



# Employee Policy Manual

Adopted June 18, 2012

Last Amended March 9, 2018

Approved by Mayor Robert Severns on the 13<sup>th</sup> day of March, 2018, pursuant to authority delegated under OHMC 2.34.050.



Robert Severns, Mayor

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## **INTRODUCTION**

### **1.01 PURPOSE AND SCOPE OF EMPLOYEE POLICY MANUAL**

This manual is intended to implement the city council's policy on City employment as set forth in Oak Harbor Municipal Code Chapter 2.34. This manual summarizes the City's basic personnel policies and is intended to serve as a resource concerning your employment with the City. Personnel policies may change as laws change, as the City grows or as needed to better serve City residents or personnel. The City, through authority delegated to the Mayor, reserves the right to modify, revoke, suspend, or terminate the policies set forth in this Manual at any time without prior notice to employees. However, union representatives for the respective bargaining units representing City employees will be given a copy of any proposed changes to these policies for a ten (10) day comment period prior to implementation. It is important to understand that these policies do not constitute an employment contract or a promise of employment conditions between the City and its employees. The City Council sets employment policies and neither this manual nor any other city employee or official can make specific promises to you concerning your employment unless the City Council adopts an ordinance, resolution or motion to that effect.

This Employee Policy Manual applies to all covered (as defined in OHMC 2.34) employees of the City of Oak Harbor. In cases where these policies conflict with a City ordinance, state or federal law, a valid and effective collective bargaining agreement, or an individual written employment contract, the terms of the law or contract shall prevail over the terms of this Manual. Additionally, if your position is covered by a union contract, you should look to that contract as the exclusive source of information regarding your wages and benefits. No elected official, supervisor, manager or representative of the City has the authority to modify or waive these policies.

Please note that in addition to the policies included in the Manual, your Department or work group may have standard operating procedures or other work rules in writing that pertain to you. Those rules and procedures supplement the personnel policies included in this Manual, and tend to be specific to certain departments or work groups.

## **GENERAL EMPLOYMENT POLICIES**

### **2.01 EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

The City of Oak Harbor is an equal opportunity employer. The City believes the participation of men and women of diverse ages, races, religions, cultures, abilities and personalities will add to professional development and organizational success. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, honorably discharged veteran or military status, age, national origin, sexual orientation, color, creed, ancestry, disability or any other basis prohibited by law.

It is against the City's policy for any employee to discriminate against an applicant for employment or another employee protected by applicable discrimination laws. When such discrimination or harassment is detected in the workplace, the City will take aggressive, prompt, and fair measures to eradicate the misconduct. To this end the City, upon confirming the existence of discrimination or harassment prohibited by this Policy, shall take disciplinary action against those responsible for the discrimination or harassment up to and including termination of employment. Refer to Appendix "A" of this Manual for the Nondiscrimination/Anti-Harassment Complaint Procedure.

### **2.02 ADA STATEMENT**

The City complies with the Americans with Disabilities Act (ADA) and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the City will provide a reasonable accommodation to qualified employees with a disability if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to the health or safety of others.

If you would like to request reasonable accommodation, please contact Human Resources. Human Resources will work with you (and your health care provider, as needed) to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

### **2.03 REASONABLE ACCOMMODATION OF RELIGIOUS BELIEFS**

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business or operations. If you believe you need accommodation for religious reasons, please contact Human Resources.

### **2.04 PROHIBITION OF UNLAWFUL HARASSMENT**

The City of Oak Harbor is committed to ensuring that the practices and conduct of all its employees comply with the requirements of federal and state laws against unlawful harassment. It is the policy of the City of Oak Harbor that all employees have the right to work in an environment free from unlawful harassment based upon their race, color, religion, creed, sex,



national origin, age, marital status, pregnancy and maternity status, sexual orientation and gender identity, veterans' status, genetic information, disability, and any other class status protected by federal, state, or local law. Any unlawful harassment of employees by their co-workers or supervisors will not be tolerated by the City of Oak Harbor.

For the purpose of this policy, "sexual harassment" is unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes (1) sexual advances and other verbal or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment decisions and (2) unwelcome verbal or physical conduct of a sexual nature that interferes with an employee's work or creates a hostile, intimidating, or offensive work environment.

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

1. Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm around another, or any other similar physical contact considered unacceptable by another individual.
2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
3. Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
4. Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

For the purpose of this policy, "other harassment" (nonsexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of such individual's protected status or characteristics such as his/her race, color, religion, gender, national origin, age, marital status, sexual orientation, or disability or any other status that is protected that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's work or performance; or
3. Otherwise adversely affects an individual's employment opportunities.

All issues noted above can take place on or off duty if it involves the work group.

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

1. using epithets, slurs, or negative stereotypes;
2. threatening, intimidating, or engaging in hostile acts that relate to protected status or characteristics such as those referred to above;
3. jokes or pranks that refer to or denigrate a protected status; or
4. placing on walls, bulletin boards, or elsewhere on the work premises or circulating in the workplace written, electronically transmitted or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

### **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 to his/her supervisor, an available supervisor or the Human Resources Department. A complaint can be made verbally or in writing. Refer to Appendix "A" of this Manual for the Nondiscrimination/Anti-Harassment Complaint Procedure.

The City of Oak Harbor Mayor or City Administrator shall be responsible for disseminating information on the City of Oak Harbor Policy Against Unlawful Harassment and for working with the Human Resources Director to develop training programs and guidelines for preventing sexual or other forms of harassment, and for investigating and resolving allegations of harassment.

All officers, supervisors, and managers (generally, “supervisors”) 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. Supervisors 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 supervisor’s failure to carry out these responsibilities may result in disciplinary action up to and including discharge.

## **2.041 CONFLICT RESOLUTION**

The City of Oak Harbor is committed to providing guidance on how conflicts and other issues should be handled in the workplace to resolve differences and to prohibit retaliation against employees who raise concerns. Conflict resolution happens when an employee and a supervisor resolve a work-related problem. Problems, misunderstandings and frustrations may arise in the

workplace and it is the City's intent to be responsive to its employees and their concerns. Therefore, an employee who is confronted with a problem may use the procedure described below to resolve or clarify his or her concerns. The purpose is to provide a quick, effective and consistently applied method for a nonsupervisory employee to present his or her concern to management and have those concerns internally resolved.

Conflict resolution is used for work-related problems to build stronger relationships, to reduce tension, to increase understanding, and to problem solve or clarify concerns.

## Procedures

### **Step 1: Discuss Work-Related Problem with Supervisor**

- a. Initially, employees should bring their concerns or complaints to their immediate supervisor. If the complaint involves the employee's supervisor, the employee should schedule an appointment with that supervisor to discuss the problem that gave rise to the complaint within five (5) working days of the date the incident occurred.
- b. The immediate supervisor should respond in writing to the complaint within five (5) days of the meeting held with the complainant employee.

### **Step 2: Written Complaint and Decision**

- a. If the discussion with the immediate supervisor does not resolve the problem to the mutual satisfaction of the employee and the supervisor, or if the supervisor does not respond to the complaint, the employee may submit a written complaint to the employee's department director. Employees may request assistance with writing their complaints from the Human Resources (HR) department.

The employee's department director should forward a copy of the complaint to the HR department.

The submission of the written complaint is due within five (5) working days of the response from the supervisor. The complaint should include:

- The problem and the date when the incident occurred.
  - Suggestions on ways to resolve the problem.
  - A copy of the immediate supervisor's written response or a summary of his or her verbal response and the date when the employee met with the immediate supervisor. If the supervisor provided no response, the complaint should state this.
- b. Upon receipt of the formal complaint, the department director must schedule a meeting with the employee within five (5) working days to discuss the complaint. Within approximately five (5) working days after the discussion, the department director should issue a decision both in writing and orally to the employee filing the complaint.

### **Step 3: Appeal of Decision**

- a. If the employee is dissatisfied with the decision of the department director, the employee may, within five (5) working days, appeal this decision in writing to the HR department.
- b. The HR department may call a meeting with the parties directly involved to facilitate a resolution. The HR department may gather further information from involved parties. All involved individuals, other than representatives of the HR department, may not discuss the situation with any other employee or with the complaining employee.

### **Additional Guidance**

If an employee fails to appeal from one level to the next level of this procedure within the time limits set forth above, the problem should be considered settled on the basis of the last decision, and the problem should not be subject to further consideration.

Because problems are best resolved on an individual basis, the conflict resolution procedure may be initiated only by individual employees and not by groups of employees. All complaints must be made in good faith.

Nothing in this policy shall be construed to limit the City's right to impose appropriate disciplinary action for any conduct it considers to be disruptive or inappropriate. The circumstances of each situation may differ, and the level of disciplinary action may also vary, depending on factors such as the nature of the offense, whether it is repeated, the employee's work record and the impact of the conduct on the organization.

## **2.05 WORKPLACE VIOLENCE**

The City of Oak Harbor is committed to providing a safe workplace for its employees, guests, contractors, vendors, and the public. Violence, intimidating behavior or threats of violence will not be tolerated. Violations of this policy may result in disciplinary action, up to and including termination of employment.

**Prohibition of Workplace Violence.** The City of Oak Harbor strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct in or around City premises or the workplace, or otherwise related to City employment.

1. Bullying;
2. Threatening or causing injury to a person;
3. Using or threatening to use a weapon while on any City premises;
4. Abusing or damaging property;
5. Using obscene or abusive language or making gestures in a threatening manner;
6. Speaking in a threatening manner;
7. Because of the potential for misunderstanding, joking about or parodying of any of the above misconduct is also prohibited.

**Definition.** "City premises" means all areas under City ownership and/or control, including, but not limited to: buildings, offices, vehicles, work areas, lounges, parking lots, desks, cabinets, lockers and storage areas. The City reserves the right to search all City premises and employee

property brought onto City premises when the City determines that such a search is a reasonable and necessary precaution for work place safety.

Reporting Violent Conduct. Any workplace violence incident or incidents indicating a potential for violence are to be reported by an employee to their supervisor (and/or Human Resources) as soon as possible. Incident reports are to be completed as appropriate. If management determines that an employee has violated this policy, the employee will be subject to discipline up to and including termination, as deemed appropriate by the City. The City shall handle specific concerns with customers or other public parties as it determines under its policies and procedures.

Imminent Danger/Violence Incident Procedure. Any employee who reasonably believes that a situation with an aggressive employee, guest, contractor, vendor or other party is likely to become violent and may put the employee or others in imminent danger at the work site, should promptly leave the work area and report to his/her supervisor (and/or Human Resources). Depending on the circumstances, the employee may first call 911. 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 at the work site. The supervisor should take immediate action by calling 911 (if warranted) and contacting Human Resources. The timing and circumstances of the return by the employee to the work area should be coordinated by the employee with City Management.

Security. Staff security is one of the City of Oak Harbor's highest priorities. The City will make every reasonable effort to provide for the security of its property, its employees, and visitors to its premises.

All City security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, City 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).

All personal property brought onto the City's premises, such as vehicles, packages, briefcases, backpacks, purses, bags and wallets are subject to inspection. In addition, the City may inspect the contents of lockers, storage areas, file cabinets, desks and work stations at any time and may remove all City property and other items that are in violation of City of Oak Harbor rules and policies.

Employees working in sensitive or high security positions must meet any applicable security clearance requirements, such as positions in the Police and Fire Departments and those requiring access to Naval Air Station Whidbey Island. These security requirements may include background checks, fingerprinting, bonding or other special security measures. Failure or inability to meet or comply with any applicable security clearance requirement is grounds for termination of employment, or rejection of an applicant.

Employees are expected to exercise reasonable care for their own protection and for their personal property while on City premises and while away from the premises on business. The City of Oak Harbor assumes no responsibility for loss, damage or theft of personal property.

Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, as deemed appropriate by the City.

## **2.06 REPORTING IMPROPER GOVERNMENTAL ACTION (WHISTLEBLOWER POLICY)**

The City of Oak Harbor, 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.

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.
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 or the City Attorney, 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 and/or City Administrator.
  - b. The Mayor or City Administrator or his/her designee 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 Oak Harbor 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:

Island County Prosecuting Attorney's Office  
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.
  - a. An employee who believes that retaliation has occurred for reporting an improper government action should provide a written complaint to the Human Resources Director within thirty (30) days of the occurrence of the alleged retaliatory action. If the Human Resources Director is involved, the notice should go to the Mayor and/or City Administrator. The written charge must specify the alleged retaliatory action and the relief requested.
  - b. The Mayor and/or City Administrator shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
  - c. After receiving the response of the City of Oak Harbor or thirty (30) days after the delivery of the charge to the City of Oak Harbor, 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 Oak Harbor Mayor and/or City Administrator within the earlier of either fifteen (15) days of delivery of the City of Oak Harbor's response to the charge of retaliatory action, or forty-



five (45) days of delivery of the charge of retaliation to the City of Oak Harbor for response.

## **2.07 BACKGROUND CHECKS**

Background Check Policy. For both internal and external candidates, Human Resources may obtain job-related, pre- or post-employment references and/or evaluations including, but not limited to, a criminal background check, a credit check, a physical/psychological evaluation, motor vehicle driving records and any other job-related assessment or information. The purpose of performing these checks is to evaluate the qualifications and suitability of a job candidate for the particular position for which the candidate is being considered. Conducting background checks will help ensure the safety of the public as well as a safe working environment.

The City is committed to ensuring that its background checking procedures comply with all applicable laws. The City complies with the federal Fair Credit Reporting Act (FCRA), federal and state equal opportunity laws and all other applicable legal authority that affects the performing of pre-employment background checks.

In furtherance of these considerations, the following procedures will be followed:

1. The City will perform pre-employment background checks on all candidates for employment prior to hire, provided that the scope of the background check may be tailored to the position sought. In addition, if an employee changes positions within the City, any additional required background checks for that position which have not previously been performed will be performed.
2. All candidates will be advised that a background check will be required, and candidates will be required to sign appropriate authorizations prior to the performing of any pre-employment background checks.
3. Candidates who provide false or misleading information in their application and/or authorization may be eliminated from any further consideration, or may be terminated at any time if the misrepresentation is discovered after employment commences. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.
4. A background check will not encompass consideration of a candidate's credit history unless required by law, or unless such information is substantially job related and the City's reasons for consideration of credit information are disclosed to the candidate.
5. Pre-employment background checks should be completed before a candidate is offered a position, when reasonably possible. All job offers should be conditioned upon satisfactory completion of the pre-employment background checks.
6. All candidates shall be individually reviewed and decisions made with respect to employment based upon the totality of the candidate's qualifications and the results of the pre-employment background checks.



7. A candidate will not be rejected based on a criminal record unless exclusion is job-related and consistent with business necessity. This determination will be based on the following factors:
  - a. the nature and gravity of the offense(s) committed;
  - b. the amount of time that has passed since the offense was committed; and
  - c. the nature of the job for which the candidate is being considered.
8. Where appropriate, if the City determines that a candidate's criminal record should preclude employment in the position sought, the candidate will be notified and afforded an opportunity to demonstrate why the criminal record should not preclude employment.
9. Prior to taking any adverse action, appropriate notices will be sent to the candidate pursuant to federal and any state FCRA laws.
10. The results of a pre-employment background check will be kept confidential, and information will be shared only with City personnel who have a legitimate need to know.

Background checks will be completed for employees holding positions involving vulnerable adults/children and for those employees who drive City vehicles.

## **2.08 TRANSFERS/PROMOTIONS**

Transfers. The City of Oak Harbor may, at its discretion, initiate or approve employee job transfers from one position to another, or from one location to another.

The City may require employees to transfer to either a temporary or regular position to accommodate the organization's business needs.

Employees transferred to a position within the same salary range will continue to receive their existing rate of pay.

Promotions. The City of Oak Harbor may offer an existing employee a promotion to a higher-level position, when appropriate. The City may first consider current employees with the necessary qualifications and skills to fill vacancies above entry level, unless management determines that outside recruitment is in the City's best interest.

All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their Department Director and the Human Resources Department.

Pay for promoted employees generally will be handled as follows:

1. Employees transferred to a position in a higher salary range will be placed on Step 1 of the new salary range OR the step closest that provides an increase in pay.

2. Employees transferred to a position in a lower salary range may be paid at their former rate. At management's discretion, employees may be paid at a rate within the lower salary range of the new position.

Transferred and promoted employee's anniversary date used to determine eligibility for step increases will be adjusted to match that of the date of transfer or promotion.

At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new positions may be returned to their original position if a vacancy exists.

## **2.09 PROBATIONARY PERIODS**

The City of Oak Harbor carefully monitors and evaluates all new employees and all current employees transferred or promoted to a new job during an initial probationary period. Newly hired, transferred or promoted employees should also use this probationary period to ensure that the new position is satisfactory.

Unless stated otherwise in a collective bargaining agreement or other written contract, the probationary period(s) will generally be set at the time of hire. Probationary periods will generally follow the guidelines set forth below:

1. For an individual who is not a city employee and was hired into a full-time position or a part-time position which is twenty (20) hours per week or more: the first twelve (12) months following hire.
2. For an individual hired into a part-time position which is less than twenty (20) hours per week: the first twenty-four (24) months following hire.
3. For a current employee promoted or transferred to a new position: the first six (6) months following the date of transfer or promotion.

During this time if it is determined that the placement is not working out satisfactorily, the employee may be terminated or returned to a prior position (if available) at any time without cause or advance notice. An employee's probationary period may be extended up to six (6) months if deemed appropriate in light of absences, performance issues, or other considerations.

New employees will normally be reviewed at six (6) months during the probationary period to determine if they are meeting employment requirements and near the end of their probationary period.

Transferred or promoted employees will normally be reviewed near the end of their probationary period.

Employees will generally be allowed to continue in their position if the Department Director approves and the employee receives a satisfactory evaluation by the end of his/her probationary period.

## 2.10 EMPLOYEE CLASSIFICATIONS

For a variety of reasons, it is helpful to define the working classification of each employee employed by the City. Each position has a job description which will be provided to the employee by Human Resources at the time of hire. Employment classifications relate to the nature of the job responsibilities, work schedule and participation in City benefit programs. The City recognizes the following employee classifications:

1. Full-time. A regular employee working in a regularly budgeted position allocated at least thirty-two (32) hours per week.
2. Part-time. An employee working in a regularly budgeted position allocated to work hours of less than thirty-two (32) hours per week whose hours may be regular or irregular. An employee who is regularly scheduled to work less than twenty (20) hours per week is not generally entitled to City-provided benefits.
3. Probationary. An employee who has not yet completed his/her probationary period.
4. Regular. An employee who has successfully completed his or her probationary period and is retained in a fully budgeted position in the biennial budget.
5. Temporary. An individual hired on a temporary basis. Temporary employees shall not be eligible for City-provided benefits or accrue seniority. Temporary employment shall not exceed a maximum of one (1) year. Temporary employees may be eligible for Public Employees' Retirement System (PERS) benefits dependent upon duration of appointment and hours worked.
6. Paid on Call (POC) Firefighters. A distinct class of individuals who are paid by the City on an on-call basis. Paid on Call individuals shall not be eligible for City provided benefits or accrue seniority. Some benefits are available to Paid on Call (POC) Firefighters through the Board of Volunteer Firefighters.
7. Elected City Officers. An elected mayor and elected councilmembers form a Mayor-council form of government. All legislative and policymaking powers are vested in the city council. The administrative authority, including a veto power, is vested in the mayor. Compensation of elected officers is determined through the Salary Commission and elected city officers are eligible for City-provided benefits.

In addition to the foregoing classifications, all employees classified as Fair Labor Standards Act/Washington Minimum Wage Act exempt or non-exempt can be seen as:

1. Salaried Exempt. Exempt employees are paid on a salary basis and are not eligible for overtime pay. Deductions from pay are permissible when an exempt employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability or for absences of one (1) or more full days due to sickness or disability. Deductions for partial day absences are permitted when an employee is eligible for FMLA and the partial day absences are due to leave taken according to that law.

2. Salaried Non-Exempt. Non-exempt employees are paid by the hour and are eligible for overtime pay at time and one half their “regular rate” of pay for each hour over 40 hours during the applicable work period.

If an employee has any questions regarding his/her classification or exempt/non-exempt status, please contact Human Resources. *For scheduling and pay procedures, refer to sections 4.04 Overtime, 4.07 Time Records, and 4.08 Pay Procedures.*

## **2.11 PERSONAL/FAMILY RELATIONSHIPS**

The City recognizes the potential for problems, both real and perceived, where employees with close personal relationships and/or relatives work for a common employer. As a result, applicants for employment with the City who have a close personal relationship with or are related to a current employee or City Council member will not be employed by the City where:

1. One of the parties would have authority (or practice power) to benefit, supervise, appoint, remove or discipline the other; or
2. One party would be responsible for auditing the work of the other.

Current employees who enter into a close personal relationship, or become relatives, during their employment should inform the City if any of the above situations are created (See Ethics Policy).

## **2.12 SAFETY AND REPORTING OF WORKPLACE INJURY**

Every employee is responsible for maintaining a safe work environment and following the City’s safety policies including the Accident Prevention Program. Employees must promptly report all unsafe or potentially hazardous conditions to the employee’s supervisor. The City will make every effort to remedy problems as quickly as possible.

Employees who are provided safety clothing or equipment for their personal protection are required to wear or utilize it in accordance with applicable regulations. Failure to do so may result in disciplinary action up to and including termination. Additionally, individual departments may promulgate rules or procedures to address any safety issues unique to that work group, and employees must observe those rules or procedures as outlined.

If an employee is injured while on the job, no matter how minor, the employee shall immediately notify their supervisor, Department Director or Human Resources about the injury. The supervisor should promptly complete appropriate forms.

The City retains the right to inspect the employee’s lockers, work areas, desks, packages, computers and other work equipment and tools when there is a concern for the safety or security of city employees and/or members of the public. City employees have no expectation of privacy in furnishings or equipment provided to employees by the City including, but not limited to, desks, lockers, work areas, equipment and tools.

CPR and First Aid. Employees may be offered CPR and First Aid training. Certain positions may require this certification.

Blood Borne Pathogen Training. The Blood Borne Pathogen Exposure Control Plan identifies positions by job title that may be exposed to pathogens and require training. Employees should refer to the published Blood Borne Pathogen Exposure Control Plan to determine if their position requires the training.

Hepatitis A or B Vaccinations. Employees who may be exposed to Hepatitis A or B, as indicated in their job description, have the option to receive Hepatitis A and/or B vaccinations paid for by the City. Employees will be advised during orientation of the risks of exposure and will be given the opportunity to accept or decline the vaccinations.

Respiratory Protection. Employees who may be exposed to respiratory hazards, as indicated in their job description, are required to complete annual fit testing paid for by the City. Employees should refer to the Respiratory Protection Policy and Procedure for specific requirements.

If training is mandatory or required for the position, every attempt possible should be made for training to be scheduled during normal work hours and paid at regular straight time. Any training that may result in overtime, must be pre-approved by the Department Director.

## **2.13 PERSONNEL RECORDS**

The City maintains personnel files for each employee. Those files may include, but are not limited to, the employee's application and resume, performance evaluations, commendations, and disciplinary memoranda.

The Human Resources Department is responsible for overseeing record-keeping of all personnel information and identifying information to be collected, stored and secured.

Employees have a responsibility to keep their personnel records up-to-date and shall notify the Human Resources Department of any changes by submitting an Employee Change Form:

1. Employee name, including last name when changed due to marriage or divorce;
2. Employee mailing and physical address;
3. Employee telephone number;
4. Number of dependents; and/or
5. Persons to be notified in case of emergency.

The Accounting Technician–Payroll/Accounts Payable is responsible for retention of employee payroll and tax records.

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.

Employees should forward copies of all training certificates received from outside conferences or vendors to the Human Resources Department to be placed in the employee personnel file.

With reasonable notice, current or former employees may inspect their personnel record and may request a copy, but shall not remove documents from the file. Inspections by employees must be requested in writing to the Human Resources 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 Resources Department. A reasonable charge, not to exceed the actual cost to the City, will be applied for any copies of records requested by the employee.

Employees who believe that file documents are incomplete, inaccurate or irrelevant may submit a request for file revisions to the Human Resources Department. If the request is not granted, the employee may place a written rebuttal statement in the file.

Only supervisory and management employees who have an employment-related need-to-know reason about another employee may inspect the files of that employee. The inspection must be approved by the Human Resources Department and be in the presence of a designated member of the Human Resources Department.

Employee Medical Files. The City of Oak Harbor works to ensure the confidentiality and security of its medical records and the privacy of its employees. It is the policy of the City of Oak Harbor to treat all medical information about employees as confidential in accordance with all applicable laws and regulations.

## **2.14 PERFORMANCE EVALUATIONS**

City of Oak Harbor will complete written performance evaluations of all its employees annually using the guidelines set forth below.

Completing performance evaluations improves employees' performance by recognizing efficiency, productivity, good teamwork, and other positive attributes, and informing employees of those areas where improvement is needed and expected. Performance evaluations are an opportunity to reward those employees who have performed well over the evaluation period. Future decisions regarding promotions, raises, and other rewards are dependent on good performance, as measured and documented during the evaluation process.

Performance evaluations are also an opportunity to identify employees who have performance and conduct issues, and counsel those employees whose performance over the evaluation period fell below expectations. Future decisions regarding discipline or separation may result from poor performance, which is also expected to be measured and documented during the evaluation process.

The performance evaluation is an opportunity to communicate with employees regarding professional goals, and means to improve performance and job satisfaction over the coming year.

While the performance evaluation can be a time consuming and occasionally stressful process, the benefits to the employer, supervisor, and employee include increased job satisfaction, increased level of performance, and increased productivity and efficiency.

Frequency and timing of performance evaluations.

1. Non-probationary employees. Each non-probationary employee will receive a performance evaluation annually. The employee's immediate supervisor will complete the performance evaluation process at the beginning of each calendar year and will turn the evaluation in to the Human Resources Department within the timeframe specified by Human Resources Department. Each supervisory employee will receive a list of the employees who he/she is responsible for evaluating. The list will identify the anniversary date of the employees, and the deadline by which each employee's evaluation process must be complete. The performance of supervisors will, in part, be based on their ability to complete performance evaluations in a timely, valid, and professional manner. An annual performance evaluation is not necessary if a probationary or promotional performance evaluation was completed in the previous three (3) months.
2. Probationary employees. Probationary employees will receive a performance evaluation every six (6) months until the employee successfully completes his/her probationary period. The purpose of evaluating a probationary period in more frequent intervals is to ensure that the probationary employee's performance and conduct are meeting the expectations that have been established to the position. Any significant concerns that the supervisor has regarding the probationary employee's ability and propensity to succeed should be communicated and documented, and acted upon as part of the evaluation process.

## **2.15 PROFESSIONAL REFERENCES**

All inquiries by third parties regarding current or former City employees are to be referred to Human Resources. No employee should provide any professional reference information to a third party regarding another current or former City employee unless the reference request has first been referred to Human Resources. Human Resources will respond to such requests, or coordinate with the appropriate supervisor to respond, to ensure legal considerations are observed.

Providing professional reference information (meaning that you have identified yourself as a City employee and/or commenting on the job performance of a current or former employee) without coordinating with and obtaining authorization from Human Resources is a violation of City policy and could result in discipline, up to and including termination of employment.

This section is not meant to prohibit an employee from providing a personal reference. A personal reference would be based on your personal relationship and knowledge of that individual not associated with employment to the City.

## **2.16 SEPARATION FROM EMPLOYMENT**

Termination of employment with the City may be for a number of reasons including, but not limited to, resignation, discharge, retirement or layoff.

Resignation/Retirement. To retire in good standing with the City, the City requires that at least two (2) weeks' notice be given. The notification should be in writing and provided to either their supervisor, Department Director or the Human Resources Department. Employees intending to retire should notify their Department Director and Human Resources of their intent to retire at



least thirty (30) days prior to the date of retirement. Proper notification will give the City the opportunity to adjust workloads and other plans with the least amount of interruption to City operations. Absent extenuating circumstances, failure to provide required prior notice may result in ineligibility for rehire and a resignation not in good standing. In certain circumstances, a resignation may be accepted and implemented immediately upon receipt.

An employee who terminates his/her employment with the City in good standing may be considered for re-employment. 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 three (3) months, in which case the employee will retain accumulated seniority.

In certain circumstances an employee who retires may be eligible for rehire.

Layoff. A layoff is a separation from employment initiated by the City. Layoffs may occur for reasons such as: lack of work, lack of funding and material changes in the organization. In the event a layoff becomes necessary, the City of Oak Harbor will make every effort to communicate information about the layoff as soon as possible to employees.



## EMPLOYEE CONDUCT

### 3.01 STANDARDS OF CONDUCT AND PERFORMANCE

The City of Oak Harbor strives to provide outstanding public service, and expects excellence from each and every employee. Each employee was selected to work for the City based on the belief that he or she would be able to fulfill that expectation.

It is important to establish certain expectations regarding employee performance and conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties.

The City of Oak Harbor expects all employees to comply with the City's standards of performance and conduct. At management's discretion, any violation of the City of Oak Harbor's policies or any conduct considered inappropriate or unsatisfactory may subject any employee to disciplinary action.

Standards of Conduct. Conduct that interferes with City operations is detrimental to the City and/or offensive to coworkers or constituents will not be tolerated. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that is against City policy and that will result in disciplinary action, up to and including termination:

1. Poor performance of job duties, or failure to perform job duties as directed;
2. Unauthorized absences, or excessive tardiness or absences;
3. Smoking except in designated areas;
4. Failing to report damage to City property, public property or customer;
5. Failure to treat employees and/or citizens in a courteous and respectful manner;
6. Disrupting the City's business or work effort of other employees;
7. Negligence or improper conduct resulting in injury or damage to City property;
8. Using profanity or abusive or offensive language;
9. Refusing to follow managements lawful instructions or otherwise being insubordinate;
10. Concealing defective work;
11. Dishonesty;
12. Serious (intentional/willful) violation of safety procedures or policies;

13. Misusing City communication systems, including electronic mail, internet access, telephones and computers;
14. Knowingly misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
15. Disclosing confidential information regarding the City, its employees or City resident(s);
16. Assaulting, threatening, or intimidating supervisors or any other fellow employee, vendor, or any member of the public;
17. Unauthorized possession of explosives or weapons on the premises at any job site;
18. Reporting to work under the influence of alcohol, illegal drugs, non-prescribed controlled substances, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises;
19. Fighting;
20. Engaging in off-duty misconduct that interferes with an employee's ability to do their job i.e., a traffic citation that results in the loss of the employee's driver's license which is needed to perform job duties;
21. Engaging in any form of sexual or other unlawful harassment of, or discrimination towards, another employee, a member of the public, a vendor or other third party;
22. Falsifying or altering any City of Oak Harbor record or report, such as an employment application, medical reports, production records, time records, absentee reports, or the like; or
23. Failure to fully cooperate with a lawful City investigation.

### **3.02 DISCIPLINARY ACTION**

The City supports the principle of progressive discipline. A system of progressive discipline is used for the purpose of motivating an employee to correct unacceptable behavior and/or performance. Degrees of discipline are progressive and are used to ensure the employee has the opportunity to correct their conduct and/or performance.

Factors that are considered in the steps of progressive discipline are:

1. The variety and number of problems involved
2. The seriousness of the offense
3. The time interval and employee response to prior disciplinary action(s)
4. Previous work history of the employee

The following are illustrative of the forms of disciplinary action that may be used depending on the particular situation:

1. Documented Verbal or Written Reprimand. A Documented Verbal or Written Reprimand is often used when previous coaching has not changed the employee conduct or performance. Certain circumstances may warrant issuing a Written Reprimand before any previous coaching has occurred.
2. Suspension, Demotion or Termination. A Suspension, Demotion or Termination will normally occur when the employee willfully and knowingly violated City policy.

Subject to collective bargaining agreements and other legal requirements, the City shall have the right to determine the appropriate level of discipline (if any) in a particular situation in light of the seriousness of the offense and aggravating or mitigating circumstances.

Coaching/Counseling and/or Performance Improvement plans are not considered discipline, but may be used when considering future discipline.

Depending on the nature of the behavior at issue, the City may place an employee on administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the particular circumstances, an employee on administrative leave shall be available to the City as needed during regular work hours, turn over all City property (cell phone, keys, etc.) and/or remain away from City facilities without prior permission and escort.

To appeal disciplinary action, refer to the "Employee Grievance Procedure" in Appendix "B" to this Manual.

### **3.03 ETHICS**

The highest standards of professionalism and customer service are expected of City of Oak Harbor employees. 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:

1. using public office or public position for private gain;
2. giving preferential treatment to any person or entity;
3. lacking impartiality; or
4. diminishing the confidence of the public in the integrity of the City of Oak Harbor.

The highest standards of ethical business conduct are required of City employees in the performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the City's honesty, impartiality, reputation or otherwise cause embarrassment to the City. Therefore, the following acts are prohibited:

1. No employee may use his or her position to secure special privileges for himself, herself or others; and
2. No employee may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except from the City, for a matter connected with or related to the employee's services unless otherwise permitted by law; and
3. No employee may accept employment or engage in business or professional activity that the employee might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position; and
4. No employee may disclose confidential information gained by reason of the employee's position, nor may the employee otherwise use such information for his or her personal gain or benefit.

Conflicts of Interest. Employees are expected to represent the City of Oak Harbor 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 Department Director or Human Resources Director.

No employee of the City may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of the employee's official duties.

Any conflict or potential conflict of interest must be disclosed to the City. Failure to do so may result in disciplinary action, up to and including termination.

### **3.04 ELECTRONIC COMMUNICATIONS AND TECHNOLOGY**

It is the policy of the City to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources including computing resources, electronic mail (email), internet access, personal digital assistants, and other electronic communications devices (collectively referred to as the City Technology Resources) to employees to assist in and facilitate City's business and communications.

The primary purpose of the City's network and systems is to provide service to the public as part of City business, in a manner that is consistent with the City's vision and values. De minimis, incidental personal use of the City Technology Resources by employees is permitted if accomplished in compliance with the provisions of this policy, as set forth below.

This policy does not address all required, allowed, or prohibited behaviors by employees, but covers common examples. In general, the City relies on the good judgment of its employees to ensure that City Technology Resources are used in the public's best interest.

1. No Expectation of Privacy. The City reserves the right to access, monitor and disclose the contents of electronic messages and any record, regardless of format, related to the conduct of City business on City-issued or personal devices that employees use to access the City's Wi-Fi system or use to connect to the City network. Employees should have no expectation of privacy in either sending or receiving electronic messages, or other information on the Internet, City network or other electronic media.

### **Public Record**

Email messages, other electronic communications, and documents created on City of Oak Harbor computer systems may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

All records, regardless of format, related to the conduct of City business reviewed, created or altered must be retained per the State of Washington Local Government Common Records Retention Schedule (the CORE manual), pursuant to 42.56 RCW and 40.14 RCW, Preservation and Destruction of Public Records.

All employees should refrain from conducting City business using private email accounts. If an employee receives an email that qualifies as a public record, the employee shall forward the email to his/her City email and respond using the City account so as to preserve the record on the City system. Upon request of the Public Records Officer or City Attorney, employees shall conduct a good faith search of personal devices for public records and shall sign an affidavit detailing the search and its results.

2. Acceptable Uses of City of Oak Harbor Technology Resources. City Technology Resources are to be used by employees or volunteers for City of Oak Harbor business. Incidental, de minimus personal use may be permitted where, in the judgment of the employee's supervisor or department director, such use does not interfere with employee or department productivity, nor distract/take time away from the worker or co-workers assigned work. Generally speaking, incidental, de minimus personal use means:
  - a. it is occasional and of short duration;
  - b. it is done on an employee's personal time, such as on a lunch break;
  - c. it does not interfere with job responsibilities;
  - d. it does not result in any expense to the City of Oak Harbor;
  - e. it does not solicit for or promote commercial ventures;
  - f. it does not utilize excessive network resources; and
  - g. it does not constitute any prohibited use, as discussed below.

3. Prohibited Uses of City of Oak Harbor Technology Resources. Use of the City Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly prohibited at all times. In addition, the following uses of the City Technology Resources are inappropriate and are prohibited at all times, unless specifically exempted:
- a. Personal commercial use (use that benefits an employee's outside employment or commercial business);
  - b. Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials of an offensive nature (unless as part of a law enforcement investigation conducted by authorized Police personnel);
  - c. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of sex, race, religion, color, national origin, or other protected class status;
  - d. Gambling;
  - e. Recreational purposes, including the loading and playing of computer games or playing online games;
  - f. Usage that precludes or hampers City of Oak Harbor network performance; such as viewing or listening to streaming audio and/or video (unless for City of Oak Harbor business, such as for online training);
  - g. Unauthorized copying or downloading of copyrighted material;
  - h. Usage that violates software license agreements;
  - i. Downloading of software programs (unless specifically approved by applicable Director and coordinated with the Information Services Department);
  - j. Usage for political purposes, including partisan campaigning;
  - k. Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
  - l. Deliberately propagating any virus, worm, Trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm either the (Member's) networks or systems, or those of any other individual or entity;
  - m. Releasing misleading, distorted, untrue or confidential materials regarding City of Oak Harbor business, views or actions;
  - n. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;

- o. Use of Technology Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email for other than official business or forwarding “chain letter” emails of any kind;
- p. Connecting to the City of Oak Harbor network, or any specific software package, utilizing somebody else’s security identification login information to gain alternate security permissions;
- q. Any personal use, even if incidental, that results in expense to the City of Oak Harbor;
- r. Usage that violates the guidelines set forth in the Standards of Conduct described in this Manual.

Any employee who violates these policies could be subject to disciplinary action, up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

### **3.05 OUTSIDE EMPLOYMENT**

The primary job for all full-time regular City employees is the position they hold with the City. Dual employment with the City is generally not allowed. If an employee performs in more than one position with the City at a time, overtime compensation will be required for hours that when aggregated are in excess of 40 hours per week. Due to the high performance and emergency service expectations of City employees, any outside employment must be approved in advance in writing by your Department Director and Human Resources or the City Administrator.

Outside Employment. Employees may engage in another job outside their City employment if the outside job does not conflict with the interests of the City or interfere with the employee’s ability to perform the City job. For example, a City police officer could provide security services for a third party during his/her off-duty hours if advance approval from the Department Director was obtained. Specifically, outside activities may not:

- 1. Interfere with the City job responsibilities;
- 2. Be conducted during the employee’s work hours;
- 3. Utilize City telephones, computers, supplies, or any other resources, facilities or equipment or imply City support for the outside activities;
- 4. Involve employment or the provision of consulting services with a firm that contracts with or does business with the City, including employment firms whose work is reviewed or regulated by the City;
- 5. Involve service in a decision-making or policy-formulating capacity with a public, private, or non-profit agency that receives funds from the City and where the employee has a role in the City to influence such actions; or

6. Be reasonably perceived as a conflict of interest, or raise a reasonable conflict of interest issue, or otherwise discredit the employee's public service.

Employees are cautioned to carefully consider 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 and, if necessary, normal disciplinary procedures will be followed to address specific problems.

### **3.06 POLITICAL ACTIVITIES**

The City of Oak Harbor employees are free to exercise their Constitutional First Amendment rights and participate in political activities or partisan activities of their choosing, except as noted below:

1. Employees may not utilize City property and resources;
2. Employees may not campaign on City time, in a City uniform or while representing the City in any way;
3. Employees may not allow others to use City facilities or funds for political activities;
4. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public in the regular course of his/her job duties, may not wear or display any button, badge or sticker concerning any candidate or ballot issue during working hours;
5. Employees may not solicit political contributions on City property or City time; and
6. Employees must be respectful of other employees', our customers' and visitors' political beliefs and are advised not to discuss political issues in the workplace during work hours.

### **3.07 INTERACTIONS WITH THE PUBLIC OR MEDIA**

All media inquiries should be referred to your Department Director or the Mayor. The Mayor or designee must approve all press releases, publications, speeches or other declarations made on behalf of the City. The Mayor or Department Director may authorize specific employees to respond to media inquiries, either in a particular situation or on an ongoing basis. Unless an employee has received direct authorization to communicate with the media on behalf of the City, the employee shall not respond to media inquiries and shall instead refer the inquiry as instructed above.

As a City employee, your interactions with the public or other third parties should be courteous and professional at all times. This expectation even applies in those situations where a member of the public is being discourteous towards you. If you are not sure how to proceed in dealing with a particular individual, you should seek assistance or intervention of a supervisor.



### **3.08 SOLICITATION**

Employees may not solicit any other co-worker during work time, nor may employees distribute literature or items in work areas at any time. This encompasses solicitations for the sale of goods or services, or on behalf of charitable groups. The only exception is that employees may engage in occasional passive sales on behalf of charitable, school or community groups (for example, an employee could communicate that he/she is selling fundraising cookies or other items for his/her child, as long as the employee did not actively solicit co-workers to purchase the items). Except for authorized City programs, or unless authorized by the Mayor and/or the City Administrator, individuals not employed by the City are not permitted to enter City premises at any time to solicit, survey, petition or distribute literature.

\* This policy is not intended to apply to protected union activities i.e., the posting of materials to union boards.

### **3.09 TOBACCO, VAPORIZERS, AND ELECTRONIC CIGARETTE PRODUCTS**

The City of Oak Harbor complies with all applicable federal, state and local smoking in the workplace regulations and provides a work environment promoting productivity and the well-being of all employees.

The City recognizes that use of tobacco, vaporizers, or electronic cigarettes in the workplace can adversely affect employees. Accordingly, the use of smoking and smokeless tobacco products are restricted on City premises.

Smoking and use of any form of tobacco, smokeless tobacco, vaporizers, or electronic cigarettes is prohibited inside all City of Oak Harbor facilities, including City-owned buildings, vehicles (the term “vehicle” includes, but is not limited to cars, trucks, backhoes, front-end-loaders, graders, mowers and any motorized watercraft), offices or other facilities rented or leased by the City, including individual employee offices. This applies to employees during working time and to customers and visitors while on the City of Oak Harbor’s premises.

The use of tobacco, vaporizers, or electronic cigarette products is only allowed during breaks and lunch time in designated areas outside City facilities a minimum of twenty-five (25) feet from any entrances, 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 their use of tobacco, vaporizers, and electronic cigarette products.

Users of tobacco, vaporizers, or electronic cigarette products have a special obligation to keep smoking areas litter-free and not to abuse break and work rules.

### **3.10 SUBSTANCE ABUSE**

The City is committed to providing and maintaining a safe and productive work environment that is free from the adverse effects of drugs, alcohol and other job impairing substances.

This policy applies to all City employees while on the job and to situations where an employee's off-the-job or off-premise conduct impairs work performance or undermines the public confidence in the City. The City's concern is to ensure that employees report to work in condition to perform their duties safely and efficiently in the interest of the City, fellow workers and the public. In addition, various federal and state laws prohibit the possession, distribution, and use of controlled substances, unless in compliance with licensing requirements or a physician's prescription. Violations of federal and state laws may result in legal sanctions, including criminal prosecution.

The City strictly prohibits the manufacture, possession, distribution, sale, dispensing or unlawful use of controlled substances on City property or City work sites. When employees are on the job, they are expected to be physically free from any impairment or substance that would contribute to an injury, property damage, or that would interfere with productivity. They are to be free from illegal drugs or potentially impairing levels of legal substances.

The manufacture, possession, distribution, dispensing, sale or unlawful use of controlled substances on City property or City work sites will be cause for disciplinary action up to and including termination. This will be treated as a criminal matter and referred to law enforcement for investigation and appropriate action. The use of alcohol in City vehicles is strictly prohibited. Alcohol may be permitted on City premises for celebrations or functions; provided, that any use has written pre-approval by the Mayor or City Administrator and is subject to applicable statutes, rules and regulations.

Employees must notify the City within five (5) days of any conviction of an illegal substance or alcohol-related crime. Violation of this policy may result in disciplinary action, up to and including termination.

Use of Medication. The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. The employees shall have no obligation to inform his or her supervisor of such use, unless the employee has knowledge that the medication is causing or likely to cause impairment that prevents the employee from performing his or her job safely or effectively. In such cases, the employee should notify his or her supervisor so that a determination can be made as to whether it is in the best interest of the City and the employee that the employee work, not work or be reassigned during the period medication is used.

All employees taking prescription medications are encouraged, for safety reasons, to carry the medicines in the original container issued by the pharmacy.

Resources Available for Employees. Employees are encouraged to request confidential assistance through Human Resources or to access diagnostic, counseling and treatment programs such as those provided by the City's Employee Assistance Program (EAP) if dealing with problems of alcohol or substance abuse.

When Job Performance is Affected. Although the City encourages voluntary rehabilitation, disciplinary action may be taken when an employee's job performance is impaired because

he/she is under the influence of drugs or alcohol on the job, or drug or alcohol use has otherwise impacted an employee's performance.

Any employee who is under discipline and/or pending termination may not be excused as a result of a claim of being a substance abuser. A diagnosed substance abuse problem may not alter the final outcome of a proposed discipline action when an employee fails to seek out the treatment options available prior to the disciplinary or testing process used to support the disciplinary process.

Employees who return to work after treatment may be subject to a performance review plan, as well as additional testing procedures.

If an employee who is tested under "reasonable suspicion" due to work related performance factors returns a positive test result (or a test result showing the presence of illegal drugs or alcohol), the employee may be referred to a physician for a fitness for duty medical examination.

Drug/Alcohol Testing. An employee may be required to submit to appropriate tests, including urinalysis or breath tests, to determine the existence of alcohol, prohibited drugs, synthetics or substances in the employee's system where the City has a reasonable suspicion that an employee may be under the influence of non-prescribed controlled substances or alcohol while on duty.

Any employee who is ordered under the provisions of this policy and its related procedures to take a "random" or "reasonable suspicion" drug/alcohol screen test and who refuses to take the test will be considered to have committed an act of insubordination and will be disciplined, up to and including termination.

Employees who dispute positive results may have a second test performed on the original sample at their expense (unless the second test is negative).

Any employee who is rendered unconscious as a result of an accident for an unknown reason will be given a drug/alcohol screen test based on a blood sample taken at the medical facility by a licensed technician.

Employees required to have a Commercial Driver's License are subject to drug and alcohol testing requirements as set forth in regulations issued by the United States Department of Transportation. Those requirements are explained in the City's policy on Commercial Driver's License Standards, which is included in Appendix "E" to this Manual. In the event of a conflict between this Manual and the Commercial Driver's License Standards policy with regard to an employee required to maintain a commercial driver's license, the Commercial Driver's License policy shall control.

#### Definitions.

1. Illegal Drugs. Refers to those drugs listed in Schedule I through V of the Controlled Substances Act, or as otherwise classified as illegal by local, state or federal law. Illegal drugs also include drugs legally prescribed to one person, but used by another, and mood-altering chemicals that can be abused and impair work performance, including glues, solvents and other chemicals.

2. Prescription Drugs. Drugs legally prescribed to the employee in the original container.
3. Over-the-Counter Drugs (OTC). Refers to non-prescription drugs and remedies commonly sold at retail to treat various medical problems.

### **3.11 VEHICLE USE**

The City of Oak Harbor provides vehicles for appropriate City business use, and also reimburses employees for business use of their personal vehicles, according to the following standards. (The term “vehicle” as used in these standards includes, but is not limited to cars, trucks, backhoes, front-end-loaders, graders, mowers and any motorized watercraft.)

#### Standards Applicable for Use of City Vehicles or Use of Personal Vehicle for City Business.

The following standards shall apply to driving on City business, regardless of whether you are using a City vehicle or your personal vehicle:

Operators of City-owned vehicles or recipients of any form of vehicle or mileage reimbursement or allowance shall possess a valid driver’s license. Only licensed drivers, eighteen (18) years of age or older, under the employ of the City are authorized to operate vehicles. Operators of vehicles or equipment requiring a special class license (e.g., a Commercial Driver’s License) shall possess the appropriate license prior to operating such vehicles or equipment on a public roadway.

Employees who are required to maintain a Commercial Driver’s License for their job will be subject to the City’s Commercial Driver’s License Standards Policy included in Appendix "E" to this Manual.

Employees may not drive any vehicle for City business without prior approval of their supervisor. Employees approved to drive on City 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.

Employees who drive a vehicle on City business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely and follow all traffic laws, avoid distractions while driving and maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving on City business, and must report the same to their supervisors. For employees who are required to maintain a CDL, the City will pay the cost of the required update physical, test and CDL license.

Under no circumstances should an employee operate a City vehicle or a personal vehicle on City business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness or medication.

Employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using, consuming, being under the influence of and/or in the possession of alcoholic beverages or illegal drugs. Further, employees may not operate any City vehicle or

personal vehicle on City business when using prescription medications or over-the-counter medications that may affect their ability to drive. The City of Oak Harbor has a zero-tolerance policy prohibiting operators of vehicles from drinking alcohol, consuming illegal drugs, and taking prescription or over-the-counter medications, which may affect their ability to drive or operate equipment. Violation of this section shall result in disciplinary action, up to and including termination.

Use of Personal Vehicle for City Business. In addition to the generally-applicable requirements set forth above, the following shall apply when an employee uses his or her personal vehicle for City business:

The use of a private vehicle to conduct official City business shall be reimbursed at a rate consistent with the established Internal Revenue Service reimbursement mileage rate where such use has been pre-approved by the City. Use of a personal vehicle to conduct City business within the City limits will not be reimbursed. Employees requesting such mileage reimbursement shall submit mileage reimbursement forms in the form and manner prescribed by the Finance Department. Commute miles (round trip distance between employee's residence and regular place of work) are generally not reimbursable. Should an employee choose to use his or her personal vehicle, the primary coverage will be his or her personal insurance.

Use of City Vehicles. In addition to the above generally-applicable standards and any standard operating procedures or rules established by your Department, the following requirements apply to employee use of City vehicles:

1. Employees operating City vehicles must promptly report any theft or damage involving a City vehicle to their immediate supervisor, Department Director or the City Administrator regardless of the extent of damage.
2. City vehicles shall be used for City business purposes only, provided that incidental personal use is permitted for those employees attending City business functions such as conferences, trainings or meetings. Employees who use a City vehicle as part of their regular work may not use their City vehicle for any personal use. This prohibition does not apply to de minimis personal use by employees operating public safety command vehicles and duty vehicles.
3. Non-employees are prohibited from operating City vehicles. Non-employees may be passengers in City vehicles only when their presence is necessary in connection with City business. Passengers who are not City employees must sign a waiver before riding in a City vehicle.
4. Operators and passengers of City vehicles and equipment shall wear seat belts.
5. Before driving a City vehicle, the employee should walk around the vehicle to assess general appearance and condition. A City vehicle must not be driven if there is any malfunction that will affect the safety of the vehicle and its occupants. All unsafe conditions (involving lights, brakes, tires, etc.) shall be immediately reported to the designated fleet managers and repaired before the vehicle is driven.

6. Operators of City vehicles shall keep the interior of vehicles clean. Vehicle operators shall properly remove ignition keys, secure and lock the vehicle any time during which the vehicle is parked and unattended.
7. With the exception of public safety vehicles, City vehicles must not be left running while unattended.
8. The use of alcohol, lighted tobacco, vaporizers and electronic cigarette products is prohibited in all City vehicles and equipment.

Taking City Vehicles Home. City vehicles may be assigned on a take-home basis in accordance with the following:

1. Employees who, on a continuous basis, have primary supervisory responsibilities (first call-out) in case of an emergency and whose immediate response is required to save life or property.
2. Employees who are stand-by in case of emergency and who require special tools and equipment carried in their assigned vehicles in order to perform emergency duties.
3. Employees who have an early departure or late return from assigned classes or conferences.
4. Assigned vehicles shall be used only for the conduct of City business. Incidental personal use of duty or command vehicles is permitted.
5. Employees shall not perform any maintenance, including washing or waxing, on City vehicles on off-duty time.

Vehicle Accident Reporting. If an employee is involved in an accident while on City business, the City employee who operated the City vehicle, equipment, or a personal vehicle involved in the accident shall do the following:

1. Notify his or her supervisor immediately.
2. Notify local law enforcement authorities.
3. Remain at the scene of the accident until released by his/her supervisor and/or appropriate law enforcement authority.
4. Obtain names and addresses of the other party or parties involved in the accident and any witnesses.
5. Under no circumstances, give statements or talk with anyone except law enforcement officers and management personnel about the accident at the scene or after leaving the scene, without first obtaining approval from the Department Director.

6. Except as otherwise required under this policy, shall not sign or place his/her signature upon any papers or documents related to the accident, except for official police reports and ticket citations, without prior approval from the Department Director.
7. Take photos (if possible).
8. In the event that there is a reasonable suspicion that the employee is under the influence of a controlled substance and/or alcohol, the employee shall submit to drug and alcohol testing in accordance with the City's Substance Abuse Policy.
9. If the employee is required to have a CDL and is subject to the City's Commercial Driver's License Standards Policy, the employee shall submit to post accident and/or other drug and alcohol testing as required under said policy.
10. Complete and submit the Employee Accident/Injury Report and Vehicle Accident Form no later than forty-eight (48) hours after the accident or upon return to work after the accident. A vehicle accident reporting kit (including accident forms and proof of insurance) is in each City vehicle.

Accident Investigation. In the event that a City employee is involved in an accident while driving a City vehicle, the City will conduct a thorough investigation. Depending on the facts surrounding the accident, the employee may be subject to disciplinary action up to and including termination.

### **3.12 PERSONAL APPEARANCE**

It is the City's intent that work attire should complement an environment that reflects an efficient, orderly and professionally operated organization. Workplace attire and grooming must be neat, clean and appropriate for the work being performed and the setting in which the work is performed.

In general office environments the City has adopted a business casual dress code but emphasizes that some positions may call for dressier attire at times. If the employee is conducting or attending meetings, seminars, roundtables, etc., where they come in contact with other business professionals, the employee is expected to represent the City in a professional manner and dress appropriately for conducting such business.

All non-uniformed personnel in City departments are permitted to wear casual clothing on Friday of each week. Casual clothing should be free of rips, tears, and stains..

### **3.13 MEMBERSHIP IN COMMUNITY CLUBS AND CIVIC ORGANIZATIONS**

The Mayor may identify certain community organizations in which the City desires representation and then designate the employee it will sponsor for membership. Employees who are designated for membership act as City of Oak Harbor representatives in the organization and are expected to promote its interests.



The Mayor will normally consider the following factors when selecting organizations for representation and designating employees to sponsor for membership:

1. The nature and purpose of the club or organization.
2. The potential benefit to the City of Oak Harbor, including enhancement of the employee's leadership and organizational skills.
3. The cost to the City of Oak Harbor.
4. The extent to which the City of Oak Harbor is already represented in the club or organization.
5. The employee's job responsibilities, length of service and overall qualifications for membership.

Employees who are classified as exempt under the Fair Labor Standards Act will be first considered for membership in order to avoid overtime costs to the City.

Employees who are not designated and sponsored for membership in community organizations and choose to participate in such an organization are responsible for their own expenses and time spent at organization events will not be considered hours worked for pay purposes.

### **3.14 PARTICIPATION IN TRADE AND PROFESSIONAL ASSOCIATIONS**

The City of Oak Harbor encourages employees to participate in trade and professional associations that promote City goals, individual skill development and professional recognition. However, employee participation in those associations must not conflict with the City's interests and must fit within budgetary constraints.

The City may identify certain trade and professional associations in which representation is desirable and then designate the employees it will sponsor for membership. Employees who are designated for membership act as City of Oak Harbor representatives in the association and are expected to promote its interests and to participate accordingly.

Department Directors are responsible for coordinating representation in trade and professional associations. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:

1. The nature and purpose of the association.
2. The potential benefit to the City of Oak Harbor, including enhancement of the City of Oak Harbor's reputation.
3. Development of the employee's leadership and organizational trade and professional skills.
4. Cost to the City of Oak Harbor.



5. Extent to which the City of Oak Harbor is already represented in the association.
6. Employee's job responsibilities, length of service and overall qualifications for membership.

The City of Oak Harbor will pay or reimburse the approved and reasonable expenses of the employee sponsored for membership in such associations. An employee not sponsored for association membership may be eligible for reimbursement of expenses with prior written approval of the Department Director.

Employees must request the Department Director's approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.

Employees are encouraged to contribute articles, present papers and speeches to trade and professional associations. Employees must obtain prior approval from the City Attorney for any communication that might represent the position of the City of Oak Harbor or involve information that is confidential.

## **HOURS OF WORK AND COMPENSATION**

### **4.01 ATTENDANCE AND PUNCTUALITY**

Regular attendance and punctuality are important parts of your responsibilities as a City employee. Employees are to work the hours scheduled by his/her Department Director or designated supervisor. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated. Six (6) or more instances of tardiness in a three (3) month period is per se excessive and may subject the employee to discipline.

Employees unable to report to work on time should notify their Department Director or designated supervisor as soon as possible, ordinarily before the workday begins or within ten (10) minutes of the employee's usual starting time. Non-exempt employees who are delayed in reporting for work more than ten (10) minutes and who have not notified the Department Director or their designated supervisor of their expected tardiness may lose the right to work the balance of the work day and/or may have pay docked in ten (10) minute increments.

Employees must report to the Department Director or designated supervisor after being late or absent and provide an explanation of the circumstances surrounding the tardiness or absence and, when applicable, verify they are fit to return to work.

Employees who are frequently away from the premises for business reasons should inform their Department Director or their designated supervisor of their whereabouts during working hours.

An absence/tardy instance is considered to be unauthorized if the employee has not followed proper notification procedures, or the absence has not been pre-approved.

### **4.02 JOB ABANDONMENT**

Employees who are absent from work for three (3) consecutive days without providing proper notice to the City of Oak Harbor will be considered to have abandoned their job. At that time, the City of Oak Harbor will consider the employee terminated and advise the employee of the action by certified mail to the employee's last known address.

### **4.03 HOURS OF WORK AND SCHEDULING**

For purposes of the Fair Labor Standards Act and the Washington Minimum Wage Act, the City of Oak Harbor recognizes a forty (40) hour work week, Monday through Sunday, for all regular employees, except Police and Fire Department employees.

The normal workday generally consists of eight (8) hours. Individual departments may establish work hours that meet the need of their particular duties. Different work schedules, such as in the case of Police, Fire and Public Works employees, may be established by the City to provide necessary City services. Employee hours worked are recorded to the nearest quarter hour (15 minute increments) and any use of vacation, sick leave, and compensatory time use is recorded to the nearest one-quarter hour, unless otherwise stated per collective bargaining agreement.

An employee's scheduled work hours will be determined by his/her Department Director or designee. The Department Director or designated supervisor will inform employees of their daily work schedule, including meal periods/rest breaks and any changes that are considered desirable by the City.

Employees may request an alternative work schedule on a temporary or ongoing basis, provided such an alternative work schedule shall not result in overtime liability to the City. The supervisor and Department Director will determine if the requested schedule will adversely impact operational needs or otherwise be inconsistent with the City's interest. Alternative work schedules must be approved in writing by the Department Director. Approval may be withdrawn in the event it is determined that the arrangement is not in the City's best interest.

Any and all requests to work from home must be approved in writing by the Department Director.

Managers and supervisors also have discretion to require alternative work schedules where necessary to meet operational needs.

#### **4.04 OVERTIME**

In accordance with state and federal law, the City pays employees who have a non-exempt status (that is, who are eligible for overtime pay) overtime for all hours worked in excess of forty (40) hours during the workweek. Paid time off excluding holiday pay, for the purposes of this policy, is not included as hours worked for overtime pay calculations. Non-exempt status is determined by legal standards based on the tasks and responsibilities associated with a job. Each employee will be informed of their status at the time of hire. Questions about exempt or non-exempt status should be referred to Human Resources.

Department Directors may schedule overtime or extra shifts, as needed. Employees are not permitted to work overtime without prior approval of their Department Director. In extraordinary circumstances justified by unforeseen conditions, an employee may work overtime without prior approval, so long as the Department Director or designee approves the overtime in writing no later than end of business the next business day.

Overtime for exempt employees is regarded as part of the job requirements and will not result in additional compensation.

Call-Back Pay. Non-exempt hourly employees normally will be granted a minimum of two (2) hours "call-back pay" for call-back work, i.e., irregular or occasional overtime work performed by an employee on a day when no work is scheduled, or at a time that requires the employee to return to work from an off-duty status. Phone calls from supervisors to discuss schedules are not considered "call-back" time.

Compensatory Time Off. Is a concept that public employers use to allow employees who work overtime in one workweek to take time off as compensation in some other workweek. In lieu of overtime pay, full-time non-exempt employees may submit a written request to receive compensatory time off (comp time), at the same rate that the overtime hours are due (1.5 times hours worked). Request for compensatory time must be submitted and approved by the

Department Director in advance. The maximum amount of compensatory time that an employee may accrue is 160 hours, however, department directors may establish lower limits on the maximum balance of compensatory time. Once an employee has reached that accrual level, overtime compensation will be paid for any overtime hours worked.

Election of comp time in lieu of overtime is with the following understanding:

- Comp time may not be earned without prior approval and may not be used before it has been earned and its use has been approved.
- The substitution of compensatory time for overtime pay must be at the non-exempt employee's request and must be agreed to by the non-exempt employee and the employer. A supervisor may not impose the requirement on any hourly employee who has not made such a request.
- Comp time must be used before vacation leave, sick leave, and leave without pay.
- Vacation leave, sick leave, bereavement leave, and other paid time off shall not be counted as hours worked for the purpose of determining eligibility for overtime pay or comp time.
- Comp time still on the books at the end of the calendar year will be paid at the hourly employee's regular hourly rate of pay in effect at the time of payment.
- Comp time must be used in the calendar year in which it is earned unless such utilization is not feasible due to the work demands of the position. If this occurs, the hourly employee may request and the department director may approve the carryover of a maximum of 40 hours of comp time if the employee has a scheduled and approved leave for which the employee has no other accrued leave (sick or vacation) to cover the absence in the following year. Any approved carryover of comp time must be used or paid out in the first quarter of the year.
- Earning of comp time may not be approved for the sole purpose of earning additional paid leave unrelated to the business need of the department.
- Upon separation from employment, pay for comp time shall be at the hourly employee's regular hourly rate of pay in effect at the time of payment.
- Hourly employees covered by a collective bargaining agreement shall be compensated for overtime work and holidays and be eligible to be granted and use compensatory time off in the manner set forth in the collective bargaining agreement; provided that the terms of the contract are not less beneficial to the hourly employee than the minimum requirements of the FLSA and the WMWA.
- FLSA-exempt employees shall not be eligible to earn comp time off nor shall they receive overtime pay. FLSA-exempt employees are compensated on a salary basis and are not eligible for additional pay for hours worked in excess of their general work schedule.
- Department Director or designee is responsible for ensuring the department or payroll tracks compensatory time accrual, use, and carryover.

#### **4.05 MEAL, REST AND LACTATION BREAKS**

Full-time employees are allowed an unpaid meal period which must be taken between two (2) and five (5) hours after the start of the work shift. Meal periods shall be sixty (60) minutes,

unless otherwise approved by the Department Director. Part-time employees scheduled to work more than five (5) consecutive hours during any workday will receive a meal period of the same duration as full-time employees in their department.

Employees required to work more than ten (10) hours in any workday will be allowed a second meal period no later than six (6) hours after returning from their first meal period.

Non-exempt employees are entitled to a paid fifteen (15) minute break for every four (4) hours of working time. Department Directors are responsible for scheduling time for non-exempt employee's break periods. Where the nature of the work allows employees to take intermittent rest periods equivalent to fifteen (15) minutes for every four (4) hours, scheduled rest periods are not required.

Time spent on breaks will be compensated as work time. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.

Employees are required to take their breaks and are not permitted to use break time to lengthen their meal period or shorten their work day.

Your supervisor may schedule rest and meal periods within your work group to meet operational needs.

If you do not believe you are receiving adequate rest periods during your work day, promptly advise your supervisor or Human Resources.

In addition, for one (1) year following childbirth, non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. These breaks will be paid to the extent they run concurrently with the above-referenced daily rest breaks. The City will provide a suitable, private location for nursing breaks. Please contact Human Resources or your supervisor to make appropriate arrangements if you need nursing breaks.

#### **4.06 INTERIM/OUT-OF-CLASS ASSIGNMENTS**

The City of Oak Harbor may authorize interim/out-of-class assignments to cover operational needs or absences. Interim/out-of-class assignments provide valuable on-the-job training and continued performance of critical workload. Performing other duties as assigned is not considered an interim/out-of-class assignment.

Interim/out-of-class assignments will be assigned in advance and in writing by the Department Director. If an employee is working an interim/out-of-class assignment that will be in effect for more than fifteen (15) consecutive days, beginning on the sixteenth (16<sup>th</sup>) consecutive day of the assignment, the employee will receive a wage premium of no less than three percent (3%).

Interim/out-of-class assignments are limited to ninety (90) calendar days. Extensions require approval by the Mayor or City Administrator. Interim department director (defined as the directors of public works, development services and finance, the city attorney, and the fire and police chiefs) and city administrator appointments by the Mayor are limited to two (2) terms of

ninety (90) calendar days each. Extensions beyond two (2) terms requires confirmation by a majority vote of the City Council.

#### **4.07 TIME RECORDS**

Maintaining accurate time records is essential in computing employee pay and overtime, ensuring compliance with applicable laws and regulations, and generating accurate cost and leave information. Each employee is responsible for completing and submitting his or her own time sheet in a timely manner. The City provides standard timesheets for exempt and non-exempt employees.

Employees shall turn in vacation approvals and scheduled sick leave approvals along with the timesheet for the pay period in which the vacation or scheduled sick leave was taken.

#### **4.08 PAY PROCEDURES**

Employee time records shall be checked and signed by the Department Director. Employees are paid twice monthly. If a regularly scheduled payday falls on a Saturday or Sunday, paychecks will be distributed on Friday. If a payday falls on a holiday, paychecks will be distributed on the regularly scheduled working day prior to the holiday.

The City will withhold from the employee's paycheck those deductions required by law, as well as any voluntary deductions authorized by the employee and approved by the City Administrator. The City will resolve payroll errors promptly.

Employees who discover a mistake on their paycheck, lose their paycheck or have it stolen shall notify the Finance Department immediately.

Employees who repeatedly lose or destroy their paychecks, or fail to cash them, may be required to authorize payment by direct deposit.

Unapproved absences shall not be considered hours worked for pay purposes. Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

Salaried Non-Exempt Employees. All non-exempt employees are required to complete an individual time record showing the daily hours worked. The following points should be considered when filling out time records:

1. Non-exempt employees shall record their total hours worked for each workday.
2. Non-exempt employees are not permitted to sign in or begin work before their normal starting time, or to sign out or stop work after the normal quitting time, without prior approval of their Department Director.
3. Non-exempt employees are required to take scheduled meal periods and scheduled or intermittent breaks.

Salaried-Exempt Employees. Exempt employees are not required to complete hourly time records but must account for daily attendance and attendance exceptions. The following points should be considered:

1. Deductions from pay are permissible when an exempt employee is absent from work for one (1) or more full days for personal reasons or due to sickness or disability.
2. Deductions for partial day absences are permitted when an employee is eligible for FMLA and the partial day absences are due to leave taken according to that law.

#### **4.09 SALARY ADMINISTRATION**

The City of Oak Harbor's Position Classification Plan is designed to pay salaries that are internally equitable. It is also the policy of the City to pay salaries that reflect the market for each classification and be commensurate with the compensation paid at comparable municipal governments in Washington State, within budget limitations and with full consideration of the public's interest. However, all compensation policy decisions must take into consideration the City of Oak Harbor's overall financial condition and competitive position.

The Position Classification Plan will be reviewed by Human Resources every two (2) years and submitted to city council for consideration as part of the biennial budget cycle.

Reclassification. Classification reviews of specific positions will be performed by Human Resources when requested by the Department Director. It is the Department Director's responsibility to ensure that each of his/her employees is properly classified and receiving proper salary. When an employee is performing work outside of his/her classification at least sixty percent (60%) of the time, the employee's Department Director should initiate appropriate action, including possible reclassification. If an employee believes they are working outside of their classification at least sixty percent (60%) of the time, they should contact their Department Director.

#### **4.10 REIMBURSEMENT OF BUSINESS EXPENSES**

Travel Expenses. From time to time, City employees may be required to travel away from the City in connection with City business or training opportunities. Department Directors must approve overnight travel in advance. Travel may be by common carrier, City vehicles, or personal vehicles, as approved by the Department Director. Pooling of travel in passenger cars should be used whenever possible.

The City-wide "Travel Policy" which is kept by the Finance Department, identifies and provides guidelines regarding valid business expenses for which an employee may qualify for payment or reimbursement. The Travel Policy is to provide employees, public officials and others who incur authorized business expenses for travel, subsistence, registration and related expenses while on City business, reasonable and timely mechanisms for the reimbursement and/or the advancement of such necessary expenditures.

Other Work-Related Expenses. The City will reimburse employees for reasonable work-related expenses for City business. Expenses should generally be approved by your supervisor, and



must be supported by actual documentation. Employees should submit expense reimbursements to the Finance Department.

#### **4.11 ADVERSE WEATHER, EMERGENCIES, AND NATURAL DISASTERS**

In the event of inclement weather, an emergency or natural disaster, the City must continue to provide essential public services. Therefore, if the City determines to remain open, employees must make every reasonable effort to report to work if they can do so without endangering their personal safety or the safety of employee's family members. An employee who is unable to safely get to work or leaves work early because of unusual weather or other conditions may charge the time missed to vacation, sick leave, compensatory time, or use their floating holiday. If an employee has no leave available, he/she will be placed on leave without pay status for the time missed.

Each department is required to maintain a telephone tree or other notification system to inform employees whether or not the City is open for business during inclement weather or emergencies, or to otherwise designate how employees will be notified or how to receive updated information.

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

If, due to inclement weather, emergency or natural disaster, the City determines either to send employees home before the conclusion of their workday or not to have employees come to work, the employees will be notified as soon as feasible and the employees will be paid their normal rate of pay for their regularly scheduled hours for that day.

Non-exempt employees who are required to perform essential services when the City is otherwise closed will receive overtime at the rate of time and one-half hours worked. Employees may request compensatory time in lieu of overtime. Department Directors will identify essential non-exempt employees.



## BENEFITS AND INSURANCE

### 5.01 HEALTH AND WELFARE BENEFITS

The City of Oak Harbor provides a comprehensive benefits package to employees, subject to eligibility requirements. Benefits generally include insurance coverage for medical, dental and vision, as well as an employee assistance program (EAP), life and disability insurance and a flexible spending account under which employees can take pre-tax deductions for health care and dependent care expenses. The benefit programs and eligibility information is provided through the Association of Washington Cities (AWC) Employee Benefit Trust. Complete information about the benefit programs will be provided during orientation with Human Resources. If you have questions regarding benefit programs, please see Human Resources. Represented employees should also refer to their union contract for health insurance and other information.

Benefit programs, coverages and cost-sharing are subject to change from time to time based on annual trends, data, and insurance market conditions, City resources and changes in applicable labor laws. The City's participation with AWC insures quality benefit programs and insurance services provided in an efficient and cost-effective manner.

Employee Requirements for Eligibility. Employees are eligible for coverage the first of that month if their hire date is the first day or first working day of the month. If an employee hire date is after the first working day of the month, then the employee's insurance is effective the first of the month following date of hire. All regular employees working a minimum of 20 hours per week are eligible to participate.

Benefits Eligibility for Regular Part-time Employees. Employees who work twenty (20) hours per week are eligible for employee health care coverage, but must pay for spouse, domestic partner and dependent health care coverage. Employees who work thirty-two (32) hours or more but less than forty (40) hours per week on a regular basis are eligible for partial payment of spouse, domestic partner and dependent health care coverage.

Coverage for Spouses, Domestic Partners and Dependents. Dependent coverage is available on AWC Trust sponsored health plans subject to cost-sharing. Dependent verification documentation is required for enrollment. Participation eligibility criteria for dependents, including age limits, loss of other coverage, stepchildren, new spouses, state registered domestic partners, newborns and adopted children is available through Human Resources and AWC.

Elected Official Participation Criteria. For AWC, a minimum of 50% of all elected officials must be enrolled on a Trust-sponsored medical plan.

Procedure. Employees who want to obtain coverage for a spouse or state registered domestic partner will need to complete an Affidavit of Marriage or Domestic Partnership form. Employees should contact Human Resources for appropriate forms.

Employee Assistance Program. Employees will be provided with an EAP brochure that provides information on services offered and contact information. All employees are encouraged to use this program as well as local community resources. The EAP Assessment Counselor can aid the employee in determining what benefits are covered by insurance or available based on a "sliding

fee” basis. If an employee requires in-patient treatment for a substance abuse or other problem, the EAP Assessment Counselor will work with the employee and the City to arrange for benefit coverage, use of leave, treatment and possible return to work.

Voluntary use of the EAP by any employee prior to the initiation of performance counseling or disciplinary action, or who is referred to the program by a Department Director, will not be reflected in the employee’s personnel file, nor will the use in any way affect promotions or assignments, provided the employee has demonstrated compliance with any treatment and return to work plans.

No employee who is ordered for assessment and requires in-patient treatment of any kind will be allowed to return to work without first signing and abiding by the conditions of a “Reinstatement Agreement”. The City of Oak Harbor requires written documentation of successful attendance and completion of any approved follow-up program. All documentation of this nature will be treated as confidential.

Termination of Benefits. Employee’s health benefit insurance coverage terminates the first of the month following the date of termination/date of retirement.

## **5.02 COBRA**

In compliance with COBRA (the federal Consolidated Omnibus Budget Reconciliation Act), the City offers continuing group health care coverage on a self-pay basis to employees and/or dependents when a “qualifying event” would normally result in a loss of eligibility. Some common qualifying events are termination (for reasons other than gross misconduct), a reduction in hours affecting coverage, divorce or legal separation, retirement or death. Depending on the qualifying event, continuation coverage may be available for eighteen (18) months or thirty-six (36) months, or until the affected party becomes eligible for other employer-provided health insurance coverage, whichever occurs first. Generally, the full policy premium must be paid by the employee or beneficiary in order to ensure COBRA continuation coverage.

Employees will be provided with information describing COBRA rights, including eligibility for any subsidy, upon termination or when the City learns that a qualifying event has occurred. If you desire further information regarding COBRA, or if you anticipate a change in your job or family status that may affect benefits eligibility qualify as a COBRA “event” please contact Human Resources.

## **5.03 RETIREMENT BENEFITS**

All City employees in eligible positions are required to participate in the State of Washington’s retirement systems (PERS or LEOFF). Eligibility will be reviewed at time of hire, and will be reviewed periodically as required. Participating employees shall pay any required contributions through payroll deduction. The City shall also make appropriate contributions as required by state law. You can find further details or possible changes to state retirement systems by accessing the Washington Department of Retirement Systems website at [www.drs.wa.gov](http://www.drs.wa.gov).

In addition to the state retirement systems, the City offers pre-Medicare retiree medical plans and deferred compensation 457 plans.

Unless PERS eligible, Paid on Call Fire Fighters and Reserve Police Officers are required to enroll with the Board for Volunteer Fire Fighters and Reserve Officers. Additional information can be found at [www.bvff.wa.gov](http://www.bvff.wa.gov).

#### **5.04 OTHER MISCELLANEOUS BENEFITS**

To enhance your employment experience with the City, the City will consistently strive to make available a range of benefits and incentive programs for employees, such as additional life insurance, supplemental insurance (e.g., short-term disability), continuing education and wellness programs. Information regarding programs currently being offered by the City can be found in Appendices "C" and "D" of this Manual. Information regarding the terms and availability of these programs will be updated from time to time. Please see Human Resources if you are not sure whether you have the most current information regarding available programs.

#### **5.05 WORKERS' COMPENSATION INSURANCE**

All eligible employees are covered by the state workers' compensation (Industrial Insurance) program. For qualifying cases, state Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illness.

All job-related accidents or illnesses should be reported immediately to the employee's supervisor and to Human Resources. The employee's supervisor should also report the matter to Human Resources. The supervisor shall direct the employee to seek medical treatment if the injury involves symptoms greater than minor or transient pain, cuts, or bruises. Employees must file a claim for worker's compensation benefits whenever the injury or illness involves time off from work of one (1) or more days, or medical care.

Coordination of Benefits. Unless otherwise required by law or contract, the process for worker's compensation time loss payment/reimbursement will be as follows.

1. If the job-related injury or illness requires the employee to be absent from work, and the employee has a pending application for time loss benefits, at the employee's request the City will continue to pay the regular salary of the employee by deducting leave from the employee's accrued sick leave balance. If the employee has no accrued sick leave, the employee may choose instead to have the deductions made from his/her accrued vacation leave or accrued compensatory leave balances.
2. After an employee's application for time loss benefits is granted, the employee must then repay the City the previously advanced salary, at which time the City will restore the employee's leave balances for the sick leave, vacation leave, or compensatory leave that was used while the employee's application was pending.
3. The purpose of this policy is to ensure that the employee receives prompt, regular pay during periods of work-related injury or illness, provided that the employee has accrued leave available. The policy also ensures that the employee does not receive more pay than he/she would have received had the injury or illness not occurred.

4. Failure or refusal by the employee to notify the City of an overpayment of compensation (i.e., receiving more compensation from both the City and from Labor & Industries than the employee would have received if there were no work-related injury or illness), or the failure/refusal to promptly repay the City once the application for time loss benefits is granted, may be grounds for discipline up to and including termination.

Continuation of Insurance Coverage. An employee on leave and receiving Worker's Compensation benefits will continue to accrue vacation leave and sick leave for up to six (6) months from the first date of injury. The City will also continue for six (6) months from the first date of injury to pay the employer's portion of the employee's health insurance premiums, provided the employee continues to pay his/her share of premiums, if any. The employee may continue receiving health care benefits by self-paying the entire cost of the insurance premiums for the remainder of the time he/she is on leave and receiving Worker's Compensation benefits.

Return to Work. In the event of an injury, the City will coordinate with the attending medical care provider to return the injured employee to work as soon as is medically possible. The City will comply fully with its obligation to reasonably accommodate employees with disabilities, including temporary reassignment to light duty tasks (if available), in consultation with the employee's medical care provider while the injured employee is recovering.

The City may require an employee to submit to a City-paid medical examination performed by a physician selected by the City, to determine if an employee can return to work and whether the employee is or will be capable of performing the essential duties of the position.

## **5.06 FAMILY AND MEDICAL LEAVE**

Recognizing the importance of family and out of concern for the wellbeing of its employees, the City of Oak Harbor 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 shall be administered in accordance with the federal Family and Medical Leave Act (FMLA) and the State Family Leave Act. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy.

Eligibility. This family and medical leave policy shall apply to regular employees who have been employed by the City at least twelve (12) months and have worked at least one thousand two hundred and fifty (1,250) hours in the preceding twelve (12) months.

Leave Entitlement. An eligible employee may request up to twelve (12) weeks of FMLA leave per "leave year" equivalent to four hundred-eight hours (480). The City defines a leave year as the rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. FMLA leave may be used for the following reasons:

1. 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; or
2. To care for a spouse, child or parent who has a serious health condition; or

3. 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 care or childbirth); or
4. 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 members of the National Guard or Reserves, and certain retired military service personnel, who have been called to active duty or notified of an impending call to active duty. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative child care, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration debriefings.

FMLA leave for birth or placement for adoption or foster care must conclude within twelve (12) months of the birth or placement. In addition, spouses employed by the City are jointly entitled to a combined leave of twelve (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 twelve (12) weeks of leave in the twelve (12) month leave period to care for a child or spouse with a serious health condition, or for either employee’s own serious health condition.

**Military Caregiver FMLA entitlement.** An eligible employee may also take up to twenty-six (26) weeks of leave during a single twelve (12) month period to care for an injured service member who is the employee’s spouse, parent, child or next of kin. A covered service member is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the twelve (12) month period begins with the first day the employee takes leave. The combined total leave for all purposes described in this policy may not exceed twenty-six (26) weeks in the applicable leave year.

**Serious Health Condition.** A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice or residential care facility;
2. A period of incapacity of more than three (3) full, consecutive calendar days from work, school, or other regular daily activity that also involves continuing treatment by (or under the supervision of) a health care provider;
3. A period of incapacity due to pregnancy or for prenatal care;
4. A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury for a condition that

would likely result in an incapacity of more than three (3) full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

Intermittent or Reduced Work Schedule Leave. In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA 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 or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City's permission. 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's operations. Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

Notice and Certification. Employees who want to take FMLA ordinarily must provide the City with at least thirty (30) days' notice of the need for leave, if the need for leave is foreseeable. If thirty (30) days' advance notice is not possible, notice must be provided as soon as practicable (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's regular procedural requirements when requesting FMLA leave. When requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

When leave is requested in connection with a planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City's operations.

In addition, employees who need leave, for their own or a family member's serious health condition, must provide medical certification from a health care provider of the serious health condition. The City may require a second or third opinion (at the City'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. 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.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper medical certification.

Please contact Human Resources to obtain forms relating to FMLA leave requests.



Continuation of Pay and Benefits. FMLA leave is unpaid leave. However, employees are required to use any accrued leave available to them as part of their twelve (12) weeks of FMLA leave. Determination of applicability of accrued leave time or leave without pay to be used during an FMLA leave of absence will be made by Human Resources and communicated to the employee as soon as possible following receipt of the leave request.

During all leave under this family and medical leave policy, the City will continue to pay the employer's portion of health care insurance premiums, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. If an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City for the employer portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave. If an unpaid leave extends more than half (1/2) a month, vacation, holiday and sick leave will not be accrued.

Job Restoration Upon Return From Leave. 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 (i.e., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

#### **Additional Family/Medical Leave Entitlements under State Law**

Leave for Pregnancy Disability and to Care for a Newborn. In addition to leave under the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled to Pregnancy Disability leave for a period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverages at her expense.

The Washington Family Leave Act (FLA). FLA provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlements to twelve (12) weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave and employees should follow the procedures described above for both FMLA and FLA leave. FLA differs from FMLA leave only in the following respects:

1. FLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee up to twelve (12) weeks of additional time off to care for her newborn once she has recovered from the Pregnancy Disability.

2. The FLA does not provide leave for military exigencies or for military caregivers. Where such military-related leave is taken under the FMLA, it will not count against the twelve (12) week leave entitlement available under the FLA.
3. Continuation of employer-paid health insurance is not required during FLA leave. Thus, during leave that is covered only by FLA and not FMLA, health insurance will not be automatically continued unless the employee elects continuation coverage at his/her expense.

For more information on any of these leave policies, or if you think you may need to take Family Medical Leave, please contact Human Resources.

## **5.07 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE**

### **Leave Due to Domestic Violence or Sexual Assault**

In compliance with Washington law, the City will authorize leave for employees who are victims of domestic violence, sexual assault, stalking, or for employees with a family member (child, spouse, registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. A reasonable amount of leave will be provided, and this leave may be taken in blocks, intermittently, or on a reduced leave schedule. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g., vacation or sick leave) in connection with such leave.

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

1. 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;
2. 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;
3. To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
4. To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
5. To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Except where disclosure is authorized or required by law, or where an employee authorized disclosure of certain information, the City will



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

#### **5.08 UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE**

Employees are entitled to two (2) 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.

The employee may select the days on which he or she desires to take the two (2) unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two (2) 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.

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 two (2) weeks 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.

The two (2) 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.

#### **5.09 OTHER UNPAID LEAVE**

Subject to operational and other considerations, the Mayor or the City Administrator may grant a leave of absence without pay. Generally, any available accrued leave must be exhausted before unpaid leave will be approved. Only in exceptional circumstances will unpaid leave be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation or a personal family emergency requiring the employee to spend considerable time away from work.

#### **5.10 ADMINISTRATIVE LEAVE**

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

While on paid Administrative Leave all employer contributions to employee benefits will continue and the employee’s share shall be provided to maintain benefits in place prior to the employee being placed on Administrative Leave.

Administrative Leave in itself is not a disciplinary action but in some circumstances may be used by the City to investigate a complaint that may lead to disciplinary action.

### **5.11 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, an employee's benefits (including health insurance and leave accruals) will be suspended during any period of unpaid leave that extends longer than half (1/2) a month. In certain cases, self-payment of insurance premiums may apply (see COBRA information).

### **5.12 JURY DUTY**

Employees who are required by law to render jury service will be granted time off with pay for up to two (2) weeks each time they are called for jury service. In general, if the jury duty extends beyond two (2) weeks, the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two (2) weeks should contact the City Administrator to discuss if further paid leave will be provided.

Employees should notify their supervisor 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 upon request. If an employee is summoned for jury service during a critical work period, the City may ask the employee to request a waiver from duty. In such cases, the City will provide documentation supporting the waiver request. Employees should contact their supervisor for instruction if there is a break greater than four (4) hours during jury duty where the employee is not required to report to the court.

Payment received from the courts for service during paid jury duty leave must be paid to the City if the employee received paid time off for the jury duty from the City. Expense reimbursements such as mileage do not need to be paid to the City.

Witness Duty. Employees subpoenaed to testify in court are allowed time off for the period they serve as a witness. In general, witness duty is unpaid unless the City, in a case involving the City, calls the employee as a witness. Employees can use vacation, floating holiday, compensatory time or leave without pay to account for these hours. The salary of exempt employees will continue only for absences of less than a full-day, unless the employee is called as a witness for the City, as noted above.

### **5.13 MILITARY LEAVE**

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.

**Paid Leave of Twenty-one (21) Days Per Year.** Under Washington Law, a public employee is entitled to a paid military leave of absence for a period not to exceed twenty-one (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 training. Military leave beyond the twenty-one (21) days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of their need to report for military duty, and provide their supervisor and Human Resources with a copy of their orders.

### **Leave for Spouses and Registered Domestic Partners of Military Personnel**

During a period of military conflict declared by the President or Congress, an employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard or Reserves is entitled to up to fifteen (15) days of unpaid leave while his/her spouse or domestic partner is on leave from deployment, or before and up to deployment. (Family military 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 the family military leave described in this policy.) 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 twenty (20) hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City with notice of his/her intent to take leave within five (5) business days of receiving official notice that the employee's spouse or domestic partner will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave.

## **5.14 VACATION**

Full-time regular employees will accrue paid vacation time on a monthly basis. The rate of vacation accrual, which may be adjusted from time to time, is set by the biennial salary ordinance. The present rate is set forth below.

Years of Employment	Monthly Accrual	Vacation Hours Earned	Maximum Accrual of Hours Earned
0 - 5 years	8	96 hours/year	192 hours
6 - 10 years	10	120 hours/year	240 hours
11 - 15 years	13.33	159.96 hours/year	319.92 hours
16 - 20 years	15	180 hours/year	360 hours
21 +	16.66	199.92 hours/year	399.84 hours

Part-time employees who work twenty (20) hours or more per week are eligible to accrue paid vacation on a pro rata basis on their percentage of full-time employment. For example, a part-time employee who regularly works seventy-five percent (75%) of a full-time schedule will accrue vacation hours equal to seventy-five percent (75%) of what a full-time employee would earn. Full-time employees who are on a temporary schedule change to part-time for more than one half (1/2) month will have their vacation accruals adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not be eligible to accrue vacation leave. Part-time employees working less than twenty (20) hours per week and temporary employees do not receive paid vacation.

Employees may accrue no more than the maximum accrual, according to their years of employment, as set forth in the applicable salary ordinance. Employees whose vacation balance exceeds the maximum accrual will cease earning vacation benefits until the vacation balance falls below the maximum accrual. In extraordinary circumstances, the Mayor may grant approval for an employee to carry over the excess accrual. Request for carryover must be pre-approved in writing. In no circumstances may the maximum accrual exceed three (3) years of vacation hours earned.

All vacation leave shall be taken at a time mutually agreeable to the employee and his or her supervisor. The City reserves the right to deny requested vacation leave when such leave would interfere with the operations of the City or create an adverse impact on the completion of work.

Employees should submit vacation requests to their Department Director or designee(s) at least two (2) weeks in advance of the requested start date of the leave.

The city will not “advance” employees paid leave before it has been accrued. Accrued but unused vacation will be paid out to an employee upon separation from employment with the City.

### **5.15 OAK HARBOR SICK LEAVE (OHSL)**

Full-time regular employees and part-time employees who are regularly scheduled to work twenty (20) hours or more per week will accrue paid Oak Harbor Sick Leave (OHSL) on a monthly basis. For full-time employees' Oak Harbor Sick Leave (OHSL) will be earned at the rate of eight (8) hours per month. Part-time employees who work twenty (20) hours or more per week will accrue sick leave on a pro-rata basis based on their percentage of full-time employment. For example, a part-time employee who regularly works seventy-five percent (75%) of a full-time schedule will accrue six (6) sick leave hours per month (seventy-five percent (75%) of the full-time entitlement of eight (8) hours).

Full-time employees who are on a temporary schedule change to part-time for more than one half (1/2) month will have their sick leave accrual adjusted to their part-time percentage. Should a full-time employee be on a temporary schedule change to part-time at less than twenty (20) hours per week for more than one half (1/2) a month, the employee will not accrue Oak Harbor Sick Leave (OHSL) but will accrue Washington State Paid Sick Leave (WSL).

Employees hired after October 20, 1998 are not compensated for earned but unused sick leave when their employment with the City is terminated. Employees hired before October 20, 1998 are eligible for a sick leave buy-out, subject to the maximum set forth in the following guidelines:

Years of Service	Sick Leave Buy-Out
After 5	10% of accumulated leave
After 10	25% of accumulated leave
After 15	35% of accumulated leave
After 20	45% of accumulated leave
After 25	50% of accumulated leave
After 30	60% of accumulated leave

### 5.151 WASHINGTON STATE-MANDATED PAID SICK LEAVE (WSL)

Accrual. In compliance with the Washington State-Mandated Paid Sick Leave Law as of January 1, 2018, employees on a temporary, seasonal, paid-on-call, or part-time schedule less than twenty (20) hours per week will immediately upon hire begin to accrue Washington State-Mandated Paid Sick Leave (WSL) at a rate of one (1) hour for every 40 hours worked, including overtime.

Waiting Period and Carryover. Accrued WSL hours may be used after completion of a 90-day waiting period following date of hire. WSL hours will be compensated at an employee's regular rate of pay. WSL hours will not count towards the calculation of overtime. There is no cap on accrual of WSL, however, employees may only carryover up to forty (40) hours of earned but unused WSL into the following calendar year.

Usage Increments. The City cannot require an employee to use more sick leave than he/she actually needs. Employees must be permitted to use sick leave in increments provided by the City payroll system (such as 15 minutes).

Treatment Upon Separation. If an employee leaves employment and is rehired within 12 months of separation, any accrued, unused WSL will be reinstated to the employee's WSL balance. If an employee is rehired within 12 months of separation, the employee will not be required to complete another waiting period to use the accrued WSL, if the employee met the requirement during the previous period of employment. Additionally, the prior employment should be counted to determine eligibility to use WSL.

### **5.152 USE OF SICK LEAVE**

For foreseeable absences, the employee is required to provide notice at least ten (10) days in advance, or as early as practicable. For unforeseeable absences, the employee is required to provide notice as soon as possible before the scheduled start of the shift, unless it is not practicable to do so.

Sick leave may be used for the following purposes:

1. Employee's illness (mental or physical), injury, or health condition, and for preventative care;
2. Employee's care for a family member's illness (mental or physical), injury, or health condition, and for preventative care;
3. Public health closures of City facilities or a dependent's school or care facility;
4. Absences due to domestic violence, sexual assault, or stalking.
5. For any purpose described in the Family Care policy as set forth below.

Documentation. For paid sick leave usage over three (3) consecutive work days, the City may ask the employee for verification from a health care provider that the absence is for an eligible reason. The City will NOT require an explanation about the nature of the condition.

No Adverse Consequences. The City will not discipline or retaliate against an employee for the lawful use of paid sick leave. For continuous and/or intermittent medical leave, reasonable accommodation including light duty considerations may be available.

### **5.16 USE OF ACCRUED LEAVE TO CARE FOR SICK FAMILY MEMBER**

Consistent with the Washington Family Care Act (FCA), employees may use their choice of any accrued leave (whether vacation, sick leave, comp time, or floating holidays) that they have available for their own use in order to care for their child, spouse, parent, parent-in-law, domestic partner, or grandparent. This policy reflects requirements for all employees under state law, and therefore represented and non-represented employees alike.

An employee may use available paid time off to care for his/her child where the child has a serious health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical or immunization services).

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:

1. requiring an overnight stay in a hospital or other medical-care facility;
2. resulting in a period of incapacity or treatment or recovery following outpatient care;

3. involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
4. involving an emergency (i.e., demanding immediate action).

Where the need for family care leave is unexpected, the City understands that advance approval of the use of leave (as required for certain kinds of leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City 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.

## **5.17 SHARED SICK LEAVE POLICY**

1. Purpose. To provide a method for employees to donate their sick leave hours to other employees in order to provide additional paid leave for Family Medical Leave Act (FMLA) eligible employees who would otherwise be in an unpaid status (RCW 41.04.660).
2. Policy. The City of Oak Harbor has established a plan whereby employees may anonymously transfer sick leave hours annually to a sick leave bank to provide additional paid leave for an eligible employee to cover FMLA eligible leave after that employee has exhausted all other available paid leave and is unable to work.
3. Definitions.
  - a. "Shared Sick Leave Program (SSLP)" means a program of anonymously donated hours for an employee who has exhausted all other forms of paid leave due to the employee's (or family member's) FMLA qualifying absence.
4. Permissible Uses of Shared Sick Leave. Subject to the limitation of available hours in the sick leave bank, leave drawn from the SSLP shall be paid in accordance with these regulations at the employee's regular straight time base rate of pay for FMLA qualifying conditions.
5. Eligibility for Shared Sick Leave. To be eligible for the SSLP an employee must be eligible for FMLA protected leave. An employee must have exhausted all available vacation hours, sick leave hours, personal holiday hours, Kelly days, and compensatory time, before being eligible for the Shared Sick Leave Program. If applicable, the employee has diligently pursued and is found to be ineligible for state industrial insurance benefits. Application for the SSLP may be made during or after the pay cycle during which accrued paid leave hours are being exhausted. An employee shall not receive a total of more than four hundred-eighty (480) hours of shared sick leave within a twelve (12) month period (rolling calendar year). An employee shall not receive a total of more than five hundred twenty-two (522) days of leave during the term of employment (equivalent to 4176 hours).



Employees eligible for and collecting Workers' Compensation benefits under Chapter 51.32 RCW, Social Security benefits, or Long Term Disability benefits are not eligible for this program. Employees who are waiting for Long Term Disability benefits and/or Social Security benefits to begin may be eligible. The SSLP shall apply to employees represented by bargaining units to the extent agreed upon through collective bargaining.

An employee using Shared Sick Leave will not accrue additional sick leave and vacation hours by virtue of Shared Sick Leave, but may continue to be eligible for health care coverage and other benefits as if the employee were in a regular paid status.

Any use of Shared Sick Leave will be counted toward the twelve (12) week allowance for Family and Medical Leave (FMLA).

Shared Sick Leave is not a vested benefit and the City of Oak Harbor may repeal this shared leave policy at any time and any leave balances shall revert and be returned to the applicable donating employees on a pro rata basis. No benefit will be paid for unused hours of Shared Sick Leave upon separation from employment for any reason. Once an employee's available Shared Sick Leave hours are exhausted, and no more have been donated, the employee will only be eligible to apply for an unpaid leave of absence. In no case will the total amount of donated sick leave during an employee's career exceed one thousand forty (1040) hours for a full-time employee, pro-rated for a part-time employee.

6. Application Process. Upon exhaustion of all other available accrued benefits or during the pay cycle in which accrued leave hours are being exhausted, the employee (or the employee's guardian or legal representative in the event the employee is incapacitated or otherwise physically incapable of making the request for leave) will make a written request upon forms available from the Human Resources Department.
7. Donation of Hours. An employee may donate sick leave hours as follows:
  - a. Employees wishing to donate leave hours may do so any time during the calendar year. A quarterly accounting of hours in the leave bank will be compiled by the Human Resources Department. If at any time the sick leave bank contains less than one hundred (100) hours, a call for donations will be sent out by Human Resources. Donations to the Shared Leave Bank will be anonymous and must be submitted on the Shared Sick Leave Donation form.
  - b. Donating full-time employees must maintain a sick leave balance of no less than one hundred-eighty (180) hours. Employees with less than one hundred-eighty (180) hours of accrued sick leave or whose proposed donation would result in the employee having less than one hundred-eighty (180) hours of accrued sick leave may not donate any of the employee's accrued sick leave to this shared leave program. For separating employees, an employee may only donate as much leave as they could actually use between the time they request to donate and their last day with the City.



- c. Donation of sick leave is strictly voluntary.

Donated sick leave hours must be used within the calendar year or they will be returned to the donors on a pro rata basis.

8. Administration.

- a. Sick leave hours shall be transferred on an hour-for-hour basis without regard for differences in base hourly rate of pay between the donating employee and the recipient employee.
- b. The Finance Department will be responsible for adjusting the accrued leave balances of both the donor and the recipient.
- c. All hourly donations are to be credited to the recipient on an "as needed basis" each pay cycle.
- d. Donated Shared Sick Leave hours are excluded from any separation of service or payoff provisions contained in the City of Oak Harbor personnel policies, employment agreements, and relevant provisions of collective bargaining agreements.
- e. The recipient of Shared Sick Leave will be taxed for receipt of compensable earnings to the extent authorized in Chapter 41.40 RCW and prevailing IRS regulations.
- f. When an employee has been granted Shared Sick Leave and the employee subsequently receives compensation from a collateral source, for the same injury, covering the same period of time, the employee will be required to reimburse the City for such Shared Sick Leave.
- g. The City, in its sole discretion, may cancel this program; provided, however, if the City decides to terminate this program, the City will provide any affected bargaining unit with thirty (30) calendar days' notice of the City's intent to terminate the program. All wage and benefit payments made to the employee on shared leave shall be made by and charged to the department employing the person using the shared leave. The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

## 5.18 HOLIDAYS

The City provides paid time off for twelve (12) holidays per year for regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week. The holidays observed by the City are:

New Year's Day	January 1st
Martin Luther King, Jr.'s Birthday	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	4th Friday in November
Christmas Day	December 25th
2 Floating Holidays	See below – maximum 2 per employee based on EPM or CBA, not combined.

Eligibility and Pay. In order to be eligible for a holiday, an employee must be in a paid status on the regular workdays immediately preceding and immediately following the scheduled holiday. A new employee will be eligible for a floating holiday on their first day of employment. Full-time regular employees will receive eight (8) hours of pay for the holiday (unless an alternative approach is established in a written agreement regarding an alternative work schedule). Part-time regular employees who are regularly scheduled to work twenty (20) hours or more per week will receive holiday pay on a pro-rated basis.

Floating Holidays. A floating holiday will be chosen by mutual agreement of an employee and his/her supervisor. A floating holiday must be taken in the same calendar year it is earned. Unused floating holidays cannot be cashed out at termination.

The City recognizes some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City's regular holiday schedule. Employees may use their accrued leave (excluding sick leave) or leave without pay for such occasions. For additional information on faith based leave please see Section 5.08 Unpaid Holidays for Reasons of Faith or Conscience.

## **5.19 COMPASSIONATE LEAVE**

All regular full-time employees and part-time employees regularly scheduled to work twenty (20) hours or more per week will be granted limited paid leave in the event of a death in the employee's immediate family.

"Immediate Family" for purposes of compassionate leave includes the employee's parents, spouse, certified domestic partner, child, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild or other relative who lives in the employee's home.

An employee may be granted a paid leave of absence not to exceed five (5) working days (within 12 months following the date of event), upon approval of the Department Director, City Administrator or Mayor. If necessary for health or travel, an additional five (5) days of leave may be charged to the employee's sick leave, upon approval of the Department Director, City Administrator or Mayor.

Regular part-time employees who are scheduled to work twenty (20) or more hours per week are eligible to receive compassionate leave on a pro rata basis (for example, a part-time employee working twenty (20) hours per week would be eligible for one-half (1/2) the paid time-off a full-time employee receives).

When requesting compassionate leave, employees should inform their Department Director as to who died and the date of death. Proof of death (obituary, death certificate, funeral program, etc.) and relationship will be required by Human Resources for Payroll Verification.

## **5.20 CONTINUING EDUCATION**

The City firmly believes educational development of its employees is integral to the success of the City. The City encourages all employees to take courses or training to increase their competence in their present assignment or to prepare for future advancement.

The City may offer employees flexible work schedules if the courses of study are directly related to the employee's present job, or will enhance the employee's potential for advancement within the City.

The City may consider payment of job-related college level courses taken from an accredited college if funds are budgeted and the following conditions are met:

1. The need for additional training is required by statute or law;
2. The required skills are not available in the local labor market; or
3. The employee seeking training is a qualified candidate for the training and will be able to provide training for other employees.

Any request for continuing education reimbursement must be approved in writing by the Department Director prior to the employee starting a program. The employee must provide a

written request to the Department Director and include a description of the course, how it relates to the employee's position and the approximate cost of tuition.

If approved, reimbursement is based on successful completion of the course under the following parameters:

1. Letter grade of A, B, or "pass" qualifies for 100% reimbursement.
2. Letter grade of C qualifies for 85% reimbursement.
3. Letter grade lower than C or "fail" will not qualify for reimbursement.

Employees should submit their final grades to the Department Director for determination of reimbursement level.

Employees who receive this benefit may be required to complete a summary of their training course and design a training session based upon their course for presentation to other employees.

Should an employee separate from employment with the City, within one (1) year of completing a course for which the employee received reimbursement, the employee may be responsible for repayment of the reimbursed funds to the City.

## **5.21 WELLNESS PROGRAM**

### **Program Outline**

The Wellness program was established in 2009 by the Wellness Committee, with the support of the Mayor, City Council members and Department Directors. This program was initiated through the Association of Washington Cities (AWC), as part of their Health Care Cost Containment Program. The program's mission is to improve City employee health and well-being. Participation in the City of Oak Harbor Wellness Program is voluntary and is limited, in some situations, to employees who receive health benefits through the City.

The program's primary goal is to enhance employees' well-being by:

1. Increasing employee awareness of healthy lifestyle choices.
2. Providing support to employees in making healthy lifestyle choices.
3. Assisting in the development of supportive workplace environments in order to meet health promotion goals.
4. Increasing employee awareness of health risks.

The program is designed to provide incentives for healthful employee activities.

### **Guidelines**

The Wellness Committee has set the following guidelines to keep a record of participation in wellness activities:

1. If an employee attends a wellness presentation/activity, they will be asked to sign the attendance/participation sheet.
  - a. Signature sheets will be used to confirm participation in wellness activities.
2. If an employee participates in a personal exercise program they will be required to:
  - a. Confirm the place of exercise (e.g., gym, physical therapist) is recognized by the City for Wellness program participation;
  - b. Complete their personal exercise program the required number of times per month. (The number of sessions required is set by the Wellness Committee and may change from year to year); and
  - c. Complete a waiver of liability for participation in their personal exercise program.

### **Wellness Incentives**

**Membership Fee Incentive:** Employees and Paid-on-Call Firefighters (referred to as participants in this section), who complete a personal exercise program, may be eligible to receive payment from the City to offset membership costs per the following guidelines:

1. Participants must complete their personal exercise program the required number of times per month as set forth by the Wellness Committee. (Check with the Wellness Committee to confirm current requirements)
2. Participants must confirm that their place of exercise has been approved by the City for participation in the Wellness Program.
3. Each approved location will provide the City with confirmation of employee participation in their personal exercise program.
4. Membership Fee Incentives will be paid to the participant separately from their regular paycheck.

**Wellness Day:** Regular employees who participate in City sponsored wellness activities may be eligible to earn up to eight (8) hours of wellness time off. Wellness time off will be pro-rated based on average regular hours (not OT) or regular schedule worked in twelve (12) months. Employees must follow the guidelines as set forth below:

1. Employees must log their participation in eligible activities as set forth by the Wellness Committee.
2. Employees' participation will be confirmed by the documentation criteria on the Wellness Rewards Program Log.

3. Employees must attain a minimum of one hundred (100) points to qualify for the wellness time off.
4. Employees must choose their eligible activities from a minimum of four (4) of the health categories established on the Wellness Rewards Program Log.
5. Employees must participate in a minimum of one (1) health campaign and one (1) eligible social event during the year.
6. Employees must submit the Wellness Rewards Program Log no later than December 15 of each year to earn a Wellness Day off in the following year.

The Wellness Committee will identify to employees which events will count toward their annual participation at the time the event is announced.

1. Employees who cannot participate in a wellness event/activity due to a disability should contact Human Resources at least two (2) days in advance of the event for reasonable accommodations and/or alternative ways to participate (ADA/EEOC).
2. Employees who meet the criteria will be credited up to eight (8) hours of wellness time, for a Full-time employees and pro-rated for all Part-time employees, in their leave accruals for the following year.
3. Wellness hours will not be paid to the employee if the employee separates from employment.

## APPENDIX A

### NONDISCRIMINATION/ANTI-HARASSMENT COMPLAINT PROCEDURE

#### 1. Introduction.

- a. Purpose. The purpose of the Nondiscrimination/Anti-Harassment Complaint Procedure (hereinafter referred to as the “Procedure”) is to provide a means for internal resolution of discrimination, harassment, retaliation or other illegal behaviors by supervisors or employees.
- b. Eligibility to utilize the procedure. The Procedure may be used by all City employees for conduct prohibited by the City in the workplace and in any work-related setting outside the workplace, such as business trips, business meetings and business-related social events.
- c. Reporting the complaint. If an employee brings the complaint to the attention of another supervisor or manager, the supervisor or manager is obligated to report the complaint in compliance with this policy. All complaints not made directly to the Human Resources Department must be reported to the Human Resources Director by the party receiving the complaint.
- d. Use of other procedures. An employee may use either the Employee Grievance Procedure, if applicable, or the Nondiscrimination/Anti-Harassment Complaint Procedure. However, an employee shall not be entitled to use both procedures for the same complaint. Use of the Employee Grievance Procedure or the Nondiscrimination Complaint Procedure shall not preclude an employee from filing a complaint with the Equal Employment Opportunity Commission.
- e. Administration of the procedure. The Human Resources Director shall be responsible for administration of the Procedure to assure compliance therewith. Any interpretation of the Procedure shall be reviewed and approved by the City Attorney or his/her designee prior to its issuance.
- f. Assurance of confidentiality. The identity of the Complainant, and all records developed during the investigation of the complaint, shall be considered confidential and shall not be released unless otherwise required by law.

#### 2. Definitions. For purposes of this Procedure, the following terms shall have the definitions set forth below:

- a. Discrimination. The demonstration of bias, whether intended or not, against an employee with respect to the terms and conditions of his or her employment on the basis of the employee’s sex, age, marital status, sexual orientation, race, creed, color, national origin, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service animal by a person with a disability. Such bias may be demonstrated by the actions of another employee, of a non-employee, or by the application of a City, departmental,

divisional or other policy, practice, or procedure to an employee or group of employees.

- b. Unlawful Harassment. Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature when:
    - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment;
    - ii. Submission to, or rejection of, such conduct by an employee is used as a basis for employment decisions affecting such employee; or
    - iii. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or of creating an intimidating, hostile, or offensive working environment.
  - c. Complainant. The City employee who files a complaint of discrimination and/or unlawful harassment.
  - d. Respondent. The individual named in the discrimination and/or unlawful harassment complaint as having taken the action which is the basis for the complaint, or the individual responsible for drafting and/or implementing an allegedly discriminatory policy, practice or procedure.
3. Initial Procedure. The complaint form from Human Resources may be used to file a written complaint. Every complaint is to be reported promptly either by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
4. Informal Procedure. The Complainant is encouraged to discuss the complaint with the Respondent. Human Resources staff may be present during such discussions if either party requests such presence. If either the Complainant or the Respondent does not agree to discuss the complaint informally, or if the parties are unable to resolve the complaint through informal discussion, the Complainant may proceed to the formal procedure. (See Section 4)
5. Formal Procedure.
- a. Formal Complaint. An employee who has a complaint of discrimination and/or unlawful harassment may initiate a formal complaint by submitting a written statement to Human Resources or by signing a written statement prepared by Human Resources based upon information provided by the Complainant. The written statement shall include the following information:
    - i. A description of the action, policy, practice or procedure upon which the complaint is based;
    - ii. If the complaint is based on an action(s), the date(s) and time(s) thereof;



- iii. The name of the Respondent;
  - iv. The nature of the alleged discrimination or unlawful harassment;
  - v. A statement regarding whether or not the Complainant has informally discussed the matter with the Respondent or supervisor; and, if so, the results of the discussion(s); and
  - vi. A statement regarding whether or not the Complainant has filed a separate grievance through another City procedure(s) or has filed a charge of discrimination with the EEOC.
- b. Time frame for filing a complaint. When the complaint involves an action, the complaint shall be submitted to Human Resources within thirty (30) calendar days of the date upon which the action described in the complaint occurred. When the complaint involves a City policy, practice or procedure, the complaint may be submitted to Human Resources at any time.
- c. Response to the Complaint.
- i. Within ten (10) working days of receipt of the complaint, Human Resources shall conduct an interview with the Complainant.
  - ii. Within ten (10) working days of the Complainant's interview, Human Resources shall notify the Respondent that a complaint has been filed and that an interview has been conducted. Such notification shall include a summary of the complaint.
  - iii. Within ten (10) working days of receipt of notification from Human Resources, the Respondent shall provide Human Resources with a written reply to the complaint.
- d. Investigating a complaint. The complaint will be immediately investigated. Employee requests that no investigation be undertaken cannot be honored. 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. When the Respondent's written reply has been received by Human Resources, Human Resources staff shall:
- i. Provide an opportunity for the Complainant and Respondent to meet with Human Resources staff to discuss the complaint;
  - ii. Interview all individuals whom the parties have identified as having pertinent information; and
  - iii. Review all relevant documents either provided or identified by the parties and any other documents deemed to be relevant to investigation of the complaint.

- e. Conclusion of procedure.
  - i. Within ten (10) working days of the date on which the investigation is concluded, the Human Resources staff shall prepare a report of the investigation for submission to the City Administrator and the City Attorney for their approval.
  - ii. If it is determined that there is insufficient evidence to believe that discrimination and/or unlawful harassment has occurred, the Mayor and the City Administrator shall be notified regarding this determination.
  - iii. If it is determined that there is sufficient evidence to believe that discrimination and/or unlawful harassment has occurred, a recommendation shall be made regarding an appropriate remedy to the Mayor and City Administrator.
  - iv. The Mayor and City Administrator shall review the recommended remedy and shall uphold, reverse or modify the recommendation.
  - v. The Mayor's decision shall be provided to the Complainant and the Respondent in writing by Human Resources or designees within thirty (30) calendar days of the conclusion of the investigation.
  - vi. Where the investigation confirms the allegations, the City of Oak Harbor will take prompt corrective action and, where appropriate, discipline the offending individual. Action taken may include documented verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.
- f. Department notification. Contact with the department director(s) of the Complainant and Respondent shall be maintained for the purpose of providing information regarding the existence of, and status of, complaints filed under this Procedure. In the event that the department director is the Complainant or Respondent, the information shall be provided in accordance with the Procedure.
- g. Extension of time limits. The time limits referred to herein may be extended by the Human Resources Director for good cause.
- h. Retaliation. There shall be no retaliation by the City of Oak Harbor, its officers, elected officials, supervisors, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint.
- i. Discipline. Employees who bring complaints may be subject to discipline only if the investigation reveals the complaint was made in bad faith (i.e., statements that were known to be false at the time they were made).

## APPENDIX B

### GRIEVANCE PROCEDURE (for Non-Bargaining Unit Employees)

#### 1. Introduction.

- a. Purpose. The purpose of the Grievance Procedure is to provide a process for non-bargaining unit employees to resolve any disputes involving the interpretation, application or alleged violation of City policies and to receive careful consideration and a prompt resolution.
- b. Eligibility to Utilize the Procedure. This policy applies to non-represented employees or group of non-represented employees. Employees who have not successfully completed their initial probationary period shall not have the right to file grievances under this procedure involving dismissal, demotion with reduction in pay, suspension without pay and other serious employment actions that adversely affect the employee's employment with the City.

#### 2. Definitions.

- a. Grievance. A complaint by a non-bargaining unit employee involving the interpretation, application or alleged violation of any personnel policies of the City. A grievance may include a complaint involving serious disciplinary actions taken against that employee.
3. Policy. It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly and fairly with those which occur. No adverse action will be taken against an employee who files a grievance in good faith for reason of his/her exercise of the grievance right.
4. Procedure. Misunderstandings or conflicts can arise in any organization and should be resolved before serious problems develop. Most incidents resolve themselves naturally; however, should a situation arise that the employee believes is a violation of City policy, the employee should follow the procedure described here for bringing the complaint to management's attention.
- a. Formal Grievances.  
**Step 1:** The employee shall file a formal written grievance with their Department Director. The grievance must be filed within ten (10) working days of the occurrence leading to the complaint or ten (10) working days after the employee became aware of the circumstances. If the Department Director is the subject of the grievance the employee may proceed to step two.

Formal Grievances must be in writing and contain, at a minimum:

- i. A description of the dispute;
  - ii. The date of the circumstances leading the complaint, or the date when the employee first became aware of those circumstances;
  - iii. The remedy sought by the employee to resolve the complaint; and
  - iv. The signature of the employee and the date signed.
- b. The Department Director will investigate and provide a response to the employee within ten (10) working days of receipt of the formal grievance.  
  
**Step 2:** If the employee is not satisfied with the response from the Department Director, he/she may submit the Formal Grievance to Human Resources, the City Administrator or his/her designee. The grievance must be submitted within ten (10) workings days of the response from the Department Director.
- c. The employee will receive a response from the City within ten (10) working days of receipt of the grievance. This response will be the final decision of the City.

If the employee grievance is due to a disciplinary action that resulted in suspension without pay or termination, and the employee is not satisfied with the final decision of the City, the employee may submit a “Disciplinary Appeal” to the Personnel Appeals Board. (OHMC 2.34.110)

## APPENDIX C

### COMMERCIAL DRIVER'S LICENSE STANDARDS

Commercial Driver's License Requirements. All City employees who hold positions that may require them to operate any of the following vehicles are required to have and maintain a Commercial Driver's License Endorsement ("CDL") and to comply with this policy:

1. All single vehicles with a manufacturer's weight rating of 26,001 pounds or more.
2. All trailers with a manufacturer's weight rating of 10,001 pounds or more, if the gross weight rating of the combined vehicle(s) is 26,001 pounds or more.
3. All vehicles designed to transport sixteen (16) or more persons (including the driver) (e.g. buses & vans).
4. All vehicles that carry placarded amounts of hazardous materials.

This policy does not apply to employees who hold positions that do not require them to have and maintain a CDL.

City employees who operate vehicles that carry placarded amounts of hazards must also have and maintain a Hazardous Materials Endorsement.

#### CDL Standards.

1. A City employee who is required to have and maintain a CDL must comply with all applicable state and federal laws, including but not limited to Federal Motor Carrier Safety Regulations, 49 CFR, and the Washington Uniform Commercial Driver's License Act, RCW Chapter 46.25.
2. Except to the extent it conflicts with this policy, a City employee with a CDL shall comply with the City Vehicle Use Policy in the use and operation of City vehicles (commercial or otherwise).
3. No City employee shall operate a commercial motor vehicle unless he/she has in their immediate possession a CDL and applicable endorsements valid for the vehicle they are driving, and the original or photographic copy of a medical examiner's certificate that he/she is physically qualified to drive a commercial motor vehicle.
4. No City employee shall operate a commercial motor vehicle when the employee has a suspended, revoked or a cancelled driver's license, has temporarily or permanently lost the privilege to operate a commercial vehicle, or has been disqualified from operating a commercial motor vehicle. The City reserves the right to monitor employees' driving status.

5. A driver whose driver's license is suspended, revoked or cancelled, or who loses the privilege to drive a commercial motor vehicle for any period, or who is disqualified from driving a commercial motor vehicle for any period, shall notify the supervisor, Division Manager or Department Director of that fact before the end of the business day following the day the driver received notice of that fact. The driver must provide written confirmation to the employee within five (5) working days of the suspension, revocation, and cancellation, lost privilege or disqualification.
6. A City employee or prospective City employee shall provide ten (10) years' previous employment information when applying for a position within the City that requires a CDL license. An applicant must certify that all information furnished on the application form is true and complete.
7. Prior to the City making an offer of employment, the Department Director must obtain and review the drug and alcohol testing record of applicants and prospective employees, after obtaining the applicant or prospective employee's written consent, (refer to Driver Release Form). Past employers are required under the law to provide this information to prospective employers.

Driver Qualification Files. The Public Works Administrative Assistant shall maintain a driver qualification file containing information for each driver with a CDL. This information will be retained for as long as the driver is employed, and for six (6) years thereafter. This information may be combined with the driver's personnel file.

Driving Commercial Motor Vehicles. A driver must also be sure his/her vehicle is safe and properly working before each trip. A pre-trip safety inspection must be conducted prior to use of the vehicle.

City employees shall wear seat belts, comply with all driving laws, and understand the requirements of when to use headlights, who must stop at railroad crossings and proper procedure to follow when stopping and parking a vehicle.

Drug and Alcohol Testing.

Definitions: The following definitions apply to this Policy.

1. Accident: Accident means an occurrence associated with the operation of a vehicle if, as a result;
  - a. An individual dies;
  - b. An individual suffers bodily injury and immediately receives medical treatment away from the accident scene;
  - c. A vehicle sustains disabling damage and is transported away from the accident scene by a tow truck or other vehicle; or
  - d. A revenue service vehicle is removed from the revenue service.

2. Alcohol Test: An alcohol test is a test conducted by a Breath Alcohol Technician (BAT), or any other person approved by the Department of Transportation rules, using an Evidential Breath Testing Device (EBT) to measure the amount of alcohol concentration in a volume of breath; provided, however, that a blood alcohol test may be used instead of a breath test when an employee is unable to provide a sufficient amount of breath or BAT is not readily available.
3. Alcohol Use: Alcohol use means the consumption of any beverage, mixture or preparation, including medication containing alcohol.
4. Controlled Substance: Controlled Substances include: illegal drugs, including but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the USDA or the USFDA; unauthorized prescription drugs; and prescription drugs not used for their prescribed purposes. The appropriate use of legally prescribed drugs and non-prescription medication is not prohibited. However, the use of any substance which carries a warning label indicating that mental functioning, motor skills or judgment may be adversely affected must be immediately reported to supervisory personnel.
5. Controlled Substance Test: A method for determining the presence of controlled substances in a urine sample using a scientifically reliable method performed in accordance with procedures specified in 49 CFR Part 40, as amended.
6. Failing a Controlled Substance or Alcohol Test: Failing a controlled substance or alcohol test means that the controlled substance or alcohol test showed positive evidence of the presence of a controlled substance or alcohol in an employee's system that is at or above a determined threshold level. This determination shall be made by the contracted City Medical Review Officer (MRO). Failing a substance test shall be referred to as "testing positive." Employees who refuse to take a substance or alcohol test when requested to do so shall be considered to have failed the test.
7. Refusal to Submit: An employee "refuses to submit" to an alcohol or controlled substances test when the employee fails to provide adequate breath or urine for testing without a valid medical explanation, the employee engages in conduct that obstructs the testing process, or the employee refuses to take the test.
8. Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol, regulation and makes recommendations concerning education, treatment, follow-up testing and aftercare. For a full listing of SAP professional requirements refer to Department of Transportation regulations 49 CFR part 40.

#### Prohibited Alcohol Related Activities.

1. No employee shall report to work or be at work in an impaired condition due to alcohol.
2. No employee shall report to work or remain on duty while having an alcohol concentration of 0.02 or greater.



3. No employee shall use or possess an open container of alcohol during work.
4. No employee required to take a post-accident alcohol test hereunder shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol testing.
6. No employee who is on stand-by shall use alcohol during the specified stand-by hours. The supervisor shall provide the employee an opportunity to acknowledge the use of alcohol at the time he/she is called to report for duty and the inability to drive. The employee will be required to take an alcohol test if he/she acknowledges the use of alcohol at the time he/she reports for duty, but claims the ability to drive.

Prohibited Controlled Substance Activities. No employee shall report for duty or remain on duty while under the influence of any Controlled Substance.

1. No employee shall report for duty, or remain on duty, if the employee tests positive for Controlled Substances.
2. No employee shall refuse to submit to Controlled Substances testing.
3. No employee shall manufacture, distribute, dispense, possess or use any Controlled Substance in the workplace, while on duty or while performing City business.

Consequences of Policy Violation.

1. A violation of this policy shall result in disciplinary action.
2. A positive controlled substance test and/or an alcohol test indicating an alcohol concentration of 0.02 or more shall result in disciplinary action.
3. If an employee refuses to take a required alcohol or controlled substance test, there shall be a presumption that the employee tests positive for alcohol or one of the controlled substances. Refusal to submit to a required alcohol and/or controlled substances test shall result in disciplinary action.
4. If an employee refuses or fails to comply with testing procedures, it shall be considered a positive test. The testing procedures include the following:
  - a. Appearing for any test within a reasonable time, as is determined by the employer.
  - b. Remaining at the testing site until the testing process is completed.
  - c. Permitting the observation or monitoring of the provision of a specimen.
  - d. Taking a second test the employer or collector has directed you to take.

- e. Signing the certification at Step 2 of the ATF.
- 5. Any attempt by an employee to tamper with a urine sample or otherwise obstruct the testing process shall be considered to have refused to take a test resulting in disciplinary action.
- 6. The refusal of an employee to participate in a Substance Abuse Professional (SAP) evaluation and/or comply with any corresponding SAP recommended/prescribed rehabilitation and/or treatment programs where directed by the City as a condition of returning to work, shall disqualify the employee from employment with the City.

Types of Testing. All employees covered by this Policy may be subject to testing prior to employment and prior to returning to duty after completion of substance abuse treatment or if the employee has not performed a safety sensitive function for ninety (90) consecutive calendar days and they were not included in a random selection pool during that time period (also referred to as pre-employment testing). In addition, employees covered by this Policy will be subject to random, reasonable suspicion, post-accident and fitness for duty testing where appropriate.

Pre-employment Testing. All prospective employees who have been given a conditional offer of employment with the City for a position covered herein and current employees transferring from a non-CDL to a position covered herein must undergo and pass a controlled substances; drug and alcohol test. A verified positive test will result in a rescinding of the conditional offer of employment. Employees seeking to transfer to a position covered by this Policy will be denied transfer and shall be subject to disciplinary action. Prospective or transferring employees who refuse to take the controlled substances test or who test positive shall be considered ineligible for City employment; positions covered herein for six (6) months. In accordance with 49 CFR Part 40, Section 655.41(a)(2), when a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this part, the employee must provide the City proof of having successfully completed a referral, evaluation and treatment plan as described in 49 CFR Part 40, Section 655.62.

Random Testing. Employees covered by this policy are subject to random alcohol and controlled substances testing in accordance with the following:

- 1. At least ten percent (10%) or as amended by FMCSA of the average number of covered employees shall undergo random alcohol testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum annual percentage determined by the Department of Transportation (DOT).
- 2. At least twenty-five percent (25%) or as amended by FMCSA of the average number of covered employees shall undergo random controlled substances testing in each calendar year, or a sufficient number of employees equal to an annual rate not less than the minimum percentage determined by the DOT.
- 3. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employees' Social Security numbers, payroll identification numbers or other comparable identifying numbers. Under

the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

4. Random alcohol and controlled substances tests shall be unannounced and the dates for administering such random tests shall be spread reasonably throughout the calendar year.
5. Employees who are notified of selection for random alcohol or controlled substances testing shall proceed to the test site immediately.

#### Reasonable Suspicion.

1. Employees covered by this Policy are subject to a controlled substance or alcohol test, when there is a reason to suspect that they are under the influence of alcohol or a controlled substance immediately prior, during or immediately after performing job duties or anytime while on duty.
2. An employee shall submit to alcohol and/or controlled substance test at the employers' expense whenever a supervisor or manager has a reasonable suspicion to believe that the employee is under the influence or impaired by alcohol and/or a controlled substance. The employee shall be removed from duty immediately in order to undergo testing.
3. A supervisor's or manager's determination that reasonable suspicion exists for alcohol and/or controlled substances, drug or alcohol use shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the suspected employee. The required observations must be made by a supervisor or manager who has received training to detect symptoms of alcohol misuse and the signs and symptoms of drug use. The supervisor shall make a signed written record of his/her observations within twenty-four (24) hours of the observed behavior or as soon as reasonably practical thereafter.
4. No employee shall be subject to reasonable suspicion alcohol testing later than eight (8) hours following the determination that reasonable suspicion exists to require the employee to undergo such test.

Post-Accident Testing. Employees covered under this Policy are subject to post-accident alcohol and controlled substances testing in accordance with the following:

1. Fatal accidents. As soon as practicable following an accident involving the loss of human life, and regardless of fault, the driver of the subject vehicle, at the time of the accident, and any other covered employee whose performance could have contributed to the accident, shall be tested for alcohol and controlled substances.
2. Non-fatal Accidents. As soon as practicable following an accident not involving the loss of human life, the driver of the subject vehicle at the time of the accident shall be tested for alcohol and controlled substances unless the City determines that the employee's performance can be completely discounted as a contributing factor to the accident. Any other employee whose performance could have contributed to the accident shall also be tested for alcohol and controlled substances.

3. If a post-accident alcohol test is not administered within two (2) hours following an accident, the supervisor of the employee shall prepare and maintain on file a record stating the reasons the test was not administered within that time period. If a test is not administered within eight (8) hours after the accident, the supervisor shall cease attempts to have the alcohol test administered and prepare and maintain on file a record stating the reasons the test was not done within eight (8) hours.
4. If a post-accident controlled substance test is not administered within thirty-two (32) hours after the accident, the supervisor shall cease attempts to have the controlled substances test administered and prepare and maintain on file a record stating the reasons the test was not done within said thirty-two (32) hours.
5. An employee subject to post-accident testing shall remain readily available for such testing, including notifying his/her supervisor of his/her location if he/she leaves the accident scene. An employee who fails to do so shall be deemed to have refused to submit to testing. Nothing herein shall be construed to require the delay of necessary medical attention for the injured, or to prohibit an employee from leaving the accident scene for the time period required to obtain emergency assistance.

Return to Duty Testing. If an employee who has engaged in and/or violated the alcohol and/or controlled substances prohibitions remains in the City's employ, he/she shall not be allowed to return to duty until that employee has complied with the following:

1. If the employee has violated the alcohol prohibitions, he/she shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02, and the employee shall provide a true copy of the retest results to his/her supervisor.
2. If the employee has violated the controlled substances prohibitions, he/she shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use, and the employee shall provide a true copy of the results to his/her supervisor.
3. The employee has been evaluated by an SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substances.
4. The employee has complied and remains in compliance with any and all SAP prescribed/recommended rehabilitation and/or treatment programs.
5. Upon completion of SAP prescribed/recommended rehabilitation and/or treatment program and successful return to work, an employee will be subject to follow-up testing for alcohol and or controlled substances. The SAP shall determine the frequency and duration of the follow-up testing, but such shall consist of at least six (6) unannounced tests in the first twelve (12) months following the employee's return to duty. After that period of time the SAP may recommend additional follow-up testing or termination of follow-up testing. Follow-up testing shall not go beyond sixty (60) months after the employee returns to duty.

### Additional Employee Rights and Responsibilities.

1. An employee or applicant who wishes to challenge a positive controlled test must do so within seventy-two (72) hours of notification of the positive result: The employee or applicant must notify the Medical Review Officer (MRO) that he/she wishes to challenge the test result. The re-test must be processed at a Department of Health and Human Services-certified laboratory. The employee will be solely responsible for the costs necessary for the re-test.
2. An employee required to undergo reasonable suspicion or post-accident alcohol and/or controlled substance testing shall be put on paid administrative leave for the time period necessary for conducting the testing.
3. The City supports employees who volunteer for treatment of alcohol or drug abuse prior to engaging in any prohibited conduct or violating City rules. Alcoholism and drug dependency can be successfully dealt with if identified in their early states and referred to an appropriate source for treatment. The City encourages employees to seek treatment voluntarily and makes available the EAP. Any employee who comes forth and notifies the City of alcohol or chemical abuse problems prior to engaging in misconduct will be given assistance and insurance coverage for treatment will be provided to the extent of individual coverage.
4. Employees are encouraged to contact Human Resources for help in understanding benefits and leave policies. Any decision to seek help through the EAP or privately will not interfere with an employee's continued employment or eligibility for promotional opportunities. Confidentiality of information by Human Resources and management will be maintained at all times as much as possible to the extent allowed by law.
5. While the City is anxious to assist employees with alcohol or chemical dependency problems, employees are expected to remember that safety is the City's first priority. Therefore, employees must not report for work or continue working if they are under the influence or impaired by drug or alcohol use. Failure to observe the Prohibited Conduct rules established in this Policy will result in disciplinary action, regardless of whether or not an employee has requested or is participating in a treatment program. Such employees are expected to observe all other job performance standards and work rules, including attendance, required of all employees.

### Collection and Testing Procedures.

1. All alcohol and controlled substance testing shall comply with DOT's Procedure for Transportation Workplace Drug and Alcohol Testing Programs, 49 CFR Part 40, as amended. These procedures are designed to ensure the accuracy and integrity of the test results and include screening tests, confirmation tests, chain of custody safeguards and appropriate privacy and confidentiality protections.
2. Controlled substance testing will normally be performed by urinalysis in a test laboratory certified by the U.S. Department of Health & Human Services ("DSHS"). The test involves an initial screening performed by the enzyme multiplied immunoassay test

("EMIT"). Any positive test is then confirmed by a second test of the same sample by Gas Chromatography/Mass Spectrometry ("GC/MS"). The City's designated MRO shall receive and interpret test results and report them to the City.

3. Prior to reporting a positive test result, the MRO shall give the employee an opportunity to discuss the test result. If the employee meets with the MRO and fails to present information affecting the test result, or if the employee-refuses to meet with the MRO, the MRO will verify a positive test result and will inform Human Resources on a confidential basis that the employee tested positive. The MRO will also inform the employee at the time the test result is verified that he or she may request a "re-test" at their own expense within seventy-two (72) hours. Upon request, the employee shall be given a copy of the positive test results.
4. Alcohol testing will normally be performed by a trained breath alcohol technician (BAT) utilizing an evidential breath-testing device (EBT). Testing will take place at a site designated by the City. The BAT will inform an employee of the EBT results at the time of testing. If the screening test shows an alcohol concentration of greater than 0.02, a confirmation test will be conducted after fifteen (15) minutes of the screening test and before thirty (30) minutes if the confirmation test shows an alcohol concentration of 0.02 or greater. The BAT will show the employee the painted test results and shall notify City Human Resources of the test results.
5. In extremely limited circumstances, such as where it is not possible to test by urinalysis, the City may authorize blood tests to test for the presence of controlled substances or alcohol, under strict procedural requirements of the MRO. If the blood test is utilized, the employee will normally be notified of the results by the MRO. An employee, at his or her own expense, may make a written request for re-test of a test sample within seventy-two (72) hours of receiving the test results.

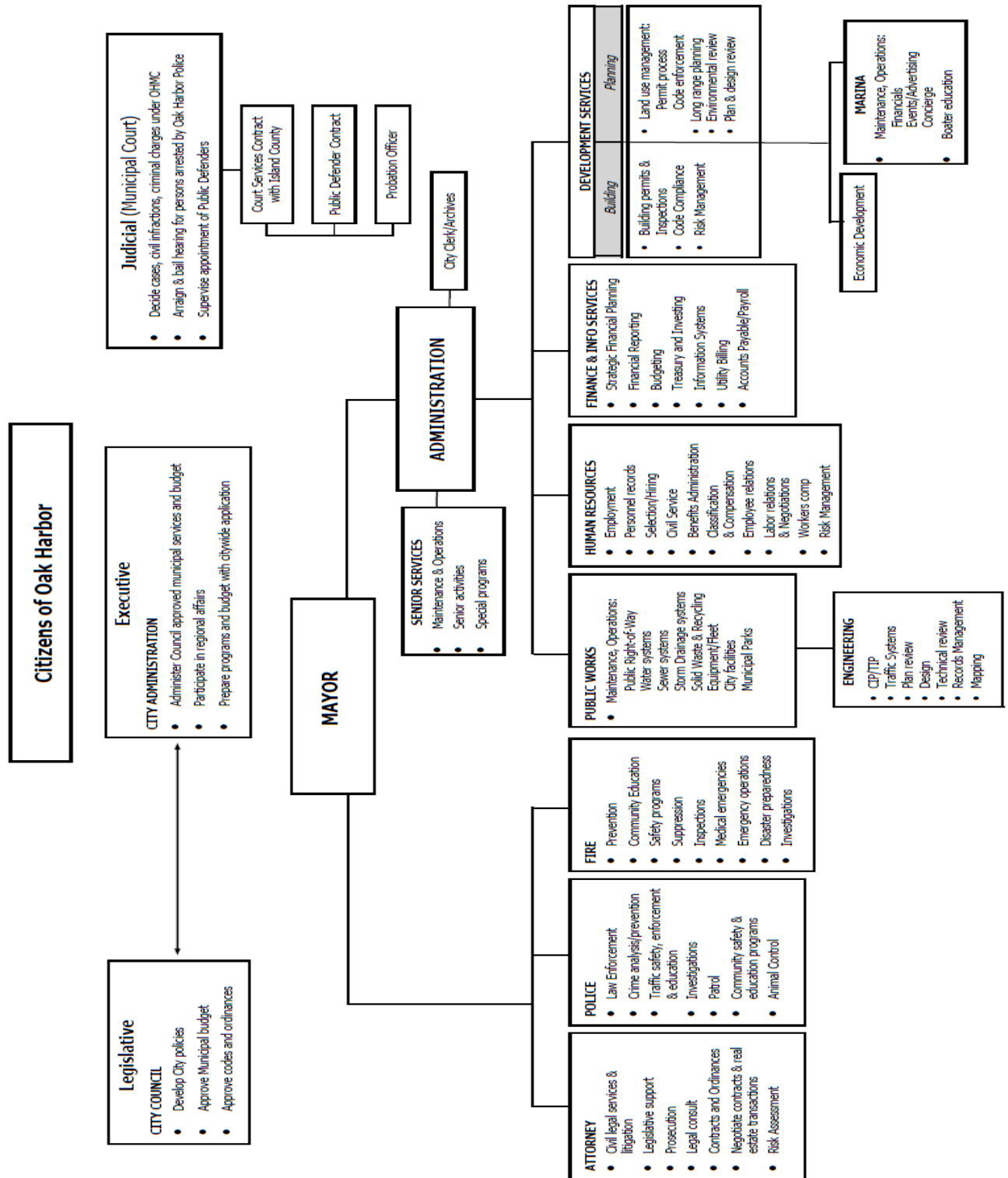
#### Retention of Records and Confidentiality.

1. The City shall maintain records regarding alcohol and controlled substance testing as required by law.
2. The City shall also maintain all records required to be retained under DOT rules and regulations in a secure location with controlled access. Only City management representatives with a "need-to-know" responsibility will be made aware of substance abuse situations or test results. Except as required by law or expressly authorized, the City shall not release information that is contained in records required to be maintained under the DOT rules and regulations. Upon written request, an employee may obtain copies or any records pertaining to the employee's use of controlled substances and/or alcohol. All results of alcohol and/or controlled substances testing conducted pursuant to the DOT rules and regulations shall be made available upon request, to appropriate government officials having regulatory authority over the City and its employees.



## APPENDIX D

### ORGANIZATIONAL CHART





## APPENDIX E

### EMERGENCY PROCEDURES FOR EMPLOYEES

#### BOMB THREATS

1. Introduction. This Guide is designed to help familiarize City of Oak Harbor employees with procedures and safety considerations during bomb threats.
2. Scope. This guide is designed to help city employees respond to and prepare for bomb threats in city owned buildings and used in conjunction with the *City of Oak Harbor Emergency Evacuation Plan*.
3. Response. If you receive a bomb threat, do the following:
  - a. Listen carefully and write down as much information as possible -- where the bomb is located and when it is expected to detonate.
  - b. Try to get the caller's name. If not possible, note the apparent gender and any accent, vocal characteristics, or background noises.
  - c. Dial 911 from a phone other than the one the call was received on to report the incident.
  - d. Do not attempt to search for the bomb.
  - e. Do not use portable radios or cell phones.
  - f. Do not touch, or move anything.
  - g. Move away from windows.
  - h. While exiting the building leave all interior doors open.
  - i. If safe to do so, secure all transactions and secure all money.
  - j. Evacuate to the pre-designated meeting site immediately until an investigation is complete and it is safe to return to the building.
  - k. If possible take purses, keys, coats and the like. You may not be able to re-enter the building soon.
  - l. Conduct a roll-call to verify all personnel are out of the building.

Bombs can be constructed to look like almost anything and can be placed or delivered in any number of ways. The probability of finding a bomb that looks like the stereotypical bomb is almost nonexistent. The only common denominator that exists among bombs is that they are

designed or intended to explode. A suspicious-looking box, package, object, or container in or near your work area may be a bomb or explosive material. Do not handle or touch the object.

## **EARTHQUAKE PREPARATION AND RESPONSE GUIDE**

1. **Introduction.** This Guide is designed to help familiarize City of Oak Harbor employees with procedures and safety considerations before, during, and after an earthquake.
2. **Scope.** This guide is designed to help city employees respond to and prepare for earthquakes and should be used in conjunction with the *City of Oak Harbor Emergency Evacuation Plan*.

*The following are best practices recommended by the Federal Emergency Management Agency guidelines for earthquake safety.*

3. **Response.**

***If You Are Indoors:*** Remain indoors and seek protection until the earthquake subsides. Stay calm and take precautions to protect yourself from potential debris by:

- a. **Drop** to the floor and get under or adjacent to a sturdy table, desk, or permanent fixture.
- b. **Cover** your head and neck with your arms and hands.
- c. **Hold On** to the table or desk you are under as objects may shift during the earthquake.
- d. If you are not near a sturdy table or desk, drop to the floor against an interior wall and cover your head and neck with your arms and hands.
- e. Stay away from windows, overhead fixtures, objects on walls, tall furniture, large appliances and cabinets filled with objects that may be displaced and fall during an earthquake.
- f. Stay inside until the shaking stops and it is safe to go outside. Do not exit the building during the shaking. Research has shown that most injuries occur when people inside buildings attempt to move to a different location inside the building or try to leave.
- g. Be aware that the electricity may go out or the sprinkler systems or fire alarm systems may turn on.
- h. If trapped under debris do not move about or kick up dust. Cover your mouth with a handkerchief or clothing. Tap on a pipe or wall so that rescuers can locate you. Shout only as a last resort. Shouting can cause you to inhale dangerous amounts of dust.

***If You Are Outdoors:*** Move away from buildings, overhangs, trees, and power lines to a clear area such as a large open public area or field. The greatest danger exists directly outside buildings, at exits and along exterior walls. Most earthquake related casualties result from collapsing walls, flying glass, and falling objects.

\*If you're driving, pull over and stop in an area that does not have any overhead hazards and remain in your vehicle. Once the earthquake has stopped, proceed cautiously and avoid roads and bridges that may have been damaged by the earthquake.

***After the Earthquake:*** Once the earthquake has stopped do the following:

- a. Exit the building when safety permits and move to the designated assembly areas.
- b. Conduct roll call and report missing persons to emergency response personnel.
- c. Expect aftershocks. These secondary shockwaves are usually less violent than the main quake but can be strong enough to do additional damage to weakened structures and can occur in the first few hours, days, weeks, or even months after the quake.
- d. Give first aid where appropriate. Do not move seriously injured persons unless they are in immediate danger of further injury. Remember to help customers and co-workers who may require special assistance.
- e. Do not re-enter any building until it has been assessed for damage and deemed structurally safe to enter.
- f. Look for and extinguish small fires. Fire is the most common hazard after an earthquake.
- g. Listen to a battery operated radio or a car radio for the latest emergency information.
- h. Be aware of possible tsunamis. When local authorities issue a tsunami warning, assume that a series of dangerous waves are on the way. Stay away from the beach areas.
- i. Go to a designated public shelter if your home has been damaged and is no longer safe. Text SHELTER + your zip code to 43362 (4FEMA) to find the nearest shelter in your area (example: shelter 98277).
- j. Never re-enter a building that appears to have structural damage.

- k. After it has been determined that it is safe to return, your safety should be your primary priority as you begin clean up and recovery. If reporting to work following an earthquake, wear long pants, a long sleeve shirt, sturdy shoes and work gloves to protect against injury from broken objects.
  - l. Inspect Utilities:
    - i. Check for gas leaks. If you smell gas or hear blowing or hissing noise, open a window and quickly leave the building. Turn off the gas at the outside main valve and call the gas company from a safe location. If you turn off the gas for any reason, it must be turned back on by a professional.
    - ii. Look for electrical system damage. If you see sparks or broken or frayed wires, or if you smell hot insulation, turn off the electricity at the main fuse box or circuit breaker.
    - iii. Check for sewer and water line damage. If you suspect sewer lines are damaged, avoid using the toilets and contact a plumber. If water pipes are damaged, secure water to the building and contact public works.
  - m. Open cabinets cautiously. Beware of objects that can fall off shelves.
  - n. Check work area and clean up minor spills. Leave the area if you smell gas or fumes from other chemicals.
  - o. Limit personal cell phone usage to text messaging only to allow emergency response communications to function properly.
  - p. If you are unable to re-enter your work area for an extended period of time consider alternate work arrangements and discuss them with your supervisor or instructor.
  - q. Limit travel as major road ways may be congested due to regional evacuations and emergency responses.
  - r. Monitor Island County Department of Emergency Management webpage for information updates.
  - s. Buildings and roadways may remain closed for a period of time following an earthquake while damage assessments and repairs are conducted.
4. Preparation. Earthquakes cannot be forecasted therefore it is best to be prepared at all times. The following are best practices recommended by the Red Cross and the Federal Emergency Management Agency guidelines to prepare for earthquakes.

- a. Create a family plan that identifies alternate meeting locations in the event that you or your family are unable to return home.
- b. Identify a contact such as a friend or relative who lives out-of-state for household members to notify they are safe. It may be easier to make a long-distance phone call than to call across town, so an out-of-town contact may be in a better position to communicate among separated family members.
- c. Text messages can often get around network disruptions when a phone call might not be able to get through.
- d. Consider purchasing a solar or hand crank cell phone battery charging system.
- e. Identify your Primary and Alternate Assembly Areas.
- f. Store heavy or breakable objects in closed cabinets, as low as possible.
- g. Secure appliances, book shelves, water heaters and other heavy items to prevent them from falling during an earthquake.
- h. Evaluate where hanging and suspended objects are placed. Pictures unsecured near seating areas could fall and cause injury. Arrange or secure items so they do not pose a fall hazard to those below.
- i. It is vital that all employees know how to secure gas, water and electricity to the building that they occupy. This should be located and demonstrated on an annual basis.
- j. Locate safe spots in each room under sturdy tables or against an inside wall. Reinforce this information by moving to these places during drills.
- k. Hold earthquake drills: Drop, cover and hold on.

## **FIRE SAFETY IN THE WORKPLACE**

1. Introduction. This Guide is designed to help familiarize City of Oak Harbor employees with procedures and safety considerations during any fire event.
2. Scope. This guide is designed to help city employees respond to and prepare for fires in city owned buildings and used in conjunction with the *City of Oak Harbor Emergency Evacuation Plan*.

*The following are best practices recommended by the National Fire Protection Association and the International Fire Code.*

3. Response.

**Prior to a fire:** All employees shall be trained in the proper operation and location for all portable fire extinguishers. Portable fire extinguishers shall be located on walls and

shall be clearly marked. No portable fire extinguisher shall be obstructed or covered. Employees shall make themselves aware of the locations of all portable fire extinguishers.

**At time of fire:** Upon seeing smoke or flames the employee shall:

- Verbally sound the alarm, and notify co-workers of the fire. Begin the evacuation process.
- **IF** the fire is small, AND a portable fire extinguisher is readily available AND you believe you are capable of extinguishing the fire do so. A small fire is considered to be a fire that is still in the container/area of origin, such as a garbage can.
- **IF** the fire is large, or growing in size evacuate the building. Close doors and/or windows if this can be done without risk of personal injury.
- **IF** possible secure all open transactions and secure all money.
- **IF** possible, while evacuating the building activate the manual fire alarm pull station and obtain the roll-call notebook located at all exits. Once outside the building call 911. The automatic fire alarm system should activate and notification made to the alarm center.
- Once outside the building report to the 'assigned meeting place' and conduct an employee roll-call. Prior to exiting, and only if safe to do so, make sure to remove important personal belongs i.e. purse, keys, wallet and the like. Employees may not be able to re-enter the structure due to fire conditions and building safety.
- Once outside of the building do not reenter the building until the building is cleared by the Fire Department.

When using a portable fire extinguisher remember the P.A.S.S. acronym

**P** – Pull the pin

**A** – Aim at the base of the fire

**S** – Squeeze the trigger

**S** – Sweep the base of the fire

**Smell of Smoke:** In the event an employee smells smoke but sees no smoke or fire call 911. Notify others employees in the immediate vicinity. Investigate for the source of the smell.

## ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE MANUAL

I have received the City of Oak Harbor Employee Policy Manual and understand that it is my responsibility to read these policies and ask questions about anything I do not understand.

I acknowledge that these policies are general guidelines only. They do not promise specific treatment in specific circumstances, they do not create an employment contract either express or implied, and they do not guarantee employment for any length of time with the City. While I understand that the Employee Policy Manual does not amount to a contract, I understand it contains policies that are very important to the City's ability to provide a lawful and respectful work environment. I have reviewed the policies in the Manual including, but not limited to, the policies regarding unlawful harassment, workplace violence, safety, substance abuse and electronic communications and I agree to comply with those policies. I understand that violation of City policies may result in discipline, up to and including discharge, subject to legal and collective bargaining agreement requirements.

I acknowledge that the City must be flexible in responding to the needs of the public or changes in the law, and that the City has therefore reserved the right to revise, supplement, clarify, deviate from or rescind any policy or portion of a policy when deemed appropriate by the City and in accordance with any applicable collective bargaining obligations. I acknowledge that no elected official, supervisor, manager, or representative of the City has the authority to make any written or verbal statements or representations that are inconsistent with these policies.

I know that if I am covered by a union contract, that contract will control in the event of any conflict with the policies in this Employee Policy Manual and that the union contract is the exclusive source of information regarding my benefits with the City.

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Employee Signature

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Print Name

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Date