

**CITY OF ROY**



**PERSONNEL POLICY MANUAL**

**Adopted via Resolution No. XX, XX/XX/XXXX**

## **Welcome**

I would like to take this opportunity to welcome you to the City of Roy. We trust that your employment with our agency will be a mutually rewarding experience.

We believe that you are an integral part of our team, and you will work successfully with us to serve the citizens of Roy. The Employee Handbook outlines the City's personnel policies and the programs and benefits available to eligible employees. The handbook should prove to be very helpful in explaining our approach to these matters and is intended to establish clear expectations and consistent practice. Recognizing that employees are the foundation of any successful organization, our elected City Council has consistently supported developing personnel policies that allow us to attract and retain outstanding staff.

The handbook will answer many questions you may have about your employment at the City of Roy. Please review this Manual and sign and return the acknowledgement form provided to you. We hope and believe that your experience here will be challenging, enjoyable, and rewarding.

Welcome to the City of Roy team! To those current employees simply receiving an updated handbook, we greatly appreciate your continued service!

Sincerely,

Mayor Kimber Ivy

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## ***Section 1: Introduction***

### **1.01 Purpose of Personnel Policies**

All employees are responsible for becoming familiar with the policies and procedures. If there are any questions regarding the material in the handbook, please contact a supervisor or the City Clerk-Treasurer for clarification. The handbook should not be construed as an employment contract or agreement for employment for any specified period of time.

These policies apply to all City of Roy employees, elected officials, board and commission members, authorized volunteers, and vendors when applicable. In the event of conflict between any provision of this manual and any department specific directive or protocol, including but not limited to the Police Department Manual, these policies shall govern. When policies may conflict with applicable Civil Service rules and regulations, if any, the Civil Service rules shall govern. In the case of a conflict between these rules and the rules contained within a separate City policy or procedure manual, these policies shall govern unless otherwise directed by the Mayor. In all other cases, these policies shall govern.

The information contained in this Handbook applies to all employees of the City. It is presented as a matter of information only, and its contents should not be interpreted as a contract between the City and any of its employees.

### **1.02 Modifications to the Manual and Interpretation**

To meet the needs of its employees and residents, the City needs to be flexible. Therefore, the City reserves the right to make additions, deletions or other changes to the provisions and policies of this Manual as appropriate, and any changes shall become effective upon adoption. The City will try to give employees as much advance notice of any changes as is practicable under the circumstances, but lack of notice will not make any change in policy of no effect. In all matters covered by this Manual, including without limitation working conditions, disciplinary matters, policy formations and compensation, the City reserves complete discretion except where limited by law. In all disputes, investigations or matters of controversy, City's determination of the facts, made in good faith, will be conclusive. The City reserves the right to interpret these policies as situations arise, and its interpretation, made in good faith, shall be conclusive.

Per Roy City Code 1-6-1, the Mayor is responsible for the administration and updating of this Personnel Policy Manual using best practices as are suitable for the City, and for reporting changes to the City Council. When changes are necessary, the City will provide the employee with amended pages for the handbook.

### **1.03 Severability**

If any provision of the Manual or its application to any person or circumstance is held invalid by operation of law or by any tribunal of competent jurisdiction, the remaining provisions shall survive.

### **1.04 Definitions**

When used in this Manual, the following terms have these meanings ascribed to them:

**Anniversary Date** - The original date of hire with the City in a Regular Full-Time or Regular Part-Time position (including the Employee's Probation period). If a Temporary or Seasonal Employee is later hired into a Regular position, the Anniversary Date for wage, health, accrual, and retirement benefit purposes begins with the date hired to the Regular position.

**Applicant** – A person applying for an Employee position with the City of Roy.

**Candidate** – See Applicant.

**Classification** – A group of positions sufficiently similar in nature, duties, responsibilities, knowledge, abilities, skills, and other qualifications to permit combining them within a single job title for purposes of wages and selection.

**Demotion** – The assignment of an Employee, voluntarily or involuntarily, to a job Classification generally having less responsibility and salary in a lower pay range.

**Department Head** – The supervisor, manager, or director, as applicable, of a particular department of the City. This also means the Mayor for Employees who directly report to the Mayor.

**Discharge** – Involuntary termination from employment or assignment initiated by the City against an Employee.

**Domestic Partner** – The individual named in a current, valid Affidavit of Marriage or Domestic Partnership on file with the City's Human Resources Department.

**Employee** – For purposes of this Manual, "Employee" means a person hired by the City as a Full-Time, Part-Time, Seasonal, or Temporary worker, who will receive the compensation and benefits accorded to hired persons. For some purposes under the law the term "Employee" can extend to Volunteers or Elected Officials of the City.

**Employee in Good Standing** - An active employee that is not on a performance improvement plan and that has not been issued a suspension or written notice of corrective action within the prior six (6) months.



Essential Personnel - Employees who are required to report to work in emergency conditions even if the City Hall closed for inclement weather conditions.

Hiring Authority – The supervisor seeking to fill a new or vacant position, or their designee(s).

Insubordination – Expressed hostility or contempt for an Employee's supervisor or willful or demonstrated disregard of a supervisor's reasonable directive or written City policy.

Longevity - The employee's continuous time worked at the City.

Manual or Personnel Policy Manual – The compilation of all policies and procedures contained in this document as adopted and as may be amended, and those policies and procedures that are incorporated by reference in this Manual.

Merit Increase Date – The date on which an Employee receives an incremental step increase based upon performance, as recommended by the Department Head and approved by the Mayor.

Regular Employees - All full-time and part-time employees, excluding interns.

Standby – Specific assignment of an Employee during off-hours to be available to come to work if needed.

Suspension – Temporary removal from employment without pay.

Transfer – The assignment of an Employee from one position to a different position within the same Classification or similar Classification with the same salary range and having similar qualifications, usually in relation to issues such as nepotism, workplace dating, FMLA, and other accommodations.

Volunteer – A person who volunteers their time and services to the City of Roy without any present or future expectation of compensation. "Volunteer" includes appointees to City boards and commissions.

Work Week – A fixed and regularly recurring period of seven consecutive 24-hour periods. The standard Work Week for Employees consists of the period from 12:00 a.m. Sunday to 11:59 p.m. the following Saturday. Different work schedules may be established by the City to meet job assignments and provide necessary City services.

## **Section 2. General Policies and Procedures**

### **2.01 Employment at Will**

Nothing in this Manual shall constitute a contract of employment or a promise of employment for any specific duration. Your employment with the City is entered into voluntarily, and you are free to resign at any time and for any reason. Similarly, the City is free to separate the employment relationship at any time, for any reason. **Your employment relationship with the City is strictly “at will” and may be separated by either party for any reason, with or without cause, at any time. This Manual is not a contract.**

The City of Roy does not offer tenured or guaranteed employment. Only the Mayor, subject to Council approval where required, has the authority to enter into any agreement for employment for any specified period or to make any written or verbal commitments contrary to the terms of this Manual.

### **2.02 Employee Classifications**

The following terms are used to describe the classification of employees:

- **Exempt Employees.** Employees whose positions meet specific tests established by the Fair Labor Standards Act (FLSA) and state law and who are exempt from overtime pay requirements.
- **Non-exempt Employees.** Employees whose positions do not meet FLSA and state exemption tests and who are paid a multiple of their regular rate of pay for hours worked in excess of 40 hours per week. Time is managed and recorded in 15-minute increments.
- **Full-time Employees.** Employees whose position is scheduled to work 40 hours per week on an ongoing, indefinite basis.
- **Part-time Employees.** Employees whose position is scheduled to work at least 20 hours per week but less than 40 hours per week on an ongoing, indefinite basis.
- **Limited Term Employees.** Employees who are hired for a temporary, pre-established period (which may be defined by time and/or project). They may work a full-time or part-time schedule.
- **Interns.** Students who are currently enrolled in an accredited school and are hired for a limited period of time. Interns may work a full-time or part-time schedule.

### **2.03 Equal Employment Opportunity**

The City is an Equal Opportunity Employer. We believe that every employee has the right to work in an environment free from all forms of unlawful discrimination. The City prohibits unlawful discrimination and harassment against employees and applicants in compensation or other terms, conditions, and privileges of employment because of the employee's race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, sexual orientation (including gender identity and gender expression), genetic information, or any other category protected by federal, state, or local law. The City also prohibits unlawful discrimination and harassment against employees and applicants based upon their association with a person who is a member of a protected class. This Policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The City Clerk, in conjunction with the Mayor, is responsible for implementing this Policy. Any person with questions or concerns regarding Equal Employment Opportunities with the City should contact the City Clerk. All persons are also encouraged to review the City's Anti-Discrimination and Anti-Harassment Policy, which supplements this Policy and works to further effectuate the goals of the City's Equal Employment Opportunity Policy.

The City strives to foster and maintain a harmonious, nondiscriminatory working environment. Conduct that is discriminatory will not be tolerated and will be cause for disciplinary action, up to and including termination.

### **2.04 Disability Accommodation**

The City is committed to complying with the disability discrimination laws, including the Americans With Disabilities Act (ADA) and Washington Laws Against Discrimination (WLAD), and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. This includes providing reasonable accommodation to qualified individuals who have a disability that impacts their ability to perform the essential functions of their job.

Any employee or applicant who believes that they need a reasonable accommodation because of a physical or mental disability to perform the essential functions of their job or to complete the application process should contact the City Clerk. Similarly, any employee or applicant who needs accommodation to perform their job due to their religious beliefs should contact the City Clerk. The employee or applicant should advise, in writing, the City Clerk of the reason for their accommodation request, the nature of their work limitations, and any suggested reasonable accommodation. The City will then interactively work with the employee or applicant to determine what, if any, reasonable accommodation is appropriate, and whether a suggested accommodation imposes an undue hardship upon the City. The City can make no guarantee or assurances as to

specific accommodations, and all requests for accommodation must be addressed on a case-by-case basis, based on the particular circumstances.

## **2.05 Anti-Discrimination and Anti-Harassment Policy**

It is the City of Roy's intent to provide a work environment free from all verbal, physical and visual forms of harassment and discrimination. The City expects all customers, vendors, consultants, volunteers, and employees to be treated with fairness, respect, and dignity. The City prohibits all forms of harassment and discrimination, whether due to race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, sexual orientation (including gender identity and gender expression), genetic information, or any other category protected by federal, state, or local law. The City also prohibits unlawful discrimination and harassment against employees and applicants based upon their association with a person who is a member of a protected class. Accordingly, any form of harassment is a violation of this policy and will be treated as a disciplinary matter.

All employees who have knowledge of workplace harassment or discrimination are required to immediately report the same to City management pursuant to the reporting procedures subsequently set forth in this Policy. The failure to report workplace harassment or discrimination may result in appropriate disciplinary action.

To facilitate a greater understanding of this Policy's requirements, the following is a non-exclusive list of examples of conduct the City prohibits:

- A. Epithets, slurs, negative stereotyping or threatening, intimidating or hostile acts that relate to race, religion, color, gender, pregnancy, age, marital status, military or veteran status, national origin, mental or physical disability, genetic information, or sexual orientation (including gender identity and gender expression).
- B. Written or graphic material brought to, displayed or circulated in the City's workplace that denigrates or shows hostility or aversion toward an individual or group because of the categories listed above.
- C. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive conduct or remarks that are directed at a person because of the categories listed above.
- D. Using the City's resources (such as voicemail, e-mail, or Internet access) to obtain, deliver, forward, circulate, or store inappropriate or offensive materials.
- E. Other forms of objectively offensive behavior, regardless of whether the behavior rises to the level of unlawful workplace harassment or discrimination.

F. Retaliation against an employee making a complaint in good faith under this Policy.

To facilitate a greater understanding of this Policy's requirements with respect to sexual harassment, the following is a non-exclusive list of examples of conduct the City prohibits:

- A. Vulgar or sexual comments, jokes, stories, and innuendo.
- B. Graphic or suggestive comments about someone's body or manner of dress.
- C. Gossip or questions about someone's sexual conduct or orientation.
- D. Vulgarity, leering, inappropriate touching and obscene or suggestive gestures.
- E. Displaying, accessing, or circulating in the workplace (including via the Internet or e-mail) sexually suggestive photographs, cartoons, graffiti, jokes and the like.
- F. Unwelcome and repeated flirtations, requests for dates and the like.
- G. Subtle pressure for sexual activity, including unwelcome but apparently sanction-free sexual advances by a supervisor to a subordinate.
- H. Solicitation or coercion of sexual activity, dates, or the like by the implied or express promise of rewards or preferential treatment.
- I. Solicitation or coercion of sexual activity, dates, or the like by the implied or express threat of punishment.
- J. Sexual or other assault.
- K. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive conduct or remarks that are directed at a person because of that person's sex, regardless of whether the remarks themselves are sexual in nature.
- L. Retaliation against an employee for refusing sexual or social overtures, for complaining in good faith about sexual harassment, or for cooperating in good faith with the investigation of a complaint.

Harassment and discrimination can be difficult to define. For this reason, the City strongly urges you to use its reporting procedure set forth below without worrying about whether the conduct involved would be considered harassment or discrimination in a legal sense. If you consider the conduct to be harassment or discrimination, report it. This Policy is intended to assist the City in addressing not only illegal harassment and discrimination, but also any conduct that is offensive and inappropriate.

The City is committed to maintaining a safe and healthy work environment and take all appropriate health and safety precautions consistent with current medical knowledge. Employees may not refuse to work with or cooperate with, withhold services from or otherwise harass, intimidate, degrade, or isolate a co-worker because of a known or suspected disability or disease, or because of a co-worker's association with a person with a disability or disease.

Any employee who believes that he or she has been subject of harassment shall immediately report the conduct to City Clerk. No employee who observes or is subjected to an act of harassment or discrimination shall overlook the act. All employees have a duty to report acts of harassment immediately. All complaints will be promptly investigated, and the City will endeavor to handle these matters expeditiously and in a professional manner. Complaints, discrimination or harassment will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law; however, absolute confidentiality cannot be guaranteed. If the City concludes that unlawful harassment or discrimination has occurred, appropriate corrective actions will be taken upon completion of the investigation. The City's goal is to have every employee treated with dignity and respect. There will be no retaliation against anyone for stepping forward with a concern regarding any type of harassment. All employees are to cooperate with any investigation into a harassment complaint.

#### **Retaliation is Prohibited**

No action will be taken against any employee who, in good faith, files a complaint of discrimination or harassment or who assists in the investigation of such complaint by providing information. Employees who believe they have been retaliated against for having reported harassment or participated in an investigation are urged to promptly notify the City Clerk, or Mayor if the City Clerk is the subject of the retaliation concerns, so their concerns may be investigated. Appropriate corrective action will be taken if allegations of retaliation are sustained.

The City does not intimidate or retaliate against any individual or group because they have exercised their protected rights or for the purpose of interfering with such rights protected under 40 CFR Parts 5 and 7, including Title VI and VII of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972; and Chapter 49.60 RCW, Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq., the Americans with Disabilities Act (ADA).

This policy applies to all employees, at all times, when acting within the scope of their employment, whether at the office, at an official company function outside the office, at a City-sponsored social event or working outside of the City's office location. Employees who violate this policy are subject to corrective action up to and including separation of

employment. All employees and elected officials shall complete relevant training on an annual basis.

## **2.06 Immigration Control and Enforcement Policy**

Federal law requires the City to comply with the Immigration Reform and Control Act of 1986 and related law. In compliance with this law, the City shall:

1. Require all new employees to complete an I-9 Form within three business days of hire and provide proof of their identity and eligibility to work in the United States. Former employees who are rehired must also complete the I-9 Form if they have not completed the Form with the City within the past three (3) years, or if their previous I-9 Form is no longer retrained or valid.
2. Check documents establishing employees' identity and eligibility to work. If a new employee is unable to provide the necessary documentation within three working days from the date of hire, they must provide proof that they have applied for the required documents. If this is not provided, the employee will be terminated as required by law.
3. The person examining the documents must complete Section 2 of the I-9 Form and the Certification Section.
4. Retain the form for at least three years or one year after the date of the individual's separation, whichever is later.
5. Present the form for inspection to the Department of Homeland Security or Department of Labor officer upon request.
6. I-9 Forms shall be kept separate from all other personnel records.

## **2.07 General Complaint Policy**

### *Open Door Policy*

Our policies and practices emphasize open-door practices in which employees are encouraged to deal directly with their supervisor and other members of management regarding any complaints they might have. The needs of the employee and City are best met with open and professional communication in a safe environment.

### *Complaint Handling*

If you have a job-related problem, question or complaint and you are unable to resolve it on a one-to-one personal level, you should discuss the problem, question, or complaint with your supervisor. The simplest, quickest, and most satisfactory solution will often be

reached at this level with open, honest, and respectful communication. At any time, you may seek advice and guidance from the City Clerk.

If the discussion with your supervisor does not address your problem, question or complaint or resolve the matter to your satisfaction, then the following process can be used:

1. Within 15 calendar days following your discussion with your supervisor, you may present your written complaint to the Mayor. The Mayor shall investigate the problem, question, or complaint by undertaking whatever means the Mayor deems appropriate and will render a decision on the matter.
2. If the matter is still not resolved to your satisfaction, then the employee will have five (5) additional days submit a written complaint and the remedy they seek to the City Clerk-Treasurer, who will convene a panel consisting of the Mayor, the City Clerk-Treasurer, and the Chief of Police. This panel will convene within 30 days of receipt of a written request. The employee may present their position to the panel, call witnesses, and provide evidence. This is an informal presentation and not a formal hearing. The panel will consider the material and statements presented and make a recommendation to the Mayor within 30 days. The Mayor may meet with the parties involved, and may retain an independent third party to help resolve the problem. The decision of the Mayor will be final and binding.

In the event the Mayor is the subject of the complaint, the supervisor and/or the City Clerk-Treasurer, in conjunction with the City Attorney, are authorized to contact AWC directly for further assistance. When the issue involves the supervisor with whom you would ordinarily discuss a complaint hereunder, you may bypass that individual and proceed to the next person in authority without compromising your appeal rights or fear of retaliatory action.

There will be no discrimination or retaliation against anyone presenting a complaint or discussing a problem with supervisors or anyone in management.

This complaint handling procedure does not apply to any disciplinary action or non-action taken by the City; all such action or non-action is within the City's sole discretion. The above procedure is a non-binding guideline that the City tries to follow. It does not confer or guarantee you any rights.

This complaint-handling procedure is made available to employees for the purpose of amicably and effectively resolving job-related complaints unrelated to the disciplinary decisions or acts of the City. The City shall not retaliate against an employee making a good faith report of a complaint under the procedure set forth herein, nor subject any employee to an adverse employment decision based on that employee's good faith report. However, if the City determines that a frivolous complaint is made under this procedure



for the sole purpose of harassing, disparaging, or intimidating another employee, the reporting employee may be subject to corrective action up to and including separation of employment.

The City takes all complaints seriously and will address such complaints in a manner that it deems appropriate. If an investigation of a complaint is deemed necessary, the City shall conduct such investigation as discreetly as possible and practical. The City shall disseminate information relating to the complaint on a "need to know" basis only; however, the City cannot guarantee the confidentiality of any complaint.

## **2.08 Whistleblower Protection**

The City's Whistleblower policy implements state law RCW Chapter 42.41, the Local Government Employee Whistleblower Protection Act. This policy is created to encourage employees to disclose any improper governmental action taken by City of Roy officials or employees without fear of retaliation. City officials and employees are prohibited from taking retaliatory action against any City employee because he, she or they reported in good faith an improper governmental action in accordance with state law. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City of Roy, with a process provided for speedy dispute resolution.

"Improper Governmental Action" means any action by a City of Roy officer or employee that is: undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment, and in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety or is a gross waste of public funds.

"Improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, reassignments, for example). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

"Retaliatory Action": means:(1) Any adverse change in a local government employee's employment status, or the terms and conditions of employment including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action: or (2) hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

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

#### Procedure for reporting Improper Government Action

City of Roy employees who become aware of Improper Governmental Action shall follow this procedure:

1. Bring the matter to the attention of his/her/their supervisor, if not involved, in writing, stating in detail the basis for the employee's belief that an improper action has occurred. This shall be done as soon as the employee becomes aware of the improper action.
2. Where the employee believes the improper action involves the supervisor, the employee may raise the issue in writing directly with the Mayor or City Clerk.
3. The Mayor or City Clerk (or their designee, as the case may be), shall promptly investigate the report of improper government action. City officers and employees involved in the investigation of such action shall keep the identity of reporting employees confidential to the extent possible under law unless the employee authorizes the disclosure of identity in writing. After the investigation is completed, the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
4. In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action. Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City of Roy to determine whether an improper government action occurred, or that insufficient action was taken by the City of Roy to address the improper action or that for other reasons the improper action is likely to recur. Except in the case of an emergency, before an employee provides information of an improper governmental action to a person who is not a public official or a person listed in the City's policy, the employee shall submit a written report to the Mayor. An employee who fails to make a good faith attempt to follow this policy shall not receive the protection of the state whistleblower law.

#### Protection against retaliation

It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action shall obtain relief as follows.

1. Employees must provide a written complaint to the supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the

notice shall go to the Mayor or City Clerk. The written charge shall specify the alleged retaliatory action and the relief requested.

2. The Mayor or City Clerk, as the case may be, shall investigate the complaint and respond within thirty (30) days of receipt of the written charge.

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

### ***Section 3. Employee Conduct and Responsibilities***

#### **3.01 Customer Relations**

City employment exists to serve residents of the City of Roy. All employees have the chance every day to help others and to make the City a great place to live, work and play. Demonstrate that commitment to serve every day with a positive attitude about the City, your work and yourself.

Customers are vital to the success of all organizations. Every employee represents the City of Roy to citizens and the general public who are our customers. One of the highest priorities at the City of Roy is to help our citizens. Nothing is more important than being courteous, friendly, prompt, and helpful to everyone you contact.

If a citizen wants to make a specific comment or a complaint, the employee should direct the person to the City Clerk-Treasurer for appropriate action. Employee contacts with the public, telephone manners, and any communications with customers reflect not only on the employee but also on the professionalism of our City of Roy.

#### **3.02 Confidentiality**

During your employment here, you will be working with our customer lists, business systems, future development plans and other information that we consider confidential. As a public agency, most of our records are public information; however, you may become aware of information that is sensitive and could be misinterpreted or used inappropriately if taken out of context. Protect this information by safeguarding it when in use, filing it properly when not in use, and discussing it only with those who have a legitimate “need to know” basis. If you feel uncertain about the information you work with, discuss it with your supervisor immediately.

Employees of the City of Roy may receive and have access to personal information regarding its taxpayers, utility customers and other employees and officials. Employees are obligated to keep this information confidential. All requests for confidential City records or information must be referred to the City Clerk-Treasurer. Employees are prohibited from distributing confidential information. Employees who violate this provision shall be subject to discipline up to and including termination.

Employees may be asked to sign a confidentiality agreement as a condition of employment.

#### **3.03 Attendance/Punctuality**

The City expects employees to be reliable and punctual. Employees should report for work on time and as scheduled. If they cannot come to work or if they are late for any

reason, they must notify their immediate supervisor as soon as possible. If their supervisor is unavailable, leave a message on their supervisor's voice mail and with the City Clerk-Treasurer. Unplanned absences can disrupt work, inconvenience other employees, and affect productivity. If an employee has a poor attendance record, unusual pattern of absenteeism (for example absence every Friday and/or Monday), tardiness without notice or with insufficient notice, or excessive tardiness, the employee may be subject to disciplinary action, up to and including termination of employment.

### **3.04 Solicitations**

The City of Roy strives to prevent disruptions and protect City employees from harassment. Accordingly, during working hours no employee shall solicit or distribute literature or other materials to another employee for any purpose. Working hours do not include such times as lunch, break time or time before or after work. No employee not on working time shall distribute literature or other material to an employee who is on working time. No employee shall solicit or distribute literature or other materials to any visitors at any time for any purpose.

### **3.05 Visitors**

All visitors, including an employee's family members, who wish to enter a secure area of a City Building to visit an employee during working hours, must first check in at the City Hall front office and comply with the following:

- Visitors will be required to sign in and must be accompanied by an employee at all times while in non-public area(s) of the City Building;
- Visitors are not permitted into secure (locked) areas of any City facility without pre-approval the of the Mayor or designee.
- If a visit involves an emergency, the employee will be notified immediately and will receive all possible cooperation from management.
- Visitors should not disrupt business. Please remind your friends and relatives that unless there is an emergency involved, they should not disturb you while you are working.

### **3.06 Professional and Civic Associations**

It is the intent of the City of Roy Council that the City of Roy, as a municipal corporation, be actively represented in civic and service organizations whose activities may benefit or otherwise affect the citizens of City of Roy. The City of Roy Mayor may identify and designate City of Roy employees and/or officers to be active participants in such organizations. When appropriate in the discretion of the Mayor, the City of Roy itself

should be the designated member of the organization, extending the ability to designate various attendees as necessary.

Benefits to the City of Roy from such memberships shall include, but not limited to:

1. Providing information to such organizations through membership in committees and attendance at meetings.
2. Identifying opportunities to advance City of Roy programs or goals through partnership with civic and service organizations .
3. Furthering other mutual benefits to the City of Roy and to the organization that may arise from association, such as cooperation in organizing and in supporting community events.

Officers or employees holding such memberships are prohibited from:

1. Exerting influence on other employees or officers to provide financial contributions or other support to the civic or service organization.
2. Using the civic or service organization as a forum for lobbying in support of or opposition to political or legislative actions, or the promotion of endeavors in which the officers or employee may have a direct or indirect financial interest or may acquire a personal benefit or gain.

Department heads shall request permission from the City of Roy Mayor for membership in a civic or service organization, with an explanation of the benefits to be derived from such membership. The City of Roy Mayor may authorize membership and expenses, subject to the City of Roy's travel and meals reimbursement policies. Memberships shall be annually reviewed by the Mayor, subject to City Council approval through the City of Roy's budget process. The City of Roy may pay for membership and participation expenses in approved organizations but will not pay for charitable or personal contributions of time, money, or goods.

### **3.07 Political Activity in the Workplace**

Per RCW 42.17A.555, City officials and employees are prohibited from utilizing City resources and property, including City work time for political or partisan activities. Employees are free to engage in political or partisan activities in their personal time while off City property, provided Employees should make it clear that any participation is personal and not associated with the Employee's official capacity with the City in any way using a clear disclaimer. Further, activities must not adversely affect the responsibilities of the Employee's position. Employees may not campaign on City time, in City uniform, while wearing or displaying clothing or other items with the City of Roy logo, insignia, etc.,

or while representing the City in any way. This prohibition includes “photoshopping” or otherwise manipulating or creating images, videos, etc. to suggest that City Employees, resources, or property are being used for any political purposes.

Any Employee who meets with or may be observed by the public, or otherwise represents the City to the public, may not wear or display any button, badge, sticker, or any other signage relevant to any candidate or ballot issue during working hours. Politically neutral items, such as “Vote!” buttons, are authorized and may be worn when interacting with the public.

Employees may not use City resources or property to coordinate, inform, or demonstrate support or opposition to a candidate, campaign, or ballot measure. This prohibition specifically includes, without limitation, logistics, travel, invitations, tickets, assessing interest, seeking endorsements, etc. for any event or activity. Similarly, Employees may not use City resources or property to organize and/or distribute campaign materials.

Employees may not use City facilities, supplies, equipment or vehicles for any campaign purpose, or solicit money, influence, or service for any political election to public office or other ballot measure during working hours. Employees may not allow others to conduct such activities except as may be allowed under City policy. Note: If a City position is funded by federal funds, the federal Hatch Act bars state and local government employees in such positions from running for partisan public office (see RCW 42.17 and 42.17A).

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

### **3.08 Nepotism / Prohibited Relationships**

Individuals who are related by blood or marriage or are in a committed relationship with current City employees or officials, are eligible for employment at the City, provided no direct reporting or supervisor-to-subordinate relationship exists. This Policy serves the objective of avoiding potential conflicts of interest and the appearance that employment decisions will be made not on merit but based on the relationship of the of the family member to a decision maker within the chain of command. In addition to claims of favoritism and morale issues, personal conflicts from outside can sometimes carry over to work.

For purposes of this policy, a “family member” is defined as a spouse, domestic partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, “step” or “half” relation, or equivalent member of the employee’s household. A “domestic partner” is an unmarried adult, unrelated by blood, with whom an unmarried officer, employee or official has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

An employee may not directly work for a relative or supervise a relative. That is, no employee is permitted to work within the “chain of command” when one family member’s work responsibilities, salary, hours, career progress, discipline, benefits or other terms and conditions of employment could be influenced by another family member. This includes volunteer positions and temporary appointments.

The City also does not allow a person in a personal relationship to work for the other person in that relationship or to supervise the other person. The City of Roy also reserves the right to take quick action if an actual or potential conflict of interest arises involving relatives or persons involved in a dating relationship who are in positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

**Change in Circumstances:** If two employees marry, become family members, or domestic partners, as defined below, and, in the City’s judgment, the potential problems noted above exist, or reasonably could exist, it is the responsibility of the employees to disclose the relationship to human resources. Only one of the employees will be permitted to remain employed with the City, unless reasonable accommodations, as determined by the City, can be made to eliminate the potential problem. If no accommodation can be made, the decision as to which employee will remain employed by the City must be made by the two employees within thirty (30) calendar days of the date they marry, become family members, or domestic partners with each other. If no decision is made during this time, the City reserves the right to terminate either employee.

There may also be situations when there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct reporting relationship or authority involved. In that case, the City may separate the employees by reassignment or termination of employment.

If an employee is in a close personal relationship with another employee, the City requests that employees avoid displays of affection or excessive personal conversation while at work.

### **3.09 Workplace Etiquette**

The City of Roy can be a pleasant place to work when all employees show respect and courtesy to each other. Sometimes there are problems when employees do not realize that they are bothering or annoying other people. An employee should first try to solve the problem by politely telling their co-worker what is bothering them.

The City encourages employees to keep an open mind. If an employee informs another about something that employee is doing that makes it hard for that person to work, try to understand the other person’s point of view.



The following are some guidelines and suggestions for how to be considerate of others at work. An employee will not necessarily be disciplined if they do not follow these suggestions, but the guidelines will help employees get along with each other. If employees have comments or suggestions about workplace etiquette, contact an immediate supervisor.

- Pick up and clean up after yourself
- Be careful - watch what you are doing
- Do not make accusations in public
- Use email and telephones in a business manner
- Speak quietly as voices do travel.
- Limit socializing on office time
- Do not use inappropriate language.
- Keep the music volume on soft and low.
- Be aware of strong smells such as perfumes, and how it may affect others.
- Clean up your workspace.

### **3.10 Violence in the Workplace**

The City of Roy will not tolerate workplace violence. Any employee who commits an act of violence at work against a person or property will face disciplinary action up to and including discharge. If circumstances warrant, the matter will be referred to legal authorities for prosecution. Workplace violence is violence against employees and is committed by persons who either have an employment-related connection with the organization or are outsiders, and involves:

- Physical acts against persons or employer property
- Verbal threats or vicious statements that are meant to harm or cause a hostile environment.
- Written threats, vicious cartoons or notes, and other written material that is meant to threaten or create a hostile environment.
- Visual acts that is threatening or intended to convey injury or hostility.

All employees are expected to report any act of violence. Employees should bring their concern directly to the attention of their immediate supervisor. All such reports shall be fully investigated. Any employee who takes any adverse action against a person who reports any act of violence, or a suspicion of violence shall be subject to immediate discipline, up to and including discharge.

### **3.11 Litigation Response Procedure**

Litigation involving the City or requiring City staff participation is rare. In most situations, the involvement of City personnel is limited to providing and identifying City records in a lawsuit not involving the City. The following describes the procedure to be taken by City personnel when they receive a subpoena to respond to a deposition:

- City personnel who receive a subpoena for a deposition or court appearance will notify their supervisor, City Clerk and Mayor of the subpoena.
- The supervisor, City Clerk or Mayor will provide a copy of the subpoena to the City Attorney for consultation and direction based upon initial investigation and fact finding.
- City Attorney, or other City legal counsel where applicable, will then advise the City on the appropriate course of action to be followed.

If appropriate, City legal counsel will advise the individual subpoenaed on the nature of the proceedings, the requirements of the subpoena, the proper methods for verifying the need for the City's personnel testimony and the proper methods for testifying and providing documents. If requested, in some unique cases, City legal counsel may accompany the City personnel to the deposition or trial.

### **3.12 Personnel Records and Access**

The City maintains a regular personnel file for each employee. An employee's regular personnel file may contain the employee's name, title and/or position held, job description, department to which the employee is assigned, initial application information along with any certifications or transcripts needed to verify the employee's qualifications, salary or wages, payroll information, changes in employment status, including promotional information, demotions or job reclassifications, any training received, performance evaluations or appraisals, personnel actions affecting the employee including all forms of discipline, and other pertinent information needed by the City to conduct its business or which is required by law. An employee's I-9 Form is maintained separately. Similarly, an employee's medical records, if any, are maintained in a separate file.

Employees are permitted reasonable access to inspect their own personnel files, including medical and immigration files, during regular business hours.

All personnel files are kept confidential to the maximum extent permitted by law. Access to employee personnel files is restricted to only those City employees with a legitimate and permissible business purpose. In addition, except for routine verifications of employment or in response to a court order, subpoena, or other legal requirement, no information from an employee's personnel file will be released to the public without the subject employee's written consent.

Personnel files are kept for the benefit of the City and for effective management of the employee's status, administration of compensation and benefits, and for effective management of the employee's performance. The contents of the file may be subject to statutory provisions on how long the information is retained and the City will abide by any statutory guidelines or regulations regarding record retention.

Supervisors may maintain a working file with notes or documents on issues impacting the employee or the employee's performance. Once information is communicated to the employee, the supervisor's notes or documents may be placed in the employee's personnel file to further explain any action or resolution to an issue impacting the employee or affecting the employee's status. If a supervisor opts not to communicate information in the supervisor's file to the employee, or deems the information irrelevant, the supervisor's file should generally be purged annually, unless prohibited by law or the supervisor determines, in their sole discretion, that the circumstances require that the information be retained for a longer period of time.

Employees may request additions or removal of information in their personnel records. If the City denies the employee's request to remove information, the employee may file a written statement to be placed in their file. The City may also provide a written statement to be placed in the personnel file as well.

Employees must notify the City to make any changes to their name, address, phone number or contact information, beneficiary designations or dependents, and emergency contact information to ensure this information is up to date.

### **3.13 Reference and Information Requests**

Unless otherwise required by law, the City will respond to all reference check inquiries regarding its current or former employees by providing only general information, such as: dates of employment; position(s) held; and job duties. No inference, either positive or negative, should be made from the City's application of this policy. If an employee desires the City to provide additional information, the employee, as well as the prospective employer requesting the information, must sign a release authorizing the disclosure of additional information in a form satisfactory to the City. This release must, among other

things, authorize the disclosure of additional information and hold the City and all related persons and entities harmless for the disclosure.

### **3.14 Volunteers**

Volunteers may be recruited by individual Department Directors or the City to assist with the provision of City programs/services. All volunteers will complete a standard City Volunteer application form, including references. All volunteers will be supervised by a regular employee or designated volunteer supervisor. Volunteers are expected to follow the same personnel policies as regular employees.

## **Section 4. Hiring Policies**

### **4.01 Staffing Policy**

It is the policy of the City of Roy, in service to the City's citizens, to staff all positions with the most talented and qualified employees. Department directors wishing to fill vacant positions must be mindful of these policies, as well as applicable state and federal laws. The City reserves the right to contract out work to private service providers and to utilize personal service contracts of temporary employment firms.

### **4.02 Employment Applications**

The City follows state and federal laws prohibiting discrimination in hiring and employment. The City does not discriminate against employees or applicants for employment in violation of these laws.

Each applicant shall complete and sign an application form prior to being considered for any position. Additional submissions, such as résumés, may supplement the official application. The City relies on the accuracy of the information applicants submit. The City expects that the applicant and their references will give accurate and true information during the hiring process and employment. If the City finds that any information is misleading, false, or was left out on purpose, the City may reject an applicant from further consideration. If the person has already been hired, it could result in termination of employment.

### **4.03 Hiring Procedures**

All vacancies in regular positions may be filled by one of the following methods, at the discretion of the Mayor:

- Hiring a new employee;
- Rehiring a former employee;
- Transfer;
- Voluntary demotion;
- Acting appointment;
- Appointment to a traineeship;
- Promotion;
- City of Roy Civil Services Rules and Procedures (when applicable).

Position announcements are published by the City Clerk – Treasurer, in conjunction with the Mayor, to recruit an applicant pool for a position opening. The position announcement may be posted internally and/or externally. Individuals considered eligible for internal postings include all current employees as well as former employees (whether regular, limited duration, or supplemental) who left employment in good standing (see [Section 13.10 Resignation](#)) less than two years previously.

A position announcement shall comply with the Equal Pay and Opportunities Act (EPOA) Chapter 49.58 RCW when the City has fifteen (15) or more employees, and may include:

- Classification and/or working title;
- Pay range;
- Duties;
- General qualifications;
- Special requirements (e.g. license requirements);
- Application deadline (when applicable).

#### **4.04 Background Checks and Employment References**

The Mayor, in consultation with the City Clerk/Treasurer, determines the appropriate selection tools to test the knowledge, skills and abilities of job candidates. Selection tools include, but are not limited to, the following:

- Interviews;
- Written examinations;
- Skills tests;
- Aptitude tests;
- Work samples;
- Physical abilities testing;
- Polygraph examinations (Police and positions in other departments with the power to arrest);
- Employer reference checks;

- Personal reference checks;
- Background checks (where authorized by law).

To ensure that individuals who join the City of Roy meet our standard qualifications and have a strong potential to be productive and successful, it is the policy to check the employment references of all applicants. Criminal background checks and driving history disclosures are done in conjunction with pre-employment screening. The City may use other lawful types of background investigations and/or pre-employment examinations testing qualifications and ability of applicants. Subsequent checks may also be conducted to help maintain a secure workplace environment.

The City complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal opportunity laws and all other applicable legal authority that affects the performing of pre-employment background checks. In furtherance of these considerations, the following procedures will be followed:

1. Candidates who provide false or misleading information in their application and/or authorization may be eliminated from any further consideration or may be terminated at any time if the misrepresentation is discovered after employment commences. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.
2. A background check will not encompass consideration of a candidate's credit history unless permitted by law, or unless such information is substantially job related and the City's reasons for consideration of credit information are disclosed to the candidate.
3. All candidates are individually reviewed and decisions made with respect to employment based upon the totality of the candidate's qualifications and the results of the pre-employment background checks.
4. A candidate will not be rejected based on a criminal record unless exclusion is job-related and consistent with business necessity. This determination will be based on the following factors:
  - a. the nature and gravity of the offense(s) committed;
  - b. the amount of time that has passed since the offense was committed; and
  - c. the nature of the job for which the candidate is being considered;

5. Where appropriate, if the City determines that a candidate's criminal record should preclude employment in the position sought, the candidate will be notified and afforded an opportunity to demonstrate why the criminal record should not preclude employment.

6. Before taking any adverse action, appropriate notices will be sent to the candidate pursuant to federal and any state FCRA laws.

7. The results of a pre-employment background check will be kept confidential, and information will be shared only with City personnel who have a legitimate need to know.

Police Department employee reference checks and hiring procedures are handled in accordance with the Roy Police Department Policy Manual.

Employment references for current or former City of Roy employees will be limited to verification of employment and salary unless the employee has completed a written waiver and release for additional specified information. Beyond this, the City will respond in writing only to those reference check inquiries that are submitted in writing on former employees. Responses to such inquiries will be limited to factual information that can be substantiated by our records. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

#### **4.05 Medical Examinations**

The City may require that some applicants have a medical examination. The exam is to determine if the employee is able to perform their job duties. If a medical examination is required, the City will choose the health care professional and pay for the examination and any job offer would be contingent upon successful completion of the medical exam.

Please note that all medical information is kept separate from the employee's other personnel information to protect their privacy. Only authorized personnel who have a legitimate business need to know may review the medical information.

#### **4.06 Residency**

Residency within the City of Roy shall not be a condition of initial appointment or of continued employment; provided, however, that an employee's selection of residences shall not interfere with the daily performance of his/her duties and responsibilities (e.g., standby or emergency response requirements). Public safety positions require the individual to live within 30 minutes of the City, and four months are allowed to comply.

**Commented [CAA1]:** I would suggest removing this requirement.



#### **4.07 Employment of Relatives (see also Policy 3.08 Personal Relationships)**

In order to promote fair employment practices and to avoid the appearance of unfairness, improper influence, or conflicts of interest, the City prohibits the hiring of family members of current City officials or employees as well as those who share living quarters with current City officials or employees, when:

1. One of the parties would have authority or practical power to supervise, appoint, remove, or discipline the other.
2. One of the parties is in the "chain of command" other, including oversight over job responsibilities, salary, hours, career progress, discipline, benefits or other terms and conditions of employment.
3. One party would handle confidential material that creates improper or inappropriate access to that material by the other.
4. One party would be responsible for auditing the work of the other; or
5. Circumstances exist that might lead to potential conflict between the parties or conflict between the interest of one or both parties and the best interests of the City of Roy.

For the same reasons, the City prohibits hiring family members of current City officials or employees or individuals sharing living quarters with current City officials or employees when those individuals are employees of government entities regulating City activities if doing so would create an actual or apparent conflict of interest.

If two employees marry, become related, or begin sharing living quarters with one another, and in the City's judgment, the potential restrictions noted above exist or could reasonably exist, the City may dismiss one of the employees. A decision to dismiss an employee shall be made by the Mayor when action is recommended by a department director. Before recommending dismissal, the Mayor shall discuss the situation with the employees.

For purposes of this policy, a "family member" is defined as a spouse, domestic partner, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law, "step" or "half" relation, or equivalent member of the employee's household. A "domestic partner" is an unmarried adult, unrelated by blood, with whom an unmarried officer, employee or official has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

An employee serving in an acting appointment is entitled to return to his or her prior position when the acting appointment expires. An employee serving an acting

appointment shall be paid at a rate consistent with the position's level of responsibility but shall not be less than the minimum rate for the position being filled.

#### **4.08 Protected Health information**

The Health Insurance Portability and Accountability Act (HIPAA) does not apply to health information the City receives, such as because the City is an employer or because of Worker's Compensation. Other rules and regulations address the privacy of health information in other contexts, such as under the Family Medical Leave Act, the Americans with Disabilities Act, or the Industrial Insurance Act. If you have questions about any of the other privacy laws or rules, please contact the City Clerk – Treasurer.

However, since the City does have health care plan(s) that are subject to HIPAA regulations, the City has determined that the City will follow the HIPAA privacy and security provisions that apply to Protected Health Information (PHI) maintained by the organization.

Protected Health Information (PHI) PHI is individually identifiable health information including demographic data that relates to:

1. the individual's past, present or future physical or mental health or condition,
2. the provision of health care to the individual, or
3. the past, present, or future payment for the provision of health care to the individual

Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).

The City Clerk-Treasurer is designated as the HIPAA Compliance Officer (HCO). Any questions or concerns regarding the HIPAA regulations should be referred to the HCO. All employees who have access to PHI will receive the appropriate training relating to the HIPAA regulations. Any breach of privacy or confidentiality will be subject to disciplinary action. All records governed by the HIPAA policy will be maintained for a period of six years unless a state law requires a longer period of retention. After the required retention period, the records will be destroyed according to the City's record destruction policy.

#### **4.09 Probation Period**

All newly hired employees, and former employees who have been rehired, are at will employees. The City also utilizes a six-month introductory/probation period for evaluation of the employee's ability to meet the requirements of the particular position. During this time, the employee will be evaluated by their supervisor on their job performance, personal traits, and general fitness for the job. The introductory period is designed to give

the employee time to learn the job and to give the City time to evaluate whether the match between the employee and the job is appropriate.

Satisfactory completion of the introductory period does not create an employment contract or guarantee employment with the City for any specified duration, nor does completion of the introductory period guarantee the employee "permanent" employment. Any employee who successfully completes their respective introductory period shall remain an "at-will" employee.

#### **4.10 Rehiring**

Employees who left our employment in good standing will be considered for open positions along with other applicants. Employees who left without giving proper notice or who were discharged for cause will not be eligible for rehire.

A former regular employee who resigned in good standing within the last two years may, at the City's discretion, be reappointed to a vacant position in the same classification or to a vacancy in a comparable or lesser classification without participating in a competitive recruitment process. Department directors have authority to approve rehire appointments. A rehired employee serves the same probation expected of a newly hired employee. Vacation and sick leave upon rehire shall be set at the discretion of the Mayor.

## **Section 5. Hours, Attendance, and Expectations**

### **5.01 Employee Categories**

It is important that the employee understands the definitions of the employment categories at the City of Roy and know their classification.

Depending on the employee's job, the employee is either NONEXEMPT or EXEMPT from federal and state wage and hour laws. If the employee is a NONEXEMPT employee, they are entitled to overtime pay under the specific provisions of federal and state laws. If the employee is an EXEMPT employee, they are excluded from specific provisions of federal and state wage and hour laws. Either EXEMPT or NONEXEMPT classification may be changed only with written notification by the Mayor.

In addition to being a nonexempt or exempt employee, they may also belong to one of the following employment categories:

REGULAR FULL-TIME employees are employees who are not in a temporary or introductory status AND who are regularly scheduled to work the full-time schedule. In most cases, regular full-time employees are eligible for all benefit programs, subject to the terms, conditions, and limitations of each benefit program.

A REGULAR PART-TIME is an employee if they are not in a temporary or introductory status AND they are regularly scheduled to work less than 40 but at least 20 hours per week. Regular part-time employees receive all legally mandated benefits, such as Social Security and workers' compensation insurance. Regular part-time employees are eligible for pro-rated health benefits and pro-rated leaves.

An employee is a TEMPORARY employee if they hold a job of limited duration due to a special project, abnormal workloads, or emergencies. Temporary employees are not eligible for City of Roy benefits, except for Washington state statutory sick leave.

### **5.02 Hours of Work**

The City's business hours are Monday through Thursday from 8:00 a.m. to 4:30 p.m. A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek, from Sunday through Saturday. Different work schedules and defined workweeks may be established by the City to meet job assignments and to accomplish the necessary business of the City and comply with Commute Trip Reduction. Each employee's supervisor will advise the employee of their specific working hours.

The City maintains work hours for their employees in accordance with federal and state regulations, production needs, and the maintenance of an efficient and effective schedule of work. The Fair Labor Standards Act requires employers to maintain an accurate record

of hours worked and to pay one and one-half times the regular hourly rate of pay to every nonexempt employee who works overtime.

As set out in Section 6.04, overtime will be defined as all hours worked over forty in a workweek. The Fair Labor Standards Act permits exemption of certain professional, administrative, and executive positions, and certain sales positions, as defined in the statutes, from compliance with the act. The official workweek for all employees begins at 12:01 a.m. on Sunday and ends at 12:00 midnight the following Saturday.

Exempt employees, when directed by the Mayor or designee, are expected to appear for and participate in City Council Meetings which are typically scheduled in the evenings. If a Nonexempt employee is asked by the Mayor or supervisor to appear for and participate in City Council Meetings they shall record the time on their time sheet and the employer shall not reduce an employee's regular schedule for the purpose of avoiding the payment of overtime.

Each employee's supervisor will set the scheduled work hours and approve all modifications thereof. Reported hours shall include holiday, personal holiday, sick, vacation, bereavement, jury duty.

### **5.03 Attendance**

Punctual and consistent attendance is a condition of employment and critical to the efficient operation of the City. Each employee is responsible for maintaining an accurate record of their attendance.

All employees are expected to report to work as scheduled, give their best efforts, and perform productive work for the City during their scheduled work shifts. Physical attendance at the City on a regular and consistent basis is considered an essential function of the job for all City employees. The flow of City business and services to the public, including our public safety responsibilities, depend on reliable employees to attend to their assigned duties on a regular basis. This means that each employee is responsible for being present every scheduled workday at the correct time, fully able and ready to work.

Absences from work, late arrivals and early departures must be approved by a supervisor (or a designee) for all hourly (non-exempt) employees. Employees are required to report any such changes to their supervisor as soon as possible and no later than 30 minutes before the start of their shift, or when the change is to occur. In situations where an employee is unable to report the need for time off in advance, the employee must notify their supervisor as early as possible if they are unable to report to work at a scheduled or expected time. Only approved reported absences will be excused.

Tardiness for work includes any failure to report to or be ready for work at the employee's designated starting time for non-exempt employees. Absences during the work day, or handling personal business during working hours, or neglecting work duties during working hours will all be treated similarly. Excessive or chronic unauthorized absences or tardiness (as determined in the City's discretion) will result in appropriate disciplinary action, up to and including termination of employment.

#### **5.04 Timekeeping**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. Nonexempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Beginning and ending times are rounded to the nearest quarter hour. Employees are also responsible for signing their time records to certify their accuracy. Time records should be timely reviewed and signed by the Employee's supervisor.

The City considers attempts to falsify timekeeping records a very serious matter. Therefore, any of the following actions may result in disciplinary action, up to and including termination: altering, falsifying, tampering with time records, or recording another employee's time record. If corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. The immediate supervisor or department head will review and sign exceptions to the time records before submitting for payroll processing.

#### **5.05 Job Abandonment**

An employee who is absent without proper authorization or notification may be considered to have voluntarily abandoned their job and their employment may be terminated. Employees who fail to report to work without contacting their supervisors to provide an explanation of their absence, may face discipline leading to termination unless the employee was incapacitated to the point of not being able to call in due to extenuating circumstances as deemed acceptable by their supervisor or the Mayor. An employee who is absent without notification for three consecutive days or shifts shall be considered as having abandoned the employee's job and will be terminated unless good cause is shown.

#### **5.06 Inclement Weather and Disasters**

The City will normally continue to operate even during times of inclement weather or natural disaster, unless the City notifies employees otherwise. Many City services are of

primary importance during emergency conditions. Every effort will be made to maintain City services at a normal level, or modified, as conditions warrant. At these times, employees may be asked to perform duties outside their normal job description to assist with providing priority services

Thus, in the event of any disaster conditions, the City of Roy must continue to provide vital public services, requiring certain personnel to report to work. Despite the conditions, all City of Roy employees will automatically become emergency service workers and are subject to be called to assist the City of Roy. Employees may be assigned work schedules other than their normal work assignments.

Unless notified by a supervisor, the employee is to report to work on all regularly scheduled days, regardless of weather conditions. It is expected that employees will make every reasonable effort to report to work without endangering their personal safety. If unusual weather conditions prevent an employee from reporting to work, it is the employee's responsibility to notify their supervisor as soon as possible. A non-exempt employee who is unable to get to work, or leaves work early because of unusual weather conditions may charge the time missed to: vacation time or leave without pay, subject to the Mayor's approval. Employees may be permitted to leave early to ensure their safety, however, no department shall be closed without the prior approval of the Mayor or Mayor's designee.

**City Hall Closure:** If at any time, the Mayor or Mayor's designee, closes City Hall due to inclement weather or a state of emergency, non-essential employees (identified by the Mayor at the time) will not be required to report to City Hall for the working day. The City will pay non-essential employees for the equivalent time of their regular working hours for that day, and they will not be required to use leave for the applicable period. This will not apply to interns, seasonal, or temporary employees.

Employees designated as essential by the Mayor will need to coordinate with the supervisor regarding their schedule. Essential non-exempt employees who are required to stay and work by the Employer shall be credited the equivalent time of the closure into their vacation leave banks. The foregoing shall not apply to situations in which City Hall is closed to the public but remains open for employees to work. This section will not apply to employees that were previously scheduled to use leave (i.e. vacation, personal holiday, sick or other leave categories) or would have otherwise been unable to report to work due illness, travel plans, childcare needs, etc. during the closure.

The Mayor will determine which employees and/or duties are essential. The determination of essential personnel and duties may vary depending upon the nature of the emergency and/or the business needs of the City at the time of the emergency. In some cases, essential duties of hourly employees may be temporarily performed by FLSA exempt

employees when it is more efficient, in the determination of the management of the City, to do so.

### **5.07 Pandemic or Public Health Emergency Response and Recovery**

The purpose of this policy is to provide guidance and establish procedures in the event a pandemic illness or public health emergency is expected to, or currently is taking place, which may affect the operations of the City and/or pose a risk to the health or safety of staff and the community at large. This policy applies to all departments and employees. Departments should also have specific operating procedures that would apply in such situations.

#### **A. Declaration of Pandemic and/or Public Health Emergency.**

Public health professionals at organizations such as the Centers for Disease Control and Prevention (CDC), Washington State Public Health Department, Washington State Governor, and/or Pierce County Public Health Department may declare that a pandemic, outbreak, or public health emergency exists. Such declarations may contain instructions or recommendations to both private and public sector entities. The City will follow all mandatory instructions and will implement recommendations to the extent it determines these to be applicable and/or feasible or practicable under the particular circumstances.

#### **B. Proclamation of Emergency/Disaster Due to Pandemic.**

Upon the City's proclamation of emergency/disaster due to pandemic, the following shall apply:

- 1) Employees who have a communicable illness or are experiencing flu-like symptoms (as then-defined by the applicable health authorities), are prohibited from coming to work and are encouraged to consult their physician.
- 2) Employees reporting to work who exhibit symptoms of a communicable illness will be sent home and encouraged to consult their physician. Unless otherwise prohibited by law, the employee shall be required to utilize accrued leave, if any, pursuant to adopted Personnel Policies if they are sent home due to symptoms of an illness.
- 3) If the illness of an employee or member of an employee's household interferes with reporting to work in a timely manner, the employee is responsible for notifying their supervisor pursuant to the provisions of the Personnel Policies. Employees must not return to work until they have been free of illness symptoms (fever, chills, sore throat, etc.) for at least 24 hours (or any longer applicable incubation period determined by the appropriate health authority) or are deemed no longer infectious by a medical professional.



4) Except as otherwise prohibited by law, employees are required to first utilize their accrued sick leave and then any other accrued paid time off (vacation leave or personal holidays) while recovering from, or caring for a spouse or dependent recovering from, illness.

5) If the school or place of care of an employee's child is closed due to pandemic, the employee may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave), to care for the child.

6) When quarantine of an employee is ordered by State or County Health Officials due to a pandemic illness, employees may use accrued sick leave (or other accrued paid time off, to the extent the employee does not have sufficient sick leave) for the period of quarantine.

7) At the discretion of the Mayor (or designee), the City may alter its business practices, hours of business, and services provided. Examples of potential measures that could be taken include but are not limited to:

a) Implementing temporary emergency procedures to minimize in-person contact between employees. Such measures may include greater use of e-mail, phone, and teleconferences as opposed to in-person meetings and contact.

b) Reduced Reception and Front Counter Service: The City may alter how it conducts business with the public by limiting or halting services at counters/areas of the City Hall and other facilities where front-line services are typically provided.

c) Partial Work from Home Schedules: Some staff may be permitted or assigned to perform some work from home temporarily when it is in the best interests of the City for them to do so.

## **5.08 Pregnancy/Lactation Policy**

The City will provide pregnant and nursing mothers reasonable accommodations for pregnancy and pregnancy-related health conditions, which include health conditions during pregnancy and after the birth of the baby, such as the need to express milk.

For pregnant employees, such accommodations may include the following:

- Providing frequent, longer or flexible restroom breaks;
- Modifying any no food or drink policy;
- Providing seating or allowing the employee to sit more frequently; and

- Restrictions on lifting more than 17 pounds.

A pregnant employee, upon a medical certification from the employee's health care provider, confirming the need for the same, may also be eligible for the following additional accommodation, provided that it does not represent a significant difficulty or expense to the City, which shall be determined by the City on a case-by-case basis, based upon the particular operational circumstances and position involved:

- Job restructuring, including modifying a work schedule, job reassignment, changing a work station or providing equipment;
- Providing a temporary transfer to a less strenuous or hazardous position;
- Scheduling flexibility for prenatal visits and
- Providing any further accommodations the employee may need.

The City will provide nursing mother with reasonable break time to express milk. These break times should, when possible, be taken concurrently with any other break time already provided. Employees should discuss the length and frequency of these breaks with their supervisor. The employee will also be provided a space to express breast milk, other than a restroom, that is shielded from view and free from intrusion from co-workers and the public, provided such a location exists at the place of business or worksite. If possible, the private space will include an electrical outlet for the use of an electric breast pump. If possible, Supervisors will ensure that employees are aware of these workplace accommodations prior to maternity leave. If the City does not have such a location, the City will work with the employee to identify a convenient location.

#### **5.09 Employee Performance Review**

The City understands and values the contribution of all its employees. The performance appraisal process seeks to ensure that each employee has the support necessary to maximize their potential and contribution to the effectiveness of the City.

To meet this goal, the City utilizes ongoing meetings with employees and their supervisor(s) on a consistent basis (weekly, bi-weekly, monthly, as determined appropriate), and tracks and documents goals, performance, and achievements throughout the year.

A key component of the performance appraisal process is ongoing communication, coaching and one on one meetings between supervisors and employees. Generally, during coaching sessions or one-on-one meetings, specific performance issues or concerns will be addressed with the employee as they occur, and the supervisor will provide additional support and/or resources to help the employee. These coaching

sessions and one-on-one meetings may be reflected in the employee's annual review and/or discussed in regularly scheduled check-in meetings.

The goals form and performance review form, along with any employee comments and response materials, will be included in each employee's respective personnel file. The City shall guard the confidentiality of employees' performance appraisal to the extent permitted by law.

Professional development goals will be established for each employee on an annual basis and will be discussed with you by your supervisor. The supervisor will complete the final copy that will be presented at your annual evaluation meeting. The annual performance appraisal provides an annual summary of your regular check-in discussions on professional development, goal attainment and overall performance for the year.

At the end of the evaluation, there should be:

- A solid understanding of the past year's performance, including any differences in performance factor rating and overall rating.
- Direction for the upcoming period.
- Understanding of the new compensation level.
- Beginning of the development of next year's goals.
- Signed annual performance review by the employee and supervisor.

#### **5.10 Job Descriptions**

The City uses job descriptions to identify the requirements of a job, set up the hiring criteria, set standards for employee performance evaluations, and establish a basis for making reasonable accommodations for individuals with disabilities.

The department head will prepare a draft job description when a new job is proposed. Proposals will be presented by the Mayor to the City Council for approval.

All job description shall includes the following sections:

- Job information
- Job summary (gives a general overview of the job's purpose)
- Essential duties and responsibilities
- Supervisory responsibilities

- Qualifications (includes education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required)
- Physical demands; and
- Work environment.

The City reviews existing job descriptions and update them when a job changes. The employee's job description does not necessarily cover every task or duty that they might be assigned. The employee may be assigned additional responsibilities as necessary. If there are any questions or concerns about the job description, contact an immediate supervisor.

### **5.11 Training and Development**

The policy is to ensure that employees are knowledgeable about their job and its requirements. Supervisors should ensure that training is available to all employees periodically in various fashions, such as on-the-job training, training meetings, external seminars and/or workshops as well as personal consultation. Supervisors should also check the online webcasts that are available for a variety of skills training.

Supervisors will determine what training employees are required to have and what training courses they should attend, subject to oversight by the Mayor of the training plan. In the event that an employee has identified some training available to him/her, the employee should contact his/her supervisor to discuss the feasibility of City participation in the expense of the training.

Supervisors are authorized to send employees to special training programs if the cost is within the budget and the supervisor's established spending authority. Otherwise, the supervisor must receive authorization from the Mayor to incur the cost of employee training.

Supervisors should document any special training an employee receives and should ensure that this documentation is placed in the employee's personnel file. Normally, training occurs on the job and the City absorb all expenses associated with the training. If an hourly employee is required to attend a training session, the employee will be compensated for the time involved in the training. An employee who incurs any expenses associated with training must complete an expense report attaching the appropriate receipts and submit it to his/her immediate supervisor for authorization. The supervisor will forward it through proper channels to secure reimbursement for vehicle mileage, meals, etc., in compliance with our standard policies.

When an employee requires training to meet minimum certifications (other than ongoing continuing education requirements) for a position, the City will pay for such training with

the commitment from the employee to remain in the position for two years, or for a longer period if stipulated in writing in an offer of employment. In this circumstance, if the employee resigns within the two years or stated period, the employee will reimburse the City of Roy the cost of the training, pro-rated for the portion of the time remaining.

#### **5.11 Promotions**

A promotion is an appointment to a position which has a higher maximum salary rate than the employee's present position. When an employee is promoted, the Mayor or designee has the discretion to determine the entry point of the new range based on the qualifications of the employee. When, at the time of the promotion, the employee is within one (1) month of an anticipated step date in their present position, the employee's pay is assumed to be at the higher step before the promotional pay rate is established. The next step increase date, if any, will be reset based upon the employee's promotion date.

#### **5.12 Demotions**

A demotion is a voluntary or involuntary appointment to a position which has a lower maximum salary rate than the employee's present position. When a demotion occurs, the department manager will recommend to the Mayor a salary for the demoted employee within the salary range of the lower classification which is less than or equal to the employee's present salary. The next step increase date, if any, will be reset based upon the employee's demotion date.

#### **5.13 Acting / Interim Appointments**

The Mayor (or designee) has the authority to temporarily appoint an employee to fill a vacancy during an absence pending appointment of a replacement. An acting appointment ends when the position is filled by the regular occupant's return, the hiring of a replacement, or whenever the Mayor (or designee) deems it appropriate to end the acting appointment. Acting appointments normally shall not exceed six months, provided the duration of an acting appointment may be extended at the discretion of the Mayor (or designee).

#### **5.14 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, or designee, or applicable Department Director in their discretion during an investigation or other administrative proceeding or as otherwise determined appropriate. The fact that an employee has been placed on administrative leave shall not be considered a disciplinary action. Employees placed on paid administrative leave will be paid in accordance with their normal work schedule.

### **5.15 Leaving the City**

If you decide to leave the City, please advise your supervisor or the Mayor in writing at least two weeks prior to your date of departure so that an orderly transition can be made. This process includes turning in City property, including any City-issued electronic equipment and records, completing required forms, and having an exit interview. The exit interview with the City Clerk/Treasurer is to document the reasons you are leaving and solicit constructive feedback to improve the City. If you fail to provide the written two weeks' notice defined in this section, you shall automatically forfeit your right to payment for any accrued sick leave or vacation leave, as provided in the Benefit Section of this handbook.

### **5.16 Meal Reimbursement Policy**

Food and meal reimbursement will only be available when an employee is scheduled to be away on City business overnight or for business meetings where City business occurs while the meal expense is incurred. Meals for overnight travel will be reimbursed at a daily per diem for each meal and submitted on the Claim for Expenses form. No alcohol is to be purchased. Meals should not be purchased with a City credit card. All tips for service must not exceed 20% and stay within the maximum amount for each meal period.

Meal reimbursement(s) will not be paid for meals that are included in the registration fee, whether or not the employee partakes of the meal. Continental breakfasts are not considered a meal if a registration includes a continental breakfast.

Meal costs must be incurred directly by the employee/claimant. Direct billing to the City by a restaurant must be pre-authorized by the Finance Director or designee and pre-arranged with the restaurant.

Reimbursement for meals will generally be at a daily per diem. Per diem expenses for meals shall be paid at the U.S. General Services Administration (GSA) rates set by fiscal year, effective October 1 each year. GSA rates are available online, adjusted annually, and searched by city, state or ZIP code

The Mayor must approve payment of any food or meal expense, including payment of per diem meal expenses. Receipts are required for all meal expenses. Per diem allowances include food, taxes and gratuities. All meal reimbursements must include a specific description of the meeting or business purpose of the expense. For City Council members, meal reimbursements must be authorized by the Council.

Light refreshments for City meetings or meetings with City volunteers or advisory committees may be permitted if pre-approved by the Mayor or responsible Department Director where delegated, and such an expense furthers the City's interests. The actual receipt is required to provide support of these expenses.

### **5.17 Issuance, Use, and Return of City Property**

All property (including but not limited to computer, laptop, cellphone, tablet, keys/keycard, and any records/documents) issued to an employee by the City will be recorded on the employee's individual property receipt form. This form will be maintained by the employee's supervisor or designee. All property issued to an employee shall remain the property of the City at all times and shall be used by the employee for business purposes only. The City may require any equipment initially issued to the employee to be returned to allow a more proper distribution of resources or as otherwise determined appropriate by the City. The issuance of City equipment shall not be construed as a job benefit, entitlement, or right, but will be left to the sole discretion of the respective Department Directors, their management staff, and the Mayor and City Council.

If the employee is issued City equipment, all City policies regarding proper use of this equipment apply, even if the employee is permitted by a Supervisor to take equipment home from time to time.

Upon an employee's departure from employment, all City employees shall return all tangible City proprietary information and City equipment in their possession or control on or before their last day of employment. This includes information relating to pending or completed City projects, improvements, possible acquisitions or purchases, including the purchase of services or equipment, real estate or other information. All City equipment and property, issued by the City or paid for by the City, must also be returned, to include any identification information that would associate the prior employee with City service.

Similarly, the City may require any employee on leave to return all tangible City proprietary information and City equipment in their possession or control.

### **5.18 Computer Policy, Including Internet Usage and Email**

Internet access is provided to individuals based upon business needs to benefit the City through connection to worldwide information resources. Employees have a responsibility to maintain and enhance City of Roy's public image while accessing the Internet by following these guidelines:

Employees using Internet access via our hardware and software are representing the City. As such, their conduct must be ethical and lawful at all times. Channels may be accessed for official City business to gain technical or analytical information and to establish business contacts.

Internet access shall not be used for personal gain or advancement of personal views, for solicitation of non-City business, or result in the disruption of our City network operation or interfere with personal productivity at work.

Employees are responsible for the content of all text, audio, or images they place or send over the Internet. Fraudulent, harassing, or obscene messages are prohibited. All messages on the Internet should be identified with the employee's name. Employees may not obscure the origin of messages and the information published must not violate or infringe upon the rights of others. Abusive, profane or offensive language transmitted through the system is strictly prohibited.

Employees may not download software without the express acknowledgement and support of the city Clerk-Treasurer to ensure that proper licenses are obtained and viruses are not transmitted.

Employees may not send or upload any copyrighted materials, trade secrets, proprietary information, or similar materials to third parties. Employees may not violate the copyright laws in regard to receipt/download of materials available on the Internet by copying and disseminating information, except for purposes falling under the category of "fair use."

All messages created, sent, or retrieved over the Internet are the property of City of Roy and should be considered public information. The City reserve the right to access, monitor, copy, modify, destroy or delete all messages and files on the computer system at any time. All communications can be disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver.

Harassment of any kind is strictly prohibited. Messages with derogatory or inflammatory remarks regarding race, religion, national origin, sexual orientation, or other protected attributes may not be transmitted.

Personal use of City technology resources on the employee's personal time may be permitted by the employee's supervisor if it is occasional, brief, free, does not interfere with City functions, and does not promote commercial ventures or political purposes. Gambling, gaming or other recreational uses are prohibited.

Violations of Internet policies may result in disciplinary action up to and including termination and illegal activities may result in prosecution by legal authorities.

#### **5.19 Use of City Issued Cell Phones**

This Policy applies to City-issued cell phones and is applicable to all employees, contract service providers or elected or appointed officials who have been granted permission to use a City-issued cell phone. Cell phones will only be temporarily loaned or issued to a City employee or elected official if it is beneficial to the City and shall not be construed as an entitlement, benefit or right of the employee.

A. City issued cell phones shall not be used for personal purposes. They are issued for business purposes only. An individual making or receiving personal calls in



contravention of this policy is responsible for a full reimbursement regarding any personal calls or other expense charged to the City. If personal phone calls cost the City additional amounts due to call overages for the billing cycle, the employee is also responsible for reimbursing the City promptly for these expenses.

B. Employee responsibilities for use of City-owned cell phones include:

1. Protecting the City-owned cell phone from theft, loss or damage.
2. Immediately reporting loss or theft to supervisor or Department Director.
3. As cell phone calls are not secure, using discretion while making sensitive or confidential calls.
4. Immediately returning the cell phone to supervisor or Department Director if it is determined that the phone is no longer necessary, or upon leaving City employment.

C. The City reserves the right to monitor the use of all City-owned cell phones. Cell phone use in violation of any local, state, or federal law is prohibited. Cell phone use in violation of department work policies or for the purpose of personal financial gain is prohibited.

D. Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving, except with the use of a hands-free device and in accordance with applicable laws. Every effort should be made to pull to the side of the road to a safe location prior to answering or initiating cell phone calls. This rule also applies to use of privately-owned cell phones during business hours. In situations where job responsibilities include regular driving and accepting of business calls, the City provide hands-free equipment.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions herein.

Employees who are charged with traffic violations resulting from the use of their cell phone while driving will be solely responsible for all liabilities that result from such actions.

E. The City does not permit the use of a personal cell phone for City business absent advance approval by the City and an executed written agreement between the City and employee governing the use of a personal cell phone for City business. As described herein, the written agreement shall notify the employee that the phone and its contents are subject to the Public Records Act, Chapter 42.56 RCW, and subject to inspection by

the City at any time. If an employee uses their personal cell phone for approved City related business pursuant to an executed written agreement, they may request reimbursement on the employee's expense reimbursement request form or apply to receive a monthly stipend for such use. Reimbursement requests are subject to supervisor approval, stipend requests are subject to the approval of the Mayor.

1. The personal cellular phone would replace the need to carry a City-owned cellular phone.

a. An employee must agree in writing (City's Stipend Agreement) to have their personal cellular telephone accessible and available at all times during City business hours or other times that an employee may be required to be available for City business.

b. The request to utilize a privately-owned personal cell phone or data package for City purposes must be approved by the Mayor, or if the requestor is the Mayor, the City Council.

F. The use of cell phones, whether owned by the employee or the City creates a record of the number dialed or the number of the caller or both. When the cell phone is used for City business, that record is a public record, subject to possible disclosure under the Public Records Act. Similarly, any message relating to City business that is left on a cell phone whether owned by the employee or the City, is, in nearly every case a public record, subject to possible disclosure under the Public Records Act.

G. The City will not provide technical support for personal cellular phones, except for limited support for data communication with the City's network for those authorized to have the ability to do so.

H. Use of the cellular phone in any manner contrary to local, state or federal laws will constitute misuse and will result in immediate termination of the cellular stipend.

I. If another means of communication is available that is more cost effective, such as land lines or two-way radios, then these forms of communication

## **5.20 General Policy Regarding Use of the City's Resources**

### **A. Overview of Policy**

This Policy sets forth, among other things, the guidelines and restrictions for the use of electronic data, resources, and equipment by City employees and volunteers, including the use of voicemail, telephones, cell/smart phones, computers, portable electronic devices, e-mail, the Internet, Intranet, computer systems, facsimile machines, and photocopy machines (hereinafter referred to as "electronic resources"). Electronic

resources include those owned or leased by the City, that are used or accessed on the City's premises, or that are used for the City's business. Access to these resources is provided to employees solely for the benefit of the City and to further the City's business. Because access to the Internet is not essential for each City employee, Internet access will be provided to employees only upon approval from their respective Department Director.

Access to the City's electronic resources is reserved for employees who are actively providing services to the City. Thus, employee access to these systems may terminate immediately upon a change in status, such as termination, administrative leave, lay off or any extended employee absence from work, such as extended medical leave.

This Policy also provides guidelines and restrictions for any other resources of the City (hereinafter referred to as "physical resources"). Physical resources include, but are not limited to, desks, file cabinets, storage areas, bulletin boards, vehicles, and other storage areas. Access to these resources is provided to employees solely for the benefit of the City and to further the City's business.

This Policy also covers any other City resources not specifically set forth above.

All employees are required to use the City's electronic, physical, and other resources in a legal, appropriate, and professional manner. Employees may only use the City's electronic, physical, and other resources for the City's business purposes. The only exception to this rule is that incidental and occasional personal use of the City's electronic mail, Internet access, and telephones (landlines) is permitted if it is conducted on the employee's own time, does not conflict with the performance of the employee's regular duties, job performance, and other City policies, does not result in expense to the City, and is used in a safe, legal, and appropriate manner. Furthermore, all employees' use of the City's resources must be appropriate and consistent with the City's professional environment.

Employees are responsible for ensuring that their respective use of the City's electronic, physical, and other resources is professional, ethical, appropriate, and legal. Employees are expressly prohibited from using the City's electronic, physical, and other resources in any manner that interferes with the City's ability to conduct its business or the employee's ability to perform their employment duties.

All employees must acknowledge and agree that they will use the City's electronic, physical, and other resources in compliance with this Policy as it currently exists or as it may be modified by the City in its sole discretion. Any employee who violates this Policy will be subject to appropriate discipline, up to and including termination.

**B. Inappropriate Behavior and Use of the City's Resources is Prohibited**

All electronic, physical, and other resources, including the information stored thereon or therein, belong to the City. All electronic, physical, and other resources may only be used for appropriate purposes as set forth in this Policy. Employees are prohibited from using the City's electronic, physical, or other resources for personal gain or in any inappropriate, illegal or unsafe manner.

The City prohibits employees from using its electronic, physical, or other resources to send, save, view, or access in any manner offensive and/or inappropriate material. Employees are prohibited from using the City's resources in any manner that violates the City's Anti-Harassment and Anti-Discrimination Policy. Along these lines, employees are also prohibited from accessing or exposing, in any manner, the City's workplace, other employees, business contacts, members of the public and/or any related person or entity to offensive or inappropriate material, language and the like. Offensive materials include, but are not limited to, sexual comments, jokes, or images, racial slurs, comments, jokes, or images that may offend someone on the basis of race, color, creed, sex, gender, pregnancy, age, national origin or ancestry, physical or mental disability, marital status, sexual orientation (including gender expression and gender identity), genetic information, and any other category protected by federal, state, or local law or other authority.

In addition to the foregoing, the City prohibits (in regard to the use of its resources):

1. Employees, other than designated computer personnel, from installing software or other programs or executable files on City computers or computer related equipment, or downloading any of the foregoing from the Internet. Some executable files contain viruses that may disable City equipment or damage stored information. Further, software cannot be copied or downloaded without properly purchasing the user rights to these programs. All changes, additions or deletions of computer programs must be authorized by the respective Department Director, and carried out by appropriate personnel.
2. Employees from opening spam.
3. Employees from visiting pornographic or other offensive websites. Employees are also prohibited from visiting Internet dating services, gaming websites, and websites that charge fees (unless the website that charges a fee is used for legitimate City business and is approved in advance by the employee's respective Department Director or the Mayor or Mayor's designee).
4. Employees from releasing confidential City information.
5. Employees from joining "chat-rooms," non-work related web discussion groups, or participating in online surveys or contests.

6. Employees are only to use a Councilmember's city-assigned email address when conducting City business between their department and the Council via email.

7. Any conduct that may affect the integrity of the City's resources.

All employees are expected to conduct themselves in a professional and appropriate manner at all times. Any employee who becomes aware or believes that another employee is violating this Policy must immediately report the same in as much detail as possible to their immediate supervisor or the Human Resources Office as soon as possible. The City will not retaliate against any employee who makes such a report in good faith. If the City determines that a violation of this Policy has occurred, it will take appropriate disciplinary action, up to and including termination of employment.

#### C. Employees Have No Expectation of Privacy

The City reserves the right to access all physical, electronic, and other resources and the information stored therein or thereon at any time. ALL OF THE CITY'S ELECTRONIC, PHYSICAL, AND OTHER RESOURCES ARE SUBJECT TO ACCESS, INSPECTION, SEARCH, AND MONITORING BY THE CITY AT ANY TIME WITHOUT NOTICE. THIS INCLUDES THE RIGHT TO MONITOR CITY CELLULAR TELEPHONES (THROUGH GLOBAL POSITIONING SATELLITE TECHNOLOGY AND/OR OTHER MEANS), TEXT MESSAGES, AND THE LIKE.

THE CITY RESERVES THE RIGHT TO CONDUCT COMPLETE WORKPLACE INVESTIGATIONS, INCLUDING THE ACCESS, SEARCH, AND INSPECTION OF ALL FILES, MESSAGES, COMMUNICATIONS, OR OTHER INFORMATION OR DATA CREATED, STORED, COPIED, SENT, RETRIEVED, RECEIVED, OR OTHERWISE MAINTAINED ON OR IN ITS ELECTRONIC, PHYSICAL, OR OTHER RESOURCES OR ANY OTHER LOCATION WITHIN THE WORKPLACE AT ANY TIME WITHOUT NOTICE AS IT DEEMS APPROPRIATE IN ITS SOLE DISCRETION.

THE FOREGOING WORKPLACE INSPECTIONS MAY BE CONDUCTED DURING OR OUTSIDE BUSINESS HOURS AND IN THE PRESENCE OR ABSENCE OF THE EMPLOYEE.

Employees are also hereby put on notice that their use of the City's electronic and physical resources may be subject to a request for records under the Public Disclosure Act or other applicable law.

All employee passwords or codes for electronic resources, or for any other City equipment or resources, must be made known to the employee's immediate supervisor and Mayor and may be utilized by the City in the employee's presence or absence. While employee passwords may be used for City security purposes, the use of such passwords is not

intended to keep messages, communications, or other information confidential on behalf of the employee.

The City may also override any employee password or code to access, inspect, monitor, or search any electronic, physical, or other resources used by the employee. As set forth above, employees are on notice that messages and all other data or information stored on or in the City's electronic, physical, or other resources, including personal messages and data, are subject to access, inspection, monitoring, and search by the City at any time and are not to be considered confidential or private and do not create any right of privacy.

**EMPLOYEES SHOULD HAVE NO EXPECTATION OF PRIVACY IN ANYTHING THEY WRITE, CREATE, RETRIEVE, RECEIVE, STORE, COPY, SEND, OR VISIT USING THE CITY'S ELECTRONIC, PHYSICAL, OR OTHER RESOURCES.**

If an employee is given a key to lock their respective desk, workspace, or other area on the City's premises, the City will maintain a duplicate key and/or master key so that it may access any locked area at any time without notice. The City may open a locked desk, workspace, or any other area on its premises or property in order to inspect, access, monitor, investigate, or search its contents. An employee's keys **DO NOT CREATE ANY RIGHT OF PRIVACY** in the City's electronic, physical, or other resources, or in any of the information, materials, or data stored therein or thereon. No employee may change locks without express written authorization from their immediate supervisor.

In addition, no employee may use their own lock to secure any workplace area on the City's premises without express written authorization from the employee's immediate supervisor. A lock, or any other device used to secure the City's electronic, physical, or other resources does not create any right to privacy on behalf of the employee or in any of the materials, information, or data stored thereon or therein. The City expressly reserves the right to open any secured space to inspect, access, search, monitor, or investigate its contents at any time with or without notice in the employee's presence or absence.

Employees who violate this Policy will be subject to appropriate disciplinary action, up to and including termination of employment.

#### **5.21 Employee's Responsibility for City Issued Equipment**

Employees using City resources outside of City premises are responsible for maintaining appropriate security for the subject resource at all times. This includes the duty to ensure the subject resource is physically secure, an appropriate password is maintained if applicable, and all information is secure. Employees shall not leave City resources unsecured.

In addition, should City issued property become damaged, lost or stolen due to the negligence of an employee, the applicable Department Director may require that the property be replaced, less the amount of any reasonable depreciation, at the employee's expense, if such losses are not covered by the City's insurance policy. In all cases where the employee's conduct results in a loss of City property, and the employee's conduct is intentional or deliberate, or in direct violation of City policies, the City may demand payment of the full replacement cost, without taking into account depreciation. Any protest of the City's determination that the employee shall be held responsible for the City's losses must be presented to the Mayor (or Mayor's designee) within ten (10) days from the date the employee has been notified of the City's decision. Any right to protest said decision that is not timely presented is waived. The decision of the Mayor responding to the employee's protest shall be final.

Employee conduct which results in a loss to the City of equipment or property may also result in disciplinary action, up to and including termination of employment.

If the employee owes money to the City for City issued equipment which was destroyed or damaged, and the employee is notified they will be held responsible for such losses but fails to file a timely protest or such protest is rejected, the employee may specifically authorize deduction from their paycheck to reimburse the City for any losses incurred by the City. Deductions will be for the entire amount owed from the employee's final paycheck if the employee will no longer be working with the City. Deductions can be spread out over a finite period of time if the employee remains employed with the City. The City also reserves the right to institute any appropriate legal action to recover funds owed by the employee if the employee does not authorize deduction of the same from their paycheck.

## **5.22 Use of City Vehicles**

The following rules are applicable to the use of all City vehicles:

A. City vehicles and equipment shall be used for City business only. Use of a vehicle must be authorized by a Department Director or the Mayor. Employees performing duties on an on-call basis or who may be asked to respond to an emergency situation may be eligible to use a City vehicle while on call or in response to an emergency. In some departments, City vehicles may be assigned to an employee for this purpose. All such vehicles must be locked and secured when not in use and shall be used only in connection with City business.

A mileage log has been provided for each city vehicle that is subject to IRS mileage tracking requirements and mileage is to be recorded by the employee driving the vehicle as a means of record keeping ensuring that vehicles are being used in accordance with IRS rules. Mileage logs are to be turned in to the Department Director or designee at the end of each month.

Use of a City owned vehicle for commuting purposes is considered a taxable benefit. There are three methods for determining the amount to include in taxable wages: Automobile Lease Valuation Rule, Vehicle Cents-Per-Mile Rule, and Commuting Rule.

When vehicle use is a requirement of the job:

Commuting rule – Personal use for commuting is valued at \$1.50 each way. This amount is added for each commute and added to taxable wages (i.e.: employee works 10 days and commutes each day using city vehicle; \$30 [10 x (2 x 1.50)] is added to gross wages for income tax purposes). Reg. §1.61-21(f) \*Requirement means that the employer requires the employee to commute in the vehicle for a bona fide non-compensatory business reason.

When vehicle use is not a requirement of the job:

Vehicle Cents-Per-Mile Rule – Multiply the standard mileage rate by number of personal miles driven. Reg. §1.61-21(e)

Automobile Lease Valuation Rule - based on the lease value of the vehicle, this amount is multiplied by the percentage of personal miles to total miles vehicle is used. Reg. §1.61-21(d)

B. Any employee or volunteer operating a City vehicle, or using a motor vehicle for City business, must be at least 18 years of age and must have a valid and unsuspended Washington Driver's License. Employees and volunteers using the City's vehicles must provide proof of a current driver's license and appropriate insurance information, and update that information as requested or when the subject information changes.

C. City vehicles and equipment must be operated at all times in a manner consistent with standard safety guidelines and procedures, the rules of the road, traffic laws and weather and traffic conditions. Unsafe driving practices will not be tolerated and will subject the employee to appropriate disciplinary action, up to and including termination of employment. Employees are not authorized to perform repairs or maintenance duties on assigned vehicles unless an emergency necessitating said repairs occurs when the vehicle cannot be returned to the City for servicing. No one may operate any vehicle on behalf of the City which contains a defect that would or could prohibit its safe operation. Only City employees and volunteers assigned to drive for City business are permitted to drive a City vehicle.

D. No one other than an authorized City employee, volunteer, or agent may use or be placed in the City's vehicles, other than as allowed for in the Police Department by General Order or by internal policies unless permission is granted by a Department Director or Mayor. Any unauthorized passengers in a City vehicle place the City's



insurance coverage at risk and may result in appropriate discipline for the responsible employee.

E. Employees are required to report any accident, no matter how minor, by completing an accident report. All accidents must be reported to the employee's direct supervisor and City Clerk as soon as possible and no later than 24 hours after the occurrence unless the employee is physically unable to make such report. The employee shall comply with all applicable law regarding remaining at the scene of an accident, exchanging insurance information, and any other applicable law. Employees involved in an accident may be subject to drug and alcohol testing to the extent permissible by law. The City may also conduct any other investigation into the accident that it deems appropriate in its discretion.

F. No employee may use a cell phone/communications device while driving. Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their cell phone while driving – use of a cell phone/communications device while driving is not required by the City. The City's police officer employees are exempt from this requirement when performing law enforcement activities, provided that their use of the subject cell phone/communications device complies with applicable law.

Safety and compliance with the law must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are required to pull off to the side of the road and safely stop the vehicle before placing or accepting a call or use of hands-free operations (in which case, the employee shall refrain from discussion of complicated or emotional matters, keep their eyes on the road, and comply with all applicable law). Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

The City shall not be responsible for the payment of any traffic citation (moving or non-moving violation) or related ticket, citation, or liability received by an employee or volunteer unless otherwise required by law.

G. If maintaining the ability to legally operate a vehicle is an essential job requirement, an employee may be terminated if the employee is unable to maintain the required licensure and insurance.

H. Smoking is not permitted inside City vehicles. See the No Smoking Policy for additional information.

### **5.23 Motor Vehicle Operation Qualifications**

Minimum Motor vehicle record (MVR) driving requirements

This policy applies to all employees, elected and appointed officials, and volunteers when driving vehicles owned by the City and in performance of their City related business. Driving vehicles owned by the City of Roy requires that all drivers shall meet the following criteria.

- All drivers are required to follow the traffic laws of the State of Washington, or if out of state, the traffic laws of that state.
- All drivers will immediately notify their supervisor if any of the following changes in the driver's record: Suspended or revoked license, change from Acceptable status to Unacceptable
- No one whose MVR grading is "Unacceptable" shall drive a City owned vehicle.
- Failure to follow this policy may result in disciplinary action including but not limited to a restriction on driving City owned vehicles, suspension, demotion or termination.

**Driver qualifications**

- Age & experience: All City-owned vehicles shall be operated by a driver who is at least 21 years old. The driver must also have at least 3 years driving experience before being permitted to operate City vehicles.
- Past driving record: All drivers shall meet the driving record standards per attached table. Drivers will be screened at least every other year, utilizing this standard.
- Driver license: Any candidate for driver shall present a currently valid driver's license which is of adequate classification to meet state law. A photocopy of the license will be maintained in the potential driver's file. Upon expiration/renewal of the Driver's License, the driver shall be required to present the new license for copy and filing.

**Driver training**

Every driver shall complete and pass a Defensive Driving Course at least once every 3 years.

Supervisors are responsible for providing training on the safe and correct operation of unusual vehicles such as 15-passenger vans, public works vehicles (other than pick-up trucks, cars), any vehicle towing a trailer, or other unique vehicles. Drivers of emergency vehicles shall pass an Emergency Vehicle Operator Course before operating emergency vehicles in the emergency mode (Lights and siren or other warning devices activated).

**City of Roy Driver Criteria**

	<b>Number of at-fault accidents</b>
--	-------------------------------------

	(last 3 years)	
Number of violations (last 3 Years)	0	1 or more
0	Acceptable	Unacceptable
1	Acceptable	Unacceptable
2	Unacceptable	Unacceptable
Any major violation	Unacceptable	Unacceptable

**Major violations include but are not limited to any of the following (additional violations may be added to this list at the discretion of the Mayor):**

- Driving under the influence of alcohol/drugs
- Failure to stop/report an accident
- Reckless driving/speeding contest
- Driving while impaired/distracted
- Homicide, manslaughter or assault arising out of the use of a vehicle
- Making a false accident report
- Driving with a suspended/revoked license
- Driving without insurance
- Attempting to elude a law enforcement officer

**Minor violations include but are not limited to any moving violation other than a major violation including:**

- Speeding
- Failure to obey a traffic control device
- Driving with a suspended/revoked registration
- Driving an unregistered vehicle

**The below will not count against the driver as a violation:**

- Improper failure to display license plates
- Failure to sign or display registration

- A non-moving violation in which the driver has been charged with an infraction such as parking violation

#### **5.24 City Operated Website and Social Networking Sites Policy**

The City utilizes a website and social networking pages to disseminate information to the public. Social Networking sites are defined as any Internet site that is focused on creating "networks" of individuals such as but not limited to Myspace, Facebook, LinkedIn etc. The most appropriate use of city social networking sites are:

1. Time sensitive and emergency information, and
2. As a communications tool which increases the city's ability to broadcast its messages to the widest possible audience.

All social networking sites shall include information that the site is not constantly monitored, and to contact 9-1-1 to report an emergency. Because the City is unable to monitor the social networking sites at all times, there shall be no access for posting comments on City-operated sites.

All information posted on social networking sites shall be retained from the site(s) by the City's designated Public Records Officer.

Social networking site guidelines:

1. Social networking sites should contain links directing users back to the city's website for additional information, forms, documents, and other services to conduct business with the city.
2. Councilmembers, Commissioners, Mayor, authorized volunteers and other officials should not comment or otherwise communicate on the city's social networking site(s). Participating in on-line discussions may constitute a "meeting" under the Open Public Meetings Act (RCW 42.30). Use of personal electronic devices to communicate city related business may also be subject to public records disclosure.
3. Elected Officials, department heads, and supervisors should not "friend" or "like" employees on the employee's personal social networking site.
4. Whenever possible, the content posted on city social networking sites will also be available on the city's main website. Information posted on social networking sites must relate to city business.
5. **RECORDS RETENTION:** All communication generated in any format on city communication devices is subject to the Records Retention schedule as published by the State of Washington Archives Office.

## 6. RESPONSIBILITIES:

**Employee Responsibilities:** Every elected or appointed official, employee, or authorized volunteer is personally responsible for use of the internet, messaging, social networking, and other applications which use city technology resources. Individuals are responsible for adhering to this and all city policies. Users of city technology resources shall obtain permission from their supervisor before incurring charges such as downloading data or accessing a paid service.

**Management Responsibilities:** Management will enforce this policy. The primary purpose of the use of city-owned and supplied technology resources is to meet the legitimate business needs of the city.

### 5.25 Wellness Program

**Purpose:** To create an environment that supports healthy lifestyles and offers opportunities for employees to optimize their health and well-being.

**Goal:** To encourage employees to engage in regular exercise, eat a healthy diet, avoid harmful habits, engage in preventive health care, make an effort to reduce the stresses of daily life and tend to their physical, mental, personal and emotional needs and well-being.

These efforts enhance each employee's ability to serve our community. Improved health of employees can result in:

- Improved morale and productivity
- Lower injury rates and absenteeism
- Reduced stress
- Improved recruitment and retention.

**Scope:** This policy applies to all regular City of Roy employees, elected and appointed officials.

**Voluntary Participation:** Employee participation in the programs and activities of the Wellness Committee is voluntary.

**Definitions:** For purposes of this policy the following definitions apply:

- A. Wellness Team means a team of representatives from the City of Roy, organized around supporting the wellness of employees.

B. Normal working hours mean the assigned core hours customarily worked by an employee, excluding break and lunch periods.

C. Paid wellness service means any service provided by a person who conducts classes, leads activities, provides assessments, or leads other wellness-oriented services for the City of Roy employees for compensation.

D. Preventive health care means health care directed towards preventing disease or reducing the severity or consequences of disease.

E. Preventive health care strategies include immunizations, screening, counseling about lifestyle and environmental changes, making the needed changes and taking medications and procedures which reduce risk factors and have been shown to prevent or reduce the impact of health problems.

F. Physical activities/exercise means activities involving physical exertion, such as walking, climbing stairs, dancing, yoga, running and jogging.

G. Washington Wellness means the statewide employee wellness initiative responding to the Governor's Executive Directive of January 2006.

H. Wellness support group means two or more employees getting together regularly to support one another to learn and change behaviors for health and wellness.

I. Wellness activity means teaching, learning, planning, promoting or participating in regular exercise, groups, classes or special events associated with health and wellness.

J. Wellness participant means a staff member who is involved in a City of Roy sponsored wellness activity.

A. Policies:

1. This policy establishes the City of Roy Employee Wellness Program, the guidelines governing its operations, and the roles and responsibilities of the people who design and implement it.

2. The City of Roy Employee Wellness Program will endeavor to:

a. Promote and encourage health screenings, health risk assessments and wellness activities for all City of Roy employees.

b. Encourage and support program and worksite wellness teams and activities throughout the City of Roy.

- c. Align with the statewide Washington Wellness program.
- d. Emulate appropriate models and opportunities for the City of Roy wellness initiatives and activities.
- e. Include community partners and state resources in implementing wellness initiatives and activities.
- f. Freely distribute information that becomes available about statewide and internal wellness initiatives, creative programs and best practices to City of Roy employees.
- g. Provide program feedback to the Washington Wellness program upon request as time permits.
- h. Develop objective measures to assess program effectiveness.

**B. Use of City Resources for Employee Wellness**

- 1. Employees may use their work computers during normal working hours in support of employee wellness initiatives. However, these uses should be brief, comply with City of Roy Internet use policies and not interfere with employee's official duties. Official duties must always come first. All City and state policies, laws and regulations apply to such computer use.
- 2. Approved computer uses for employee wellness include:
  - a. Visiting the Washington Wellness websites.
  - b. Completing a personal Health Resource Assessment (HRA) through the employee's health plan.
  - c. Carrying out other City of Roy employee wellness activities in support of City of Roy programs or local health and wellness committees.
  - d. Carrying out other Washington Wellness activities such as the Governor's Health Bowl.

**C. Risk Reduction, Liability, Confidentiality and Inclusiveness of Employee Wellness**

- 1. City of Roy assumes no liability for injuries that may occur as a result of participation in wellness activities.

2. Employees who wish to participate in physical activities sponsored by the City of Roy or occurring in the City of Roy buildings shall sign a Physical Activity Declaration and Waiver acknowledging that they:

- a. Accept personal risk,
- b. Have no known disease or condition that should prevent their participation,
- c. Release the City of any and all liability.

A copy of the Physical Activity Declaration and Waiver shall be given to the Wellness Coordinator named on the form. These forms must be saved for two years after the cessation of the activity.

3. People paid by City of Roy funds to provide wellness services to the City of Roy employees shall carry personal liability insurance and provide a copy thereof to the City.

4. Employee participation in the Wellness Program and all individually identifiable information gathered in the process of conducting the program must remain confidential per RCW 41.04.362 to the extent permissible by law.

5. Employee participation or non-participation in the Wellness Program must not, in any way, jeopardize employee productivity, job security, promotional opportunities or other employment rights per RCW 41.04.362 except that misuse or abuse of this policy shall be grounds for discipline up to and including dismissal. Harassment against fellow employees based on their participation or non-participation in the program is prohibited and is subject in discipline up to and including dismissal. Please refer to the City's disability policy.

6. Wellness teams should strive to develop wellness activities which include employees at various levels of health and fitness, including those employees with health conditions which limit their day-to-day activities.

D. Funding, Authorized Expenditures and Contracting for Employee Wellness Services

1. Wellness activities require City of Roy contracts to the extent that they use City of Roy facilities, but they do not require City of Roy contracts for services if they meet all of the following conditions:

- a. Are developed by City of Roy employees.



- b. Occur outside normal working hours, and
- c. Are paid for by the participants' funds rather than City of Roy funds.

However, if the above wellness activities involve physical activity/exercise, they require the Physical Activity Declaration and Waiver as specified in C-2 above.

2. Employees developing wellness activities are encouraged, whenever reasonable, to work with community and county parks and recreation programs.

3. Wellness activities officially sponsored by the City of Roy and paid for by agency funds must comply with the Ethics Law and with relevant state laws, City of Roy policies and City of Roy regulations for purchase of goods and services and outside employment.

4. Funding for wellness activities may come from participant payments, grants, donations, City of Roy authorized fund raising activities, agency budgets and the Industrial Insurance Retrospective Rating Program.

5. Examples of Pre-Authorized expenditures for the Wellness Program activities include:

- a. Awards and incentives to promote participation.
- b. Contractor fees for wellness services.
- c. Educational materials, such as wellness-related DVDs, games and literature.
- d. Refreshments as allowed in the City of Roy Personnel Policy Manual.
- e. All expenditures shall be approved in advance by the Mayor or designee.

#### E. Employee Wellness Program Roles and Responsibilities

1. The City of Roy Employee Wellness Coordinators must:

- a. Be appointed in writing by the Mayor.
- b. Represent City of Roy on the Washington Wellness Health and Productivity Committee.
- c. Serve as communication and organizational liaison between the Washington Wellness program and the agency.

- d. Chair the City of Roy Wellness Team.
  - e. Seek input for decisions from the City of Roy Mayor and make City of Roy executive decisions on wellness-related issues and policies.
  - f. Coordinate City of Roy wellness activities through the City of Roy Wellness Team.
  - g. Work within City of Roy to enable, support and encourage staff to develop worksite wellness.
  - h. Fulfill these functions during regularly scheduled paid time.
2. Wellness Coordinators sponsoring wellness activities must:
- a. Ensure compliance with City personal and purchased service contracting guidelines, when City funds are used to contract for paid wellness services.
  - b. Ensure compliance with Parts B, C and D of this policy for activities they sponsor.
  - c. Ensure prior approval is obtained from an appointing authority for wellness activities planned during normal working hours.
  - d. Ensure that each participant in wellness activities involving physical activity/exercise signs a Physical Activity Declaration and Waiver and give that declaration to the appropriate program representative.

## **5.26 No Smoking Policy**

As required by law, the City prohibits smoking and tobacco use by employees in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. Smoke or smoking means the carrying or smoking of any kind of lighted pipe, cigar, cigarette or any other lighted smoking equipment, implement, apparatus or item. Smoking and tobacco use is permitted only in designated areas outside of the City's buildings in accordance with State law.

## **5.27 Telecommuting**

### **Purpose:**

A. Telecommuting is a mutually agreed upon arrangement between the employee and supervisor, and subject to the approval of the Supervisor and the Mayor. Telecommuting is not an entitlement and in no way changes the terms and conditions of employment.

Telecommuting is only viable in cases where the employee and their supervisor mutually agree that the characteristics of the job and work style of the employee are well suited to an alternative work location. Telecommuting may be appropriate for some employees and some duties but may not necessarily be viable for every employee or all of their duties.

B. The City recognizes the value of telecommuting to adequately staff departments to meet the needs of the citizens under certain circumstances. For example, telecommuting may be used when insufficient workstations are available, and the need to share workstations (or place them closer together) may increase the potential for staff working in close proximity to spread of contagious illness. The City also recognizes the potential benefits that may come from allowing an employee to work from home when that employee is experiencing temporary or longer-term extenuating personal circumstances, where a viable amount of work may more easily be performed away from City premises (this falls outside of ADA- and FMLA-related accommodations).

C. In accordance with the purpose of this policy and the terms contained herein, the City includes telecommuting as a work option in management-approved circumstances, for certain positions. When appropriately applied, telecommuting may allow a more effective use of workspace, improve productivity for certain jobs/employees, help attract and retain a diverse and talented workforce, and aid in reducing stress on employees in a variety of ways, including a reduction in commuting trips to and from work during high volume traffic times.

D. This policy does not replace nor supersede employee rights in ADA- or FMLA-related circumstances or other federal and state laws. This policy is in addition to any telework arrangements as part of the City's response to a proclamation of emergency or disaster due to a pandemic.

E. For the purpose of this section "telecommuting" is a work option in which the employee works from home (or other approved location) for either a portion of the work week or for the entire work week, for a specified duration. Any telecommuting from a location out of state must be evaluated by the supervisor in consultation with human resources to determine applicability of relevant payroll taxes. The City may deny any request to telework from an out of state location that causes payroll tax withholding for that location due to the duration of the employee's stay or the amount of wages earned while working from that state.

#### **Telecommuting Requests:**

A request for telecommuting may be generated by either the City or the employee.

A. At the City's Request or Direction – the City may request or direct an employee to telecommute for reasons including, but not limited to, emergency conditions and workspace constraints. When possible, the City will seek for the telecommuting

arrangement to be by mutual agreement. In this case, no special action is required by the employee, other than to fill out a Telecommuting Application which is available from Human Resources.

B. At the Employee's Request – an eligible employee may request of their supervisor the ability to telecommute by completing a Telecommuting Application. Telecommuting is not an entitlement. To be eligible, an employee must be

- 1) An employee of the City for at least three (3) months, and
- 2) Not been subject to a Performance Improvement Plan, employment investigation that resulted in disciplinary action, or any other disciplinary action involving a written reprimand or greater, either currently or in the previous 12-month period prior to the telecommuting request, subject to the Mayor's discretion.

C. It is strongly suggested that the employee confer with their supervisor before proceeding with the request, in order that the appropriate criteria may be established and provided as part of the formal request. The completed Telecommuting Application shall be signed by the employee and routed for the noted managerial signatures. The requesting employee's supervisor will respond to the employee's request to telecommute within five (5) working days of the request by either advancing the request to the next level or discussing with the employee the reasons why the request is not approved.

D. When telecommuting is requested by the employee, the City will consider the request utilizing the following criteria and factors:

- 1) The needs of the position, department, and the City;
- 2) The employee's past and present levels of performance, including trust, dependability, self-initiative, self-sufficiency and the ability to work unsupervised;
- 3) The employee's attendance record;
- 4) Whether the employee's department will be adequately staffed to meet minimum customer service demands;
- 5) Whether the employee can participate (even through remote means) in necessary meetings and communications, including email, during regular City hours;
- 6) Whether the performance of the employee's duties is dependent upon the location of their workplace; and

7) Whether assigned employee tasks are capable of progress monitoring and demonstration on a daily or weekly basis.

E. The Mayor or designee reserves and retains the discretion to waive or modify eligibility criteria and factors depending on individual circumstances.

F. Exempt employees do not need to complete a Telecommuting Application for telecommuting arrangements that have been approved by the Mayor provided that the arrangement does not exceed the limitations set forth in this policy for non-exempt employees.

Types of Telecommuting Arrangements:

The City may authorize two different telecommuting arrangements - Temporary Telecommuting and Routine Telecommuting:

A. Temporary Telecommuting – Temporary telecommuting may be granted when the employee is working on a specific project requiring uninterrupted focus or as a result of a temporary need or situation, as determined by the Mayor or designee (e.g., contagion/pandemic mitigation; recuperation from surgery). The following are the two types of temporary telecommuting:

1) Temporary Short-term Telecommuting – Applies to situations expected to be short-term in nature (e.g., two weeks or less), including inclement weather that would make commuting dangerous when City Hall remains open or for a work project of limited duration that requires the employee to have uninterrupted focus. Supervisors may informally approve telecommuting in advance of these situations, particularly in anticipation of inclement weather or knowledge of a targeted work project.

Temporary short-term telecommuting situations do not require submission of a Telecommuting Application if the completion of the application will unnecessarily prevent the employee from working. In those situations, an email (whenever practical) prior to commencement of the arrangement from the Mayor or Mayor's designee, will suffice.

2) Temporary Medium-term Telecommuting – Applies to situations not intended to last as long as a regular work schedule, but longer than two (2) weeks and up to three (3) months, including but not limited to, a longer-term work project requiring uninterrupted focus, emergency mitigation, or recuperation from surgery. Temporary medium-term telecommuting requires management approval through completion of a Telecommuting Application.

B. Routine Long-term Telecommuting – Routine long-term telecommuting is a continuous telecommuting request intended as the normal work schedule without an anticipated end date. Routine long-term telecommuting requires management approval through completion of a Telecommuting Application. Routine long-term telecommuting arrangements will be evaluated at least annually. Additionally, either party, the employee or the City, may revoke or revise the arrangement at any time by providing the other party with thirty (30) days written notice.

Employees requesting a routine long-term telecommuting arrangement and who work an approved alternative work schedule (e.g. 9/80 or 4/10's, or other arrangement) will be limited to two (2) days of telecommuting per week in the weeks in which their non-working day falls, thereby requiring the same number of days on site as an employee who works a regular 5 day a week schedule. Employees requesting a long-term telecommuting arrangement who do not work an alternative work schedule will be limited to three (3) days of telecommuting per week. Exceptions to this may be approved on a case-by-case basis by the Mayor upon the recommendation of the Department Director.

## **5.28 Employee Remote Access Policy**

### **Overview**

The intent of this policy is to establish guidelines specifically pertaining to remote access to the City of Roy's internal network. Preventing unauthorized access to company data from insecure networks is of utmost importance to the City of Roy. This policy is designed to ensure remote and/or traveling employees have the ability to securely connect to the city network without fear of threat and to provide the city with an additional means of monitoring and controlling access to the internal network.

### **Scope**

This policy shall apply to all employees of the City of Roy and shall govern remote network access for all authorized users. Remote access is defined as any connection to the City of Roy's internal network from a location outside of any affiliated city offices.

### **Policy:**

#### **General**

- Authorized users must protect their login credentials and must not share them with anyone for any reason.
- All inbound connections to the City of Roy's internal networks must pass through an access control point before the user can reach a login banner.

- Remote users must be required to authenticate before being granted access to City information.
- Remote access must be logged in a central database and kept for a period of at least 30 days. Access logs must be reviewed regularly.

### **Hosts**

- All hosts connected to the City of Roy's internal networks must be equipped with the most up-to-date anti-malware software. Third-party hosts must comply with this requirement before connecting to the network.
- All hosts connected to the City of Roy's internal networks via remote access must be company-issued or approved third-party devices.

### **VPN**

- Restricted city information must only be accessible via the City of Roy's internal network or VPN. Access to the VPN must require multi-factor authentication.
- Authorized users shall not connect to the City of Roy VPN while the host is connected to a network that is not the user's personal home network or a trusted third-party network. Users shall not connect to the City of Roy VPN while also using another VPN.
- Users must exercise caution when connecting to networks in public venues like airports, coffee shops, etc., and must not connect to the city's internal network (even via VPN) if on an unsecured, public network.

### **Enforcement**

It is the responsibility of the end user to ensure compliance with the policies above.

Any exceptions to the policy must be approved by the Mayor or City Clerk-Treasurer. Questions regarding remote access should be directed to the City Clerk-Treasurer.

If you believe your connection may have been compromised, please **immediately** report the incident to the City Clerk-Treasurer.

## **Section 6. Compensation**

### **6.01 Salary Administration**

Employee compensation is based on a variety of factors including, but not limited to, job performance, experience, training or proven capability, initiative, and the City budget. Pay increases (if any) shall be implemented at the discretion of the Mayor and as approved by the City Council as part of the budget process, or at any time during any determination of employees' salary or compensation.

The City is committed to paying equitable wages that are based on the job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each job title within the City of Roy is classified and designated a particular salary range, which is approved by the Roy City Council as an element of the annual budget.

New employees shall generally be placed on Step 1 of the established pay scale for their position on their date of hire and shall progress to Step 2 upon satisfactory completion of one (1) year of employment. Progression between all other steps will occur upon the discretion of the Mayor, in consultation with the employee's supervisor, or as otherwise provided for in these policies. In recognition of previous work experience, upon the request of the Mayor, new employees may be placed at a step higher than Step 1. New employees starting at any step above Step 1 will advance to the next Step upon satisfactory completion of twelve (12) months of employment.

Pay increases are contingent on satisfactory performance, and completion of training and items required for step advancements, at the discretion of the Mayor.

### **6.02 Pay Days**

Employees are paid bi-monthly no later than four business days following the 15<sup>th</sup> and last days of the month. Elected officials are paid once a month no later than four business days after the last day of the month.

### **6.03 Direct Deposit**

The City uses direct-deposits paycheck to the employee's bank account(s). Employees must submit a voided check or bank deposit slip with the bank's routing number to the City Clerk-Treasurer to initiate direct deposit. Employees are reminded to notify payroll before any changes in the financial institutions where checks are being sent. It takes a week or two to retrieve a check that has been sent via direct deposit.



## 6.04 Overtime

All City of Roy positions are designated as either “exempt” or “nonexempt” according to the Fair Labor Standards Act (FLSA) regulations. See Appendix “B” for listing of exempt and non-exempt positions.

### Nonexempt employees/Overtime

Nonexempt (FLSA covered) employees are entitled to additional compensation for overtime. For all employees except uniformed police and FLSA-exempt employees, overtime is defined as hours worked in excess of forty (40) hours in the seven (7) day work week. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked in excess of forty (40) hours in a workweek. Section 7(k) of the FLSA provides that employees engaged in law enforcement may be paid overtime on a "work period" basis. In the City of Roy, a "work period" is 28 consecutive days in length. Overtime pay is required for non-exempt law enforcement employees when the number of hours worked in the work period exceeds 171. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked in excess of 171 hours in a work period.

Overtime work must always be pre-approved before it is performed by the Mayor, in consultation with the employee's supervisor. The accrual of unauthorized overtime hours may result in employee discipline, up to and including termination.

Employees assigned overtime work must be judged by the supervisor as capable of performing the work to be done. As a condition of employment, an employee is expected to work overtime and, on any shift, when assigned by his/her immediate supervisor. In the event an employee has a justifiable excuse and is unable to work overtime, he/she should notify his/her immediate supervisor so that an alternate plan may be selected.

When computing time worked for qualification of overtime, time paid but not worked does not count as hours worked. Pay for vacation, sick leave, and holidays is not pay for hours worked; therefore, even though staff members may be paid for such non-working time, no addition shall be made to the total hours worked in the workweek for the purpose of computing overtime. The following are not counted as hours worked for the purpose of computing overtime:

1. Sick leave, holidays, vacations, bereavement leave, and weather-related emergency days.
2. Jury duty
3. Meal periods where an employee is allowed free time that lasts one half hour or longer.

4. On-call time where the employee merely leaves a phone number and is not substantially restricted.
5. Sleeping time up to eight hours if the tour of duty is 24 hours or longer.
6. Overnight trips during non-working hours unless the employee is performing work while traveling.
7. Time spent before, after or between regular working hours which is unrelated to principal activities.
8. Normal commuting time between home and job unless duties are performed.
9. Training/school time which employees attend after hours at their own initiative.
10. Non-duty time when living in a residence provided by the employer; and
11. Scheduled time between split shifts long enough to allow the employee to pursue the time for personal activities.

Exempt employees:

Exempt employees are not covered by the FLSA overtime provisions and do not receive overtime pay. An exempt employee is paid to perform a job which may not necessarily be completed within a normal workweek. There will be no actual deduction in pay for approved absences of less than a full day for personal reasons, illness, or disability.

**6.05 Call Back, Continuation and Standby**

All employees are subject to call back in emergencies or as needed by the City of Roy to provide necessary services to the public. Non-exempt (FLSA covered) employees called back to duty will be paid at their regular rate with any applicable overtime paid for in accordance with FLSA. Exempt employees will receive their regular salary for work performed during an emergency call back.

Non-exempt employees are subject to the following:

1. If an employee is called back to duty or subpoenaed to give testimony in court about events arising out of City employment at the request of the employer while the employee is on vacation or on a holiday, the employee shall be paid for the vacation or holiday hours and shall also be paid for the hours actually worked or which the employee spends in court until the employee is released. In any such case, the employee shall be deemed to have worked a minimum of three hours. If a non-exempt employee on sick leave or funeral leave is called back to work or subpoenaed under similar circumstances,

the employee shall be deemed to be at work (with a minimum of two hours work) and the time so spent shall not be charged to the employee's accumulated sick leave.

2. A telephone contact or discussion of longer than fifteen minutes' duration shall be compensable in fifteen-minute increments; provided that, if the contact or discussion is necessitated by the employee's negligence, the first fifteen minutes of such contact shall be non-compensable.

3. If an employee is called back to duty or subpoenaed to give testimony in court at the request of the employer, whether in criminal or civil actions, about events arising out of City employment, when the employee would otherwise be off duty, the employee shall be deemed to have worked a minimum of three hours, even if call back is cancelled; however, if the call back is cancelled with overnight notice, the employee shall not be deemed to have worked. **Continuation:** The callback time provided for in this section and in section 1 above shall be inapplicable where the additional working time is immediately prior to or following any other time worked by that employee.

4. The provisions of sections 1 and 3 above regarding payment for time which an employee spends in court shall be inapplicable where the employee is a party to the proceeding, except proceedings arising out of City employment, or where the employee is to be compensated for such time by any other person, as where the employee is being subpoenaed to testify as an expert witness.

Employees on standby duty will record their standby and call-out hours on their time sheets. Compensation for standby pay will be included in the employee's regular paycheck. The employee's supervisor must pre-approve, in advance, any standby duty served for that time to be compensable.

The City shall not reduce an employee's regular schedule for the purpose of avoiding the payment of overtime.

Designated standby employees shall maintain themselves in a fit and responsible manner, able to respond to an emergency call in a physical condition normally expected of an on-duty employee during normal work hours, and consistent with all other City of Roy policies. Employees on Standby Duty shall not consume or be under the influence of alcohol and/or controlled substances.

#### **6.06 Meal Periods for Non-Exempt Employees**

The lunch period is a time for the employee to take care of personal issues and to relax and catch their breath from the toils of the business. Employees may not forego the lunch period to shorten the workday without the permission of their supervisor. Employees needing extra time on their lunch period must also receive prior approval from their

supervisor. All breaks shall be arranged so they do not interfere with City of Roy business or with service to the public.

Nonexempt employees in Washington must be given a lunch break of at least 30 minutes. Employees cannot be required to work more than five consecutive hours without a lunch break. Any employee who works three or more hours longer than a normal workday is entitled to a meal period of at least 30 minutes prior to or during the overtime period. If an employee is required to remain on duty and on the premises during the lunch break, the employee must be paid for the break. However, employees may enter into agreements that specifically vary from or supersede, in part or in total, rules adopted regarding appropriate rest and meal periods. Employees may voluntarily choose to combine their meal and rest periods, or even forego a meal period, with the consent of the supervisor and the Mayor. Such an agreement shall be in writing and state that the employee has voluntarily agreed to deviate from the 30-minute lunch break period, to allow the employee to shorten his or her workday by 30 minutes. If such an agreement is not an advantageous arrangement for the City, this section does not obligate the supervisor or Mayor to consent. (Ref. WAC 296.126.092 and RCW49.12.187)

#### **6.07 Breaks for Non-Exempt Employees**

Non-exempt employees shall be allowed two paid rest periods of fifteen minutes for each four hours of working time. Rest periods shall be scheduled as near as possible to the midpoint of the work period with one rest period at the beginning of the workday and the other towards the end of the employees' workday. No employee shall be required to work more than three hours without a rest period. Employees are requested to remain on the work premises during the break periods. (Ref. WAC 296.126.092)

#### **6.08 Exempt Time Off (ETO)**

Exempt time off (ETO) occurrences are intended to provide time off for exempt staff when the employee's work requires evening or weekend meetings and/or when the employee's required work responsibilities significantly exceed the typical 40-hour work week. ETO is not "overtime" but a voluntary benefit offered by the District that may be modified or rescinded at the District's discretion.

Exempt employees will accrue ETO hours at the rate of one (1) ETO hour for every four (4) hours of "time worked" beyond the normal baseline 40-hour workweek, up to a maximum of 96 hours. Earned ETO hours may be used and will be reported and administered in the same manner as other leave banks. Accrued ETO time will not carry over into the next year. ETO balances at the end of the year will be paid out in the final pay period of that year. Accrued ETO hours may not be cashed out upon termination of employment for any reason. In the interest and furtherance of public accountability principles and to ensure that public funds are appropriately allocated and used. ETO may not be used before it is earned; if an employee takes unearned ETO, it will be deducted

from the employee's other accrued paid leave to the extent available; if paid leave is not available, the exempt employee's salary shall be deducted accordingly, to the extent permitted by law.

#### **6.09 Deferred Compensation Plan**

The Washington State Deferred Compensation Program (DCP) is an Internal Revenue Code (IRC) Section 457 program that provides an opportunity for benefit-eligible employees to voluntarily set aside pretax dollars into a supplemental retirement account. Deferred compensation is an agreement between employee and employer to postpone part of the employee's income until separation from service. Amounts deferred are held in trust by the Washington State Investment Board for the exclusive benefit of program participants and their beneficiaries. Income deferred reduces the taxable income reported on the employee's Form W-2 for the calendar year in which it was deferred. Plan participants can start, change, or stop contributions at any time, subject to plan provisions and payroll schedules. Contact the City Clerk-Treasurer for further information.

#### **6.10 Travel Expenses**

The City will reimburse the employee for reasonable and customary business travel expenses if the Mayor or designee approves the travel in advance. The City will reimburse approved travel expenses such as travel, meals, lodging, and other expenses as long as they are necessary to meet the objectives of the trip. Employees are expected to keep expenses within reasonable limits. Tips not to exceed 15% are reimbursable. Requests for reimbursement, including receipts, shall be submitted on a travel expense report signed by the employee.

For non-overnight trips, employees will be reimbursed only for reasonable cost of meals, excluding any expenses for alcoholic beverages, when a mandated purchase of meals is included with the event or training. For overnight trips, employees will be reimbursed for reasonable lodging and travel expenses while away. Meal costs will be reimbursed at actual cost, not to exceed the GSA standards for travel and expenses.

If an employee uses a vehicle owned, leased, or rented by City of Roy, they may not use that vehicle for personal reasons unless the employee has received advance approval. If an employee is involved in an accident while on business travel, employees must immediately report the accident to the City Clerk-Treasurer.

#### **6.11 Meal Reimbursement Policy**

Food and meal reimbursement will only be available when an employee is scheduled to be away on City business overnight or for business meetings where City business occurs while the meal expense is incurred. Meals for overnight travel will be reimbursed at a daily per diem for each meal and submitted on the Claim for Expenses form. No alcohol is to

be purchased. Meals should not be purchased with a City credit card. All tips for service must not exceed 20% and stay within the maximum amount for each meal period.

Meal reimbursement(s) will not be paid for meals that are included in the registration fee, whether or not the employee partakes of the meal. Continental breakfasts are not considered a meal if a registration includes a continental breakfast.

Meal costs must be incurred directly by the employee/claimant. Direct billing to the City by a restaurant must be pre-authorized by the Finance Director or designee and pre-arranged with the restaurant.

Reimbursement for meals will generally be at a daily per diem. Per diem expenses for meals shall be paid at the U.S. General Services Administration (GSA) rates set by fiscal year, effective October 1 each year. GSA rates are available online, adjusted annually, and searched by city, state or ZIP code

The Mayor must approve payment of any food or meal expense, including payment of per diem meal expenses. Receipts are required for all meal expenses. Per diem allowances include food, taxes and gratuities. All meal reimbursements must include a specific description of the meeting or business purpose of the expense. For City Council members, meal reimbursements must be authorized by the Council.

Light refreshments for City meetings or meetings with City volunteers or advisory committees may be permitted if pre-approved by the Mayor or responsible Department Director where delegated, and such an expense furthers the City's interests. The actual receipt is required to provide support of these expenses.

## **6.12 Deductions**

The City is required by law to deduct Federal and State Withholding Tax (where applicable) from the employee's paycheck. The amount of tax is determined by their earnings and the number of dependents claimed. At year-end the employee will receive a W-2 form showing their total earnings and the amount of taxes withheld. Deductions for Social Security at the rate established by law are deducted from their paycheck. The City matches their contributions to the Social Security tax.

Other deductions may include premiums for insurance, garnishments, etc. Charging personal expenses to City accounts constitutes an illegal loan and is cause for discipline up to and including dismissal, but any City employee who does so shall sign a written agreement authorizing deductions from employee pay for any amounts the employee fails to pay on a timely basis. Such authorization would include payments due prior to, or coming due after, issuance of the employee's final paycheck. In the event a terminated employee does not return all City property, they will be charged for all expenses related to the loss or replacement of such items or re-keying of buildings, vehicles, or equipment.

City property that must be returned could include, but is not limited to, keys, credit cards, phones, radios, or other equipment.

If an employee believes that there has been an error in pay, he/she should first contact their supervisor and then contact the City Clerk-Treasurer.

#### **6.13 Garnishment**

A court-ordered legal claim against the wages of an employee by a creditor for non-payment of a debt and served by the constituted legal authority is called a garnishment, and it must be recognized and executed by the organization. When a garnishment is received, the City will advise the employee that a garnishment has been served. The employee may be counseled to seek assistance in working out his/her financial problems, but a garnishment will not be cause for corrective action or for discharge.

#### **6.14 Child Support**

The City complies with the laws of the land regarding New Hire/Child Support. If an employee is subject to a child support order, monies will be withheld from their paycheck in accordance with the state's regulations. Child support is the court ordered payment by the non-custodial parent to the custodial parent for the care and welfare of the child.

#### **6.15 Reclassifications**

A reclassification may occur when the duties and responsibilities of an existing classification are changed based on an analysis of the employee's written job description compared to actual job requirements. Department Directors must request the reclassification in writing to the Mayor or designee. The Mayor or designee will determine whether the present classification is correct or whether a reclassification is necessary.

A. When a reclassification occurs, an employee occupying the position may be retained in the position, provided that the Mayor, or designee, determines that the reclassification results from an official recognition of a change in duties and responsibilities which has already occurred and which has historically been performed by the employee in that position.

B. If the reclassification results in a higher maximum salary, this constitutes a promotion and the rules governing promotion with regard to salary apply. If the reclassification results in a lower maximum salary, this constitutes a demotion and the rules governing demotion with regard to salary apply.

C. Nothing in this policy is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification as part of a short-term assignment.

## **6.16 Pay Range Adjustments**

The City strives to provide competitive salaries in the marketplace for purposes of recruitment and retention. From time to time the City will conduct a comprehensive salary study to review the established salary range of positions. Department Directors may request a review of individual position salaries when the Director has reason to believe that the current salary range is out of market. Such requests must be submitted to the Mayor, or designee, with a written justification for the request. At the direction of the Mayor, Human Resources will conduct or arrange for the salary review.

A. If a salary adjustment is warranted and the adjustment results in a higher pay range, as approved by the City Council, the employee's salary will be adjusted to the same step on the newly established pay range.

B. If a salary adjustment is warranted, as approved by the City Council, and the adjustment results in a lower salary range, and an employee is at the top of the pay range, the employee's salary will be frozen in place until the pay range catches up to the employee's pay. Until that time, the employee is not eligible for step or cost of living increases. Once the pay range exceeds the employee's frozen pay rate, the employee will be placed on the top step of the approved pay range as soon as the pay range becomes applicable to the position.

C. If a salary adjustment is warranted, as approved by the City Council, and the adjustment results in a lower salary range, and the employee's current pay is within, but not at the top of, the range, the employee's pay rate will be set on the step closest in value to the employee's current pay, prior to any adjustment (i.e. cost of living increase), so that the employee does not receive a pay decrease. This placement has no effect on the employee's scheduled step increase date and the employee will progress to the next step in the range on their previously established step increase date.

D. If a salary adjustment is warranted and the adjustment results in a lower salary range, as approved by the City Council, the employee's salary will be frozen in place until the pay range catches up to the employee's pay. Until that time, the employee is not eligible for step or cost of living increases. Once the pay range exceeds the employee's frozen pay rate, the employee will be placed on the top step of the approved pay range as soon as the pay range becomes applicable to the position.

E. Nothing in this policy is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time.





## **Section 7. Leave and Benefits**

### **7.01 Health and Welfare Insurance Benefits**

Regular full-time and part-time employees of the City of Roy may be eligible to participate in the City's various insurance programs. The programs and criteria for eligibility will be explained upon hire. The City reserves the right to make changes in the carriers and provisions of these programs (including the elimination or modification of any or all programs) when deemed necessary or advisable in its discretion. Temporary employees are not normally eligible for health insurance coverage.

A. Medical Coverage. For regular full-time employees and part time employees working 30 or more hours per week per ACA statute, the City provides medical insurance coverage (these employees shall pay a portion of the premium for this insurance, as determined appropriate by the City in its discretion). The employee may elect to obtain medical insurance coverage for their spouse/registered domestic partner and/or dependents (these employees shall pay a portion of the premium for this insurance, as determined appropriate by the City in its discretion).

For regular part-time employees working less than 30 hours per week, the City pays 50% of the medical insurance premium for the employee only if the employee elects to pay 50% of the premium by payroll deduction.

B. Dental Coverage. For regular full-time employees and part time employees working 30 or more hours per week per ACA statute, the City provides dental insurance coverage for the employee, spouse/registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer dental insurance coverage to part-time employees or their dependents.

C. Vision Coverage. For regular full-time employees and part time employees working 30 or more hours per week per ACA statute, the City provides vision insurance coverage for the employee, spouse/ registered domestic partner, and dependents. These employees shall pay a portion of the cost for this insurance as determined appropriate by the City in its discretion. The City does not offer vision insurance coverage to part-time employees or their dependents.

D. Life Insurance. The City may self-insure or purchase a \$50,000 life insurance and accidental death and dismemberment policy for the employee (subscriber) only. Employees may be able to purchase additional insurance for themselves and their spouse.

E. Additional eligibility criteria. In addition, in order to be eligible to receive health and welfare benefits, the employee must meet the minimum hours of work per month as described below (as well as all other requirements of the plan provider).

1) New and current qualifying employees must be compensated for a minimum of 40 hours in the preceding month in order to be eligible for insurance benefits in the following month. (i.e. must be paid for at least 40 hours in February in order to receive insurance benefits for the month of March.)

2) Employees separating from employment will lose benefits at the end of the month in which they separate, even if they have been compensated for 40 or more hours in that month. (i.e. last day of employment is March 25, coverage ends March 31.)

3) Employees on leave under Washington Paid Family Leave or federal Family and Medical Leave, if applicable, will have insurance paid in accordance with the applicable rules and regulations.

## **7.02 Benefits Upon Hire/Return from Unpaid Leave**

Eligible employees at the City of Roy receive many benefits. Some benefits are required by law and cover all employees. Unless otherwise stated, upon hire or return from an unpaid leave, an employee's benefits, leave accruals and insurance coverage will commence on the first day of the first full month of employment.

## **7.03 Leave of Absence**

The Mayor may grant leave of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted, provided an agreement is executed between the employee and the Mayor to memorialize the terms of the unpaid leave. Examples of absences that may qualify include but are not limited to: a prolonged illness or medical condition, parenting, caring for an ill relative, or fulfilling a military obligation in excess of fifteen (15) days per year. An employee shall be required to use any accrued paid leave before a leave without pay begins. If an employee is on unpaid status for more than six (6) months, his or her anniversary date and time in service will be changed to reflect the period of absence.

Benefits that accrue according to length of service do not accrue during unpaid leave or during periods in which the employee receives Workers' Compensation. Health insurance benefits may be available at the employee's expense, according to the terms of the provider and applicable statutory requirements.

#### **7.04 Military Leave**

City of Roy will grant a military leave of absence if an employee is absent from work because they are serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). The employee must give their supervisor and the City Clerk-Treasurer advance notice of upcoming military service, unless military necessity prevents advance notice, or it is otherwise impossible or unreasonable.

##### Military training leave

Employees who are members of the National Guard or Federal Reserve military units are entitled to paid leave for a period of up to twenty-one (21) workdays per year or any greater period required by law, for performing ordered active-duty training. A workday for these purposes is a calendar day on which the employee would otherwise have been required to be at work. If the active-duty training exceeds twenty-one (21) workdays, the employee will take available vacation and leave without pay, in that order.

##### Leave for active-duty military service.

Regular employees who are called to, or volunteer for, active-duty military service in excess of their 21 days will be placed on an indefinite unpaid leave of absence during the time the employee is on an active-duty status with any branch of the United States Armed Forces or State militia. The employee may, at his/her option, use any or all accrued vacation leave prior to moving to the unpaid status. Any unused leave accruals remaining at the time the unpaid leave begins will be held until the employee returns to active employment with the City of Roy. The employee will not earn additional vacation or sick leave during the time of the unpaid leave or will he/she be entitled to health insurance benefits except as may be provided for under COBRA. Reinstatement following active duty will be in compliance with State and Federal laws at the time of the return to work.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible.

The employee's benefits, such as vacation, sick leave, or holiday benefits, will not accrue during a military leave. When an employee returns from leave, the benefits will start accruing again. If employees are on military leave for up to 30 days, they must return to work on the first regularly scheduled work period after their service ends (allowing for reasonable travel time). If employees are on military leave for more than 30 days, they must apply for reinstatement in accordance with USERRA and applicable state laws.

When an employee returns from military leave (depending on the length of your military service in accordance with USERRA), they will be placed either in the position they would

have attained if they had stayed continuously employed or in a comparable position. For determining benefits that are based on length of service, the employee will be treated as if they had been continuously employed.

#### Leave for military spouses during deployment.

The Washington State Military Family Leave Act (MFLA), chapter 49.77 RCW, provides eligible employees that are the spouse of a member of the armed forces, National Guard, or reserves serving in military conflicts up to 15 days of leave per deployment when the military spouse has been notified of an impending call or order to active duty and before deployment or when the military spouse is on leave from deployment. To qualify for the MFLA leave, an employee must work an average of 20 or more hours per week. An employee seeking to use this leave must notify his or her supervisor and the City Clerk-Treasurer of the intent to use the leave within five business days of receiving official notice of an impending call or order to active duty or of a leave from deployment. Although the leave is unpaid, an employee may substitute accrued paid leave for the time off.

#### Military caregiver leave

The Military Caregiver Leave permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties, for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list. Caregiver may be a spouse, son, daughter, parent or next of kin of the covered service member. The same timing requirements for certification apply to all requests for FMLA Leave, including those for military leave. Leave may be taken intermittently for a qualifying exigency arising out of the active-duty status or call to active duty, or whenever medically necessary to care for a covered service member; the employee must make a reasonable effort to schedule planned medical treatment so as not to unduly disrupt City operations.

If an employee has questions about military leave, contact the City Clerk-Treasurer.

### **7.05 Parental Leave**

See FSLA and WPSL Policies for information regarding leave pertaining to .

### **7.06 Social Security**

The payment of Social Security and Medical Benefits is made by an employee and City of Roy. The City matches contribution to Social Security and Medicare and thereby pay one-half of the cost of an employee's Retirement and Medicare Benefits under the Social

Security Act. Social Security provides a variety of benefits, including retirement income, death benefits, disability benefits and monthly income for certain dependent survivors of covered employees. For additional information regarding Social Security eligibility and benefits, go to [www.socialsecurity.gov](http://www.socialsecurity.gov)

#### **7.07 Compensation upon termination**

When an employee's status as an employee with the City is terminated (whether voluntarily or involuntarily), the employee will receive their final paycheck on the next regularly scheduled payday.

Employees who depart in good standing may also receive a lump sum payment of accrued, but unused, vacation time (if applicable), up to \_\_\_ hours (less any unpaid personal expenses incurred by the employee for which they have failed to previously reimburse the City).

Employees who have engaged in any form of misconduct, dishonesty or conduct that may expose the City to liability or claims (as determined in the City's discretion) shall receive payment for any remaining wages due for the period of time the employee actually provided services to the City, including overtime or accrued compensatory time, but will not be paid for any accrued but unused vacation time. To the extent authorized by law, the City may deduct any unpaid personal expenses incurred by the employee for which they have failed to previously reimburse the City from the employee's final paycheck (regardless of whether the employee receives payment for accrued but unused vacation leave).

The City of Roy pays the entire cost of unemployment insurance. This insurance provides a weekly income for those who may be laid off or who may have lost their job through no fault of their own. Eligibility requirements and the amount of benefits that an employee may receive are specified by state law.

#### **7.08 Workers' Compensation Benefits**

Employees and Volunteers are generally covered by the State of Washington Workers' Compensation Program administered through the Department of Labor and Industries (L&I). This insurance covers eligible employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, Workers' Compensation may provide for medical and hospital expenses and for partial compensation for time lost from work due to job-related injuries or illnesses.

Employees are provided Workers' Compensation coverage from the day they begin work. The employee and the City pay their respective costs of this coverage. Employees are covered by Workers' Compensation if they are incapacitated by injury or illness arising out of their employment. Activities undertaken by employees outside their normal scope

of work and/or workday may not be covered by the State Workers' Compensation Program.

This program is subject to the following requirements:

1. Employees must report all accidents to their supervisor immediately, regardless of how minor. If a work-related injury requires medical attention by a physician or any other medical facility that produces a bill, a claim must be reported the same day by the employee's supervisor. If the injury causes the employee to be away from work beyond three days, this injury must be reported to the state Workers' Compensation Division. The employee's supervisor is responsible for submitting a copy of the original claim to the City Clerk-Treasurer for forwarding to the state. Employees are authorized to go to a physician by first advising their supervisor or manager.
2. When an employee is absent for one or more days due to an on-the-job accident, injury, or illness, the employee is required to file a claim for Workers' Compensation. If the illness or injury is one for which time-loss payments are provided through the workers' compensation system, the employee will indicate, via their electronic timesheet, to receive only such time-loss payment or to use paid leave in combination with workers' compensation benefits as follows:
  - a. An employee choosing to receive only such time-loss payment as provided by workers' compensation will indicate "Leave without Pay" or alternative designation set up by payroll to indicate their choice to collect only the workers' compensation time-loss.
  - b. An employee choosing to take any type of available paid leave while receiving workers' compensation benefits will receive the full value of such paid leave in addition to their time-loss payments.
3. To the extent permissible under applicable law, the City may require an employee on leave for an on-the-job injury or illness to use any accrued paid time off (to the extent available) concurrently with their absence to supplement any deficiency between their regular compensation for their normal working and their Workers' Compensation benefits. The purpose of this Policy is to assist employees with prompt and regular payments during periods of incapacity, so long as the employee has accrued leave available for use. The payroll adjustment will result in the employee receiving the same pay, based on the employee's regular rate of pay, that they would have received for full-time active service during the period of temporary total disability, taking into account that industrial insurance payments are not subject to federal income or social security taxes. Employees do not have the option to "buy back" accrued leave with their L&I check.
4. Employees do not accrue vacation or sick leave (or any other employment benefits) while on leave (except to the extent that the employee uses accrued paid leave for the absence), unless otherwise specifically required by law, City policy, or contract.

5. The City may require any leave of absence under this Policy to run concurrently with any other leave of absence such as PFMLA or FMLA leave to which the employee may be entitled.

6. The City of Roy continues to pay the employer's portion of health insurance premiums, provided that the employee continues to pay his/her share of premiums or co-insurance, for up to three months from the date of injury. After three months, the employee's benefits shall cease unless the Mayor makes an exception based upon the criteria stated in Roy City Code 1-6-1.

7. The City of Roy may require a medical examination, at its expense, performed by a physician of its choice, to determine when the employee can return to work and whether he/she will be capable of performing the duties of the position.

8. Volunteers may be covered by the State Workers' Compensation program. They must submit in a timely manner, in writing, the hours volunteered in order that L&I contributions can be made on their behalf for the time worked. Advisory boards and committees are not covered under this provision.

#### **7.09 Retirement Benefits**

The City makes contributions as required by law 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 eligible uniformed employees in the police department are covered by the Law Enforcement Officers' and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.

All eligible full-time and part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels, contribution rates, and eligibility criteria are determined by the State of Washington.

State law may require the participation of eligible employees in these programs. Participating employees shall pay any required amounts toward contribution costs by means of an authorized payroll deduction. For coverage and other information relating to these benefits, please contact the Mayor.

Employees intending to retire are requested to notify the Mayor of their intent to retire at least three months prior to the date

of retirement.



## **7.10 Holidays**

The City of Roy observes the following holidays. When a holiday falls on Sunday, the following Monday will be observed. When a holiday falls on Saturday, the preceding Friday will be observed.

New Year's Day January 1

Martin Luther King Jr.'s Birthday 3<sup>rd</sup> Monday in January

President's Day 3<sup>rd</sup> Monday in February

Memorial Day Last Monday in May

Juneteenth June 19

Independence Day July 4

Labor Day 1<sup>st</sup> Monday in September

Veteran's Day November 11

Thanksgiving Day 4<sup>th</sup> Thursday in November

Day after Thanksgiving the Friday immediately following Thanksgiving.

Christmas Day December 25

Employees Birthday

When Christmas Eve falls on a weekday, City hall will close at noon by order of the Mayor. Hourly employees may choose to work the rest of their regular schedule that day or given the time off by the Mayor under Administrative leave.

Employees must be on paid status on the day before and after a holiday to qualify for a paid holiday. Observed holidays are paid holidays for full-time employees. For part-time employees working at least 22 hours per week and for part-time employees hired prior to 1995, observed holidays falling on a regularly scheduled workday are paid holidays, and holidays falling on a non-scheduled workday are not paid. For part-time employees who do not work regularly scheduled days of the week, observed holidays are paid on a pro-rata basis. Nonexempt employees working on an observed holiday will be paid for the hours worked at rate of time and half of their regular rate. Exempt employees working on an observed holiday will be allowed a different day off with pay. Part-time employees working fewer than 22 hours per week and temporary employees are not eligible for paid holidays.

### Unpaid holidays

Guidelines: If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of one week prior to the requested day. If the employee fails to request the holiday in accordance with the rules herein, the holiday shall not be denied unless granting the holiday would be an undue hardship. However, an employee who fails to give adequate notice without reasonable cause may be subject to the disciplinary process. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" as defined in WAC 82-56-020. The unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

Employees of the City shall be entitled to take their Birthday Holiday (BH) as a leave from their work schedule. The employee must submit to their supervisor request for the BH in advance. The employee may submit for their BH 5 days prior or 5 days after their actual birthday.

Employees of the City shall be entitled to one unpaid holiday per calendar year in addition to those specified in this section. Each employee may select the day on which he or she desires to take the additional holiday after consultation with his or her supervisor pursuant to guidelines below.

Employees of the City are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or for an organized activity conducted under the auspices of a religious denomination, church religious organization. The employee may select the days on which the employee desires to take the two unpaid holidays after consultation with his or her supervisor pursuant to guidelines below. If an employee prefers to take the two unpaid holidays on specific days for a reason of faith or conscience, or for an organized activity conducted under the auspices of a religious denomination, church, or religious organization, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. Undue hardship has the meaning contained in the rule established by the Washington State Office of Financial Management (OFM).

Commented [CA2]: I would suggest striking this.

### Additional religious holidays

If an employee's religious beliefs require observance of holidays not included in the paid holiday schedule and in addition to the unpaid days allowed in this section, the employee

may, with his or her department head's approval and at his or her discretion, make appropriate work arrangements to observe the holiday.

#### **7.11 Vacation**

In this section, the City of Roy provides advance written notice in our vacation policy and has the right and obligation to decide if the employee will be paid or not paid in accordance with City policy.

<b>Years Service Completed</b>	<b>Vacation Hours Rate of Accrual (per month)</b>	<b>Maximum Annual Accrual</b>
less than 2	6.5 hrs.	78 hrs.
2	7.0 hrs.	84 hrs.
3	7.5 hrs.	90 hrs.
4	8.0 hrs.	96 hrs.
5	8.5 hrs..	102 hrs.
6	9.0 hrs.	108 hrs.
7	9.5 hrs.	114 hrs.
8+	10.0 hrs.	120 hrs.

#### **General Accrual**

- Full-time employees earn vacation according to the table above. Part-time employees working at least 20 hours per week earn vacation on a pro-rated basis. Part-time employees working fewer than 20 hours per week and temporary employees are not eligible for paid vacation leave.
- Vacation accrual begins on the first day of the first full month of employment.
- Vacation hours are credited at the completion of each pay period.
- Vacation leave does not accrue on overtime hours.
- Vacation leave does not accrue during unpaid leave of absence.

- The Mayor may authorize a credit to an employee of a maximum of 40 hours of vacation leave accrual for purposes of recruitment. The amount of the lump sum will be at the sole discretion of the Mayor.

### **Use of Vacation**

- Employees in the introductory period accrue but may not use vacation leave.
- All leave is paid at the employee's regular hourly rate.
- Vacation leave may not be used prior to being earned.
- Holidays observed during an employee's vacation leave shall not be counted as vacation leave taken.
- Vacations should be scheduled in order to minimize disruption to City operations. Employees shall request to use their vacation leave at least ninety (90) days in advance in writing to the Mayor or designee. Department heads are responsible for scheduling employee vacations without disrupting department and City of Roy operations. As a general guideline, extended leave requests of one week or more in duration should be submitted in writing at least 20 days but no more than 30 days in advance. Preference in selection of dates will be granted based on length of service.
- If an employee becomes ill or injured during their vacation leave, the employee may request that the time be counted as sick leave, rather than charged against accrued vacation leave. Substitution of sick leave for vacation leave must be approved by the employee's supervisor and satisfactorily confirmed by the employee's healthcare provider.
- If an employee is on leave under the FMLA, all accrued sick and vacation leave must be used concurrently as part of the FMLA leave. Please also refer to the City's FMLA Policy.<sup>1</sup>
- Vacation shall be taken at a minimum rate of one (1) hour increments, unless an employee is exhausting their vacation leave balance prior to going on leave without pay or upon cashout as a result of separation of employment. Employees are encouraged to use at least one contiguous week of vacation leave each year.

### **Accrual Maximums**

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<sup>1</sup> This Policy is intended to comply with Washington's Family Care Act, the Paid Sick Leave Act and any other applicable law. In the event of a conflict between any applicable law and this Policy, the applicable law shall govern.

- The maximum amount of vacation leave for any employee that may be carried over from one calendar year to the next is 120 hours. Any accrued vacation in excess of this amounts indicated above which is not used by the end of the calendar year (December 31st) will be forfeited without compensation, except in cases where the City has specifically informed the Non-Exempt employee that City operational need has made it impractical for the employee to use vacation time. In that instance, the Non-Exempt employee will be paid in cash (at their regular rate of pay) for the value of the specific vacation leave which the City informed the Non-Exempt employee they would not be able to use. No Non-Exempt employee shall be eligible to receive this cash payment, however, for any vacation leave which was not previously scheduled in accordance with applicable policies prior to December 1st. Exempt employees are not eligible for this cash-out provision.
- Employees are encouraged to use vacation leave in the year it is earned.
- Regular Full-time Employees will be paid for up to 120 hours, pro-rated for eligible part-time employees, of accrued but unused vacation time upon separation from employment, provided, that in case of a voluntary termination, the employee shall have given at least fourteen (14) calendar days' written notice of such termination before being entitled to receive such pay (a failure to provide the required 14-day notice period shall result in the employee forfeiting a cashout of their accrued but unused vacation leave). Leave shall be paid at the employee's regular rate of pay and accrual rates do not apply to cash-out hours.

#### **7.13 Sick Leave**

Sick leave is a conditional benefit based on the existence of a qualifying medical condition. Each employee is expected to manage their sick leave balance in order to adequately cover their needs. There is no entitlement to sick leave outside of the allowable uses outlined in these policies or granted under state or federal law.

Sick leave benefits are meant to provide income protection in case you are ill or injured. The City of Roy provides two types of paid sick leave benefits to eligible employees who are temporarily absent due to illness or injury. If an employee cannot report to work because of an illness or injury, they should notify a supervisor at least one hour before the scheduled start of their workday, if possible, and on each additional day of absence. However, see notice requirements for each type of sick leave.

Sick leave shall not be used in advance of credit or accrual. Employees who use all of their accumulated sick leave and require more time off due to illness or injury may, with their department head's prior approval, use vacation, or leave without pay. The City of Roy does not have a sick leave buy-back program and employees will not be paid for unused sick leave upon leaving City service for any reason.

### General Provisions

- Full-time employees, and part-time employees with regular schedules of at least 20 hours per week are eligible to accrue sick leave on the first day of the first full month of employment.
- Full-time employees accrue sick leave at the rate of 6 hours per month; eligible part-time employees shall accrue on a pro-rata basis.
- Sick leave is available for use immediately upon its accrual.
- CRSL is credited following completion of each pay period.
- There is no accrual maximum for sick leave. Employees are not compensated for accrued sick leave upon separation from employment, provided the City will reinstate any unpaid balance if the separating employee is rehired within 12 months of separation.
- Use:<sup>2</sup>
  - Sick leave is a conditional benefit based on the existence of a qualifying medical condition. Each employee is expected to manage their sick leave balance in order to adequately cover their needs. There is no entitlement to sick leave outside of the allowable uses outlined in these policies or granted under state or federal law.
  - If an employee is on leave under the FMLA, all accrued sick and vacation leave must be used concurrently as part of the FMLA leave.
  - Allowable Uses of Paid Sick Leave: Paid sick leave may be used by the employee to cover those situations in which an employee is absent from work due to:
    - a. An absence resulting from an employee's own mental or physical illness, injury, or health condition; to accommodate the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or an employee's need for preventive medical care;
    - b. To allow the employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental

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<sup>2</sup> This Policy is intended to comply with Washington's Family Care Act, the Paid Sick Leave Act and any other applicable law. In the event of a conflict between any applicable law and this Policy, the applicable law shall govern.

or physical illness, injury, or health condition; or care for a family member who needs preventive medical care; provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day. Family member is defined under Paid Sick Leave Law as:

- A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;
  - A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
  - A spouse;
  - A registered domestic partner;
  - A grandparent;
  - A grandchild; or
  - A sibling.
- C. When City Hall has been closed by order of a public official for any health-related reason, or when an employee's child's school or place of care has been closed for such a reason; and
  - d. For absences that qualify for leave under the state's Domestic Violence Leave Act (DVLVA).
  - e. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others; and
  - f. Use of a prescription drug that impairs job performance or safety;
- CRSL shall be used at a minimum rate of one (1) hour per day for non-exempt (FLSA-covered) and Exempt employees (not covered by FLSA).
  - Sick leave may not be taken until it is earned. If sick leave is exhausted, accrued vacation leave, if any, will be used in its place (subject to eligibility requirements).

- If an employee cannot report to work because of an illness or injury and will take CRSL, they must notify their supervisor at least one hour before the scheduled start of your workday, if possible, and on each additional day of absence.
- Sick leave pay will not be granted for hours beyond what is considered the employee's regularly scheduled hours. Employees must notify their direct supervisor with as much notice as possible before they are scheduled to begin work if they intend to use sick leave.
- The City may require a certification from an appropriate healthcare provider verifying the necessity for the use of sick leave. In addition, a doctor's certification may be required when an employee uses sick leave in excess of three (3) consecutive work days or as otherwise determined appropriate by the City in its discretion. The City may also request the opinion of a second doctor at the City's expense. When indicated, the City may request an employee be evaluated at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs the employee's ability to perform the essential functions of their job, to assist in evaluating the employee's return to work options and to determine issues relating to any request for an accommodation.
- Employees who are habitually absent due to illness or disability may be terminated if they are unable to perform the essential functions of their job with or without a reasonable accommodation and/or their disability cannot be reasonably accommodated and the employee's absenteeism prevents the orderly and efficient running of the City's business. The City will comply with all applicable laws when making determinations in this regard.

#### Washington Paid Family Medical Leave ("PFLMA")

All non-exempt employees earn one hour of paid sick leave for every 40 hours worked, credited at the completion of 40 hours. No more than 40 hours of earned WPSL may be carried over from one calendar year to the next. If an employee separates from City employment and is rehired, the employee's unused WPSL balance will be reinstated. When an employee who is eligible for both types of leave take sick time, the hours will be deducted from the WPSL balance unless otherwise specified by the employee. Employees will receive monthly statements of WPSL earned and used since the previous statement, as well as the amount of WPSL available for use.

Employees must give reasonable notice of taking WPSL by:

- if the leave is foreseeable, giving 10 days' notice, or as early as practicable



- if the leave is unforeseeable, giving notice as soon as possible before the required start of shift, unless it is not practicable to do so
- if domestic violence leaves and emergency precludes advance notice, giving notice by the end of the first day of starting leave
- if impracticable for employee to give notice, having another person provide notice on employee's behalf
- WPSL may be used in 15-minute increments for the following reasons:
  - Employee's own illness, injury or health condition; medical diagnosis; preventive medical care
  - Employee's care for family member\* with illness, injury or health condition; medical diagnosis; preventive medical care
  - Employee's place of business or child's school is closed by public official for health reason
- Absences covered by Domestic Violence leave (RCW 49.76)
- Family member includes:
  - Child, regardless of age
  - Parent, including in-laws
  - Spouse and registered domestic partners
  - Grandparent
  - Grandchild
  - Sibling
  - "Child" and "Parent" include foster, step, legal guardian, *in loco parentis*, and "*de facto*"

#### **7.14 Family and Medical Leave (FMLA)**

Recognizing the importance of family, and out of concern for the well-being of its employees, the City of Roy leave program enables employees to use time off to take care of family matters. This family leave policy shall apply to regular employees who have been employed by the City of Roy at least 12 months and who have worked at least 1,250

hours in the preceding 12 months and shall be administered in accordance with the Federal and State Family and Medical Leave Acts. All approved time away from work more than three (3) consecutive workdays constitutes a leave of absence for calculation of family and medical leave benefits. This applies to sick leave and other forms of leave but does not apply to vacation leave. The approved Federal and State Family and Medical Leaves run concurrently.

No benefits, such as vacation or sick leave, are earned when the employee is on unpaid leave. Depending upon the type of leave taken, group health insurance coverage may terminate at the end of the month in which an unpaid leave of absence begins. Failure to return as agreed from an approved leave may be treated as a voluntary resignation of employment. The employee may be required to repay to the City of Roy its contributions to benefits paid on behalf of the employee.

A qualifying regular employee may request leave for up to twelve (12) weeks in a twelve (12) month period for the following reasons:

1. A medical disability directly related to pregnancy or to childbirth. Pregnancy/childbirth disability that occurs following the birth of a child will be calculated along with leave to care for a new baby to determine the total allowable leave time.
2. To care for a newborn or newly adopted child. See Item #1 above.
3. To care for a spouse, registered domestic partner, child, parent, parent-in-law, or grandparent who has a serious health condition.
4. To care for self, when the employee has a serious health condition that makes the employee unable to perform the functions of the position.
5. For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member who is on active duty in support of a contingency operation. Covered military members are members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty including attending military events, arranging for alternative childcare, addressing financial and legal arrangements, attending counseling sessions and attending post-deployment reintegration briefings. A qualifying regular employee may request for up to 26 weeks of leave in a 12-month calendar period for the following reason:
  6. To care for a covered service member, defined herein. The leave is available to a spouse, son, daughter, parent or next of kin of the covered service member. A covered service member is current member of the Armed Forces, including a member of the National Guard or Reserves or a member of the Armed Forces, the National Guard or

Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list.

For the purpose of granting a leave covered by the Family Medical Leave Policy in this section, the following terms are defined.

A. Twelve-month period means rolling 12-month period measured backward from the date leave taken and continuous with each additional leave taken.

B. Child – means a child either under 18 years of age or older who is incapable of self-care because of physical or mental disability. An employee's child is one for whom the employee has actual day-to-day responsibility to care and includes a biological, adopted, foster or stepchild.

C. Serious health condition – means an illness, injury impairment, or physical or mental condition that involves either:

1. In-patient care; or
2. Any period of incapacity requiring absence from work for more than three calendar days AND that involves continuing treatment by a health care provider: or
3. Continuing treatment by a health care provider for a chronic or long-term health condition which, if left untreated would likely result in a period of incapacity of more than three calendar days: or
4. Prenatal care by a health provider.

In determining whether a serious health condition exists, the term “continuing treatment” shall mean either: 1) two or more visits to a health care provider; or 2) two or more treatments by a health care practitioner or referral from, or under the direction of a health care provider; or 3) a single visit to a health care provider that results in a regimen of continuing treatment; or 4) in the case of serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider.

D. Medically necessary – means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

E. Next of kin – means nearest blood relative or as further defined by the U.S. Department of Labor.

F. Serious injury or illness while serving in the Armed Forces – means an injury or illness sustained in the line of duty while on active duty in the Armed Forces that renders the member medically unfit to perform duties of the member's office, grade, rank, or rating and/or as further defined by the U.S. Department of Labor.

G. Contingency operation – means those circumstances and situations as designated so by the U.S. Secretary of Defense.

Family and medical leave taken to care for a newborn or newly adopted child must be completed within twelve (12) months of the child's birth or placement for adoption.

#### Discontinuance of family leave

In the event the family member for whom the family leave was taken dies, authorization for family leave ceases. The employee shall be entitled to bereavement leave in accordance with Section 7.06 of the City of Roy Policy.

#### Continuation of benefits

During all leave noted in items (1) through (6) above of this Family and Medical Leave Policy, the City of Roy will continue to pay the employer's portion of health insurance premiums for up to twelve (12) weeks, provided the employee continues to pay his/her share of insurance premiums, if any. The employee shall make payment arrangements with payroll for co-insurance prior to the start of the leave to allow continuation of coverage.

Leave such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave. An employee shall be required to use any accrued paid leave before a leave without pay commences.

#### Notification and return to work

A leave of absence shall be requested in writing and submitted to the department head 30 days prior to the date on which the employee wishes to begin the leave; or as soon as the need for such leave is known if fewer than 30 days in advance. The decision as to whether the leave shall be granted and the determination of applicability of accrued leave time or leave without pay to be used during a leave of absence will be made by the City of Roy Mayor or department head in consultation with the City Clerk-Treasurer and communicated to the employee as soon as possible following receipt of the leave request. The employee shall also provide his/her supervisor with his/her intended date of return.

Upon return from Family and Medical Leave, an employee shall be entitled to return to his/her position, unless the City of Roy council has abolished the position. If the employee

chooses not to return to work for any reason, he/she shall notify the City of Roy as soon as the decision is made.

#### Confirmation requirement

The City of Roy may require an employee requesting Family Medical leave to provide confirmation from the health care provider of the need and probable duration of the leave requested. The confirmation must be provided to the City of Roy within fifteen (15) days of the date that confirmation is requested by the City of Roy. The City of Roy reserves the right to obtain, at its expense, an opinion from a second health care provider of the City of Roy's choosing.

#### Status reports while using Family Medical Leave

The City of Roy may require an employee using family and medical leave to periodically report their status and intention to return to work. The City of Roy may also require an employee to obtain additional, written medical certification for the need to continue the leave or to return to work.

### **7.15 Shared Leave Program**

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

1. The employee suffers from an extraordinary, life-threatening, or prolonged medical condition, injury, or physical or mental condition that will require an employee to be off from work for twenty (20) consecutive working days or more and which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment.
2. The employee has completed the applicable City of Roy trial period.
3. A voluntary leave transfer shall not result in the donor employee reducing his/her vacation to 80 hours or sick leave balances to less than 120 hours. Transfer of leave shall be authorized by the Mayor or administrator and will be in increments of one day of leave. Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient. All donations of leave are strictly voluntary and confidential.
4. The employee receiving donated leave has depleted or will shortly deplete his or her accumulated leave including vacation and sick.

5. Prior to the use of shared leave, the employee has abided by the City of Roy's sick leave policies.

6. The employee has diligently pursued and is found to be ineligible for State industrial insurance benefits.

7. For employees eligible for unpaid FMLA leave, shared leave must be used concurrently as the unpaid FMLA.

8. The policy will not ordinarily apply to short-term or sporadic conditions or illnesses. This would include such things as sporadic, short-term recurrences of chronic allergies or conditions and short-term recurring medical or therapeutic treatments. These examples are illustrative, not all inclusive. Each case must be examined and decided by the department head with concurrence of the Mayor based on its conformity to policy intent and must be handled consistently and equitably.

9. While an employee is using shared leave, he or she will continue to receive the same treatment in respect to salary and benefits that the employee would otherwise receive if using vacation or sick leave. Unused donated shared leave may be returned to the donor(s).

#### **7.16 Bereavement**

Any regular employee who suffers a death in the immediate family shall receive up to three (5) days leave with pay. If additional time is needed, the City of Roy administrator may authorize the use of accrued sick leave or vacation leave. Immediate family includes the employee's parents, spouse, registered domestic partner, child, stepchild, brother or sister, mother- or father-in-law, son- or daughter-in-law, grandparent, grandchild, or other relative who lives in the employee's home.

#### **7.17 Jury and Witness Duty**

If an employee is summoned to serve on a jury or receive a subpoena to testify in court, the City of Roy will give them time off with pay at their regular rate up to 2 weeks, but must sign over to the City of Roy any check for jury duty or witness services during that time. The employee may also use any available paid leave benefits they have, such as vacation, to be paid for any unpaid time off that was taken. If the employee needs time off to be a juror or a witness, they must show the summons or subpoena to an immediate supervisor as soon as the summons is received. The City expects the employee to report for work whenever they are not further needed in court, unless the employee takes approved leave. If you are summoned for jury duty during a critical work period, the City may ask you to request a waiver from duty.



**RECEIPT OF PERSONNEL POLICY MANUAL  
AND ACKNOWLEDGEMENT OF AT-WILL STATUS**

I, \_\_\_\_\_, hereby acknowledge receipt of a copy of the City of Roy Personnel Policy Manual and acknowledge my responsibility to review and be familiar with the contents thereof.

I understand that my employment with the City of Roy is "at-will", so long as I am not working under a contract of employment or my employment falls within the definition of eligible employees under the Civil Service Rules. At will employment means that I am free to resign at any time, and the City of Roy is free to terminate my employment at any time, with or without cause or advance notice, and without compensation except for time actually worked and generally without a hearing or grievance rights. I understand that none of the statements contained in the City of Roy Personnel Policy Manual and no statements made or written elsewhere can be construed as a contract, implied contract, promise of permanent employment, of employment for any particular duration, of discharge only for cause, or as a guarantee of any particular disciplinary or discharge procedures, unless the promise is in a written employment agreement signed by the Mayor, or included in a separate contract governing my employment.

I understand this manual is only a summary of City of Roy's policies and not all Department policies are reflected in this document. Employees must comply with applicable Department policies and procedures as they relate to their job duties. In event of discrepancies between the City's policy and the Department policy, City policy will govern. The City of Roy expressly reserves the right to change any of its policies and procedures, including those covered in these policies, at any time in its' sole discretion.

If the City of Roy mistakenly overpays me, I hereby consent to the deduction of the overage from my later paychecks. I also hereby consent to deduction from my final paycheck: (1) any amounts advanced to me that remain unearned when my employment with the City of Roy ends, or (2) any amount necessary to reimburse the City of Roy for my own actions, such as failure to return the City of Roy equipment, or unauthorized telephone charges.

**I have read and understand the statements above.**

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

\_\_\_\_\_  
Date



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Employee Printed Name

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Position Title

A signed copy of this form will be placed in the employee's personnel file.