

CITY OF SEQUIM
PERSONNEL POLICY MANUAL

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CHAPTER 1 – INTRODUCTION & SCOPE

1.1 Purpose and Limits

Our mission of providing quality service to the people who live and work in Sequim or visit our town for business and recreation requires that City Employees work together as a team.

The purpose of these policies is to establish a uniform and equitable system of administration for the City's Employees. These policies are intended to connect the City's mission to individual conduct, clarify organizational expectations, support compliance with laws and regulations, mitigate organizational risk, and enhance productivity and efficiency in the City's operations. It is our belief that everyone benefits and job satisfaction increases when consistent policies and procedures are known and communicated.

In addition, this Manual upholds our organizational values of integrity, respect, stewardship, teamwork, customer service, positive attitude, continuous improvement, and our philosophy of promoting leadership at all levels.

Please familiarize yourself with this Manual. If you have any questions, bring them to your supervisor, Department Head, or Human Resources. Please note, however, that an interpretation of these policies will not be construed to change policy. These policies are guidelines to the City's current practices and procedures and not promises of specific treatment in specific situations. They are not all-inclusive and may not cover every situation that could arise. Nor are these policies intended to be a contract, expressed or implied, or a guarantee of employment for any specific duration. Employment with the City is "at will," which means that it may be terminated by you or the City at any time, with or without cause. No one at the City has the authority to enter into an employment agreement for a set period of time, or to make any other representations or agreements inconsistent with this at-will relationship, unless it is in writing and signed by the City Manager.

1.2 Scope and Relationship to Other Manuals

This Manual applies to all City Employees described in the Employee Status Types in 1.4 Definitions. It discusses general rules of conduct, expectations for services the City provides, professionalism, confidentiality, and the prohibitions against workplace discrimination. In circumstances where a policy may conflict with the provisions of a Collective Bargaining Agreement, a written contract of employment, the Sequim Police Department Policy Manual, Civil Service Rules, or any other applicable law or regulation, the provisions of those agreements, laws, rules, or regulations govern.

Employees covered by a Collective Bargaining Agreement are encouraged to consult that agreement for additional information about their employment conditions.

Other City Manuals, such as the City's Safety Manual, are intended to be complimentary to each other so that specific provisions in the Manuals are harmonized to the fullest extent possible. In the rare situation in which one Manual conflicts with another and the two provisions cannot be harmonized, this Manual controls.

1.3 Implementation of and Changes to this Manual

Under RCW 35A.13.080, the City Manager has the authority over and is responsible for implementing the City's personnel policies and procedures.

Implementation includes causing this Manual to be posted in an area open to all personnel or on the City website, making hard copies available upon request, and providing electronic access as part of any onboarding process.

Department Heads, supervisors, and managers are responsible for ensuring that the policies and procedures are fully implemented within their areas of responsibility.

The City Manager may modify, supplement, clarify, or rescind any of these policies and procedures as the need arises without seeking City Council approval. However, the Council retains authority to approve any changes that affect the City's budget.[1]

The City Manager may deviate from these policies and procedures in individual situations, particularly in an emergency, in order to achieve the City's mission.

Employees may recommend changes to this Manual by submitting specific suggestions to their Department Head. The authority for revising the Manual remains with the City Manager.

This Manual supersedes all prior personnel policy manuals, and no individual or group retains any right or privilege only associated with an earlier version.

City personnel will be notified of all changes in a timely manner.

1.4 Definitions

When used in this Manual, the following terms have these meanings ascribed to them[2]:

Anniversary Date - The original date of hire with the City in a Regular Full-Time or Regular Part-Time position (including the Employee's Probation period). If a Temporary

[1] Normally exercised during Council's approval of budgets and bargaining unit contracts.

[2] Unless context suggests otherwise. We have attempted to capitalize defined terms throughout the Manual.

or Seasonal Employee is later hired into a Regular position, the Anniversary Date for wage, health, accrual, and retirement benefit purposes begins with the date hired to the Regular position.

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

“At-Will” - An Employee who may be Discharged with or without cause, due process, notice, or a hearing. Non-Represented or Probationary Employees are “At-Will” Employees.

Candidate – See Applicant.

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

Collective Bargaining Agreement – A contract covering Employees represented by a labor union or guild.

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

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

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

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

Employee – For purposes of this Manual, “Employee” means a person hired by the City as a Full-Time, Part-Time, Seasonal, or Temporary worker, who will receive the compensation and benefits accorded to hired persons. For some purposes under the law the term “Employee” can extend to Volunteers or Elected Officials of the City but this Manual does not apply to Volunteers and Elected Officials. See the City’s Volunteer Program Operating Plan and Participation Guidelines and the City Council Rules of Procedure for that information.

Employee Status Types:

> Inter-Departmental Transfer – An Employee who applies for, is selected, and accepts a job in a different department within the City.

Probationary – The initial 6 calendar months of employment, “Probation,” is considered a continuation of the selection process. During this period the Employee’s work is still being evaluated and the Employee may be Discharged at any time without recourse to an appeal procedure. At-Will Employees remain At-Will and gain no additional rights after any Probationary period.

Regular – The period of employment after completion of the Probationary period. Seasonal or Temporary positions do not have a Probationary period.

Regular Full-Time – An Employee hired to work a 40-hour week in a Regular position, which is established by the City budget and expected to be an ongoing position.

Regular Part-Time – An Employee hired to work an average of at least 15 but fewer than 40 hours per week in a Regular position established by the City budget, which is expected to be an ongoing position.

Temporary – A position authorized to work on a special project or during peak workloads. Employment may be up to 40 hours per week and is dependent upon the needs of the special project or peak workload as determined by the City. If a Temporary position has worked 20 hours or more per week for six months, and the City considers extending said Temporary position, Human Resources will review benefit policies for potential eligibility thresholds with the Department Head.

Seasonal – An Employee hired into a position for which the annual employment is for a specified period of time, typically March through October, not to exceed 180 calendar days.

Exempt – An Employee exempt from overtime provisions of the Fair Labor Standards Act (FLSA). A list of Exempt positions is maintained by Human Resources.

Non-Exempt – An Employee covered by the overtime provisions of the FLSA.

Non-Represented – Employees not represented by a labor union for purposes of establishing wages, hours, and conditions of employment.

Salaried – A position that is exempt from overtime provisions of FLSA.

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

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

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

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

Personnel - See "Employee".

Step Increase Date – Based on date hired or promoted to position, used for the purpose of performance reviews and step increases.

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

Suspension – Temporary removal from employment without pay.

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

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

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

> Alternative Work Week, such as 4/10s or 9/80s, is a fixed and regularly occurring period of seven consecutive 24-hour periods that differ from the standard times referenced above. 4/10s consist of four 10 hour days each week. 9/80s consist of 9 hour workdays on 4 consecutive days during each calendar week plus an additional 8 hour workday every other week. The work week will begin midpoint of the bi-weekly 8 hour workday so that the first 4 hours of the 8 hour workday fall

within the first work week, and the last 4 hours of the 8 hour workday fall within the next or second work week.

CHAPTER 2 - GENERAL POLICIES & PROVISIONS

2.1 General Expectations

The City's primary function is to serve the citizens of Sequim and visitors to our town. A central tenet of achieving that goal relies on treating the public as its most valuable customer.

Consistent with our core values, the City expects that all Employees will conduct themselves in a manner that is professional, fair, courteous, effective, efficient, and helpful. The City trusts and expects that all decisions and actions will be guided by sensible judgment, personal responsibility, and the following ethical principles:

- Tact and courtesy in all interactions with members of the public and City colleagues;
- Uphold the City's policies in a clear and consistent manner at all times;
- Make unbiased decisions and use authority fairly and responsibly;
- Avoid decisions or actions that might result in or give the impression of providing preferential treatment or privileged information to any person;
- Conduct City business in an impartial manner, disclosing all potential conflicts of interest;
- Advocate for an environment of public trust by upholding our core values;
- Be good stewards of the City's resources, grounds, facilities, and equipment;
- Use position or City resources only for legitimate City business and not for personal gain; and
- Be mindful of how actions may be perceived by others.

Employees must also comply with all applicable requirements of RCW 42.20 and 42.23. No Employee may engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of their duties.

2.2 Equal Employment Opportunity

We believe that better public service is achieved when diverse people work together toward a common goal.

It is our policy that all decisions involving any aspect of the City's relationship with Employees be made without regard to race, color, sex, religion, age, national origin,

marital status, gender, sexual orientation, gender identity, genetic information, disability status, veteran status, or any other status protected by Federal, State, or Local law.

The City is an equal opportunity employer and assesses applicants and Employees based on job-related qualifications, competence, and employment history. Any employee who believes that they have been discriminated against or subjected to unlawful harassment or retaliation should immediately report it to their supervisor, any Department Head, the City Attorney, or Human Resources. Please also refer to the antiharassment provisions in Chapter 3 for guidance on reporting complaints or concerns. Upon receipt of a complaint, the City will investigate and take appropriate corrective action as may be warranted. The City will not tolerate retaliation against any individual who reports workplace discrimination or harassment.

2.3 Non-Discrimination on the Basis of Disability

Consistent with the City's belief that the best work comes from a diverse workforce, we do not discriminate against Employees with sensory, physical, or mental disabilities. The City fully complies with the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), and Washington Law Against Discrimination (WLAD) and seeks to provide reasonable accommodation for such individuals in accordance with the law. When clear medical information is not available, the City reserves the right to seek an appropriate evaluation of the Employee's fitness for duty, workplace safety issues or concerns, or for the purpose of evaluating or establishing a method of accommodating the Employee's condition.

2.4 Reasonable Accommodations

Disability. The City prohibits discrimination on the basis of a disability, and is committed to providing reasonable accommodation to any qualified individual with a disability who needs such accommodation to perform the essential functions of their job. Any Employee who has a disability and requests reasonable accommodation should promptly contact Human Resources. The City will work with the Employee and their health care provider to explore the extent to which we can provide reasonable accommodation without undue hardship to the City.

Religious Beliefs. The City will make reasonable efforts to accommodate the sincerely-held religious beliefs of an Employee, absent undue hardship to the City. An Employee whose religious beliefs or practices conflict with their job, work schedule, City uniform/appearance standards, or with other aspects of employment, may submit a written request for accommodation to their immediate supervisor and to Human Resources. The written request should include explanation of religious conflict that exists and the Employee's suggested accommodation. The City will review the request and evaluate whether there are viable options for reasonable accommodation.

Pregnancy. A pregnant Employee may be afforded the following accommodations with or without medical certification: frequent, longer, or flexible restroom breaks; modification of a no food or drink policy; seating or allowing the Employee to sit more frequently; and limiting lifting to 17 pounds or less. In addition, a pregnant Employee may be entitled to other workplace accommodation(s), as long as there is no significant difficulty or expense to the City and subject to written certification from a health care professional regarding the need for the accommodation. Please contact Human Resources with any questions related to pregnancy accommodation.

2.5 Reporting Improper Governmental Action / Whistleblower Protection

The City encourages prompt reporting of any improper governmental action. An improper governmental action is defined in RCW 42.41.020. Generally, it is any action by City Employees, Volunteers, or Elected Officials that is undertaken in the performance of their official duties (regardless of whether such action is within the scope of their duties) and in violation of any Federal, State, or Local law that is an abuse of authority, a substantial and specific danger to the public health or safety or is a gross waste of public funds.

2.6 Complaint Procedure

1. If an Employee becomes aware of any improper governmental action, they must bring the matter to the attention of their supervisor, City Attorney, or Human Resources in a written report stating in detail the basis for their belief that an improper action has occurred. Except in an emergency, this must be done as soon as the complainant becomes aware of the improper action, but no later than 30 calendar days from the date of the action in question. If the complainant believes the improper action involves a person with supervisory authority over the complainant, the complainant must direct the written report to the City Manager or City Attorney.

2. The City Manager, City Attorney, or designee will promptly investigate improper governmental action. Such investigation may include delegating the investigation to a City of Sequim Police supervisor, Department Head, Human Resources, or an outside investigator. The investigation must be completed within 30 calendar days of the complaint unless additional time is needed because of the complexity of the matter. After the investigation, the complainant will be advised generally of the outcome. Any personnel action taken as a result of the investigation may be kept confidential in certain circumstances. If the investigation results in a finding of improper conduct, the identity of the complainant and the investigation may be disclosable pursuant to the Public Records Act (RCW 42.56).

In case of an emergency, where the complainant believes damage to persons or property is imminent if action is not immediately taken, the complainant may report the

improper action directly to the appropriate government agency responsible for investigating the issue. Complainants may report information about improper governmental action directly to an outside agency if they reasonably believe that the City did not perform an adequate investigation, that insufficient action was taken to address the improper action, or that for other reasons the improper action is likely to reoccur. Outside agencies include, without limitation, the Clallam County Prosecuting Attorney's Office, the Washington State Auditor, and the Washington State Attorney General's Office.

It is unlawful for a government agency to take retaliatory action because an Employee, in good faith and in accordance with the above procedures, complains about an improper governmental action. A retaliatory action is defined as any material adverse change in the terms and conditions of employment that is substantially motivated by the good faith participation in a whistleblower complaint. Complainants who believe they have been retaliated against for reporting an improper governmental action must provide written notice detailing the alleged retaliatory action and relief requested in accordance with Step 1 above. The City will investigate the allegation in accordance with Step 2 above. Complainants may seek a hearing in accordance with RCW 42.41.040(4). Complainants who fail to make a good faith effort to follow this policy are not entitled to the protection against retaliation described in Section 3.6.

Complainants are responsible for ascertaining the correctness of the information furnished in their complaint. If knowingly false information is furnished, as determined during the course of the investigation, the complainant may be subject to disciplinary action, not limited to but including Discharge.

This policy does not protect individual Employees regarding their own improper conduct nor does it grant additional rights.

2.7 Conflicts of Interest

Employees who become aware of an actual or apparent conflict of interest regarding any matter in which they have decision-making authority must disclose the conflict to their supervisor, Human Resources, City Attorney, other Department Heads, or City Manager, as appropriate. If a conflict is determined to exist after consultation with the City Attorney or Human Resources (as applicable), the Employee must excuse themselves from making any decision on the matter. The disclosure and steps taken to avoid the conflict will be documented in writing. For further information about what is, at a minimum, considered a conflict of interest, please refer to RCW 42.23.070.

Employees are prohibited from receiving gifts, loans, or favors from suppliers, contractors, consultants, or anyone else who may gain from a City decision that may induce or give the appearance of obligating any City personnel to compromise their responsibilities. See "Gifts and Gratuities" policy in Chapter 4 for greater detail.

2.8 Workplace Dating Relationships

The City does not prohibit consensual romantic or sexual relationships between Employees that occur outside the workplace. However, if a potential conflict of interest arises due to that personal relationship, the City will address the workplace concerns and reserves the right to Discharge one of the Employees in accordance with City policy if such relationships become disruptive, interfere with normal supervisory duties, or affect morale.

If a consensual relationship occurs outside the workplace between a supervisor and an Employee they supervise, the supervisor must promptly notify Human Resources. Such relationships create a business necessity for eliminating the supervisor/subordinate situation. Employees in supervisory positions have a higher duty of responsibility in representing the City and may not use their position to improperly influence the working conditions of a subordinate in any way. The City Manager or designee reserves the right to Transfer or reassign either Employee to another position as deemed necessary to avoid such conflicts.

If a conflict exists that cannot be resolved as set forth above, the City reserves the right to Discharge one of the Employees. The decision as to which Employee is retained must be made by the affected Employees within 30 calendar days of disclosing the relationship. If no decision is made during this time, the City will choose which Employee will be Discharged. Discharge will occur only when required as a business necessity and in conformance with WAC 162-16-250.

2.9 Outside Employment and Employees Volunteering Their Personal Time

Employees will not, directly or indirectly, engage in any outside employment or financial interests that conflict with the best interests of the City. After consulting with Human Resources, the City Manager determines whether such a conflict exists.

Examples of prohibited outside employment include but are not limited to:

- Employment that prevents the Employee from being available for work beyond normal working hours, such as in emergencies or peak work periods, when availability is a regular part of the Employee's job;
- Employment that is conducted during the Employee's work hours;
- Employment that uses City telephones, email accounts, computers, cell phones, supplies, or any other resources, facilities, or equipment;
- Employment with an entity that has contracts with or otherwise does business with the City where the Employee will be working on City business in any way or the Employee or entity might seek to influence City business; or
- Employment and volunteer work that includes activities that may reasonably be perceived as a conflict of interest, that competes with City services, or that discredits the City.

Employees performing outside work have a special responsibility to avoid conflicts with City business interests. Before accepting outside employment activity, Employees must get approval from their supervisor, Department Head, and Human Resources. See also "Conflicts of Interest" policy (Section 2.7 above) for further information.

The City accepts and encourages volunteer service by its Employees for nonprofits, other agencies, religious organizations, etc. provided that the volunteer service is not provided under any coercive pressure from Employer, and occurs outside of usual working hours.

Non-exempt City Employees cannot be "paid" employees and "nonpaid" volunteers while performing the same type of work. Non-exempt Employees who wish to provide volunteer service for any City activities are limited to those activities where the tasks and activities are distinctly different from the Employee's regular and ordinary tasks and conducted outside regular work hours. In all other circumstances, such work is considered overtime and requires advance written approval from the Employee's supervisor. Approval is within the supervisor's sole discretion.

2.10 Confidentiality of Information

City of Sequim Employees may have responsibilities that include access to personal information regarding taxpayers, ratepayers, other employees, officials, and City business. We are all obligated to keep this information confidential except as may be authorized by law, such as the Public Records Act (RCW 42.56). Confidential information includes, but is not limited to, electronic account passwords, cell phone numbers, building and equipment access codes, medical information, personal identity information such as social security numbers, personal phone numbers, and home addresses.

The City trusts its personnel to be good stewards in handling confidential information in a responsible manner. This responsibility continues indefinitely, including after employment with the City ends. Employees and Volunteers who violate this confidentiality are subject to discipline up to and including Discharge. Employees may also be subject to civil liability.

2.11 Requests for Disclosure of Public Records

Public Records Act requests or other requests for disclosure of public records, such as subpoenas or discovery demands, must be immediately forwarded to the City Clerk, who is designated as the City's Records Official. Under Washington Law, all records are presumed accessible to the public unless they fall under a list of allowed "exemptions," which are quite narrow. Please be mindful of this fact in all your communications about

City business, even on your privately-owned devices and personal accounts.[3] The City expects all Employees to communicate in a manner that promotes the expected level of professionalism. For further information, please refer to the City's policies on electronic communications, and social media.

2.12 Wellness Policy

The City of Sequim recognizes the value of physical and mental wellness among employees. As such, the City has established a Wellness Committee with a mission to create opportunities for Employees to establish and maintain a healthy lifestyle encompassing mind, body and spirit. The Wellness Committee will be allotted an annual amount of City funds to apply toward wellness activities, which may include subsidies for fitness trackers, gym memberships, local farm shares or other wellness-related items approved by the committee. Funds may also be used to provide healthful food for employees, City-sponsored events and/or activities promoting healthy lifestyle choices.

The Committee will be comprised of at least five members with diverse representation from various departments and work sites. Membership on the committee is voluntary. The Committee has no official chairperson, as equal contribution from all voices is a founding principle of the group. However, at least one member must be an executive-level employee to serve as the Committee's executive sponsor.

Committee members are expected to serve two-year terms with no term limits. Meetings will be held at the Civic Center during business hours at least once per month, with additional meetings as necessary. Meetings will be run by the Meeting Lead which will rotate with each meeting. Agendas will be kept and notes taken by a designated Note Taker which will also rotate.

Confidentiality is important in all health education activities. Because the Wellness Committee may offer programs about potentially sensitive issues, the transactions and interactions regarding personal medical information that take place in the City's wellness programs will be confidential and will be respected as such. The Wellness Committee will execute any activities in accordance with HIPAA, ADA, GINA and all other relevant laws and policies.

[3] The City does not allow City business to be conducted on personal devices or using personal accounts. Doing so subjects those devices and accounts to the Public Records Act, which requires disclosure and potential production of all City records.

CHAPTER 3 - HARASSMENT, DISCRIMINATION,

& RETALIATION PREVENTION

3.1 Purpose

The City desires to create and maintain a work environment free from all forms of harassment and expects that all people will be treated in a professional manner. In keeping with this commitment, the City will not tolerate harassment by City Personnel or of City Personnel by anyone, including any co-worker, contractor, vendor, member of the public, client, or other third party.

3.2 Harassment

Harassment encompasses unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status, veteran or military status, citizenship status, or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

3.3 Sexual Harassment

Sexual harassment is one form of prohibited, unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing," "practical jokes," jokes about gender-specific traits, foul or obscene language or gestures, display of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body, or other physical behavior such as blocking movement or invading another's personal space.

3.4 Examples of Unlawful Harassment

Individuals must exercise their own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of unlawful harassment include, but are not limited to:

- Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats, or suggestive or insulting sounds;
- Visual/Non-verbal: derogatory posters, cartoons, drawings or emails; suggestive objects or pictures; graphic commentaries; leering or obscene gestures;
- Physical: unwanted physical contact including touching, interference with an individual's normal work movement, or assault; and
- Other: making or threatening reprisals as a result of a negative response to harassment or conditioning favorable working conditions on the toleration of inappropriate sexual conduct.

All City Personnel are expected to show respect for each other and toward those with whom the City does business, whether on or off duty. Employees are responsible for ensuring that their behavior in the workplace promotes a professional atmosphere, free from harassing and discriminatory conduct. Any person found in violation of this policy is subject to disciplinary action, up to and including Discharge.

Employees are encouraged to use this harassment reporting policy without worrying about whether the conduct involved would be considered harassment in a legal sense. If you think it might be harassment or discrimination, report it. This applies to harassment or discrimination caused by anyone with whom an Employee comes into contact as part of an Employee's job, including co-workers, contractors, vendors, Officials, members of the public, or any other third party.

3.5 Harassment Reporting Procedure

1. The complainant should clearly inform the person they believe to be acting inappropriately that the behavior is inappropriate, offensive, unwelcome, and should immediately cease. If informing that person of the unwelcome behavior does not work or if the complainant is uncomfortable confronting the offending individual, the complainant must report the incident promptly in accordance with Step 2 below.

2. The complainant must report all instances of perceived harassment or discrimination as soon as possible to the City Attorney or any supervisor or Department Head, who will notify Human Resources without delay. The complainant must report the specific allegation (orally or in writing), the date(s) of occurrence, the individual(s) involved, and any witnesses. Prompt

reporting of concerns causes rapid and constructive action to be taken. The City will make every effort to stop alleged harassment before it continues, but can only do so with complainant's cooperation.

3. Any supervisor who receives a complaint or who becomes aware of potential harassment must notify Human Resources or the City Attorney immediately. Any supervisor who witnesses an act of harassment and fails to take prompt, appropriate action or who receives a complaint of harassment and fails to investigate in a prompt, serious, and complete manner is subject to disciplinary action.

4. Complaints will be investigated thoroughly and promptly. Refusal to cooperate in an investigation will be grounds for discipline up to and including Discharge. All complaints will be handled as confidentially as possible under the circumstances. However, it may not be possible to keep all the allegations confidential when the subject of the complaint is provided the opportunity to respond.

If the City determines that the accused person engaged in harassing or discriminatory behavior, appropriate action will be taken, as in the case of any other serious misconduct. Behavior need not rise to the level of unlawful harassment to warrant discipline. Because discipline is a confidential matter, the complainant may not always know of the specific action taken in response to the complaint. Such action may include warnings, verbal and/or written reprimands, a permanent letter to the accused person's file, Transfer, Demotion, Suspension, or Discharge. To the extent reasonably prudent, as determined by Human Resources, the complainant may receive information as to the steps taken to address alleged inappropriate or harassing behavior.

3.6 Retaliation

Retaliation is prohibited against a person who complains in good faith of a violation of this chapter or any other provision in this Manual, or who participates in good faith in an investigation under this policy. If the City finds that retaliation has occurred, individuals who engaged in the retaliatory behavior may be subject to discipline up to and including Discharge, regardless of whether the original complaint is substantiated. Persons who believe they have been the subject of retaliation should immediately follow the steps outlined in section 3.7 below.

3.7 Procedure for Seeking Relief from Retaliation

1. A person seeking relief from retaliatory action must provide a written complaint to their supervisor within 30 calendar days of the alleged retaliatory incident. If the supervisor is involved in the alleged retaliation, the complaint can be directed to Human Resources or the City Attorney. The complaint must specify the alleged retaliatory action and the relief requested.

2. The City Attorney, Human Resources, or designee will investigate the complaint and provide a written response within 30 calendar days. Additional time to respond may be necessary depending on the nature and complexity of the complaint. If more time is necessary, the complainant will receive written notice explaining the reason for the delay and an estimated time in which a response can be expected.

3. After receiving the City's response, the complainant may request a hearing before a State administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The hearing request must be delivered within 15 calendar days of receipt of the City's final response in subsection 2, or 45 calendar days after the time in which the City should have responded (in cases where no response has been received).

4. Within 5 business days of a hearing request, the City will apply to the State Office of Administrative Hearings for an adjudicative proceeding before an ALJ.

5. At the hearing, the complainant must prove that a retaliatory action occurred by a preponderance of the evidence admitted in the hearing. The ALJ will issue a final decision within 45 calendar days after the date of the request for hearing unless an extension is granted.

CHAPTER 4 - STANDARDS OF CONDUCT

4.1 Dress Code

Members of the public judge a community not only by service, but also by the appearance of its Personnel, equipment, and facilities. In order to maintain good public relations and promote public safety, City Personnel are expected to maintain a clean and neat appearance that is appropriate for their job duties and conveys a professional impression. While individual preferences are respected, appropriate dress, hairstyles, and accessories are expected, with attention to safety and personal hygiene. Clothing that has the City logo presents a cohesive, professional look, and clearly identifies City Employees, which promotes public safety. The City provides an annual allowance to purchase branded clothing for use at work.

Although all Personnel have the same dress code standard, Department Heads may determine the acceptability of particular work attire based on the primary functions of their department. When interacting with customers in the office, Employees must wear their badge and/or name tag to clearly identify themselves. Employees whose work takes them outside of the Civic Center must wear apparel indicating that they work for the City, including branded clothing, ID badge, other branded apparel (such as safety vests), or some combination of these items.

Unacceptable attire includes clothing with excessive holes/frayed ends, or that bares the midriff, chest, back or hips, and any clothing with offensive words or images. Employees are expected to use good judgment to dress in a manner appropriate to their position. Should a question regarding appropriate attire arise, the Department Head will consult with Human Resources.

4.2 Fragrance Sensitivity

Some people suffer from allergies or sensitivity to the chemicals in perfumes, makeup, deodorants, dryer sheets, air fresheners, and cleaning products. Please use these substances with restraint, and consider seeking input from co-workers before deploying air fresheners and cleaning products in shared spaces.

4.3 Department Work Rules

Each Department Head may establish departmental work rules; however, they must conform to and be consistent with this Manual and the Collective Bargaining Agreements.

4.4 No Smoking/Vaping Policy

Washington State law prohibits smoking in all places of employment. “Vaping” refers to smoking vaporized tobacco, nicotine, or other substances with electronic cigarettes. Smoking/vaping is not permitted inside City facilities or any City vehicle. Smoking/ vaping is permitted only in designated areas at least 25 feet outside of entrances, exits, and windows of City buildings. Individuals are allowed to smoke/vape in their own personal vehicles at least 25 feet away from City facilities. Employees who would like help in quitting the use of tobacco are encouraged to contact Human Resources for information about tobacco cessation programs.

4.5 Contact with the Media

The City Manager and the Department Heads are responsible for all official contacts with the news media, including answering questions from the media. Employees who are contacted by the news media regarding City business may respond to such inquiries if the response is within their competencies. In all other instances, Employees should refer the media to their Department Head, unless their department has a specific procedure (such as the Police Department).

4.6 Political Activity

Employees may participate in political or partisan activities of their own choosing if City resources and property, including City work time, are not used in any capacity. Employees should make it clear that any participation is personal and not associated with the Employee's official capacity with the City in any way. Further, activities must not adversely affect the responsibilities of the Employee's position. Employees may not campaign on City time, in City uniform, while wearing or displaying clothing or other items with the City of Sequim logo, insignia, etc., or while representing the City in any way. This prohibition includes "photoshopping" or otherwise manipulating or creating images, videos, etc. to suggest that City Employees, resources, or property are being used for any political purposes.

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

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

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

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

No Employee may use their authority or influence to compel any person to apply for membership in any political organization, pay or promise to pay for any assessment, subscription, or contribution for political purposes, or take part in any political activity.

4.7 Solicitations

A solicitation is a request for resources for any cause, whether by an individual or group, regardless of whether for financial or non-financial reasons. Resources include time, funds, and facilities. Solicitation may involve individuals or groups engaging in sales, recruitment, placing of signs and posters, and other activity that is anticipated to result in a benefit to an individual or group. A solicitation by an Employee of another Employee is prohibited during the work time of either person.

Generally, distribution or display of solicitation materials is not allowed. An Employee may, however, place Employee-related contribution material to charitable or non-profit community causes in an Employee lunch room or on a bulletin board for up to two weeks.

Persons not employed by the City may not solicit or distribute items on City property. Literature cannot be posted anywhere on City premises without the authorization of the City Manager or designee. If and when authorized, posted literature will be limited to non-work areas and must relate to local events of interest to Employees or charitable fundraising involving participation by family members (e.g., Girl Scout cookie sales).

Note: This section is not intended to prohibit statutorily- or contract-authorized organized labor activities.

4.8 Gifts and Gratuities

Public Employees are prohibited from receiving or soliciting, directly or indirectly, a gift or gratuity that could be viewed as reasonably expected to influence, intended to influence, or which appears to influence a vote, action, inaction, or judgment of any Employee, or which could be considered a reward, in whole or part, for such action or inaction.

If companies provide promotional incentives for purchases, the “gifts” that are received belong to the City, not to the Employee.

Gifts received in cultural exchanges, such as the Sister City project, belong to the City and not to any individual Employee.

Certain gift items of a value less than $50 are not considered likely to influence behavior and may be accepted on behalf of the City for use by all City personnel.

In any calendar year, items that may be accepted are those specified in RCW 42.52.150 with an aggregate value of less than $50 from a single source or a single gift from

multiple sources. For purposes of this section, “family”, “gift”, and “person” as defined in RCW 42.52.010, as enacted and amended, are adopted by this reference. A “single source” means any person acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of gift. The value of gifts given to a family member or guest will be attributed to the Employee for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

Any gifts received should be kept at the City for use by all City Personnel. If you have a question about whether or not you should accept a gift or gratuity, check with the City Attorney.

4.9 Electronic Communications/Technology Resources Policy

It is the City’s policy 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, mobile devices, and other electronic communications equipment (collectively referred to as City Technology Resources) to Employees to assist in and facilitate City business and communications. The primary purpose of the City’s network and systems is to provide service to the public as part of the City’s business, in a manner that is consistent with the City’s vision and values. De minimis, incidental personal use of 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 Employees’ good judgment to ensure that City Technology Resources are used in the public’s best interest.

No Expectation of Privacy. By using City Technology Resources, Employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of these systems or in any data that they create, store, or transmit on or over the systems, including any data created, stored, or transmitted during an Employee’s incidental personal use of City Technology Resources as permitted under this policy. Employees further agree that they are aware of, understand, and will comply with the provisions of this policy, and that their use of City Technology Resources can and will be monitored, and any data that they create, store, or transmit on or over City systems may be inspected by City management at any time. Employees should understand that certain email messages, other electronic communications, and documents created on City

computer systems may be considered a public record subject to disclosure and/or discovery in the event of litigation.

Auditing Use and Expense. The IT Department is responsible for auditing the use and expense of City Technology Resources, including City-issued cell phones and other devices. Each Department Head can establish departmental review and record-keeping procedures for wired and wireless communication device usage and expenses to ensure compliance with this policy. Additional guidelines specific to Personnel working in the Sequim Police Department may be found in the Sequim Police Department General Operating Manual.

Standardized Software and Hardware. The City has established standard software and hardware for commonly used applications. The use of unauthorized, non-standard software or hardware, including personally owned software or hardware, on City computer systems without approval of the IT Department is prohibited.

Installation of Software and Hardware. Improper installation of software or hardware can damage a computer system, cause system malfunction, or conflict with system configuration. All standardized software and hardware is to be installed by the IT Department. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department, in coordination with the IT Department. Any moving, relocating, or rearranging of computer software or hardware should also be coordinated with the IT Department.

Ownership and Confidentiality. All software, programs, applications, templates, data, data files and web pages residing on City computer systems or storage media or developed on City computer systems are the property of the City. The City retains the right to access, copy, modify, destroy, or delete this property. Data files containing confidential or sensitive data must be treated accordingly and must not be removed from the workplace without proper authorization.

Confidential Electronic Communications. Certain electronic communications are confidential and may not be accessed, used, or disclosed without authorization of the City Council or City Manager, as applicable, after consultation with the City Attorney. Examples of confidential records appear in the list of public records exempt from disclosure at RCW 42.56 et seq. Confidentiality may also depend on the nature of the record and the particular policies of the office or department where it is maintained.

Copying Software, Programs, Applications, Templates, etc. Employees must notify the IT Department and receive proper authorization before attempting to copy software, applications, programs, or templates. In many cases, copyright laws and/or licenses for commercial software, programs, applications, and templates used by the City prohibit

the making of multiple copies. The City and its Employees are required to abide by federal copyright laws and all licensing agreements.

Acceptable Uses of City Technology Resources. City Technology Resources are to be used by Employees for City business. De minimis, incidental personal use may be permitted where, in the judgment of the Employee's supervisor, such use does not interfere with Employee or Department productivity, nor distract/take time away from any Employee's assigned work. De minimis, incidental personal use means: (1) it is occasional and of short duration; (2) it is done on an Employee's personal time, such as on a lunch break; (3) it does not interfere with job responsibilities; (4) it does not result in any expense to City; (5) it does not solicit for or promote commercial ventures; (6) it does not utilize excessive network resources; and (7) it does not constitute any prohibited use, as discussed below.

Prohibited Uses of City Technology Resources. Use of 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 City Technology Resources identified below are inappropriate and are prohibited at all times:

1. Personal commercial use (meaning use that benefits an Employee's outside employment or commercial business);
2. Accessing, receiving or sending pornographic, sexually explicit, or indecent materials, including materials of an offensive nature;
3. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability, or other protected status;
4. Gambling or bitcoin mining;
5. Usage for recreational purposes including the loading of computer games or playing online games;
6. Usage that precludes or hampers City network performance; such as viewing or listening to streaming audio and/or video unless for City business, such as for online training;
7. Unauthorized copying or downloading of copyrighted material;
8. Usage that violates software license agreements;
9. Downloading of software programs unless specifically approved by applicable Manager and coordinated with the IT Manager;
10. Usage for political purposes, including partisan campaigning;
11. Sending anonymous messages and/or misrepresenting an Employee's name, position, or job description;
12. Deliberately propagating any virus, worm, trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems, or those of any other individual or entity;

13. Releasing misleading, distorted, untrue, or confidential materials regarding City business, views, or actions;
14. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
15. Use of City Technology Resources for personal use beyond a de minimis amount or in any manner so as to deprive others of system use or resources, including, but not limited to, the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind;
16. Connecting to the City's network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions;
17. Any personal use, even if incidental, that results in expense to the City;
18. Usage that violates the guidelines set forth in the Standards of Conduct described in this Handbook.

For additional examples of proper and improper use of electronic communications, refer to WAC 292-110-010. Any Employee who violates these policies could be subject to discipline, up to and including Discharge. In addition, Employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

Downloading Files from the Internet or Opening Email Attachments. Downloading files from the internet or opening email attachments from sources outside the City can lead to spyware and/or virus attacks that can severely damage, or degrade the City's network and/or data. The IT Department has installed anti-virus and anti-spyware software on all City computers and continuously updates signature definition files. However, that does not guarantee that all spyware is blocked, or that all viruses are caught.

If you are downloading a file and receive a message that a virus or spyware has been detected, you must call the IT Department immediately for assistance. Similarly, if you receive an email with a suspicious attachment, or from an unusual source, you should notify the IT Department before opening it. If you notice that your computer is behaving strangely or you suspect spyware or a virus, notify the IT Department.

Use of Privately-Owned Cell Phones.

Privately-owned cell phones must not be used for City business except in emergencies when the Employee does not have access to a City-issued phone, and with the understanding that the private cell phone records are subject to public disclosure if they contain City-related business.

Use of privately-owned cell phones during work hours is limited to necessary communications only, and must not conflict with the person's duties.

Public Records Considerations and Prohibition on Text Messaging.

The use of a cell phone to conduct City business, whether owned by the individual or the City, creates a public record subject to disclosure and potential production under the Washington State Public Records Act and/or retention and disposition under RCW Chapter 40.14 (Preservation and Destruction of Public Records). Voicemail messages relating to City business are also a public record subject to State public records laws.

Due to the technological difficulties of capturing and retaining text messages, Employees *are prohibited from using texting for City business whether utilizing a City-issued cell phone or their privately-owned device.*

Harassment or Criminal Activity.

If you believe that any person is experiencing or committing harassment via electronic communication, or if you believe that criminal activity is taking place using electronic communication, please follow these steps:

1. Do not delete the message;
2. Do not respond to the message; and
3. Notify your supervisor or other appropriate person.
4. Notify the Police Department if appropriate.

4.10 Social Media Usage

The social media posts of City Personnel and the ensuing comment threads may qualify as public records that must be retained, disclosed, or moderated in order to comply with State and federal law and the City's rules and policies. This is true even for personal social media accounts if City business is discussed. Inappropriate use of social media can expose Personnel and the City to allegations of criminal and ethical wrongdoing. Please also refer to the City's policies and procedures regarding the Public Records Act, the Open Public Meetings Act, the electronic communications provisions in this Manual, and other policies related to the conduct and responsibilities of City of Sequim Employees.

4.11 Damage/Theft of Personal Belongings

The City does not assume any responsibility for theft or damage to Employees' personal belongings occurring on or in City property.

The City reserves the right, when necessary due to reasonable suspicion under the circumstances, to search personal belongings brought onto City premises, and the desks, lockers, and other storage areas used by Personnel on City premises. Therefore, there should be no expectation of privacy in these circumstances.

4.12 Care of City Property

All Employees must exercise proper care in the use of City property and to utilize City-owned property only for authorized City business. Unauthorized removal of City-owned property from the City's premises or its conversion to personal use is prohibited and is cause for disciplinary and/or criminal action.

4.13 Purchase of Surplus Property

Generally, Employees are restricted from acquiring any property directly from the City except when the property is properly declared surplus. This restriction specifically includes "lost and found" items. See Sequim Municipal Code Chapter 3.14 and any applicable City policies.

4.14 City Building Access

Employee may not allow non-Employees in work spaces behind customer service counters or doorways unless personally escorted by the Employee they came to meet or conduct City business with.

CHAPTER 5 – HIRING, TRANSITION, & SEPARATION PROCEDURES

5.1 Purpose

The City values Employees who are competent, motivated, productive, team-oriented, and dedicated to high quality public service. To achieve this, we seek to hire the best qualified candidate for any position vacancy through a fair and consistent selection and screening process managed by our Human Resources Department. Selection decisions will be based on job-related criteria that measure knowledge, skills, abilities, and attributes that relate directly to the work responsibilities of the position and successful job performance. Hiring decisions will be based on merit so that fairness and impartiality govern the recruitment process.

The City is committed to providing equal opportunity in employment for qualified persons with disabilities. The City does not discriminate against qualified applicants with a sensory, physical, or mental disability and will provide equal opportunity to all job applicants.

The recruitment policies set forth in this Manual are not intended to grant any rights to applicants or create any causes of action against the City.

5.2 Recruitment Process

When a position vacancy occurs, the decision to fill it will be based on operational needs and financial resources as approved by the City Manager. Once a Regular position vacancy is approved to recruit, the process is as follows:

Job posting:

1. The Hiring Authority and Human Resources review the job description for needed updates and discuss strategic sources for placement of job advertisements.

2. Human Resources places all job advertisements. Advertising in diverse publications is highly recommended. Jobs are typically posted with a firm closing date; however, jobs may be posted "open until filled." When a position vacancy occurs, Human Resources will notify all Employees via email. Department Heads whose staff are not recipients of regular City email will post the vacancy on the bulletin board(s) in their facilities. The Department Head and Human Resources will together determine if the position will be posted internally or externally. (See Section 5.7 "Promotional Opportunities"). The City may elect not to advertise for Temporary and Seasonal positions. Applications will not be accepted after any posted closing date. If there are insufficient qualified applicants, the position will be reopened and re-advertised. Applications are retained in accordance with Washington State Records Retention laws (RCW 40.14).

Application review:

3. A completed City of Sequim application form is required. A cover letter and resumé are optional. The process used to screen applicants must be job-related and assess the experience, knowledge, abilities, and skills needed to perform the work. Applicants must meet the minimum qualifications in the job description to be eligible to participate in the selection process.

4. Human Resources may conduct an initial screening of candidates for minimum qualifications. The Hiring Authority will identify the most qualified candidates to continue in the process.

Testing and interviews:

5. Human Resources and the Hiring Authority will jointly determine if skills testing will be conducted, and if so, jointly determine the weighting of all selection criteria prior to testing. Any test administered must be based on job description content and the knowledge, skills, and abilities to do the work.

6. It is Human Resources' responsibility to design and conduct uniform selection procedures for each job Classification. City Management has the responsibility to use, analyze, and interpret data from the various selection procedures in a fair and consistent manner.

7. Interviews will typically be conducted with a team approach with a minimum of three panelists, including the Hiring Authority, a representative from Human Resources, and one Employee from a department. Depending on the position, individuals from outside the agency may be added to the interview panel. Objective selection procedures using structured questions will be used to select the best qualified candidate. Human Resources will draft interview questions and the Hiring Authority will assist by adding some technical duty-specific questions. Interviews may be held virtually or in person.

