, this procedure shall not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case related to the basis for discipline, including the presentation of witnesses and documents not introduced at the pre-disciplinary hearing.

If the Mayor decides to proceed with termination, or some other disciplinary action, the City will give the employee written notice of termination or the other discipline to be imposed.

11.4 LAYOFF

The Mayor may lay off employees for lack of work, budgetary restrictions, reorganization, elimination of a position or service, or other changes that have occurred or are expected to take place.

Temporary employees or employees who have not completed a trial period will usually be laid off before regular employees are affected.

Options such as part-time work schedules, furloughs, job sharing and voluntary time and/or pay reductions may also be explored, if, in the opinion of the Mayor, such options are feasible.

Regular employees will usually be retained on the basis of job performance and the qualifications required for remaining jobs. This may include consideration of relative qualifications, experience, past and current job performance evaluations, knowledge, abilities and skills required for the position, and the employee's ability to perform the remaining work without further training.

For a period of twelve (12) months from the date of layoff, regular employees who were laid off will be placed on the City's job announcement mailing list to assist them in applying for other job vacancies for which they are qualified.

These layoff procedures are guidelines only and shall not create any right of action in the event of deviation from the guidelines. The City retains at all times the discretion to select which individuals it will lay off and which it will retain in order to best meet its short and long-term needs.

11.5 RESIGNATION

An employee wishing to leave the City service in good standing shall file with the department head at least two (2) weeks before leaving a written statement as to the reasons for leaving setting forth the effective date, and shall participate in an exit interview. The time limit of the resignation may be waived at the discretion of the department head concerned. The department head shall forward a copy of the resignation to the Human Resources Department. Failure on the part of the employee to comply with these regulations may be grounds for denial of future employment.

11.6 EXIT INTERVIEW

The Mayor or designee shall conduct, or have conducted, an exit interview, whenever possible, with any employee leaving City employment, whether by resignation, discharge or retirement. At such interview, information shall be obtained regarding the reasons for separation from employment, any complaints or basis for dissatisfaction which may have arisen during the course of employment, and any other information which will improve or enhance the present operating procedures.

CHAPTER 12 DISPUTE RESOLUTION AND COMPLAINT PROCEDURES

12.1 DISPUTE RESOLUTION PROCEDURE

THIS PROCEDURE DOES NOT APPLY TO DISCRIMINATION, RETALIATION OR WHISTLEBLOWER COMPLAINTS. Employees having complaints about workplace harassment, discrimination or retaliation should follow the anti-discrimination complaint procedure outlined in section 4.4. Employees wishing to complain about improper governmental action or retaliation for filing such a complaint should follow procedures outlined in section 12.2.

The City of Mount Vernon recognizes that sometimes situations arise in which employees feel they have not been treated fairly or in accordance with City policies. For this reason the following procedures for resolving complaints are provided:

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

Step 2: When normal communication between an employee and a supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee should attempt to resolve the problem with the department director. The department director will respond to the employee, in writing, after meeting with him/her.

Step 3: If the employee is not satisfied with the response from the department director, he/she may submit the problem, in writing, to Human Resources for review by the Mayor. The written complaint must contain, at a minimum: a description of the problem, the specific policy or procedure which is believed to be violated or misapplied, the date of the circumstances leading to the complaint or the date when the employee first became aware of the circumstances, and the remedy sought by the employee to resolve the complaint.

The written complaint must be submitted to Human Resources within thirty (30) days of the occurrence leading to the complaint, or thirty (30) days after the employee becomes aware of the circumstances, whichever date last occurs.

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

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

12.2 REPORTING IMPROPER GOVERNMENTAL ACTION - WHISTLEBLOWER

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, the City of Mount Vernon 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.

Key Definitions:

Improper Governmental Action: any action by a municipal official or employee that is:

- A. Undertaken in the performance of the official's or employee's official City duties, whether or not the action is within the scope of the employee's employment, and
- B. In violation of any federal, state or local law or rule; an abuse of authority, of substantial and specific danger to the public health or safety; or a gross waste of public funds.

"Improper governmental action" does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands. In addition, employees are not free to disclose matters which would affect a person's right to legally-protected confidential communications, such as attorney-client privilege or executive session communications.

Retaliatory Action: any material adverse change in the terms and conditions of an employee's employment as defined in RCW 42.41.020(3), that is substantially motivated by the employee's decision to prepare or participate in a whistleblower complaint.

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

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

- A. Bring the matter to the attention of his/her supervisor, if the supervisor is not involved in the matter, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- B. Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Mayor or City Attorney. The complaint should be in writing, stating in detail the basis for the employee's belief that an improper action has occurred.

- C. In the case of an emergency, where the employee believes that damage to persons' property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency responsible for investigating the improper action, or the Skagit County Prosecutor.
- D. After an investigation is completed (usually within thirty (30) days of the employee's report), the employee will normally be advised of the results of the investigation; however, personnel actions taken as a result of the investigation may be kept confidential.

Employees involved in reporting improper governmental action or participating in the investigation may request that their identities be kept confidential. City officials and those involved in the investigation will honor this request to the extent possible under law, business necessity and the needs of the investigation. Confidentiality however cannot be guaranteed.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation. "Good faith" includes a requirement that, except in an emergency, before an employee provides information of an improper governmental action to a person or an entity who is not a person listed above, the employee shall submit a written report to the local government. The employee is also charged with the responsibility to reasonably ascertain correctness of the information furnished and may be subject to disciplinary action, including but not limited to termination, for knowingly furnishing false information as determined by the appointing authority.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper government action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur. Whistleblower actions can be reported to the Washington State Auditor's Office, the Washington State Attorney General's Office, as well as other state and federal offices. The original policy on file in Human Resources has a list of agencies which can be contacted.

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

Procedure for Seeking Relief Against Retaliation:

- A. Employees must provide a written complaint to the City Council within thirty (30) days of the occurrence of the alleged retaliatory action. The written charge shall specify the alleged retaliatory action and the relief requested.

- B. The City Council may use whatever appropriate means it deems necessary to facilitate an investigation of the employee's written complaint of retaliation. A written response to the charge of retaliatory action and request for relief shall be provided within thirty (30) days of receipt of the written charge, unless the City Council determines additional time is needed to determine the validity of the allegations in the complaint.
- C. After receiving the City's response, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and obtain relief according to law. The employee must deliver the request for hearing to the Mayor within fifteen (15) days of receipt of the City's response to the retaliation charge.
- D. Within five (5) working days of receipt of a request for hearing, the City shall apply to the Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge, at the following address: