



# **Personnel Policies**

**RESOLUTION No.2004**

**Updated December 18, 2017**

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**RESOLUTION NO. 2004**  
**A RESOLUTION REGARDING PERSONNEL POLICIES AND BENEFITS FOR CITY OF**  
**ANACORTES EMPLOYEES AND SUPERSEDING RESOLUTION NO. 1966 IN ITS**  
**ENTIRETY, PASSED AND APPROVED ON THE 1<sup>st</sup> DAY OF AUGUST 2016.**

**WHEREAS**, the City of Anacortes believes that it is in the best interest of the City and our employees to have written personnel policies to help the City of Anacortes meet our mission statement, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them.

**AND WHEREAS** this Manual has been prepared as a guide and reference for employees. Nothing in this Manual creates an express or implied contract or promise concerning the City of Anacortes's policies or practices, including policies or practices it will implement in the future. The City of Anacortes retains the right to establish, change, and abolish these policies, practices, rules, and regulations at will and as it sees fit.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of the City of Anacortes, Washington, as follows:

The Mayor and City Clerk are hereby authorized and directed to execute said personnel policies, a copy of which is attached hereto and by this reference made part hereof, as the official act and deed of the City of Anacortes.

**PASSED** and **APPROVED** this 18<sup>th</sup> day of December 2017.

CITY OF ANACORTES

\_\_\_\_\_  
Laurie M. Gere, Mayor

ATTEST

\_\_\_\_\_  
Steven D. Hoglund, City Clerk-Treasurer

## **POLICY 100 PERSONNEL POLICIES- RECEIPT OF PERSONNEL POLICIES**

All employees should read the following, and then sign, date and return the form to the Human Resource Department. The form will be placed in the employee's personnel file.

Enclosed are the City of Anacortes's personnel policies. It is your responsibility to read these policies, as they will acquaint you with your employee benefits, our personnel practices and rules, and organizational philosophy. The most current personnel policies are always available on the intranet for your review.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. These policies are general guidelines and do not constitute promises of specific treatment in specific circumstances. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

As the City grows and changes, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor. You will be notified of any such changes.

If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, department head, or the Mayor.

I have read and understand the statement above.

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Employee Signature

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Employee Printed Name

---

Date

(Return one signed copy of this form to the Human Resources Department.)

## **POLICY 101    MAYOR'S LETTER**

**To:    All Supervisors & Managers**  
**Re:    Personnel Policies**

This Manual has been prepared as a guide and reference for a member of management at all levels of supervisory responsibility. This information is to be used to help guide employer/employee relations. The Manual has the approval of the City Council, Mayor, and Department Heads.

We believe that it is in the best interest of the organization and our employees to have written personnel policies to help the City of Anacortes meet our mission, to prevent misunderstandings and problems, and to ensure that all employees know what is expected of them. It is essential that all members of management understand the role of these policies in meeting the organization's objectives and in limiting our legal exposure.

Any policy, however, is only as good as its implementation. Supervisors and Managers who are in direct contact with, and responsible for, a group of employees are essential to effective policy implementation. You are the individuals who must translate these ideas and principles into action.

Please understand that no supervisor, manager, or representative of the City has the authority to make any written or verbal statements or representations, which are inconsistent with these policies without prior approval from the Mayor. We depend upon you for the successful development of a productive, legal, and harmonious working environment for our employees.

Accordingly, I request that you thoroughly familiarize yourself with the contents of this Manual so that all personnel policies of the organization may be administered appropriately.

---

Mayor Laurie M. Gere

\_\_\_\_\_DATE



## **POLICY 102      FUNCTIONS OF THIS MANUAL**

### **Policy:**

This Manual should be used as an outline of the basic personnel policies, practices, and procedures for the organization.

### **Comment:**

- 1) This Manual contains general statements of City of Anacortes policy and should not be read as including the details of each policy. However, in many cases details are provided and appropriate cross-references are made. This Manual should not be interpreted as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases. The City of Anacortes may add to the policies in the manual, revoke, or modify them from time to time. It will try to keep the Manual current, but there may be times when policy will change before this material can be revised.
- 2) These personnel policies shall apply to all City employees. They shall not apply to independent contractors or elected officials, provided that the policy sections on Reimbursement of Employee Expenses (Policies 401-405) and Employee Benefits (Policy 501, and Policy 507) shall apply to the Mayor, who shall be eligible to participate in City employee benefit programs and subject to applicable policies regarding those benefit programs. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining agreement, employee contract, or applicable Civil Service rules and regulations, the provisions of the contract and/or the Civil Service rules shall govern. In all other cases, these policies shall govern.
- 3) Except as specified below, non-represented employees can be terminated only "for cause." Simply defined, "for cause" generally means that the employer has a valid performance, conduct, or attitude-related reason for disciplining or terminating the employee, or that there is a valid budgetary, operational or other legitimate reason for termination. Introductory employees are "at-will" employees and can be terminated without cause. Employees who have an individual contract designating their employment as "at will" can also be terminated without cause.
- 4) The Human Resource Department is responsible for distribution of the Manuals to employees who, in turn, are responsible for inserting approved changes.
- 5) The Human Resource Department will continue to review and recommend changes to the Mayor in the City of Anacortes's personnel policies. Department heads and supervisors are encouraged to recommend changes or new policies. The Human Resource Department is responsible for disseminating new policy information.
- 6) Department heads and supervisors should refer to the Manual whenever questions of policy interpretation or implementation arise. Issues needing clarification should be referred to the Human Resource Department.
- 7) As used in the Manual:
  - a) Use of the masculine or feminine gender should be interpreted to include persons of both gender;
  - b) "Supervisor" means an individual with the authority to assign, direct, and review the work of one or more subordinates; and
  - c) "Immediate family" means the employee's spouse, registered domestic partner, brother, sister, mother, father, stepmother, stepfather, child, stepchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, grandparent, grandparent-in-law, and any other resident member of the employee's household unless otherwise specified.

- i) “Domestic Partner” means a person whom an employee identifies as his or her domestic partner and who together are registered as a Domestic Partnership with the Washington State Secretary’s State Registry.

## **POLICY 103      CODE OF EMPLOYER-EMPLOYEE RELATIONS**

### **Policy:**

The City of Anacortes implements fair and effective personnel policies and requires all employees support the City's best interests.

### **Comment:**

- 1) The City of Anacortes is committed to a mutually rewarding and direct relationship with its employees. Thus, the City of Anacortes:
  - a) Provides equal employment opportunity and treatment regardless of race, religion, color, sex/gender, sexual orientation or gender identification, age, national origin, disability, pregnancy, genetic information, status as an honorably discharged veteran, and any status protected by law(See Productive Work Environment, Policy 202);
  - b) Provides compensation and benefits commensurate with the work performed (See Pay Practices, Section 300);
  - c) Establishes reasonable hours of work based on the City of Anacortes's needs (See Hours of Work, Policy 210);
  - d) Monitors and complies with applicable federal, state, and local laws and regulations concerning employee safety (See Employee Safety and the safety committee, Policy 601);
  - e) Offers training opportunities for those whose talents or needs justify the training;
  - f) Enforces workplace policies in such a manner that does not interfere with, restrain, or prevent employees from engaging in protected activities regarding wages, hours, or other terms and conditions of employment protected under the Public Employees Collective Bargaining Act;
  - g) Is receptive to constructive suggestions about job duties, working conditions, or personnel policies; and
  - h) Establishes appropriate means for employees to discuss matters of concern with their immediate supervisor or department head. (See Dispute Resolution Procedure, Policy 902.)
- 2) The City of Anacortes, as part of its commitment to providing the public with excellent products and services and to creating a productive work environment, expects all employees to:
  - a) Deal with the public and vendors in a professional manner;
  - b) Represent the City of Anacortes in a positive and ethical manner;
  - c) Perform assigned tasks in an efficient manner;
  - d) Be punctual (See Attendance and Punctuality, Policy 701);
  - e) Demonstrate a considerate, friendly, and constructive attitude toward fellow employees; and
  - f) Follow the policies adopted by the City of Anacortes.
- 3) The City of Anacortes retains the discretion to exercise all managerial functions, consistent with the provisions of any governing collective bargaining agreement, employment contract, or Civil Service Commission rules to:
  - a) Dismiss, assign, supervise, and discipline employees;
  - b) Determine and change starting times, quitting times, and shifts;
  - c) Transfer employees within departments or into other departments and other classifications;
  - d) Determine and change the size and qualifications of the workforce;

- e) Determine and change methods by which its operations are to be carried out including contracting out services;
- f) Determine and change the nature, location, goods produced, services rendered, quantity, and continued operation of the municipality; and
- g) Assign duties to employees in accordance with the City of Anacortes's needs and requirements and to carry out all ordinary administrative and management functions.

## **POLICY 104      ETHICS**

### **Policy:**

The City of Anacortes conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

### **Comment:**

- 1) The City of Anacortes is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of City of Anacortes employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, or reputation, or otherwise cause embarrassment to the City. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:
  - a) Using public office or public position for private gain;
  - b) Giving preferential treatment to any person or entity;
  - c) Losing impartiality; or
  - d) Adversely affecting the confidence of the public in the integrity of the City of Anacortes
- 2) Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy. The City of Anacortes will maintain a program to communicate to employees its commitment to integrity and uncompromising values. The program will inform employees of City policies and procedures regarding ethical business conduct and assist them in resolving questions and in reporting suspected violations. Retaliation against employees who use City reporting mechanisms to raise concerns in good faith will not be tolerated.
- 3) The Human Resource Department is responsible for providing policy guidance and issuing procedures to assist employees in complying with the City of Anacortes' expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. Managers are responsible for supporting their implementation and monitoring compliance.

## **POLICY 201      EQUAL EMPLOYMENT OPPORTUNITY**

### **Policy:**

The City of Anacortes is an equal opportunity employer. The City of Anacortes does not discriminate in employment decisions or policies in violation of law on the basis of race, religion, color, sex/gender, sexual orientation or gender identification, age, national origin, disability, pregnancy, genetic information, status as an honorably discharged veteran, or any status protected by law. This policy applies to all terms and conditions of employment, including hiring, placement, promotion, termination, reduction in force, recall, transfer, leaves of absence, compensation, and training.

### **Comment:**

- 1) Reasonable Accommodation of Disabilities
  - a) The City of Anacortes complies fully with its duty to provide a reasonable accommodation to allow an employee with physical or mental disabilities to perform the essential functions of the employee's job. Employees who have a disability that limits their ability to perform their job should contact the Human Resources Department to inform the City of their disability and request for accommodation.
  - b) In order to provide a reasonable accommodation, the City of Anacortes may seek to communicate with the employee's medical provider to gain a better understanding of any limitations they possess, and given those limitations, the means by which an accommodation would allow the employee to perform the essential functions of a position. Employees may be asked to submit to a medical examination by an independent medical provider to confirm their medical condition and resulting limitations. After returning from a disability-related leave, the City of Anacortes may request that an employee undergo a fitness for duty examination to ensure that they are capable of performing the essential functions of the job.
  - c) If an employee qualifies, the City of Anacortes will work with the employee and their medical providers to provide the employee with a reasonable accommodation so that the employee can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the job duties or transferring the employee to another position that the employee is able to perform.
- 2) Reasonable Accommodation of Religious Beliefs:
  - a) The City of Anacortes complies fully with its duty to provide a reasonable accommodation of any employee's sincerely-held religious beliefs, unless the City of Anacortes believes such an accommodation would create an undue hardship or is contrary to the City's commitment to equal opportunity. For example, if an employee requires a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that vary from any dress code adopted by the City, the employee must contact the Human Resources Department to request accommodation.

## **POLICY 202      PRODUCTIVE WORK ENVIRONMENT (COMPLAINTS OF UNLAWFUL DISCRIMINATION, HARASSMENT, OR RETALIATION)**

### **Policy:**

The City of Anacortes promotes a productive work environment and does not tolerate unlawful discrimination, harassment, or retaliation.

### **Comment:**

- 1) The City of Anacortes is committed to providing a workplace that is free from unlawful discrimination. Unlawful discrimination occurs when an employee is disciplined, terminated, demoted, or suffers some other adverse consequence in their employment on the basis of race, color, national origin, creed, religion, sex, age (over 40), pregnancy, marital status, physical or mental disability, genetic information, gender identification, sexual orientation, gender identity or status as an honorably discharged veteran, or any other class protected by federal, state, or local law.
- 2) The City of Anacortes is committed to providing a work environment which is free from unlawful harassment. The City expressly prohibits any form of unlawful harassment by or against its employees on the basis of race, color, national origin, creed, religion, sex, age (over 40), pregnancy, marital status, physical or mental disability, genetic information, gender identification, sexual orientation, gender identity or status as an honorably discharged veteran, or any other class protected by federal, state, or local law.
- 3) Sexual harassment is conduct that is directed at an employee because of his or her sex, is unwelcome, and is offensive. Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- 4) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. Prohibited conduct includes, but is not limited to:
  - a) Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
  - b) Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references;
  - c) Demeaning, insulting, intimidating, or sexually suggestive comments about an individual;
  - d) The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs;
  - e) Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct, or other offensive conduct directed at individuals on the basis of race, color, national origin, creed, religion, sex, age (over 40), pregnancy, marital status, physical or mental disability, genetic information, gender identification, sexual orientation, gender identity or status as an honorably discharged veteran, or any other class protected by federal, state, or local law, is strictly prohibited.

- 5) The City of Anacortes is committed to providing a work place that is free from unlawful retaliation. The City of Anacortes prohibits any form of retaliation against any employee for

good faith actions in filing a complaint under the City's discrimination and harassment policies, and for participating in the investigation of any complaint of discrimination or harassment. Improper retaliation may include, but is not limited to, discipline, termination, transfers, assignment of unfavorable duties, or treating the employee who made the complaint in a hostile manner when such action or behavior is motivated in substantial part by the employee's participation in protected activity. Employees who bring complaints may be subject to discipline if the investigation reveals that the complaint was made in bad faith.

- 6) **Complaint Process.** An employee who feels harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly. A complaint can be made verbally or in writing to Human Resources. In the alternative, as the employee may wish, the complaint may be brought to the attention of the Mayor. If an employee brings the complaint to the attention of another manager, the manager is obligated to report the complaint to Human Resources and/or the Mayor.

A harassment complaint generally will be handled as follows:

- a) Every complaint is to be reported promptly, whether by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
  - b) The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
  - c) Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.
  - d) There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to the Human Resources department. The City strictly prohibits retaliation under this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.
  - e) Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action, and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.
- 7) All officers and managers are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Managers must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A manager's failure to carry out these responsibilities may result in disciplinary action up to and including discharge.



## **POLICY 203      WORKPLACE VIOLENCE**

### **Policy:**

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

### **Comment:**

- 1) **Workplace Violence Prohibition.** The City of Anacortes strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:
  - a) Threatening injury or damage against a person or property
  - b) Fighting or threatening to fight with another person
  - c) Threatening to use a weapon on City of Anacortes premises (unless such threat is a lawful use of force by an employee required to carry a firearm or weapon as a condition of employment)
  - d) Abusing or injuring another person
  - e) Abusing or damaging property
  - f) Using obscene or abusive language or gestures in a threatening manner
  - g) Raising voices in a threatening mannerBecause of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.
- 2) "City of Anacortes Premises" Definition: The term "premises" means all areas within the ownership and/or control of the City of Anacortes, including, but not limited to, buildings, offices, work areas, lounges, parking lots, desks, cabinets, lockers, storage areas, and any other City of Anacortes owned property on which employees may work. The City of Anacortes reserves the right to search all facility premises when the facility management determines that such a search is a reasonable and necessary precaution for work place safety.
- 3) Reporting Violent Conduct. Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the Human Resources Director as soon as possible. Incident reports are to be completed, as appropriate. If the City of Anacortes determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including discharge. The Human Resource Department and Department Head shall handle concerns with members of the public or other parties as it determines under its policies and procedures.
- 4) Imminent Danger/Violence Incident Procedure. Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger, the employee should promptly leave the work area and immediately call 911 to request officer contact. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate manager.
- 5) Security Precautions. All City of Anacortes security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules

must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge. The following expectations also apply to all employees:

- a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
- b) Inspecting their work areas periodically;
- c) Identifying conditions that are recognized as being unsafe; and
- d) Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care. (See Medical Procedures, Policy 205.)

## **POLICY 204      HIRING**

### **Policy:**

The City of Anacortes is an equal opportunity employer and hires individuals solely based on their qualifications and ability to do the job to be filled.

### **Comment:**

- 1) The City of Anacortes normally will try to fill job openings above entry level by promoting from within, if qualified internal applicants are available. (See TRANSFER, Chapter 207; and PROMOTION, Chapter 208) In addition, the City of Anacortes normally will give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization. (See Layoff and Recall, Chapter 212.)
- 2) The City of Anacortes will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:
  - a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
  - b) Create an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, domestic partner, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household.

- 3) Employees who marry or become members of the same household may continue employment as long as there is not:
  - a) A direct or indirect supervisor/subordinate relationship between the employees; or
  - b) An actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City of Anacortes would attempt to find a suitable position within the City of Anacortes to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the City of Anacortes will decide which of the employees will be terminated.

- 4) Former employees who left the City of Anacortes in good standing may be considered for re-employment. Former employees who resigned without advance notice or who were dismissed for disciplinary reasons may not be considered for re-employment. (See Termination of Employment, Policy 213.)
- 5) A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 3 months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan. (See Health and Welfare Benefit Disclosure, Policy 501.)
- 6) Employees who retire may be eligible, in certain circumstances, to be considered for rehire. (See Retirement, Policy 214.)

## **POLICY 205      MEDICAL EXAMINATIONS**

### **Policy:**

The City of Anacortes may require applicants to whom a conditional offer of employment has been extended, and current employees, to undergo medical tests, procedures, or examinations whenever management determines that these are necessary for the safe or efficient operation of the organization and are job-related and consistent with business necessity.

### **Comment:**

- 1) Successful applicants for employment may be required as a condition of employment to submit to a medical examination to establish their fitness to perform the jobs for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.
- 2) Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity. For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, returns from a leave due to a medical condition, or has a questionable ability to perform essential job functions due to a medical condition.
- 3) Employees are encouraged, but not required unless it is determined to be a condition of employment, to have physical examinations periodically during their employment. Employees are encouraged, but not required, to participate in wellness programs.
- 4) Medical examinations required by the City of Anacortes will be paid for by the City and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the City of Anacortes are the property of the City of Anacortes, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.
- 5) Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs. (See drugs, narcotics, & alcohol Policy 808)
- 6) The City reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The City also may require a second and, if appropriate, third medical opinion regarding an employee's absence because of illness or injury. The City will pay for any additional opinions it requires.
- 7) Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.
- 8) Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. The supervisor will arrange referral for examination, treatment, and recording of the incident as necessary. Time an employee

spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.

- 9) The City also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law. For policies and procedures on this type of testing, see (See drugs, narcotics, & alcohol Policy 808).

## **POLICY 206      INTRODUCTORY PERIOD**

### **Policy:**

The City of Anacortes carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new job during an initial introductory period. After satisfactory completion of the introductory period, those employees will be evaluated as provided for in the PERFORMANCE APPRAISALS policy. (See PERFORMANCE APPRAISALS Policy 302.)

### **Comment:**

- 1) Normally, the introductory period should last twelve months or as designated in the appropriate collective bargaining agreements and/or Civil Service Rules and Regulations. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.
- 2) Supervisors should prepare a written evaluation of the employee's job performance before the end of the introductory period on the new job. (See Performance Appraisals, Policy 302.) The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the department head and the Human Resource Department for inclusion in the employee's personnel file. (See Personnel Records, Policy 901.)
- 3) Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their introductory period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance. Supervisors may recommend the termination of a newly hired employee at any time. Introductory employees are at-will employees. A recommendation for termination should be submitted in writing to the Human Resource Department for review and should include an evaluation and a list of actions taken to assist the employee. (See also Termination of Employment, Policy 213.) Action to terminate should have the prior approval of the Human Resource Department.
- 4) At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated. (See TRANSFER, Policy 207; and Promotion, Policy 208.)

## **POLICY 207      TRANSFER**

### **Policy:**

The City of Anacortes may at its discretion initiate or approve employee job transfers from one job to another or from one location to another.

### **Comment:**

- 1) The City of Anacortes may require employees to make either a temporary or long-term job transfer in order to accommodate the City's business needs. The City of Anacortes will try to limit the number and duration of temporary transfers that it requests of individual employees in a twelve-month period.
- 2) Employees may request a voluntary job transfer. To be eligible for a voluntary transfer, employees normally must meet the requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period.
- 3) Job openings for which management solicits candidates from within the City of Anacortes are normally posted on the employee bulletin board and on the City's website. However, as it considers appropriate, management will fill job openings or make transfers without posting notices.
- 4) Internal Job Openings: Eligible employees who request a transfer generally will be considered in the following order:
  - a) Employees in the same department as the job opening;
  - b) Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job (See Layoff and Recall, Policy 210); and
  - c) All other employees.
- 5) Application Process for Internal Job Openings: Requests for transfer normally should be handled as follows:
  - a) The employee should submit an internal job application form to the Human Resource Department. The request should include the reason for the transfer and the department and specific job that the employee wants. Requests based on posted job openings must comply with the procedures described in Promotion, Policy 208, and should be initiated prior to the cut-off date specified in the posting. It is recommended that employees inform their immediate supervisor of their intent to apply for another position.
  - b) The Human Resource Department and hiring manager should determine if the requested job or a suitable job opening exists and whether the employee is eligible.
  - c) If the employee is eligible for a job opening, the hiring manager should arrange an interview with the candidate. The candidate will be allowed time off with pay for job interviews related to the transfer.
  - d) The department head with the job opening will make the final transfer decision, subject to prior approval of the Human Resource Department and Mayor. (See Promotion, Policy 208.)
  - e) Supervisors and department heads may initiate the procedure and propose employees for a position.
- 6) Transferred employees will be subject in their new positions to the provisions of the Introductory Period Policy. (See Introductory Period, Policy 206.). Transferred employees may be required to have a medical examination if the examination is job-related and consistent with business necessity. (See Medical Procedures, Policy 205.)
- 7) Transferred employees will retain their existing job seniority.
- 8) Pay for transferred employees generally will be handled as follows:

- a) Employees transferred to a job within the same salary range will continue to receive their existing rate of pay;
- b) Employees transferred to a job in a higher salary range will be paid at a rate within the higher range to be determined at the time of transfer;
- c) Employees transferred, for management's convenience, to a job in a lower salary range will usually be paid at their former rate. At management's discretion, however, employees may be paid at the rate of the new job; and
- d) Employees who are transferred for disciplinary reasons, lack of work, budgetary reasons, municipal reorganization, or at their own request to a job in a lower salary range will be paid at the lower rate beginning with the start of the new job.



## **POLICY 208      PROMOTION**

### **Policy:**

The City of Anacortes may offer employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above the entry level, unless outside recruitment is considered to be in the City of Anacortes's best interest.

### **Comment:**

- 1) All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their supervisor, department head, and the Human Resource Department.
- 2) Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least twelve months, have a satisfactory performance record, and have no disciplinary actions during the same period. Management retains the discretion to make exceptions to the policy.
- 3) Job openings and promotions for which management solicits candidates from within the City of Anacortes normally will be posted on the employee bulletin board and announced on the City's website. However, as it considers appropriate, management may fill job openings or make promotions without posting notices. When job openings or promotion opportunities are posted:
  - a) Interested employees must complete an internal application form and cover letter and forward it to the Human Resource Department prior to the cut-off date specified in the posting;
  - b) Department heads may initiate the procedure within the same time period and propose employees for the position; and
  - c) The Human Resource Department may, at its discretion, solicit outside candidates during or after the posting period.
- 4) Employees who are candidates for job openings and promotions will be considered for the position as outlined in the Transfer policy. (See Transfer, Policy 207.)
- 5) Employee candidates for promotion will normally be screened and selected based on attendance and work records, performance appraisals, and job-related qualifications including, in some instances, aptitude or achievement tests. Seniority will be considered if required by a labor contract. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity. (See Medical Procedures, Policy 205.)
- 6) Promoted employees will be subject to the provisions of the Introductory Period policy in their new positions. (See Introductory Period, Policy 206.) Seniority and pay for promoted employees will be handled as outlined in the Transfer policy. (See Transfer, Policy 207.)

## **POLICY 209      HOURS OF WORK**

### **Policy:**

The City of Anacortes establishes the time and duration of working hours as required by workload and workflow, customer service needs, the efficient management of employees, and any applicable law or bargaining agreement.

### **Comment:**

- 1) The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of police, fire, water and wastewater employees, may be established by the City to meet job assignments and provide necessary City services. Rest or coffee breaks are considered as time worked.
- 2) Each employee's scheduled work hours will be determined by his or her department head. The department head, or the department head's designee, will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by the City of Anacortes. (See REST BREAKS, Policy 703; and MEAL BREAKS, Policy 704.)
- 3) Department heads may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor or department head. For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted.
- 4) Employee attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time, if management requires and authorizes attendance.
- 5) Nonexempt employees normally will be granted a minimum of two hours of "reporting pay" and "call-back pay." Reporting pay will be granted when employee reports for work and no work is available. However, reporting pay will not be granted if the lack of work is the result of conditions beyond the City of Anacortes's control or if employees refuse to accept other work that they are qualified to perform. When work is not available, the City of Anacortes will make a reasonable effort before starting time to notify employees not to report to work. Call back pay will be granted when employees are asked to come to work outside of their normal working hours.
- 6) Department heads, at their discretion, may allow nonexempt employees to make-up lost time during a given workweek. However, make-up will not be allowed if the lost time is the result of conditions the employee could control, if there is no work the employee is qualified to do, or if adequate supervision is not available.
- 7) Nonexempt Timesheets: All nonexempt employees are required to complete an individual time record showing the daily hours worked. Time records cover half of one month (1-15<sup>th</sup> and 16-end of month) and must be completed by dates determined by the Finance Department. The following points should be considered in filling out time records:
  - a) Employees should record their total hours worked for each workday;
  - b) Employees are not permitted to sign in or begin work before their normal starting time or to sign out or stop work after their normal quitting time without the prior approval of their supervisor;
  - c) Employees are required to take scheduled lunch or meal breaks;

- d) Employee time records should be checked and signed by the supervisor involved. Special attention should be given to unworked time for which an employee is entitled to be paid (paid absences, paid holidays, or paid vacation time) and authorized overtime;
  - e) Unapproved absences should not be considered as hours worked for pay purposes. (See ATTENDANCE AND PUNCTUALITY, Policy 701; and ABSENCES, Policy 702.) Supervisors should inform employees if they will not be paid for certain hours of absence; and;
  - f) Timesheet estimation is permitted following established guidelines; however, falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURES, Policy 807.)
- 8) Compensatory Time Off: Nonexempt employees can earn overtime for hours worked beyond the normal workweek. Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours of compensatory time-off is earned for one hour of work beyond the normal workweek.
- a) Maximum accruals of compensatory time shall be limited to two hundred-forty (240) hours or per bargaining agreement. After maximum accrual, overtime compensation will be paid to nonexempt employees.
  - b) Employees may use compensatory time after making a request to their department head, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the department head.
  - c) Upon termination, employees receive compensation for their accrued compensatory time balance.
- 9) Exempt Timesheets and Exchange Time Off: Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act.
- a) Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions.
  - b) Exempt employees do not receive overtime compensation. Exempt employees are eligible to receive exchange time off on a one for one basis for work in excess of forty hours during their normal workweek.
  - c) Maximum accruals of exchange time shall be limited to 240 hours. Exempt employees will not continue to accrue exchange time after reaching the maximum.
  - d) Upon termination, accrued exchange time hours are not eligible for payout.
- 10) For policies and procedures regarding pay practices, see PAY PRACTICES, Policy 300.

## **POLICY 210      OUTSIDE EMPLOYMENT**

### **Policy:**

The City of Anacortes allows its employees to engage in outside work or hold other jobs, subject to certain restrictions as outlined below.

### **Comment:**

- 1) Employees are required to disclose outside work or other jobs to their department heads and obtain pre-approval to perform outside work or hold another job.
- 2) The City of Anacortes requires that employees' activities and conduct away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City of Anacortes. (See Conflicts of Interest, Policy 805.) This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City of Anacortes personnel. This prohibition also extends to the unauthorized use of any City of Anacortes resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.
- 3) Employees are cautioned to consider carefully the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems, it must be discontinued. If necessary, normal disciplinary procedures will be followed to deal with the specific problems. (See Disciplinary Procedure, Policy 807.)
- 4) In evaluating whether to grant approval for outside work, department heads and the Human Resource Department will consider whether the proposed employment:
  - a) May reduce the employee's efficiency in working for the City of Anacortes;
  - b) Involves working for an organization that does a significant amount of business with the City of Anacortes, such as major contractors, suppliers, and customers; or
  - c) May adversely affect the City of Anacortes's image.
- 5) If employees outside employment job duties are similar or related to their City of Anacortes service, or if they cause the employee to deal with people or entities whom the employee deals with for the City of Anacortes duties, the employee must be prepared to explain why no potential conflict exists between the outside employment and the official duties of the City of Anacortes.
- 6) Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination. (See Disciplinary Procedure, Policy 807.)

## **POLICY 211      EMPLOYEE CLASSIFICATIONS**

### **Policy:**

The City of Anacortes classifies employees as full-time, part-time, or temporary and as exempt or nonexempt for the purposes of compensation administration. In addition, the City of Anacortes may supplement the regular workforce, as needed, with other forms of flexible staffing.

### **Comment:**

- 1) The Human Resource Department is responsible for classifying employees. Employees generally may be categorized as follows:
  - a) A **full-time employee** is an individual who works a normal forty-hour workweek and is hired for an indefinite period. (See HOURS OF WORK, Policy 209.) A full-time employee may be classified as either exempt or nonexempt.
  - b) A **part-time employee** is an individual who works less than a normal workweek and is hired for an indefinite period. A part-time employee may be classified as either exempt or nonexempt. Note that a modified definition of part-time employee is used under HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501, to align the City's health insurance coverage with the Affordable Care Act.
  - c) A **temporary employee** generally is an individual who is hired either part-time or full-time for a specified, limited period. A temporary employee may be classified as either exempt or nonexempt. A temporary employee who works more than one thousand, forty regular hours (1040) in a work year may be required to join the applicable bargaining unit.
  - d) A **nonexempt employee** generally is subject to the minimum wage and overtime provisions of the Fair Labor Standards Act ("FLSA") and is typically paid either on an hourly or salary basis.
  - e) An **exempt employee** is exempt from the provisions of the FLSA and is not entitled to overtime payments. Exempt employees typically are paid on a salary basis and include administrative, executive, and professional employees, outside sales representatives, and certain highly skilled computer professionals. (See HOURS OF WORK, Policy 209.)

Other flexible staffing classifications or arrangements may be added as needed.

- 2) For information regarding eligibility for paid absences, vacations, and holidays see ABSENCES, Policy 702; VACATIONS, Policy 502; and HOLIDAYS, Policy 503. An employee whose status changes from full-time to part-time may use any days of paid absence or vacation earned as a full-time employee. An employee whose status changes from temporary or part-time to full-time will be considered as hired on the date of the change of status for purposes of eligibility for paid absences and vacation. Information concerning eligibility for other City of Anacortes benefits, such as the pension plan, is available from the Human Resource Department.

## **POLICY 212      LAYOFF AND RECALL**

### **Policy:**

If the City of Anacortes must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with City of Anacortes requirements and in accordance with the procedures described below.

### **Comment:**

- 1) In the event that a layoff is expected, the City of Anacortes will attempt to communicate information about an impending layoff as soon as possible. However, management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the City of Anacortes's interests.
- 2) Layoffs that are expected to be temporary generally will be handled according to the provisions of this policy. Selections for layoffs that are known to be permanent will be made according to this policy and then handled according to policies outlined in TERMINATION OF EMPLOYMENT, Policy 213; and SEVERANCE PAY, Policy 303.
- 3) Evaluation of layoff criteria shall be within the sole discretion of the City. Employees will be selected for layoff, based on the following criteria:
  - a) Promotion potential and transferability of skills to other positions within the unit;
  - b) Demonstrated current and past performance;
  - c) The needs of the City of Anacortes; and
  - d) Length of service with the City of Anacortes.
- 4) An employee's length of service is measured from the original date of employment with the City of Anacortes, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the City of Anacortes.
- 5) Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances.
- 6) Employees who are laid off will be maintained on a recall list for six months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the Human Resource Department if they become unavailable for recall. Employees who do not keep a current home address on record with the Human Resource Department will lose their recall rights.
- 7) Employees will be recalled according to needs of the City of Anacortes, their classification, and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the Human Resource Department. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the City of Anacortes.
- 8) Credit for seniority will continue to accumulate during any layoff of 30 days or less. Employees laid off for more than 30 days and subsequently recalled within one year from the date of layoff will be credited with the years of service accumulated at the time of layoff.

- 9) If the layoff is expected to exceed 30 days, vacation pay equal to the number of unused vacation days accrued will be paid at the time of layoff. Employees who are laid off will not accrue vacation or sick leave during the layoff.

## **2) POLICY 213 TERMINATION OF EMPLOYMENT**

### **Policy:**

The City of Anacortes may terminate employment because of an employee's resignation, discharge, or retirement, the expiration of an employment contract, or a permanent reduction in the workforce. Discharge can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the City of Anacortes reserves the right to terminate employment with cause. The exception to this is with "at will" employees, such as introductory employees and department heads (who have individual contracts with the City of Anacortes) who may be terminated at any time, with or without notice and with or without cause. At will employees, however, cannot be terminated for any reason that would violate anti-discrimination laws or public policy.

### **Comment:**

- 1) Employees are requested to give advance written notice of their intent to resign including the anticipated date of termination. Failure to give advance written notice may result in ineligibility for re-employment. (See HIRING, Policy 204; and VACATIONS, Policy 502.) The following guidelines are suggested:
  - a) Department heads and managerial employees should give at least four weeks' notice; and
  - b) All other employees should give at least two weeks' notice.
- 2) Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit. (See ATTENDANCE AND PUNCTUALITY, Policy 701.)
- 3) The Human Resource Department is responsible for notifying terminating employees who are covered by the City of Anacortes's group health plan of their right to continue coverage under that plan. (For a special summary of the Consolidated Omnibus Budget Reconciliation Act "COBRA" continuation coverage requirements, see Appendix A).
- 4) Supervisors should send notices of resignation and recommendations for termination to the Human Resource Department for review. This information should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary reports. (See PERFORMANCE APPRAISALS, Policy 302; and DISCIPLINARY PROCEDURE, Policy 807.)
- 5) Requests for employment references should be made in writing to the Human Resource Department and should include an authorization by the employee for the release of the requested information. Generally, the Human Resource Department will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with the City of Anacortes. Employees may request that their supervisor provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.)



## **POLICY 214      RETIREMENT**

### **Policy:**

The City of Anacortes determines employees who are eligible for normal retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officer's and Firefighter's Retirement System (LEOFF). Regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

### **Comment:**

- 1) Employees who choose to take normal retirement are requested to give the Human Resource Department as much advance notice of their intent as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.
- 2) Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the City of Anacortes's employee benefit plans. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.) Retiring employees are eligible to receive pay for accrued but unused vacation. (See Vacations, Policy 502.) All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the City of Anacortes's and the Washington State Retirement System's discretion.
- 3) The Washington State Department of Retirement Systems (DRS) administers the retirement benefits. Human Resources will post any notices required by law on the City of Anacortes's bulletin boards. DRS contact information is as follows:

**DRS Mailing Address**

Department of Retirement Systems  
PO Box 48380  
Olympia, WA 98504-8380

**DRS Street Address**

6835 Capitol Boulevard  
Tumwater, WA 98501

**DRS Phone Number**

(360) 664-7000 or toll free (outside the Olympia area) 1-800-547-6657

**Website:** <http://www.drs.wa.gov/>

When contacting the Washington State Department of Retirement Systems the following identifying information is necessary: Your name, retirement system plan, and your Social Security number.

- 4) Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the City of Anacortes should make that interest known at their exit interview. (See HIRING, Policy 204; and TERMINATION OF EMPLOYMENT, Policy 213.) Hiring an applicant who is receiving PERS retirement benefits must comply with State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one (1) month prior to starting a new job with the City of Anacortes.

## **POLICY 301**                      **SALARY ADMINISTRATION**

### **Policy:**

The City of Anacortes pays compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City of Anacortes's overall financial condition and competitive position.

### **Comment:**

- 1) New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the appropriate department head, the Human Resource Department, and the Mayor.
- 2) The Human Resource Department is responsible for coordinating with the Mayor the continuing review of compensation and for making sure that each job is evaluated and assigned a job grade and salary range. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance.

## **POLICY 302      PERFORMANCE APPRAISALS**

### **Policy:**

The City of Anacortes will evaluate the job performance of each employee periodically.

### **Comment:**

- 1) Supervisors should complete performance appraisals upon the following occasions:
  - a) By the end of the first twelve months of employment (See INTRODUCTORY PERIOD, Policy 206);
  - b) Then on an annual basis (based on anniversary date or in December of each year).

Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors may be authorized to retain information to aid in the development on an employees' performance appraisal. These notes are to be destroyed following the performance appraisal.

- 2) In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.
- 3) Supervisors should prepare a written appraisal of each employee's job performance. The appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period.
- 4) Department heads should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective a manner as possible.
- 5) The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it. The employee and supervisor should then sign and date the evaluation and forward it to the Human Resource Department for review and inclusion in the employee's personnel file. (See PERSONNEL RECORDS, Policy 901.) Employees may have a copy of their completed performance appraisal for their records.
- 6) Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

## **POLICY 303      SEVERANCE PAY**

### **Policy:**

The City of Anacortes allows that severance pay may be granted to terminated employees under certain limited circumstances. The City of Anacortes, however, retains the right to amend or terminate its severance policy at any time.

### **Comment:**

- 1) Severance pay is intended to provide extra economic help to certain terminated employees while they adjust to their job loss. Severance pay is not available for temporary employees.
- 2) The Human Resource Department is responsible for administering City of Anacortes policy on severance pay and will handle any employee claims or complaints.
- 3) Employees may be considered eligible for severance pay if they have worked full-time for at least one year and are terminated because of:
  - a) A permanent reduction in force (unless the employee refuses a transfer recommended by the City of Anacortes);
  - b) The elimination of the job or position.
- 4) Employees normally will not be considered eligible for severance pay if their employment is terminated because of:
  - a) An employee-initiated voluntary resignation;
  - b) Conduct or performance issues;
  - c) A layoff that is expected to be short-term (less than 30 days);
  - d) A breach of an employment agreement;
  - e) Normal retirement, permanent disability, or death.
- 5) Eligible employees will be required to sign a release agreement in order to receive severance pay.
- 6) When severance pay is granted, eligible employees normally will receive 4 weeks regular straight-time pay for 1–4 years of continuous service; 5 weeks regular straight-time pay for 5-9 years of continuous service; and 6 weeks regular straight time pay for 10+ years of continuous service. Severance pay is calculated from the most recent date of hire. Unless otherwise provided, payment will be made in a lump sum at the time when final termination pay is provided.

## **POLICY 304      PAY PROCEDURES**

### **Policy:**

The City of Anacortes pays employees by check or direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

### **Comment:**

- 1) Employees normally will be paid on the fifth (5<sup>th</sup>) day and the twentieth (20<sup>th</sup>) of the month. If the regular payday occurs on a Saturday, Sunday, or a holiday, employees will be paid on the last working day before the regular payday.
- 2) Employees may elect to receive payment by direct deposit by providing written authorization and filling out the necessary forms with the Human Resource Department. Direct deposit will remain in effect until revoked in writing by the employee.
- 3) Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.
- 4) Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify their supervisor immediately. In the case of a mistake made by the City the error will be remedied promptly. In the case of loss or theft, the Finance Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the City of Anacortes will not be responsible for the loss or theft of a check if it cannot stop payment on the check.
- 5) Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime compensation, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for work in excess of forty hours during their normal workweek. After maximum accrual, overtime compensation will be paid to nonexempt employees
- 6) Exempt employees are eligible to receive exchange time off on a one to one basis for work in excess of forty hours during their normal workweek. Maximum accruals of exchange time shall be limited to 240 hours. (For a more detailed discussion of exempt and nonexempt status, see EMPLOYEE CLASSIFICATIONS, Policy 211.)
- 7) Employees who wish to authorize another person to pick up their paycheck must complete a "Payroll Warrant Pick Up Authorization Form." A copy of the completed form must be provided to the employee's manager and the finance department. Paychecks will not be distributed without an authorization in place.
- 8) For policies and procedures regarding on-call and reporting pay, see Hours of Work, Policy 209. For policies and procedures governing pay upon termination, see TERMINATION OF EMPLOYMENT, Policy 213.
- 9) Employees are encouraged to discuss any questions or concerns regarding their rate of pay and other compensation issues, including any improper deductions from pay, with their immediate supervisor. If the employee and immediate supervisor are not able to resolve the question, the employee should contact the department head or Human Resources Department. The City will promptly investigate all reported complaints and, if appropriate, take corrective action. The City prohibits and will not tolerate retaliation against any employee because that employee filed a good faith complaint under this policy. Specifically,

no one will be disciplined, intimidated or otherwise retaliated against because that person exercised rights under this policy or applicable law.

## **POLICY 305      INTERIM ASSIGNMENTS**

### **Policy:**

The City of Anacortes may authorize interim assignments during the absence of supervisory employees in specific situations.

### **Comment:**

- 1) Interim assignments provide valuable on-the-job training and allow continuation of a critical workload during an extended absence. Employees may be assigned the responsibilities as an “interim” or “acting” supervisor or department head during times of vacation, sick leave, or other absences that require more than 15 consecutive business days away from work. Interim assignments require pre-approval from the Mayor. Interim supervisors will receive a wage premium of 9% beginning on the 16<sup>th</sup> consecutive day of the assignment. Interim assignments are limited to 90 business days. Extensions require approval by the Mayor. The interim supervisor must be able to assume the majority of the duties of the higher classification and have the education and/or certificate requirements stated in the job description. If an employee covered by a bargaining unit is assigned to a non-union interim assignment, the City of Anacortes’ policy supersedes the bargaining agreement. If an employee covered by a bargaining agreement is assigned to a position within the same bargaining unit, the bargaining agreement procedures take precedence.

## **POLICY 401      TRAVEL**

### **Policy:**

Business travel must be approved in advance and should be engaged in and reimbursed according to the guidelines described in the supplementary Travel Policy Manual. The Finance Department maintains the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate the travel policy at any time.

### **Comment:**

- 1) Employees holding jobs that require extensive travel are expected to travel as a condition of employment. For all other jobs, travel is considered only an incidental function of the position, but may be required.
- 2) Supervisors, Department Heads, the Mayor, and the Council Finance Committee must approve any employee travel in advance.
- 3) The City of Anacortes may issue guidelines specifying or restricting travel booking requirements. Under normal circumstances, employees should use the most appropriate form of transportation available, book the least expensive fares, and stay in and eat at moderately priced establishments.
- 4) Employees should provide their supervisor with a copy of their itinerary before leaving on business travel.
- 5) Employee expenses for approved travel will be paid or reimbursed when properly documented by the employee and approved by the supervisor, the Mayor, and the Council Finance Committee. Examples of expenses normally paid or reimbursed include transportation, meals, lodging, and limited incidental expenses. The Travel Policy Manual describes the per diem method of allowable reimbursement. Employees who know or anticipate that they will have a special request for travel expense reimbursement should ask for approval from their supervisor before incurring the expense. Any travel expenses considered unreasonable under the circumstances will not be paid or reimbursed and are the employee's personal responsibility. Employees will not be reimbursed for the travel (including lodging and meal) expenses of their spouses, domestic partner, or other non-employees who may accompany the employee.
- 6) Employees whose jobs require travel will be issued City of Anacortes credit cards for payment of business expenses. City of Anacortes credit cards are City of Anacortes property, and their use must be properly documented and approved as outlined in Comment (5), above.
- 7) Time spent by nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) in traveling away from home on City of Anacortes business during normal working hours (including what would be normal working hours on a day not usually scheduled to work) are considered hours worked for pay purposes. (See HOURS OF WORK, Policy 209.)
- 8) Employees traveling on City of Anacortes business are representatives of the City of Anacortes and are expected to maintain a high level of professionalism and to follow all of the City of Anacortes's policies and rules. (See BEHAVIOR OF EMPLOYEES, Policy 801.)



## **POLICY 402      AUTOMOBILE USAGE**

### **Policy:**

The City of Anacortes provides vehicles for business use, to allow employees to drive on City of Anacortes business, and to reimburse employees for business use of personal vehicles according to the guidelines below. For further clarification, refer to the Travel Policy Manual. The City of Anacortes retains the right to amend or terminate travel policy at any time. (The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.)

### **Comment:**

- 1) Employees may not drive any vehicles for City of Anacortes business without prior approval of their supervisor. Employees to whom fuel cards are issued are required to acknowledge the City's fuel card policy and procedures. Periodically, before approving a driver, each supervisor should check the employee's driving record, with the employee's consent; and verify the existence of a valid driver's license and personal auto liability coverage. Employees approved to drive on City of Anacortes business are required to inform their supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
- 2) Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.
- 3) If possible, City of Anacortes vehicles will be permanently assigned to departments that have demonstrated a continued need for them. Additional vehicles are maintained in a motor pool for use by individual employees, as needed.
- 4) Employees who need transportation in the course of their normal work may be assigned a City of Anacortes vehicle for their use. All other employees needing transportation for City of Anacortes business may use vehicles assigned to their department or those drawn from the motor pool. When no City of Anacortes vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.
- 5) Employees who drive a vehicle on City of Anacortes business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely follow all traffic laws, avoid distractions while driving (such as using telephones), and maintain the security of the vehicle and its contents. In addition, because texting while driving is particularly dangerous and illegal in several states, employees specifically are prohibited from texting while driving. Drivers also must make sure the vehicle meets all City or legal standards for insurance, maintenance, and safety. Employees are personally responsible for any driving infractions or fines as a result of their driving a City vehicle and must report them to their supervisors. Employees who drive a City vehicle also should ensure that the vehicle is kept clean and free of litter.
- 6) Non-business passengers are prohibited from riding in City of Anacortes vehicles, i.e., family and friends.
- 7) Employees who use their personal vehicle for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. A reduced mileage allowance will be utilized when an employee chooses to take a personal vehicle when a City vehicle is available. The allowance is to compensate

for the cost of gasoline, oil, depreciation, and insurance. Employees who operate personal vehicles for City of Anacortes business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by their personal insurance agent.

- 8) Employees must report any accident, theft, or malicious damage involving a City of Anacortes vehicle to their supervisor and the Personnel Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigating officers.
- 9) Employees who are on call on a 24-hour basis may be allowed to take a City of Anacortes vehicle home so they can respond as soon as possible need to provide written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.
- 10) Employees are not permitted, under any circumstances, to operate a City of Anacortes vehicle, or a personal vehicle for City of Anacortes business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City of Anacortes vehicle at any time, or operate any personal vehicle while on City of Anacortes business, while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.
- 11) In most circumstances, time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a City or personal vehicle on City business is considered hours worked for pay purposes. However, under most circumstances, commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

## **POLICY 403      MEAL REIMBURSEMENT**

### **Policy:**

The City of Anacortes provides, pays, or reimburses employees for business-related meals according to the guidelines below. For further clarification, the Travel Policy Manual should be referred to. The City of Anacortes retains the right to amend or terminate the travel policy at any time.

### **Comment:**

- 1) Employees required to travel on City of Anacortes business may charge to the City of Anacortes, or be reimbursed for, the cost of all meals during their travel pursuant to the Travel Policy Manual per diem method of allowable reimbursement (See TRAVEL, Policy 401.). Meal reimbursements that do not include an authorized overnight stay are taxable and reimbursement will be included in the employee's paycheck following submittal to the Finance Department.
- 2) Meal expenses should follow the guidelines set by the Travel Policy Manual.

## **POLICY 404      MEMBERSHIP IN CLUBS AND CIVIC ORGANIZATIONS**

### **Policy:**

The City of Anacortes encourages employees to participate in the activities of community clubs and civic organizations.

### **Comment:**

- 1) Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the City of Anacortes's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the City of Anacortes's interests. (See CONFLICTS OF INTEREST, Policy 805.)
- 2) The Mayor may identify certain community organizations in which the City wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as City of Anacortes representatives in the organization and are expected to promote its interests.
- 3) Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at the City of Anacortes's request or under its direction and control.
- 4) The Mayor will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:
  - a) The nature and purpose of the club or organization;
  - b) The potential benefit to the City of Anacortes, including the enhancement of the employee's leadership and organizational skills;
  - c) The cost to the City of Anacortes;
  - d) The extent to which the City of Anacortes is already represented in the club or organization; and
  - e) The employee's job responsibilities, length of service, and overall qualifications for membership.

The Mayor will review periodically the City's representation in community organizations and its sponsorship of employees for membership and will make changes as appropriate.

- 5) Employees whose membership is sponsored by the City of Anacortes are encouraged to use the clubs or civic organizations for business purposes.
- 6) Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for dues only. An expenditure voucher must be completed to claim reimbursement.
- 7) Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

## **POLICY 405      PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS**

### **Policy:**

The City of Anacortes encourages employees to participate in certain trade and professional associations where there is a clear benefit to the City of Anacortes.

### **Comment:**

- 1) Employees are encouraged to participate in trade and professional associations that promote City of Anacortes goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the City of Anacortes's interests and must fit within budgetary constraints. (See CONFLICTS OF INTEREST, Policy 805.)
- 2) The City of Anacortes may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as City of Anacortes representatives in the association and are expected to promote its interests and to participate accordingly.
- 3) Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at the City of Anacortes's request or under its direction and control. (See Hours of Work, Policy 209.)
- 4) Department heads are responsible for coordinating representation in trade and professional associations and must receive prior approval from the Mayor. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:
  - a) The nature and purpose of the association;
  - b) The potential benefit to the City of Anacortes, including enhancement of the City of Anacortes's reputation and the development of the employee's leadership and organizational skills;
  - c) The cost to the City of Anacortes;
  - d) The extent to which the City of Anacortes is already represented in the association; and
  - e) The employee's job responsibilities, length of service, and overall qualifications for membership.
- 5) Department heads are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities within their budgetary authority. The City of Anacortes will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the Mayor approves participation in the activity in advance.
- 6) Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.
- 7) Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval for any communication that might represent the City of Anacortes's position or involve any information that is sensitive. (See MEDIA INQUIRIES, Policy 806.)

## **POLICY 501      HEALTH AND WELFARE BENEFIT DISCLOSURE**

### **Policy:**

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

### **Comment:**

#### **1)      Health Coverage**

The City of Anacortes Health Coverage policy is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act, as amended (PPACA). Under the terms and conditions of this policy and City's health benefits plan, The City provides health coverage to full-time employees and their dependents up to age 26. The benefits, terms, and conditions of City's health benefits plan, including costs owed by eligible employees, are explained in a separate plan document (the "Plan") and/or in applicable collective bargaining agreements. If there are conflicts between this policy, the Plan, and any collective bargaining agreements, the collective bargaining agreement shall control. If the agreement does not satisfy the minimum protections of the PPACA the parties shall negotiate a modification that at least meets the minimum.

#### **2)      Definitions and Classifications**

**Full-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, 30 or more hours per week. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the Plan. In no event shall the date of enrollment be later than 90 days following the date of hire or the date of change in job classification.

**Part-time.** At time of hire or change in job classification, employee is reasonably expected to work, on average, less than 30 hours per week. Part-time employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless they satisfy the criteria below or are otherwise entitled to coverage under the terms of the Plan or applicable collective bargaining agreement.

Regular part-time employees classified as 50% - 74% FTE (but in all cases below an average of 30 hours per week) are eligible for ½ of the employee-only medical insurance premiums of the lowest cost plan offered by the City. Employees may choose between the two benefit plans, but the City's contribution is limited to half of the lowest cost plan offered. Employees fitting this criterion have the option of enrolling dependents in the City's health benefits plan during open enrollment or for a qualifying event; however, employees are responsible for all premium expenses. Coverage offered to eligible regular part-time employees is provided by the City on a voluntary basis and is not required under the PPACA.

If, based on City prior approval, a part-time employee averages 30 or more hours per week during a measurement period (discussed below), the employee will be deemed a full-time employee, eligible for health coverage during a subsequent stability period (discussed below).

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

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

**Dependents.** Children of full-time employees up to age 26 (including the entire calendar month in which a child turns age 26). Includes biological and adopted children, stepchildren and foster children. Also includes spouses and domestic partners. Dependents of full-time employees are eligible for health coverage.

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

### **3) Work Hours Limitations**

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

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

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

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

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

#### **4) Measurement and Administrative Periods – Initial Periods**

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

The City uses an initial administrative period of not longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

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

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



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

Example:

- Employee A is hired as a new variable-hour employee on April 2, 2015. Employee B is hired as a new part-time employee on April 15, 2015.
- Under the first phase of the initial administrative period, Employee A is placed into an initial administrative period from April 2, 2015 through April 30, 2015. Employee B is placed into an initial administrative period from April 15, 2015 through April 30, 2015. *[The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired in the same calendar month into the same initial measurement and stability periods.]*
- Employee A and Employee B both have initial measurement periods beginning May 1, 2015 and ending April 30, 2016 (12 months).
- Employee A and Employee B are both subject to the second phase of the initial administrative period, beginning May 1, 2016 and ending May 31, 2016 (one month). During this period, the City calculates Employee A's and Employee B's hours worked during the initial measurement period.
- Employee A and Employee B are both subject to an initial stability period beginning June 1, 2016 and ending May 31, 2017 (12 months). If either employee averaged 30 or more hours per week during the initial measurement period, he/she will be offered and enrolled in health coverage during the initial stability period. If either employee averaged fewer than 30 hours per week during the initial measurement period, he/she will be excluded from health coverage during the initial stability period.

## **5) Measurement and Administrative Periods – Standard Periods**

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

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

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

<b>Standard Measurement Period</b>	–	December 1 of each year through November 30 of the following year
<b>Standard Administrative Period</b>	–	December 1 through December 31 of each year.
<b>Standard Stability Period</b>	–	January 1 through December 31 of each year.

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

Example:

- Employee C is an ongoing variable-hour employee who was hired on or before December 1, 2017 (the start of Employer's standard measurement period).
- Starting in 2017, Employee C's standard measurement period begins December 1, 2017 and ends November 30, 2018 (12 months).
- Employee C's standard administrative period begins December 1, 2018 and ends December 31, 2018. During this period, Employer calculates Employee C's hours worked during the preceding standard measurement period. If Employee C averaged 30 or more hours per week during the preceding standard measurement period, Employee C will be eligible for health coverage during the resulting standard stability period. If Employee C averaged below 30 hours per week during the preceding standard measurement period, Employee C will be excluded from health coverage during the resulting standard stability period.
- Employee C's standard stability period begins January 1, 2019 and ends December 31, 2019 (12 months).
- Employee C's next standard measurement period begins December 1, 2018 and ends November 30, 2019 (12 months).

## **6) Measurement and Administrative Periods – Overlapping Initial and Standard Periods**

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

Example:

- Employee D is a new variable-hour employee. Employee D is hired September 29, 2015.
- Employee D is subject to the first phase of the initial administrative period, beginning September 29, 2015 and ending one day later, September 30, 2015.
- Employee D is subject to an initial measurement period beginning October 1, 2015 and ending September 30, 2016.
- Employee D is subject to the second phase of the initial administrative period, beginning October 1, 2016 and ending on October 31, 2016.
- Employee D is subject to an initial stability period beginning November 1, 2016 and ending October 31, 2017.

- Because Employee D was hired on or before Employer's 2015 standard measurement period, Employee D is concurrently subject to the standard measurement period beginning December 1, 2015 and ending November 30, 2016.
- Employee D is subject to a standard administrative period beginning December 1, 2016 and ending December 31, 2016.
- Employee D is subject to a standard stability period beginning January 1, 2017 and ending December 31, 2017.

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

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

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

## **7) Rules Concerning Eligibility and Enrollment**

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

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

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

## Hours for Paid and Unpaid Leave during Measurement Periods

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

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

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

### **8) Breaks in Service**

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

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

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

## **POLICY 502      VACATIONS**

### **Policy:**

The City of Anacortes grants annual vacations with pay to regular full-time and regular part-time employees in accordance with the guidelines established below.

### **Comment:**

- 1) Vacations are accrued or earned based on the employee's length of service and on the time actually worked. Vacation does not accrue when an employee is on an unpaid leave of absence.
- 2) Full-time employees will accrue paid vacation according to the following schedule:

Service Period	Vacation Accrual	Maximum Accrual
First month through 48 months	8 hours per month	176 hours
Months 49 through 108	10 hours per month	200 hours
Months 109 through 168	14 hours per month	240 hours
169 months and beyond	17 hours per month	240 hours

Vacation cannot be taken until hours are accrued. Employees whose vacation balance exceeds the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual. Employees are responsible to monitor their accrual balance. If an employee requests vacation that has not accrued and has personal holiday hours available, the personal holiday hours will be utilized.

- 3) Regular part-time employees whose full time equivalency is 50% or more are entitled to vacation on a prorated basis. Regular part-time employees shall earn vacation leave proportionate to the number of hours that they work in a pay period divided by the number of hours a full time employee works in the same pay period. Maximum accrual of hours is prorated for part time employees based on their full time equivalency. Part-time employees working less than 20 hours per week and temporary employees do not receive paid vacation. (See EMPLOYEE CLASSIFICATIONS, Policy 211.)
- 4) Employees who feel that there is a discrepancy in the calculation of their vacation pay or eligibility may request a review of that calculation by the Human Resource Department. (See DISPUTE RESOLUTION PROCEDURE, Policy 902.)
- 5) Vacation pay for full-time and part-time employees will consist of the employee's regular rate of pay for the vacation period.
- 6) Generally, employees should submit vacation plans to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been approved lose their seniority consideration.
- 7) Once per year, employees may elect to have their accrued vacation balance that exceeds 160 hours cashed out and deposited into a deferred compensation account set up through the City of Anacortes. The employee must notify payroll in writing by November 20 of each year for distribution on the December 5 payday. This benefit is prorated for part time employees based on their full time equivalency.

## **POLICY 503a HOLIDAYS**

### **Policy:**

The City of Anacortes designates and observes certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

### **Comment:**

- 1) The City of Anacortes observes the following holidays (8 hours each) per calendar year:

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

Employees may select three (3) personal holidays each year. On January 1st each year, 24 hours of personal holiday are added to an employee's record. Personal holidays are prorated for employees who work less than 12 months of the year or a part time schedule. Personal holidays are prorated according to the employee's full time equivalency (FTE) in the payroll accounting system. Personal holiday hours are not carried over from one year to the next. At the end of the year, unused personal holiday hours are forfeited.

In the event of conflict between this provision of the manual and any provision of a valid and effective collective bargaining agreement, employee contract, or applicable Civil Service rules, the provisions of the contract and/or the Civil Service rules shall govern.

- 2) Full-time employees are eligible to receive their regular rate of pay (up to 8 hours) for each observed holiday. Part-time employees who are scheduled to work at least 20 hours per week (1,040 per year) are entitled to holiday pay. The amount of holiday pay is determined on the same basis as for full-time employees, but is based on the employee's FTE budget allocation. For example, an employee allocated at 65% FTE will receive 5.2 hours of holiday pay on each City approved holiday. Temporary employees and employees on unpaid leaves of absence or on layoff are not eligible to receive holiday pay.
- 3) To receive holiday pay, an eligible employee must be at work or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of paid vacation or paid short-term absence. (See Vacations, Policy 502; and Absences, Policy 702.) If an employee is absent on one or both of these days because of an illness or injury, the City of Anacortes may require verification of the reason for the absence before approving holiday pay. (See Medical Procedures, Policy 205.)
- 4) A holiday that occurs on a Saturday will be observed on the preceding Friday. A holiday that occurs on a Sunday will be observed the following Monday. Shift workers observe holidays on the actual day it occurs.

- 5) If a holiday occurs during an employee's vacation period, the employee will be required to record the day as holiday pay on their timesheet.
- 6) The City of Anacortes recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City of Anacortes's regular holiday schedule. Employees may use personal holidays or accrued vacation for these occasions.
- 7) The City of Anacortes may schedule work on observed holidays as it considers necessary. Normally, work on an observed holiday will be paid as if the day were a regularly scheduled day. Employees will be given the option of receiving additional pay for the day or a "floating" holiday that may be taken, with the prior approval of their supervisor, at another time during the year.

## **POLICY 503b   UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE**

### **Policy:**

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

### **Comment:**

- 1) Employees may select the days on which the employee desires to take the two unpaid holidays after consultation with their supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.
- 2) 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 14 days prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.
- 3) The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.



## **POLICY 504      CONTINUING EDUCATION**

### **Policy:**

The City of Anacortes attempts to provide employees with flexible work schedules when taking Mayor-approved educational courses.

### **Comment:**

- 1) Flexible work schedules will be considered if the City of Anacortes determines the courses of study are directly related to the employee's present job or that will enhance the employee's potential for advancement to a position within the City of Anacortes and to which the individual in the view of management has a reasonable expectation of advancing.

## **POLICY 505      EMPLOYEE COUNSELING**

### **Policy:**

The City of Anacortes assists employees with referral services that will help in solving personal problems, both on and off the job, financial planning, and career planning.

### **Comment:**

- 1) The City of Anacortes recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing personal problems are encouraged to seek assistance from the Employee Assistance Program (EAP). The Employee Assistant Counselors are available 24 hours a day, seven days a week to arrange an appointment with a qualified counselor. The telephone number for EAP is 1-800-570-9315.
- 2) Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.
- 3) Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:
  - a) If an employee's problem seems to require professional counseling, or does not lend itself to an easy solution, the supervisor should refer the employee to the City's Employee Assistance Program.
  - b) If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the Grievance Procedure. (See Dispute Resolution Procedure, Policy 902.)
- 4) Employees needing extended treatment may request a leave of absence in accordance with the City of Anacortes's leave policy. (See Absences, Policy 702.)
- 5) The Human Resource Department will also, to the degree that its resources permit, provide counseling and reference information for employees seeking guidance on education and career planning, relocation, outplacement, and retirement planning. (See Termination of Employment, Policy 213; Retirement, Policy 214; and Educational Assistance, Policy 504.)
- 6) Employees are required to meet satisfactory standards of job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling. (See Performance Appraisals, Policy 302.) In certain circumstances, however, the City of Anacortes may require an employee to participate in counseling as a condition of continued employment. (See Drugs, Narcotics, and Alcohol, Policy 808.)
- 7) Communications between employees, supervisors, the Human Resource Department, the Employee Assistance Program, and professional counselors or agencies as a result of this policy are to be confidential, except to the degree necessary to protect the safety of the employee or others or to protect the security of City of Anacortes property.

## **POLICY 506      EMPLOYEE RECOGNITION AND SERVICE AWARDS**

### **Policy:**

The City of Anacortes recognizes employee contributions and service to the organization by presenting employee recognition and service awards to eligible employees according to the guidelines below.

### **Comment:**

- 1) The City of Anacortes may reward outstanding performance and productivity by presenting recognition awards to eligible employees. Generally, the Mayor will be responsible for setting eligibility requirements and implementing the different programs. Department heads and supervisors may assist in determining award recipients for the Mayor's Award of Merit. In most cases, Mayor's Award of Merit awards will be presented at a City Council meeting following the determination of an award recipient. The Mayor is responsible for identifying the employees who will be honored, notifying the presenter, ordering the awards, and arranging for appropriate announcements and publication of awards, both internally and externally.
- 2) All regular full-time and regular part-time employees are eligible to receive a Pride in Service award upon completion of 1, 5, 10, 15, 20, 25, and 30 years of service. Human Resources is responsible for identifying when employees should be honored, notifying the employees, ordering the awards, and helping management to arrange for appropriate announcements and publications of awards, both internally and externally.
- 3) Regular full time and regular part time employees are eligible to accrue longevity benefits as described in their applicable bargaining agreement. Non-union employees receive \$2.00 per month for each year of service following completion of 5 years of service. The maximum longevity benefit per month is \$40.00.
- 4) The IRS classifies cash and gift certificate awards as taxable income. Payroll withholds taxes accordingly.

## **POLICY 507      EXERCISE AND WELLNESS PROGRAMS**

### **Policy:**

The City of Anacortes encourages employees to participate in exercise and wellness programs.

### **Comment:**

- 1) The Human Resource Department is responsible for administering exercise and wellness programs.
- 2) Participation in City of Anacortes recreational programs is open to regular full-time or regular part-time employees who are regularly scheduled to work 20 or more hours per week. Spouses, domestic partners and other employee dependents who are eligible for the City's medical insurance coverage may participate. Volunteer firefighters are eligible to participate. Temporary employees are not eligible to participate. These programs are voluntary and should take place outside normal working time. In order to be eligible for reimbursement of a portion of the membership dues, the employee, spouse, domestic partner, or eligible dependent must use the fitness facility at least ten times per month. Swim lessons with 8 sessions per month are the only exception to the 10 visit rule.
- 3) Employees, spouses, domestic partners, and eligible dependents are limited to one health club reimbursement per month, per person. Eligible family members are not required to work out at the same facility.
- 4) The extent of City of Anacortes financial support for each program will be determined on an annual basis. The City of Anacortes subsidizes the use of local fitness centers in Skagit County and the benefit is considered taxable income.
- 5) Participation in the City of Anacortes wellness program is limited in some situations to employees who have medical benefits through the City of Anacortes.
- 6) Participating employees may be required to sign waiver of liability forms.
- 7) The City of Anacortes retains the right to change all aspects of its exercise and wellness programs and to discontinue their existence.

## **POLICY 601      EMPLOYEE SAFETY and the SAFETY COMMITTEE**

### **Policy:**

The City of Anacortes complies with all applicable federal, state, and local health and safety regulations and provides a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City of Anacortes or by federal, state, or local law. The Safety Committee maintains an Accident Prevention Manual.

### **Comment:**

- 1) The City of Anacortes has appointed a Safety Committee to oversee the City of Anacortes's safety policies and procedures.
- 2) All employees are responsible for ensuring that they understand and comply with all City of Anacortes safety rules, regulations, and procedures. All employees are responsible for:
  - a) Being familiar with all safety and health procedures relevant to the operations under their supervision;
  - b) Inspecting their work areas periodically;
  - c) Identifying conditions that are recognized as being unsafe; and
  - d) Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care. (See Medical Procedures, Policy 205.)Supervisors should complete a Safety Orientation Checklist upon hiring a new employee and before the new employee begins work. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department. The completed and signed form should be included in the employee's personnel folder.
- 3) Employees should report to their supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
- 4) Violations of City of Anacortes safety rules, regulations, or procedures will result in disciplinary action, up to and including termination. (See BEHAVIOR OF EMPLOYEES, Policy 801; and DISCIPLINARY PROCEDURE, Policy 807.)
- 5) **CPR, First Aid, & Blood Borne Pathogen Training** Employees are offered CPR and First Aid training. Depending on the employee's job assignment the training may be mandatory.
  - a) Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees Blood Borne Pathogen certification remains current.
- 6) Employees who may be exposed to Hepatitis B as disclosed in their job description have the option to receive Hepatitis B vaccinations paid for by the City of Anacortes. Employees will be advised during orientation of the risks associated with their job classification and given the opportunity to accept or decline the vaccinations.

## **POLICY 602      PERSONAL PROPERTY**

### **Policy:**

The City of Anacortes asks employees to refrain from bringing unnecessary or inappropriate personal property to work.

### **Comment:**

- 1) The City of Anacortes recognizes that employees may bring certain personal items to work such as family photographs, houseplants, or other small decorative items for their work spaces. However, personal property that is not related to the employee's job performance may disrupt work or pose a safety risk to other employees.
- 2) Employees are expected to exercise reasonable care to safeguard unauthorized personal items brought to work. The City of Anacortes is not responsible for the loss, damage, or theft of personal belongings, and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.
- 3) The City of Anacortes may assign each employee a locker or storage area for safekeeping small personal effects during working hours. In addition, the City of Anacortes will provide and retain keys for file cabinets, desks, and other workstations. Employees may not place their own locks on any storage facility.
- 4) To maintain security and protect against theft, the City of Anacortes reserves the right to inspect when presented with reasonable suspicion all personal property brought onto the City of Anacortes's premises, including vehicles, packages, briefcases, backpacks, purses, bags, and wallets. In addition, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and remove all City of Anacortes property and other items that violate City of Anacortes rules and policies. (See Security, Policy 605.)
- 5) Articles of personal property found on the premises should be returned to the owner, if known, or turned in to the Facilities Manager. Inquiries regarding lost property should be directed to the Facilities Manager.

## **POLICY 603      SOLICITATION**

### **Policy:**

The City of Anacortes prohibits solicitation and distribution on its premises by non-employees and permits solicitation and distribution by employees only as outlined below.

### **Comment:**

- 1) The City of Anacortes limits solicitation and distribution on its premises because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers or employees, and pose a threat to security.
- 2) The Human Resource Department is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action for violating this policy. (See Behavior of Employees, Policy 801; and Disciplinary Procedure, Policy 807.)
- 3) Individuals not employed by the City of Anacortes are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except with the Mayor's prior approval) or engaging in any other solicitation, distribution, or similar activity on City of Anacortes premises.
- 4) The City of Anacortes may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but participation is entirely voluntary.
- 5) The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:
  - a) Soliciting and distributing literature, or selling merchandise or services, during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
  - b) Distribution of literature is prohibited in work areas at all times.
  - c) Distributing literature in a way that causes litter on City of Anacortes property is prohibited.
  - d) Employees may not use City facilities, resources, or supplies to promote or solicit participation in gambling activities, including but not limited to wagers, bets, or pools.
- 6) The City of Anacortes maintains various communication systems to communicate City of Anacortes information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, text messages, cell phones, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any City of Anacortes property is prohibited. (See Use of Communication Systems, Policy 804.)

## **POLICY 604      PARKING**

### **Policy:**

The City of Anacortes provides parking facilities, when practical, for the benefit and convenience of its employees, customers, and visitors.

### **Comment:**

- 1) The City of Anacortes will provide parking for as many employees as practical. Special spaces will be designated for certain employees, customers, and visitors.
- 2) The City owned parking lots are considered part of the City of Anacortes premises; therefore, all City of Anacortes policies and rules apply to employees and their vehicles while on the lots. (See Behavior of Employees, Policy 801.)
- 3) Employees who use the City of Anacortes parking lots do so at their own risk. The City of Anacortes assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots (See Personal Property, Policy 602 and Security, Policy 605.)



## **POLICY 605      SECURITY**

### **Policy:**

The City of Anacortes makes reasonable efforts to provide for the security of its property, its employees, and visitors to its premises.

### **Comment:**

- 1) Employees (unless required to carry a firearm or weapon as a condition of employment), are prohibited from possessing firearms or other weapons on City of Anacortes property and at events sponsored by the City of Anacortes. Employees (unless required to carry a firearm or weapon as a condition of employment) are further prohibited from carrying weapons in employer-provided vehicles or in personal vehicles while on City business. (Note: While Washington State allows individuals the right to carry a concealed weapon, employers are able to prohibit weapons in the workplace, including in personal vehicles parked on the premises, at worksites, in employer-provided vehicles, or at employer sponsored events. (Cherry v. Metro Seattle, 116 Wn. 2d 794, 808 P.2d 746 (1991). This cited reference indicates that since 1991 municipalities have had the right to prohibit employees from carrying weapons or possessing weapons in the workplace.))
- 2) All personal property brought onto the City of Anacortes's premises, such as vehicles, packages, briefcases, backpacks, purses, bags, and wallets, are subject to inspection with reasonable suspicion. In addition, the City of Anacortes may inspect the contents of lockers, storage areas, file cabinets, desks, and work stations at any time and may remove all City of Anacortes property and other items that are in violation of City of Anacortes rules and policies. (See Personal Property, Policy 602.)
- 3) Employees working in sensitive or high security jobs must meet any applicable special security clearance requirement specified for those jobs (for example, police and fire employees). These requirements may include more extensive background checks, fingerprinting, bonding, or other special security measures. Failure or inability to meet or comply with any special security requirements is grounds for termination of employment or rejection of an applicant.
- 4) Employees may remain at their workplace outside their normal working hours only when authorized to do so by their supervisor.
- 5) Employees are expected to exercise reasonable care for their own protection and for that of their personal property while on the City of Anacortes premises and while away from the premises on business. The City of Anacortes assumes no responsibility for loss, damage, or theft of personal property. (See Personal Property, Policy 602.)
- 6) Employees are expected to know and comply with the City of Anacortes's security procedures and should report any violations or potential problems to the Police Department. Violations of City of Anacortes security rules or procedures will result in disciplinary action, up to and including termination. (See Behavior of Employees, Policy 801; and Disciplinary Procedure, Policy 807.)
- 7) Employees are issued identification badges that must be available for display while working for and representing the City of Anacortes.

## **POLICY 606      TOBACCO USE**

### **Policy:**

The City of Anacortes complies with all applicable federal, state, and local regulations regarding tobacco in the workplace and provides a work environment that promotes productivity and the wellbeing of its employees.

### **Comment:**

- 1) The use of tobacco in the workplace is now in violation of the law in the State of Washington. Accordingly, the use of smoking and smokeless tobacco products are restricted in all of its facilities. Smoking is defined to include the use of tobacco-containing products, including cigarettes, cigars, and pipes, as well as the use of electronic cigarettes.
- 2) Smoking is prohibited inside all City of Anacortes facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on the City of Anacortes's premises.
- 3) Smoking is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City of Anacortes's grievance procedure. (See Dispute Resolution Procedure, Policy 902.) Employees who violate the policy will be subject to disciplinary action. (See Disciplinary Procedure, Policy 807.)
- 4) Employees may contact the Human Resource Department for information regarding the effects of smoking and the availability of smoking cessation programs.

## **POLICY 701      ATTENDANCE AND PUNCTUALITY**

### **Policy:**

The City of Anacortes requires employees to report for work punctually and to work all scheduled hours and overtime required by business necessity. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

### **Comment:**

- 1) Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. (See Hours of Work, Policy 209.) Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.
- 2) Employees should notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.
- 3) Employees will be compensated during authorized absences in accordance with the policies contained in Absences, Policy 702. Nonexempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City of Anacortes properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.
- 4) Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. (See Employee Safety and the safety committee, Policy 601; and Personal Appearance of Employees, Policy 802.) Employees, who report for work in a condition considered not fit for work, whether due to illness, alcohol or drug use, or any other reason, will not be allowed to work. (See Medical Procedures, Policy 205; and Drugs, Narcotics, and Alcohol, Policy 809.)
- 5) Employees generally are expected to report for work during inclement weather conditions unless the Mayor or the Mayor's designee declares an emergency closing. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal holiday, compensatory time off, exchange time off, or leave without pay.
- 6) Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the workweek.
- 7) Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. (See Medical Procedures, Policy 205.) The supervisor should record the information in the employee's file and forward a copy to the Human

Resource Department. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination. (See Absences, Policy 702; and Disciplinary Procedure, Policy 807.)

- 8) Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.
- 9) Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. (See Disciplinary Procedure, Policy 807.) An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in Absences, Policy 702, and tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.
- 10) Employees who are absent from work for three consecutive days without giving proper notice to the City of Anacortes will be considered as having abandoned the job. At that time, the City of Anacortes will formally note the termination and advise the employee of the action by certified mail to the employee's last known address. (See Termination of Employment, Policy 213.)

## **POLICY 702      ABSENCES**

### **Policy:**

The City of Anacortes permits employees to be absent from work on an authorized basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the City provides compensation according to the guidelines below.

### **Comment:**

#### **1) Sick Leave Overview**

##### Explanation of Modifications Due to State Paid Sick Leave Law Effective 1/1/2018

Effective January 1, 2018, to facilitate compliance with a new state law requiring paid sick leave, the City will maintain two separate sick leave banks for eligible employees: a Washington Paid Sick Leave (WPSL) bank and a City Paid Sick Leave bank. Any existing sick leave accruals as of December 31, 2017 will be placed in an employee's City sick leave bank. All employees will be eligible to accrue WPSL, while only regular full-time and regular part-time employees are eligible for City paid sick leave.

Current accrual rates will not change, but sick leave accruals will be divided into the two banks in a manner that ensures each employee will accrue WPSL at a rate required by law, which is one hour of WPSL per 40 hours worked. The balance of the employee's monthly accrual (if any) will go into the City sick leave bank. For example, if a regular, full-time employee is currently entitled to accrue paid sick leave at the rate of 8 hours per month under an applicable labor agreement, that employee will continue to accrue a total of 8 hours per month. If that employee worked 160 hours during the month, 4 hours of paid sick leave would go into his/her WPSL bank (160 hours divided by 40 hours = 4 hours WPSL). The remaining 4 hours would go into the City sick leave bank. Where the employee worked 120 hours during a month, 3 hours of paid sick leave would be placed in his/her WPSL bank and 5 hours would be placed in his/her City leave bank.

#### **2) WPSL**

- a) All City employees are eligible to accrue WPSL, whether regular, full-time, part-time, temporary or seasonal. Employees accrue WPSL at the rate of 1 hour for every 40 hours worked. For accrual purposes, hours worked encompasses actual working time, and not paid or unpaid leave. Accrual of WPSL begins on an employee's first day of work, although WPSL may not be used until the individual has been employed for 90 calendar days.
- b) Employees may carry up to a maximum of 40 hours of unused WPSL over from one calendar year to the next. Any accrued WPSL in excess of 40 hours will be transferred over to the employee's City Paid Sick Leave bank (subject to the maximum accrual limit of 1440 hours, as described below); if an employee is not eligible for City Paid Sick Leave, WPSL hours in excess of 40 at year end will be forfeited. Accrued but unused WPSL will not be cashed out upon separation from the City unless employee qualifies for retirement buyback under section 3e below. If an employee separates from the City and is rehired within 12 months any WPSL balance that existed at the time of separation will be reinstated, provided that if the rehire occurs in the following calendar year, reinstatement of the balance will be limited to 40 hours.

- c) Accrued WPSL may be used for:
  - i) The employee's own illness, injury or health condition; to accommodate the need for medical diagnosis, care or treatment of a health condition; or preventive medical care.
  - ii) The employee's care for a family member with illness, injury or health condition; care for family member who needs medical diagnosis, care or treatment; care for family member who needs preventive medical care. Family members include an employee's child (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent and regardless of age or dependency status); parent (whether biological, adoptive, in-law, de facto, step-parent, legal guardian or person who stood in loco parentis to employee when employee was a child); spouse or registered domestic partner; grandparent; grandchild; or sibling.
  - iii) An absence due to closure of the City's offices by order of public official for any health-related reason, or where the employee's child's school or day care is closed for such a reason.
  - iv) Absences covered by the Domestic Violence/Sexual Assault/Stalking leave policy below.
- d) Where the need to use WPSL is foreseeable, employees should submit written notice of the need for leave to their supervisor at least 10 days in advance of the leave date(s); for unforeseeable leave, employees must contact their supervisor as soon as the need for leave becomes known. The City may require documentation regarding the use of leave, provided that for non-exempt employees: (i) documentation may only be required when an employee uses more than three consecutive work days of WPSL; (ii) an employee will have up to 10 calendar days to provide the required documentation; (iii) if requested, documentation need not disclose the nature of the medical condition causing the need for leave; and (iv) if a requirement to provide documentation will result in unreasonable burden or expense to the employee, an employee may advise the City of this concern and the City will evaluate its request in light of the circumstances.
- e) When an employee needs to be absent for a WPSL-covered reason (including any FMLA-eligible absence), any accrued WPSL will first be applied to the absence, subject to the provisions of the Family Care policy below. If the employee's WPSL bank is exhausted, any available City sick leave will be applied to the absence (if is City sick leave qualifying).

### **3) City Paid Sick Leave**

- a) Regular, full-time and regular part-time employees whose full-time equivalency is 50% or more are eligible to accrue City paid sick leave in addition to WPSL. Any sick leave balance existing as of December 31, 2017 will be placed in the employee's City sick leave bank effective January 1, 2018. Full-time employees will accrue City paid sick leave at the rate that ensures their total monthly sick leave accrual (including both WPSL and City leave) equals 8 hours per calendar month of continuous employment or the monthly accrual rate established in the applicable labor agreement. Eligible part-time employees will accrue City paid sick leave on a pro-rata basis.

*Example:* A full-time employee who is eligible for a total of 8 hours of paid sick leave per month works 160 hours during the month. She would receive 4 hours of WPSL (1 hour per 40 hours worked). The remaining 4 hours of her monthly entitlement of 8 hours would go into the employee's City sick leave bank.

*Example:* A part time employee works 80% of a full-time schedule, and is therefore entitled to a total monthly sick leave accrual of 6.4 hours (80% of 8 hours). During a month, the employee works 120 hours and would therefore accrue 3 hours of WPSL. The remaining 3.4 of his monthly sick leave accrual would be placed into the employee's City sick leave bank.

- b) Temporary, seasonal and part-time employees who work less than a 50% equivalency are not eligible for City paid sick leave benefits. Employees do not accrue City sick leave benefits during an absence without pay.
- c) The maximum number of hours of City paid sick leave that an employee can accumulate is one thousand four hundred and forty (1440) hours.
- d) Sick leave may be used for any of the following purposes:
  - i) Personal illness or incapacity of the employee;
  - ii) Forced quarantine of the employee by a public health official;
  - iii) To care for the employee's dependent children under age 18 who is ill;
  - iv) To attend the birth of the employee's child;
  - v) Use of a prescription drug that impairs job performance or safety;
  - vi) Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;
  - vii) For any other purpose described in the WA Family Care policy set forth below.
  - viii) City paid sick leave may be coordinated with certain other leaves (see Family and Medical Leave policy below.) Employees may be required to provide medical or other documentation to verify the appropriate use of sick leave. A doctor's note will typically be required when an employee is absent for three or more consecutive days, or in other situations as deemed appropriate by the City of Anacortes (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved FMLA, WPSL or disability-related leave) may lead to disciplinary action up to and including termination..
- e) An employee who is eligible for retirement under the applicable DRS retirement plan is eligible for a cash out of a portion of their unused WPSL and City paid sick leave proportionate to their sick leave balance. City sick leave cash out is prorated for part time employees based on full time equivalency at retirement.

Total Sick Leave Balance at Retirement	Percent Cash out
0-800 hours	0%
801-1251 hours	18% of unused sick leave hours
1251-1440 hours	25% of unused sick leave hours

Unused sick leave is not cashed out upon separation other than retirement.

#### **4) Family Care/Use of Accrued Leave to Care for Sick Family Member**

- a) Consistent with the **Washington Family Care Act**, employees may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, domestic partner, parent, parent-in-law, or grandparent as described below.

- b) An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services).
- c) An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a “serious or emergency health condition” which are conditions:
  - i) Requiring an overnight stay in a hospital or other medical-care facility
  - ii) Resulting in any period of incapacity or treatment or recovery following inpatient care
  - iii) Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
  - iv) Involving an emergency (i.e. demanding immediate action)
- d) Where the need for family care leave is unexpected, the City of Anacortes understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. Subject to WPSL verification limits where WPSL is used, the City of Anacortes reserves the right to require verification or documentation confirming that a family member has or has had a “serious or emergency” health condition when available leave is used to care for that family member.

## 5) Family and Medical Leave

Recognizing the importance of family and out of concern for the wellbeing of our employees, the City of Anacortes family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy will be administered in accordance with the federal **Family and Medical Leave Act (FMLA)** and the **Washington Family Leave Act (FLA)**. A notice entitled “Employee Rights and Responsibilities Under the Family and Medical Leave Act” is posted in break rooms and is provided to employees upon hire. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlement to medical or family leave than those set forth in this policy.

- a) Eligibility: To be eligible for leave under this family and medical leave policy, an employee must have been employed by the City of Anacortes for at least 12 months, must have worked at least 1,250 hours in the preceding 12 months, and must work at a location where at least 50 employees are employed by the City of Anacortes within 75 miles.
- b) Leave Entitlement: An eligible employee may request up to 12 workweeks of FMLA or FLA leave per “leave year” for one or more of the following reasons:
  - i) To care for the employee’s child upon birth, or to care for a child upon the child’s placement with the employee for adoption or foster care;
  - ii) To care for a spouse, registered domestic partner (FLA only), son, daughter, or parent who has a serious health condition;
  - iii) To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care, or childbirth); or
  - iv) 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, or has been notified of an impending call to active duty in support of a contingency



operation. Covered military members are active duty service members deployed to a foreign country, 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 certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post- deployment reintegration briefings.

- c) The City of Anacortes defines a leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, spouses employed by the City of Anacortes are jointly entitled to a combined FMLA leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child, spouse with a serious health condition, or for the employee's own serious health condition. Registered domestic partners employed by the City of Anacortes share leave under the FLA but not the FMLA.
- d) An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child, or next of kin. A covered service member is a current member or veteran of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or in outpatient status; or is on the temporary disability retired list. This benefit applies to current service members or veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred any time during the five years preceding the date of treatment. For purposes of this kind of leave, the 12-month period begins the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.
- e) Serious Health Condition: A serious health condition is an illness, injury, impairment or physical or mental condition that involves
  - i) Any period of incapacity or treatment connected with inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility;
  - ii) A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves
  - iii) two visits to a health care provider, OR
  - iv) a single visit to a health care provider plus continuing treatment by (or under the supervision of) a health care provider;
  - v) A period of incapacity due to pregnancy or for prenatal care;
  - vi) A period of incapacity or treatment due to a chronic serious health condition, for which a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g. chemotherapy for cancer or dialysis for kidney disease.)
- f) Intermittent or Reduced Work Schedule Leave
  - i) In certain circumstances, eligible employees may take FMLA/FLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the

FMLA/FLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA/FLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA/FLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA/FLA leave intermittently or on a reduced work schedule only with the City of Anacortes's permission.

- ii) Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the City of Anacortes's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City of Anacortes may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

g) Notice and Certification

- i) Employees who want to take FMLA/FLA ordinarily must provide the City of Anacortes with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practical (which is generally the same day or next business day after the need for leave becomes known.) Absent unusual circumstances, employees are required to follow the City of Anacortes's regular procedural requirements when requesting FMLA/FLA leave. (See ATTENDANCE AND PUNCTUALITY, Policy 701.) When requesting leave, employees must provide sufficient information for the City of Anacortes to determine whether the leave may be FMLA/FLA qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City of Anacortes if the requested leave is for a reason for which FMLA/FLA leave was previously taken or certified.
- ii) When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City of Anacortes operation.
- iii) In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from the health care provider of the serious health condition. The City of Anacortes may require a second or third opinion (at the City of Anacortes's expense,) periodic recertification of the serious health condition, and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work.
- iv) Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.
- v) The City of Anacortes may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City of Anacortes also may delay or deny approval of leave for lack of proper certification establishing the need for leave.
- vi) Please contact Human Resources to obtain further information and forms relating to FMLA/FLA leave requests.

h) Continuation of Pay and Benefits

- i) FMLA leave is unpaid leave; however, employees are required to use accrued WPSL and City paid sick leave for FMLA-qualifying events as part of their 12 weeks of FMLA leave.

- ii) During all leave designated as FMLA leave, the City of Anacortes will continue to pay the employer's portion of health insurance premiums, provided that the employee continues to pay their share of the insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City of Anacortes for the employer portion of the health insurance premiums. Leave such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave.
- i) Job Restoration Upon Return from Leave
  - i) Upon return from family and medical leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits, and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City of Anacortes as soon as possible.
- j) Leave for Pregnancy Disability and to Care for a Newborn

Note: The pregnancy disability leave does not apply when the qualifying event is the placement of a newborn by adoption or foster care.

  - i) Under *Washington State Law*, regardless of whether the employee meets the FMLA and FLA eligibility requirements above, pregnant employees are entitled to additional unpaid leave for the period of time that the female employee is physically disabled due to the pregnancy and/or childbirth. The period of temporary disability normally lasts six to eight weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.
  - ii) The pregnancy disability leave runs concurrent (at the same time) with the FMLA, and does not extend the 12 weeks of leave allowed under federal law.
  - iii) The pregnancy disability leave runs consecutive (one begins after the other ends) with the FLA, and does extend the 12 weeks of leave allowed under state law for the duration of the physical disability. Thus, a pregnant employee with no complications in the pregnancy and childbirth is likely entitled to 18 weeks to 20 weeks of leave (6 to 8 weeks of physical disability leave, plus 12 weeks of leave under the FLA.) The FLA is unpaid leave unless the employee has accrued vacation and/or sick leave available (and the reason for the leave is sick leave qualifying).
  - iv) An employee who is a new parent, but not the parent who was pregnant, may use 80 hours of paid sick leave during the birth and immediately following the birth of the employee's child. This policy also applies to adoptive parents. It is intended to allow the limited use of sick leave for bonding time with a new child. Any additional use of sick leave following the birth or placement of the employee's child beyond this 80-hour benefit must be for one of the reasons for which sick leave is specifically authorized.
  - v) *For more information on any of these leave policies, or if you think you may need to take a Family and Medical Leave, please contact Human Resources. The leave laws, particularly those applicable to pregnancy and childbirth, can be confusing. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.*

## **6) Jury or Witness Duty**

- a) Employees who are required by law to render jury service will be granted paid time off during a period of jury duty up to ten workdays per calendar year. Employees should notify their supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the City of Anacortes may ask the employee to request a waiver from duty; in such cases, the City of Anacortes will provide documentation to the relevant court supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four hours during jury duty where the employee is not required to report to the court; depending on the circumstances, an employee may be required to return to work during such a period.
- b) An employee subpoenaed to testify in court will be granted time off for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness by the City of Anacortes.

## **7) Military Leave**

- a) Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.
- b) Paid Leave of 21 Days Per Year Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1<sup>st</sup> and ending the following September 30<sup>th</sup>. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, exchange time, or other available paid time off during the period of military leave.
- c) Employees should notify their supervisor as soon as they receive notice of the need to report for military duty, and provide the supervisor with a copy of the military orders.

## **8) Leave for Spouses of Military Personnel (Non-FMLA)**

- a) During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.
- b) An employee who seeks to take family military leave must provide the City of Anacortes with notice of their intent to take the leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active

duty. The employee may substitute available accrued vacation, compensatory time, or exchange time leave for any part of this family military leave.

## **9) Bereavement Leave**

- a) In the event of the death of an employee's immediate family member, time off with pay for employee's regular scheduled workday will be granted to regular full time employees. The phrase "immediate family" for the purposes of the bereavement policy includes the employee's spouse, domestic partner, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.
  - i) Three consecutive workdays off with pay will be approved to attend the funeral or memorial service. (Maximum 24 hours)
  - ii) Two additional consecutive work days off with pay will be approved for travel from the employee's home to the funeral or memorial service if the travel exceeds two hundred (200) miles each way. (Maximum 16 hours)
  - iii) Regular part-time employees who are scheduled to work twenty or more hours per week are eligible to receive Bereavement Leave. The amount of leave allowed will be pro-rated for regular part time employees.

## **10) Leave due to Domestic Violence or Sexual Assault**

- a) In compliance with Washington law, the City authorizes leave for employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a "reasonable" amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g. vacation, compensatory time, exchange time, or sick leave if it qualifies) in connection with such leave.
- b) Domestic Violence/Sexual Assault Leave may be taken for the following purposes:
  - i) To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault or stalking;
  - ii) to seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
  - iii) To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
  - iv) To participate in safely planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.
- c) When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave.
- d) The City of Anacortes may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City of Anacortes will maintain

confidentiality of all information provided by the employee in conjunction with the Domestic Violence/Sexual Assault Leave.

**11) Leave Share Program**

- a) Eligible employees may donate excess vacation leave for use by another employee who is suffering from an extraordinary medical emergency. Employees are eligible to receive shared leave when the severity of the emergency would cause the employee to take leave without pay or to terminate employment without shared leave. Employees who donate leave waive all rights to the donated leave.
- b) Employees may request a leave donation when they have or expect to use all of their accrued leave (including vacation, sick, personal days, compensatory time, and exchange time) and would otherwise be on a leave without pay and has been found to be ineligible to receive industrial insurance benefits. The employee receiving a leave donation is required to provide medical justification and documentation both of the necessity for the leave and the length of time the employee reasonably can be expected to be absent due to the condition. While an employee is receiving shared leave, the employee continues to be classified as a City employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using the employee's own accrued leave except that the shared hours received are not eligible for retirement benefits.
- c) The maximum number of days an employee can receive of donated leave is 90 per calendar year. The Mayor and Human Resource Department retain discretion to determine the eligibility to receive donated leave.
- d) The maximum amount of vacation leave an employee can donate per request, per calendar year is 40 hours. Donations and use of leave are on an hour-for-hour basis, without conversion for differentials between rates of pay received by the donors and the recipients.

**12) Coordination of Wages with Worker's Compensation** Worker's Compensation provides partial wage replacement for injured employees. Employees receiving Worker's Compensation as a result of a Labor and Industries Claim may choose to use their accrued sick leave or vacation leave to supplement the Worker's Compensation wage replacement. If an employee elects to use accrued leave while receiving Worker's Compensation benefits, the City will pay the employee his/her regular wages using accrued sick or vacation leave. If an employee elects this option, when the employee receives time loss payments from the Department of Labor and Industries, the employee must turn such payments over to the Finance Department. The Finance Department will use the worker's compensation payment to replenish the employee's sick leave or vacation leave balance that was drawn down at the employee's current hourly wage rate. Comp time, exchange time, and shift trades are not eligible for buyback and may not be used following a work related injury or illness while an employee is receiving Worker's Compensation pay.

**13) Other Unpaid Leave** Subject to operational and other considerations, the Mayor may grant a leave of absence without pay for an absence not covered by any other type of leave. Any available accrued leave must be exhausted before an unpaid leave will be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation.

**14) Administrative Leave** On a case by case basis, the Mayor may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative

leave may be used when it is in the City of Anacortes' best interest, such as during the pendency of an investigation.

- 15) **Benefits During Leave** Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies (for example, FMLA leave), benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave or during periods in which the employee receives workers' compensation. In certain cases, self-payment of insurance premiums may apply. (See HEALTH AND WELFARE BENEFIT DISCLOSURE, Policy 501.)
- 16) **Outside Employment** Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service or explicitly approved by the Mayor.
- 17) Employee will only receive paid time off if they have accrued balances in the leave banks prior to the leave being taken. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation. (See HOURS OF WORK, Policy 209.)

**NOTE: The table below is a general overview of the various leave entitlements. Employees should refer to the specific leave policies for any details regarding applicable procedures for using these forms of leave**

<u>Leave Law</u>	<u>Jurisdiction</u>	<u>Paid Leave</u>	<u>Unpaid Leave</u>	<u>Family Members Covered</u>	<u>Leave Allowed</u>	<u>Employer-Employee Criteria</u>
<u>Family and Medical Leave Act (FMLA)</u>	Federal Law- US Dept of Labor <u>29 CFR 825</u>	X  Unpaid unless the employee has paid leave to substitute	X  Unpaid unless the employee has paid leave to substitute	Spouse, child, or parent	12 weeks over a rolling 12 month period	Employers with ≥ 50 employees within 75 miles  Employee who worked 1,250 hours in previous 12 months
Family Care Act	L&I <u>RCW 49.12.265</u> <u>WAC 296-130</u>	X Only available when employee has accrued leave to use		Child, spouse, registered domestic partner, parent, parent-in-law, grandparent	Use of paid leave for care of a sick family member	No size requirement; Employee must have a paid leave benefit
Family Leave Act  <i>Superseded by the FMLA where identical</i>	L&I <u>RCW 49.78</u>		X	Employee with registered domestic partner (RDP) may take leave to care for RDP with serious health condition; Pregnant employee who took pregnancy disability leave	12 weeks annually concurrent with 12 weeks of FMLA  <b>Exception:</b> does not run during any pregnancy disability leave under the WA Law Against Disability	Employers with ≥ 50 employees within 75 miles (in WA)  Employee who worked 1,250 hours in previous 12 months
Leave for Victims of Domestic Violence, Sexual Assault, and Stalking	L&I <u>RCW 49.76</u>	X  Unpaid unless the employee has paid leave to substitute	X  Unpaid unless the employee has paid leave to substitute	Child, spouse, parent, parent-in-law, grandparent, or person the employee is dating	Reasonable leave for domestic violence, sexual assault or stalking - for legal, or law enforcement assistance, medical treatment, counseling, victim advocate, safety, or relocation	All employers and employees;  No eligibility requirements



Washington Paid Sick Leave	L&I RCW 49.46.210	X		Child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, sibling	Employees accrue one hour of paid leave for every 40 hours worked, to be used for employee's own health condition or medical care; family member's health condition or medical care; where workplace or child's school is closed due to health reason; or reasons covered by domestic violence leave law	All employers and employees
Leave for Spouses of Military Personnel	L&I <u>RCW 49.77</u>	X	X	Spouse and Registered Domestic Partner of all military personnel	15 days leave per deployment prior to deployment or when spouse on leave from deployment	All employers;  Employees who work $\geq 20$ hours a week on average
Pregnancy Disability Leave	Washington Human Rights Commission <u><a href="http://www.hum.wa.gov">www.hum.wa.gov</a></u>		X  Unpaid unless the employee has paid leave to substitute	Employee	Covers leave during the period of actual disability caused by pregnancy or childbirth. There is no particular length of time set forth in the statute, but it is usually six to eight weeks for a birth without complications, depending on the doctor's recommendations.	Employers with $\geq 8$ employees  A woman who does not qualify for FMLA or FLA because her employer has fewer than 50 employees or because she has not worked for her employer long enough is still eligible for disability leave for pregnancy and childbirth related conditions under WLAD.

## **POLICY 703      REST BREAKS**

### **Policy:**

The City of Anacortes provides rest breaks during the course of each workday.

### **Comment:**

- 1) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period. (See Meal Breaks, Policy 704.)
- 2) Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.
- 3) Time spent on rest breaks will be compensated as working time. (See Hours of Work, Policy 209.) However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness. (See Attendance and Punctuality, Policy 701.)
- 4) Employees are expected to take their rest breaks. Employees who choose to remain at their work stations during rest breaks are expected to take their rest break shortly thereafter, and are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time.
- 5) Mothers who choose to breastfeed their infants may express and collect breast milk during work hours. The City provides private space for breastfeeding. Each employee choosing to breastfeed can work with their supervisor or the human resource department to identify private space for the mother to express and collect breast milk. This space, other than a bathroom, will be shielded from view and free from intrusion by co-workers or the public. Employees may take reasonable breaks during work hours to express and collect breast milk. Break time which extends beyond normal paid breaks will be unpaid.
- 6) Employees on rest breaks may not interfere with other employees who are continuing to work. (See Solicitation, Policy 603)

## **POLICY 704      MEAL BREAKS**

### **Policy:**

The City of Anacortes provides meal breaks during the course of each workday.

### **Comment:**

- 1) Full-time employees are allowed a meal break near the middle of the workday. In departments operating on single shifts, the break will be sixty minutes. In departments operating on two or three shifts, the meal break will be thirty minutes, depending on operating requirements.
- 2) Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.
- 3) Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.
- 4) Employees required to work more than ten hours in any workday will be allowed a second meal break no later than six hours after returning from their first meal break.
- 5) Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for their meal breaks unless they are required to work during their breaks. (See Hours of Work, Policy 209)
- 6) Employees on meal breaks are not permitted to interfere with other employees who are continuing to work. (See Solicitation, Policy 603)

## **POLICY 801      BEHAVIOR OF EMPLOYEES**

### **Policy:**

The City of Anacortes finds that certain rules and regulations regarding employee behavior are necessary for efficient business operations and for the benefit and safety of all employees. Conduct that interferes with operations, discredits the City of Anacortes (with the exception of a proper exercise of First Amendment or whistleblower rights), or is offensive to customers or coworkers will not be tolerated.

### **Comment:**

- 1) Employees are expected at all times to conduct themselves in a positive manner in order to promote the best interests of the City of Anacortes. Appropriate employee conduct includes:
  - a) Treating all customers, visitors, and coworkers in a courteous manner;
  - b) Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City of Anacortes's best interests (See productive work environment, Policy 202);
  - c) Reporting to management suspicious, unethical or illegal conduct by coworkers, customers, or suppliers (See Security, Policy 605);
  - d) Reporting to the Human Resource Director any threatening or potentially violent behavior of coworkers;
  - e) Cooperating with City of Anacortes investigations (See productive work environment, Policy 202; and Security, Policy 606);
  - f) Complying with all City of Anacortes safety and security regulations (See Employee Safety and the safety committee, Policy 601; and Security, Policy 606);
  - g) Wearing clothing appropriate for the work being performed (See Employee Safety and the safety committee, Policy 601; and Personal Appearance of Employees, Policy 802);
  - h) Performing assigned tasks efficiently and in accord with established quality standards;
  - i) Reporting to work punctually as scheduled and being at the proper work station, ready for work, at the assigned starting time (See Attendance and Punctuality, Policy 701);
  - j) Giving proper advance notice whenever unable to work or report on time (See Attendance and Punctuality, Policy 701);
  - k) Smoking only at times and in places not prohibited by City of Anacortes rules or local ordinances (See Smoking, Policy 606); and
  - l) Maintaining cleanliness and order in the workplace and work areas.
- 2) The following are examples of conduct that is prohibited. Individuals engaged in it will be subject to discipline, up to and including termination (See Disciplinary Procedure, Policy 807):
  - a) Possessing firearms or other weapons on City of Anacortes property (unless employee is required to carry a firearm or other weapon as a condition of employment);
  - b) Fighting or assaulting a coworker or customer;
  - c) Threatening or intimidating coworkers, customers, or guests;
  - d) Engaging in any form of discrimination, sexual or other harassment, or retaliation (See productive work environment, Policy 202);
  - e) Reporting to work under the influence of alcohol, illegal drugs (including marijuana which remains illegal under federal law), controlled substances, or narcotics or using, selling, dispensing, or possessing alcohol, illegal drugs, or narcotics on City of Anacortes premises (See Drugs, Narcotics, and Alcohol, Policy 808);
  - f) Disclosing confidential City of Anacortes information (See Media Inquiries, Policy 806);

- g) Falsifying or altering any City of Anacortes record or report, such as an employment application, medical reports, production records, time records, expense accounts, absentee reports, or shipping and receiving records;
  - h) Stealing, destroying, defacing, or misusing City of Anacortes property or another employee's or customer's property;
  - i) Using City communication systems (including electronic mail, computers, Internet access, personal handheld devices and telephones), and social media in a manner inconsistent with or in violation of City policy (See Use of Communication Systems, Policy 804);
  - j) Refusing to follow management's instructions concerning a job-related matter or being insubordinate;
  - k) Failing to wear assigned safety equipment or failing to abide by safety rules and policies (See employee safety and the safety committee, Policy 601);
  - l) Soliciting or distributing in violation of City of Anacortes policies (See Solicitation, Policy 603);
  - m) Smoking where prohibited by state law and City of Anacortes rules (See Smoking, Policy 606);
  - n) Using profanity or abusive language (See use of communication systems, Policy 804);
  - o) Sleeping on the job without authorization;
  - p) Gambling on City of Anacortes property;
  - q) Playing pranks or engaging in horseplay; and
  - r) Wearing improper attire or having an inappropriate personal appearance (See personal appearance, Policy 802)
- 3) The examples of impermissible behavior described in Comment (2), above, are not intended to be an all-inclusive list. At management's discretion, any violation of the City of Anacortes's policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action. Questions about this policy should be directed to the Human Resource Department.

## **POLICY 802      PERSONAL APPEARANCE OF EMPLOYEES**

### **Policy:**

The City of Anacortes requires each employee's dress, grooming, and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image.

### **Comment:**

- 1) Employees are expected at all times to present a professional image to customers and the public. Professional personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Anacortes. Radical departures from personal grooming and hygiene standards are not permitted.
- 2) Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is considered professional attire in similar business establishments. Employees should not wear suggestive attire or athletic clothing, or similar items of casual attire that do not present a professional appearance.
- 3) Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and professional as working conditions permit.
- 4) Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature of their job.
- 5) On Fridays, the City of Anacortes allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.
- 6) An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

## **POLICY 803      PERSONAL FINANCES OF EMPLOYEES**

### **Policy:**

The City of Anacortes expects employees to meet their financial obligations in a timely manner.

### **Comment:**

- 1) Employees should manage their personal finances so that they do not adversely affect job performance or the City of Anacortes's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City of Anacortes through extra bookkeeping and the need to respond to legal notices and court orders.
- 2) The City of Anacortes will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.
- 3) The City of Anacortes will conduct credit checks of applicants for employment in accordance with its hiring policy.
- 4) The Payroll manager of the Finance Department is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Human Resource Department will notify the affected employee and then Payroll will deduct the required amount from the employee's earnings, up to the limit permitted by law.
- 5) No employee will be disciplined because their earnings have been garnished for one indebtedness. However, multiple garnishments may result in discipline, up to and including termination, depending on the circumstances of the case and any legal restrictions

## **POLICY 804      USE OF COMMUNICATION SYSTEMS**

### **Policy:**

The City of Anacortes provides or contracts for the communications services and equipment necessary to promote the efficient conduct of its business.

### **Comment:**

- 1) Communications systems and equipment are provided by the City of Anacortes to facilitate the performance of City work. Incidental personal use is secondary, should not interfere or conflict with business use or job performance, should clearly indicate that it is personal usage and is subject to regulation for cost controls required by the City. All communication systems must be used in compliance with applicable statutes, regulations, and the City's policies including those that require a work environment free from discrimination and harassment. Employees are expected to use common sense and sound judgment to avoid any communication which is disrespectful, offensive, or illegal.
- 2) **No Expectation of Privacy** All City of Anacortes communications services and equipment, including the messages transmitted or stored by them, are the sole property of the City of Anacortes. Department Heads or as designated Division Managers may access and monitor employee communications and files as considered appropriate. Communication services and equipment include, among other things: mail, electronic mail ("e-mail"), instant messaging, courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services and tapes, Internet connections, Intranets, computer files, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, smart phones, personal digital assistants, tablets, voice mail, and bulletin boards.
- 3) The City as provider of access to communication systems reserves the right to specify how the City's network resources will be used and administered to comply with this policy. Message content sent from City communication systems reflects the city's image, both positively and negatively. Employees may be subject to disciplinary action for using these resources in a manner other than for the intended purposes. The information sources available via the Internet are worldwide and constantly growing in kind and number. It is not possible for any organization to fully manage the types and content of information accessed by its systems and users. Nonetheless, the City reserves the right to restrict access to any data source if/when, in its sole discretion and after appropriate review, the City determines such a source to be problematic. These restrictions do not constitute an implication of approval of other non-restricted sources.
- 4) Without exhausting all of the possibilities, the following are examples of inappropriate use of City communication systems:
  - a) Exposing others, either through carelessness or intention, to materials which are offensive, obscene or in poor taste. This includes information which could create an intimidating, offensive, threatening, or hostile work environment.
  - b) Any use that may for a reasonable person create or further a hostile attitude or give offense on the basis of any protected class including sex, race, color, religion, national origin, genetic information, pregnancy, age, marital status, gender identification, disability, military status or any other characteristic protected by law.
  - c) Communication of confidential city information to unauthorized individuals within or outside the City. (See Media Inquiries, Policy 806.)
  - d) Sending messages or information which is in conflict with applicable law or City policies, rules, or procedures.
  - e) Unauthorized attempts to access data or break into any City or non-City system.



- f) Theft or unauthorized copying of electronic files or data including documents, photographs, and music or video files
  - g) Intentional misrepresentation of one's identity for improper or illegal acts.
- 5) Incidental personal use by employees of the City's communications services and equipment is allowed as long as the use does not interfere with the employee's work or the City's operations and does not violate any City policy. Employees must properly log any personal-use charges and reimburse the City for them. However, whenever possible, personal communications that incur usage charges should be placed on a collect basis or charged directly to the employee's personal credit card or account.
  - 6) City communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor. Some resources (designated laptop computers and audio-visual equipment) are made available through a reservation system and may not require supervisory approval. In addition, employees should keep use of personal communication devices to a minimum so that their use does not interfere with the employee's work or the City's operations.
  - 7) Employees should ensure that no personal correspondence appears to be an official communication of the City of Anacortes. Employees may be perceived as representatives of the City of Anacortes and, therefore, damage or create liability for the City. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate, appropriate, and work-related. Employees may not use City of Anacortes stationery or postage for personal letters. Only the City of Anacortes may issue personalized stationery and business cards bearing the City's logo.
  - 8) Employees must bear in mind that email is not private and its source is clearly identifiable. Email messages may remain part of City business records long after they have been deleted. Electronic records, including e-mail messages, are public records subject to Washington State's Public Disclosure Records Act, and will be disclosed upon request unless an exemption to disclosure is found to apply. In general, e-mail is subject to discovery in civil lawsuits.
  - 9) Email may not be used for spam (unsolicited bulk email) or to send or post chain letters, messages of a political or religious nature, or messages that contain obscene, profane, or otherwise offensive material or language.
  - 10) **Emergency Contact** Employees who do not have direct access to a City of Anacortes telephone should make provisions to have emergency or other necessary incoming calls routed to a department approved telephone or to the Human Resource Department. Although the City of Anacortes will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.
  - 11) Improper use of City of Anacortes communications services and equipment and social media or any other violations of this policy will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy, any misuse that would result in violations of other City policies, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, sexually suggestive, or otherwise inappropriate written, recorded, or electronically transmitted communications. (See productive work environment, Policy 202; and Behavior of Employees, Policy 801.) Nothing in this policy is designed to interfere with, restrain, or prevent employee communications regarding, wages, hours, or other terms and conditions of employment. Employees have the right to engage in or refrain from such activities.

## **POLICY 805      CONFLICTS OF INTEREST**

### **Policy:**

The City of Anacortes prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the City of Anacortes. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

### **Comment:**

- 1) Employees are expected to represent the City of Anacortes in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.
- 2) Employees may not, directly or indirectly whether on or off the job, engage in any conduct that is disruptive or damaging to the City of Anacortes.
- 3) Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$20.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the City of Anacortes. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.
- 4) Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the City of Anacortes may have.
- 5) Employees may not accept any employment relationship with any organization that does business with the City of Anacortes. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the City of Anacortes.
- 6) Any conflict or potential conflict of interest must be disclosed to the City of Anacortes. failure to do so will result in discipline, up to and including termination. (See DISCIPLINARY PROCEDURE, Policy 807.)

## **POLICY 806      MEDIA INQUIRIES**

### **Policy:**

All media inquiries and other inquiries of a general nature should be referred to the Department Head or Division Manager. In addition, the Mayor must approve all press releases, publications, speeches, or other official declarations. (See SECURITY, Policy 605.) The Mayor may authorize specific employees to respond to media inquiries on the City's behalf without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the Human Resource Department.

## **POLICY 807      DISCIPLINARY PROCEDURE**

### **Policy:**

The City of Anacortes expects that all employees comply with the City of Anacortes's standards of behavior and performance and that noncompliance with these standards must be corrected.

### **Comment:**

- 1) Under many circumstances, the City of Anacortes utilizes a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right and discretion to administer discipline in any manner it sees fit, and to terminate all at-will employees with or without cause.
- 2) Depending on the circumstances, the City of Anacortes may utilize the following procedures:
  - a) If an employee is not meeting City of Anacortes standards of behavior or performance, the employee's supervisor may take the following action:
    - i) Meet with the employee to discuss the matter;
    - ii) Inform the employee of the nature of the problem and the action necessary to correct it; and
    - iii) Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
  - b) If there is a second occurrence, the supervisor may hold another meeting with the employee and take the following action:
    - i) Issue a written reprimand to the employee (the Human Resources Department should assist in the preparation of the written reprimand);
    - ii) Warn the employee that a third incident will result in more severe disciplinary action; and
    - iii) Prepare and forward to the Human Resource Department a written report describing the first and second incidents and summarizing the action taken during the meeting with the employee. This information will be included in the employee's personnel file. (See Personnel Records, Policy 901.)
- 3) If there are additional occurrences, the supervisor may take the following action, depending on the severity of the conduct:
  - a) Issue a written reprimand or warning;
  - b) Typically, the employee should be suspended immediately, and an investigation of the incidents leading up to the suspension should be conducted to determine if any action such as termination should be taken; or
  - c) The supervisor must prepare and forward to the Human Resource Department another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.
- 4) The progressive disciplinary procedures described in Comment (2), above, may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.
- 5) The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy, or in accordance with applicable Civil Service Rules and Regulations or collective bargaining agreements. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is necessary, the procedures contained in Comment (2), above, may be disregarded. The supervisor should suspend the employee immediately and, if appropriate, recommend termination of the employee. (See BEHAVIOR OF EMPLOYEES, Policy 801.) If appropriate, an investigation

of the incidents leading up to the suspension may be conducted to determine what further action, if any, should be taken. (See Comment (5), below.) Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.

**6) Pre-disciplinary Meeting**

- a) In the case of suspension or termination of an employee (other than introductory employees), the city will conduct a pre-disciplinary meeting. The pre-disciplinary meeting serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a suspension or termination decision is finalized. The employee shall be provided with a notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary meeting. If the employee fails or refuses to appear, the suspension or termination may proceed. Pre-disciplinary meeting will be presided over by the Human Resources Director or designated representative.
  - b) A non-supervisory employee who is represented by a union may request that a union representative be present at a predisciplinary meeting. The meetings are intended to be informal. The employee may show cause why they should not be suspended or terminated. Usually within two working days after the pre-disciplinary meeting, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support suspension or termination. A longer review period may be required in situations that are more complex.
- 7) The Human Resource Department shall review and approve all recommendations for termination before any final action is taken. (See TERMINATION OF EMPLOYMENT, Policy 213)
  - 8) Employees who believe that this policy has not been followed, and wish to challenge the decision, must use the dispute resolution procedure. (See DISPUTE RESOLUTION PROCEDURE, Policy 902)
  - 9) If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence under this policy; however, the City of Anacortes may still consider all past disciplinary actions in evaluating the employee. (See PERFORMANCE APPRAISALS, Policy 302.)

## **POLICY 808      DRUGS, NARCOTICS, AND ALCOHOL**

### **Policy:**

The City of Anacortes is committed to protecting the health, safety and well being of its employees and all individuals who come into contact with our employees and workplace. In addition, we strive to create and maintain a productive and efficient work environment in which all employees have an opportunity to thrive and be successful.

Recognizing that drug and alcohol use and abuse can pose a serious threat to these goals, the City of Anacortes is committed to providing a drug and alcohol-free workplace for all of its employees. This policy is in accordance with Chapter 296-800 of the State Administrative Code (WAC) and with the federal Drug Free Workplace Act.

This policy applies to all employees of the City. Employees who are required to maintain a commercial driver's license (CDL) are also subject to the City's Drug and Alcohol Policy for DOT Employees.

### **Comment:**

- 1) The City of Anacortes strictly prohibits the following in the workplace, on City property (including in City vehicles) or on work time:
  - a) the use, sale, distribution, dispensation, manufacture or possession of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act) or drug paraphernalia;
  - b) the unauthorized use or distribution of prescription drugs;
  - c) the use of any legally obtained drug (prescriptions or over-the-counter medications) when such use may adversely affect an employee's job performance, their safety or the safety of others, or any combination thereof;
  - d) reporting to work or working while under the influence of alcohol or drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act). An employee will be deemed under the influence of a drug if the employee tests positive following a test conducted in accordance with this policy or when the employee acknowledges impairment.
- 2) **Prescription medication.** The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employee shall have no obligation to inform the City of such use unless, according to a warning notice or the input of a physician or pharmacist, the drug may cause a possible impairment that could prevent the employee from performing his or her job safely or effectively. In such cases, the employee should notify his or her supervisor or Human Resources so that a determination can be made as to whether it is in the best interests of the City and the employee that the employee work, not work or be reassigned during the period medication is used. Medical information will be handled in a confidential manner. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established by federal law constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use will not adversely affect the employee's ability to safely and effectively perform job duties.

**3) Workplace drug related convictions** The Drug Free Workplace Act of 1988 requires employees, as a condition of employment, to report any criminal convictions of drug-related activity in the workplace to the City no later than five (5) days following a conviction. Any such report should be directed to the Human Resource Department. Employees convicted of workplace drug-related crimes may be subject to discipline up to and including termination.

**4) Drug and alcohol testing**

- a) The City of Anacortes asserts its right to test employees or applicants for alcohol and/or controlled substances to the extent allowed by law. This includes urine drug testing and evidential breath alcohol testing. Employee or applicant acceptance of testing, when required in accordance with this policy, is a mandatory condition of employment. Refusing to submit to such tests constitutes a violation of City policy and will result in termination of employment or, for an applicant, withdrawal of the job offer. The City of Anacortes reserves the right to test for drugs and/or alcohol as defined below:
  - i) **Pre-employment** – After receiving a conditional offer of employment, an applicant for a safety sensitive position must submit to, and successfully pass, a drug test.
  - ii) **Post-accident** – An employee who is involved in an accident that causes significant property damage while driving a vehicle for City business, or who sustains or causes an injury that requires medical attention, will be required to submit to drug and alcohol testing, unless the circumstances surrounding the accident do not indicate a reasonable possibility that drug or alcohol use was a contributing factor.
  - iii) **Reasonable Suspicion** – Reasonable suspicion is based on specific personal observations that a City of Anacortes management representative can describe and document (using a Reasonable Suspicion Testing and Documentation Form) regarding an employee's appearance, behavior, speech and breath odor.
- b) The City of Anacortes will follow the collection and drug testing guidelines and standards issued by the U.S. Department of Health and Human Services and the U.S. Department of Transportation (DOT).
- c) To ensure the accuracy and integrity of the program, the City of Anacortes also will follow these employee protection guidelines:
  - i) For drug analysis, we will use a laboratory that has been certified by the Substance Abuse and Mental Health Services Administration (SAMHSA).
  - ii) A strict chain of custody will be used to ensure specimen integrity; a split specimen will also be collected.
  - iii) The process will ensure privacy and confidentiality of all test results.
  - iv) All positive drug test results will be confirmed by gas chromatography/mass spectrometry before they are reported to the City of Anacortes.
  - v) All confirmed positive, invalid, substituted and adulterated results will receive medical review by a Medical Review Officer (MRO), who will give the employee an opportunity to provide possible medical explanations for the result.
  - vi) All negative test results will be reported to the Administrative Services Director or a Human Resources designee.
- d) In addition, when the City has a reasonable suspicion that an employee is violating any aspect of this policy, the employee may be asked by the City of Anacortes to submit immediately to a search or inspection at any time (including breaks and the lunch period) while on City premises or in City property. Any refusal to consent to a search constitutes a violation of this policy and is grounds for disciplinary action, up to and including termination of employment.

**5) Procedures for administering tests**

**a) Drug screen**

- i) Upon identifying an event that requires testing (pre-employment, post-accident or reasonable suspicion), the Human Resources department will provide the employee with a non-DOT Custody and Control Form indicating the reason for the test and the specific services to be performed.
- ii) The employee will report to a clinic or authorized collection site with the Custody and Control Form and photo identification within 60 minutes of notification. In the event of a post-accident or reasonable suspicion testing event, the employee will be transported to the collection site by a City of Anacortes management representative.
- iii) Samples will be collected by personnel who have met DOT collector training requirements as specified by U.S. Department of Transportation (DOT) Regulations 49 CFR Part 40. Collectors will follow standard DOT collection procedures and use a non-DOT chain of custody form. A split sample collection is required.
- iv) Shy bladder collections – In the event that an employee is unable to provide an adequate specimen on the first attempt, he or she will be given 40 ounces of water over a 3-hour period. The employee may attempt to provide a sample at any time within the 3-hour period. The employee must remain at the collection site until the collection is completed. If the employee is not able to provide an adequate specimen within 3 hours, the City of Anacortes Human Resources will be notified immediately, and they will then notify the Medical Review Officer (MRO) for an evaluation. In this instance, the employee shall have the option to undergo a medical evaluation for “shy bladder” at their expense. If no medical explanation is found for their inability to produce urine, it shall constitute a refusal to test and be considered a failed test.
- v) Suspected substitution or adulteration collections – If the employee provides a sample and the collection temperature does not register on the collection cup, or the collector suspects that the specimen has been adulterated (for example, it has a blue color or chemical odor that is not consistent with urine, such as bleach or perfume), that collection will be completed, and a second sample will be collected under same-gender direct observation. Both samples will be submitted to the lab for analysis, and both results will require MRO review. If an employee refuses to provide a second sample under observation, the event will be deemed as a refusal to test.
  - (1) The sample will be shipped via courier to a SAMHSA-certified lab.
  - (2) Each sample will undergo a screening test and, if it demonstrates a positive response for any drug, it also will be subject to a confirmation test by gas chromatography/mass spectrometry (GC/MS).
  - (3) All negative results will be reported by an authorized SAMHSA-certified lab directly to the City of Anacortes. All results reported from the laboratory as positive, invalid, substituted or adulterated results will be reported to the MRO for review. The MRO will contact the employee by telephone to give that individual an opportunity to provide a valid medical explanation for the positive result.
  - (4) If the MRO accepts an employee’s explanation and/or documentation as a valid, medically acceptable explanation, the result may be deemed “negative” and reported to Human Resources as such. All results for which the MRO determines that there is no valid, acceptable medical explanation will be deemed a “confirmed positive” and reported to Human Resources as a failed test. The MRO may require a re-collection under direct observation in the event of some invalid results.

**6) Breath alcohol**

- a) All alcohol tests will be conducted using an evidential breath testing device operated by



a trained Breath Alcohol Technician who has met qualification and proficiency requirements.

- b) The Breath Alcohol Technicians will use a non-DOT Alcohol Testing Form to record the test. The employer copy of the Alcohol Testing Form will be sent to the Human Resources department.
  - c) A breath alcohol result of  $\leq 0.019$  grams of alcohol/210 L of breath will be considered negative, and no further testing will be required for that incident.
  - d) A breath alcohol result of  $\geq 0.020$  grams of alcohol/210 L of breath will require a second, confirmatory test conducted no sooner than 15 minutes after the initial test. If the confirmation test result is  $\geq 0.020$  grams of alcohol/210 L of breath, the result will be considered positive and will be reported immediately to Human Resources.
  - e) If the result is positive, the employee will not be allowed to return to work, and arrangements must be made to provide transportation to the employee's home.
- 7) **Confidentiality** All information received by the employer through the program is confidential. Access to this information is limited to those who have a legitimate need to know.
- 8) **Consequences** An employee's refusal to do any of the following when required is considered non-compliance and may result in disciplinary action, up to and including termination of employment:
- a) Take a drug or alcohol test.
  - b) Appear for testing.
  - c) Accept the EAP recommendations when required to use the EAP because of a positive drug test or due to violating a City rule pertaining to drugs or alcohol.
  - d) Comply with the conditions of a Last Chance Agreement.
- 9) **First verified positive test:** An employee may be terminated solely for a first-time confirmed positive drug or breath alcohol test. However, if not terminated, the employee will be given an opportunity for job retention through a Last Chance Agreement. This policy does not prohibit an employee from being terminated for reasons other than a confirmed positive test result. The availability of a Last Chance Agreement in a given situation, as well as the specific terms of that agreement, shall be subject to the City's discretion and approval.
- 10) **Second verified positive test:** If an employee has a confirmed positive drug screen or positive breath alcohol test for a second time, the employee will be terminated immediately.
- 11) **Implementation details**
- a) **Supervisor training.** The City of Anacortes will provide a supervisor training program to help supervisors recognize an employee with possible alcohol and/or drug problems. This program will train supervisors how to recognize specific performance or behavior criteria related to substance abuse and how to refer employees for assistance.
  - b) **Employee education.** The City of Anacortes will provide alcohol and drug awareness information for all employees. This will include the City of Anacortes policy on alcohol and drug abuse; the dangers of alcohol and drug abuse; and treatment and counseling services available through the Employee Assistance Program.
  - c) **Employee Assistance Program.** The City of Anacortes recognizes that alcohol and drug addiction can be successfully treated and is willing to help employees who suffer from these problems while holding them responsible for their own recovery. The City of Anacortes maintains an Employee Assistance Program (EAP). Employees may also have access to professional services through the City's medical health insurance plans to aid them with any alcohol or drug problems. Employees who need help with drug and/or alcohol misuse or abuse are encouraged to use these resources.

**12)** Employees are strongly encouraged to seek help to address their drug or alcohol problems before such issues affect their performance or result in a positive drug or alcohol test. Seeking assistance after an employee has tested positive or demonstrated performance issues will not allow the employee to avoid the disciplinary consequences of his/her behavior. For employees seeking assistance for alcohol and/or drug problems, the EAP will be administered as follows:

- a)** Employees seeking help on their own, or who are referred to the EAP by their supervisor, will be provided assistance on a confidential basis without jeopardizing their employment status.
- b)** Employees who are offered a Last Chance Agreement in lieu of termination for a violation of this policy may be required to use the EAP and/or successfully complete a treatment program as a condition of continued employment. In such case, the employee may be required to authorize the EAP or treatment provider to disclose to the City information regarding compliance with the treatment program. A Last Chance Agreement may also include requirements for follow-up drug and alcohol testing for a period of two years as a condition of continued employment.

## **POLICY 901      PERSONNEL RECORDS**

### **Policy:**

The City of Anacortes maintains personnel records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.

### **Comment:**

- 1) The City of Anacortes tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the personnel information that is necessary for the conduct of its business or required by federal, state, or local law.
- 2) The Human Resource Department is responsible for overseeing record keeping for all personnel information and will specify what information should be collected and how it should be stored and secured.
- 3) Employees have a responsibility to keep their personnel records up to date and should notify the Human Resource Department in writing of any changes in at least the following:
  - a) Name;
  - b) Address;
  - c) Telephone number;
  - d) Marital status (for benefits and tax withholding purposes only);
  - e) Number of dependents;
  - f) Addresses and telephone numbers of dependents and spouse or domestic partner, or former spouse or domestic partner (for insurance purposes only);
  - g) Beneficiary designations for any of the City of Anacortes's insurance, disability plans; and for the State Department of Retirement Systems.
  - h) Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.

- 4) Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Human Resource Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resource Department. A reasonable charge, not to exceed the actual cost to the City of Anacortes, will be made for any copies of records made by the employee.
- 5) Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Human Resource Department. If the request is not granted, the employee may place a written statement of disagreement in the file and make a complaint using the regular grievance procedure. (See Dispute Resolution Procedure, Policy 902.)
- 6) Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved and witnessed by the Human Resource Department.
- 7) Employees should refer all requests from outside the City of Anacortes for personnel information concerning applicants, employees, and past employees to the Human Resource Department. The Human Resource Department normally will release personnel information only in writing and only after obtaining the written consent of the individual

involved. Exceptions may be made to cooperate with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site.

#### **8) General Retention Schedule**

- a) Documents the City is required by government regulation to retain for particular periods of time:
- b) Job announcements for postings and application forms and/or resumes when applicant is not hired. (3 years)
- c) Employment Interview Evaluation Files. (3 years)
- d) I-9 forms. (Retain for duration of employment, plus 3 years after the date of hire or 1 year after the termination date- whichever is later.)
- e) Records pertaining to promotion (Termination plus 6 years)
- f) Demotion. (Termination plus 6 years)
- g) Transfer. (Termination plus 6 years)
- h) Layoff or termination. (Termination plus 6 years)
- i) Payroll records. (Termination plus 6 years)
- j) Records pertaining to the employment of minors. (Termination plus 6 years)
- k) Records of reported occupational injuries and illness (OSHA/WISHA logs). (Termination plus 30 years)
- l) ADA Claim and Accommodation files. (Completion of accommodation plus 6 years)
- m) Employee medical records. (Termination plus 30 years)
- n) Verification
- o) Minutes from the Safety Committee (1 year)

These documents are centralized in the Human Resources Department. Generally, contents of a personnel file are retained for up to six years after an employee terminates. Other employee documents such as medical records must be retained for a longer period.

The City customarily retains certain documents in the regular course of business as a part of an employee's permanent record, even if no regulation requires retention. Examples of this type of document would include performance management memos, disciplinary or warning memos, and memos describing the outcome of an internal investigation.

Other working documents that the manager may need: The manager should consider first whether a document in this category should be routed to the Human Resources Department. The manager should contact the Human Resources Director or Representative if unclear whether or not the contents should be placed in the employee's file.

- a) Drafts, notes of conversations
- b) Interviews or investigations
- c) Email
- d) Correspondence
- e) Memos
- f) Other working documents that may be needed to manage ongoing issues with employees. These documents may have little utility for anyone other than for the manager and/or the employee's manager and that generally are not viewed by anyone other than HR, the manager, in some cases the employee, and perhaps Legal.

The following documents should be routed to Human Resources for inclusion in the

employee's personnel or medical file. Medical files are kept separately from personnel files.

- a) Application forms/ resumes/letters of offer
- b) Reviews/evaluation forms
- c) Performance Management memos
- d) Disciplinary memos
- e) Memos regarding the result of any internal complaint/investigation that resulted in disciplinary action being taken
- f) Termination/resignation notices
- g) Documents regarding the offer and/or acceptance of severance benefits
- h) Post-termination documents referencing a former employee's eligibility or ineligibility for rehire
- i) Applications for health, life, disability or other insurance or benefit program
- j) Workers' compensation claims
- k) Leave of absence
- l) Unemployment claims
- m) Medical records
- n) Physician's releases
- o) Documents pertaining to an ergonomic evaluation
- p) Request for accommodation of a physical or mental condition.

## **POLICY 902      DISPUTE RESOLUTION PROCEDURE**

### **Policy:**

The City of Anacortes believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City of Anacortes will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

### **Comment:**

- 1) Employees are encouraged to consult on a less formal basis with the human resources department, their supervisors, or other members of management regarding work-related complaints or disputes.
- 2) An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. Examples of matters that may be considered appropriate disputes under this policy include:
  - a) A belief that City of Anacortes policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
  - b) Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), intimidation, or retaliation;
  - c) Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, gender identification, disability, or any other class protected by law; and
  - d) Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.
- 3) If the employee seeks to complain about harassment, discrimination, or retaliation, this complaint should be directed to the Human Resources Director. (See PRODUCTIVE WORK ENVIRONMENT Policy 202.) If the employee believes that the Human Resources Director is involved, the employee should direct the complaint to the Mayor. While employees are encouraged to have their concerns addressed internally, they may also direct these concerns to the Washington Human Rights Commission, the Equal Opportunity Commission, or any other government agency that receives and handles such complaints. For internal complaints, the Human Resources Director or Mayor will apply this dispute resolution process beginning at Step 3. For all other types of complaints, the dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Employees should notify the City of Anacortes in a timely fashion of any dispute considered appropriate for handling under this policy. As used in this policy, the terms "timely fashion," "reasonable time," and "promptly" generally will mean ten working days. Certain employees may have more than one source of dispute resolution rights, i.e. a collective bargaining agreement the City's Civil Service Rules, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules where applicable. In all other cases, the procedures described in this section are to be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to the employee.
- 4) The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A

decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

- 5) Employees who feel they have an appropriate dispute should proceed as follows:
  - a) Step One - Promptly bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed directly to step two. The supervisor, if authorized should investigate the complaint or refer it to the Human Resources Department for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and proposed resolution.
  - b) Step Two - Appeal the decision to the department head, if dissatisfied with the supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the dispute and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
  - c) Step Three - Appeal an unsatisfactory department head decision to the Mayor. The timeliness requirement and procedures to be followed are similar to those in Step Two. The Mayor will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.
- 6) The Human Resource Department will provide training and support to supervisors and department heads in dealing with employee complaints. In addition, employees should be encouraged to consult with the Human Resource Department, their supervisors, or other members of management on a less formal basis regarding employee complaints or disputes.
- 7) Final decisions on disputes will not be precedent-setting or binding on future disputes unless they are officially stated as City of Anacortes policy. When appropriate, the decisions will be retroactive to the date of the employee's original dispute notification.
- 8) Information concerning an employee dispute should be confidential to the extent possible. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.
- 9) Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.
- 10) Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises meritless disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the City of Anacortes to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.
- 11) The City of Anacortes may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

## **POLICY 903      WHISTLEBLOWER PROTECTION ACT**

### **Policy:**

The City of Anacortes, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, encourages employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

### **Comment:**

- 1) Improper Governmental action is any action by a city officer or employee that is:
  - a) Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
  - b) 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.
  - c) Improper governmental action does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violation of labor agreements or reprimands. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.
- 2) Retaliatory Action is any material adverse change in the terms and conditions of an employee's employment. Emergency means a circumstance that if not immediately changed may cause damage to persons or property.
- 3) Employees who become aware of improper governmental action should follow these procedures:
  - a) Bring the matter to the attention of the Human Resources Director, if non-involved, in writing that states in detail the basis for the employee's belief that an improper action has occurred. This should occur as soon as the employee becomes aware of the improper action. Where the employee believes the improper action involves the Human Resources Director, the employee may raise the issue directly with the Mayor.

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 report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

- b) The Mayor or the mayor's designees shall promptly investigate the report of improper government action. After the investigation is completed (within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation. City of Anacortes officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of their identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation. To the extent allowed under the Public Record Act, personnel actions taken as a result of the investigation may be kept confidential.



- 4) An employee who makes a good faith effort to follow this policy is entitled to protection against retaliation pursuant to RCW 42.41.030.
- 5) 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. Outside agencies to which reports may be made include, but are not limited to, the following:

Skagit County Prosecuting Attorney's Office  
Courthouse Annex  
605 S. Third  
Mt. Vernon, WA 98273  
(360)336-9460

Washington Attorney General  
Washington State Auditor  
Department of Labor & Industries  
Washington State Patrol  
Washington Department of Natural Resources

- 6) Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur.
- 7) It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. An employee who believes that retaliation has occurred for reporting an improper government action should:
  - a) Employees must provide a written complaint to the Human Resources Director within thirty days of the occurrence of the alleged retaliatory action. If the Human Resources Director is involved, the notice should go to the Mayor. The written charge must specify the alleged retaliatory action and the relief requested.
  - b) The Mayor shall investigate the complaint and responding in writing within thirty days of receipt of the written charge.
  - c) After receiving the response of the City of Anacortes or thirty (30) days after the delivery of the charge to the City of Anacortes, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City of Anacortes Mayor within the earlier of either fifteen (15) days of deliver of the City of Anacortes' response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Anacortes for response.
  - d) Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence. The ALJ will issue a final decision no later than forty-five days after the date of the request for hearing, unless an extension is granted.

- e) Additional information can be obtained on the Internet:  
<http://www.sao.wa.gov/investigations/Pages/Whistleblower.aspx>