8. If, through the test/interview process, an internal candidate and external candidate are determined to be equally qualified, the internal candidate will be given preference.

Pre-screening candidates:

9. For qualified job candidates, the Hiring Authority or Human Resources may conduct a telephone or virtual pre-screen interview to determine if a test or interview is desired.

Police positions:

10. Civil Service recruitments are handled through the Civil Service Commission. Refer to the Sequim Police Department Policy Manual and Civil Service Rules.

Temporary hires:

11. Occasionally due to peak workloads or a special project, the City may need to hire someone on a short-term temporary basis. Management reserves the right to post a vacancy or appoint a qualified individual.

Seasonal Employees

12. Seasonal Employees are required to have a minimum of a 180 calendar day break in service before they are eligible for rehire.

5.3 Pre-Employment References and Background Checks

The City will complete a minimum of 3 work-related reference checks. Current employers will not be contacted without the applicant's prior consent.

Depending on the position's job description, additional background checks (such as verification of educational qualifications, driving record, criminal history) will be conducted.

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

1. Candidates who provide false or misleading information in their application and/or authorization may be eliminated from any further consideration or may be terminated at any time if the misrepresentation is discovered after employment commences. Candidates are expected to provide accurate and complete information and not to omit material information needed to make a decision.

2. A background check will not encompass consideration of a candidate's credit history unless 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.

3. All candidates are individually reviewed and decisions made with respect to employment based upon the totality of the candidate's qualifications and the results of the pre-employment background checks.

4. A candidate will not be rejected based on a criminal record unless exclusion is job-related and consistent with business necessity. This determination will be based on the following factors:

    a. the nature and gravity of the offense(s) committed;
    b. the amount of time that has passed since the offense was committed; and
    c. the nature of the job for which the candidate is being considered;

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

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

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

Police Department employee reference checks and hiring procedures are handled in accordance with the Sequim Police Department Policy Manual and Civil Service Rules.

5.4 Job Offer

When pre-employment references and background checks are successfully confirmed, Human Resources will work with the Department Head to determine the appropriate wage range as determined by Collective Bargaining Agreements or the Non-Represented Employee salary matrix, as applicable.

The City will administer all compensation consistently within appropriate guidelines and approved budget.

5.5 Recruitment Expenses – Out-of-Area Candidate Reimbursement

Candidates for highly specialized positions, such as City Manager, who are invited to interview on site and reside more than a four-hour drive from Sequim may request travel reimbursement. Any reimbursement is at the discretion of the City Manager or City Council, as applicable, depending upon budgetary resources and consistency with City practices.

Reimbursement for moving expenses is a negotiable item at the time of job offer that requires Department Head approval and inclusion in the written offer. Individuals who voluntarily leave City employment less than one year from hire date may be required to reimburse the City for any relocation expenses paid by the City.

5.6 Nepotism and Family Members

The City will consider a member of an Employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired, however, if the employment would:

a) Create either a direct or indirect supervisor/subordinate relationship with a family member; or
b) Create an actual conflict of interest or the appearance of a conflict of interest.

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

5.7 Promotional Opportunities

The City encourages promotion from within the organization. The City will fill vacant positions with the most qualified individual from internal and outside candidates as determined through the application and selection process as described in Section 5.2 “Recruitment Process” above.

If the Human Resources Director finds that there are a sufficient number of people currently employed by the City who are qualified to compete for promotion, an internal-only recruitment may be held. Regular and Temporary (including Seasonals and interns) Full- or Part-Time Employees are eligible to apply for internal-only recruitments. The Hiring Authority will consider the applicant's qualifications, record of performance, and seniority.

Employees who are promoted and placed into a higher wage range will be placed in the step nearest to the Employee’s step placement before the promotion.

Limited Promotion. When an approved departmental reorganization creates a new classification and one or a very limited number of departmental Employees are uniquely qualified and experienced to fill the position, the department may recommend promotion of the best qualified person to the position without internal or external recruitment.

Limited Promotion Procedure. The department director submits a reorganization plan to the City Manager for approval to ensure that the change in classification(s) is justified. The reorganization plan may outline which current department Employee(s) possess the qualifications and skills needed to fill the new classification(s) and recommend limited promotion.

Promotional opportunities available to commissioned police Employees are governed by the Civil Service Rules.

5.8 Inter-Departmental Transfers

Inter-Departmental Transfers must compete with internal and external applicants in the same manner as set forth in Recruitment Process, Section 5.2 above. Inter-Departmental Transfers are not subject to a Probation Period. Inter-Departmental Transfers will be hired at a salary that considers the Inter-Departmental Transfer’s skills, work ethic, and degree of transferrable skills in the previous job description compared to the new job description as determined by the Department Head and Human Resources, and, if needed, the City Attorney. Salaries for Inter-Departmental Transfers should also

be within the wage range typically used for placing New Employees. An Inter-Departmental Transfer is not a Promotion.

5.9 Probation Period

Upon hire, all Employees enter a Probation period. This is designed to give the Employee time to learn the job and to give the City and the Employee time to evaluate whether the match between the Employee and the job is appropriate. The usual Probation period for most positions is 6 months from the Employee's date of hire (or as set forth in an applicable Collective Bargaining Agreement). Generally, each Employee in a Probation period will be evaluated by their supervisor midway through and towards the end of the period. At the discretion of the Department Head or City Manager, the probation period may be extended upon written notice to the Employee. Such extensions will specify the reasons for the extended Probation period and the anticipated end date.

For the Probation period of commissioned police officer positions hired by the City of Sequim, we refer to the Civil Service Rules and Collective Bargaining Agreement(s). City Employees not covered by Civil Service or a Collective Bargaining Agreement are employed At-Will as set forth in these policies. Successful completion of the Probation period by Non-Represented Employees does not grant or imply any different status than At-Will employment.

5.10 Voluntary Demotion and Termination

Voluntary demotion is not discipline. Voluntary demotion is a transfer at the Employee’s request to a position with less responsibility that may result in less pay. Voluntary demotions may be temporary or permanent. A voluntary demotion is expected to be rare and used in very limited situations, usually due to the Employee’s circumstances outside of the workplace. A voluntary demotion must not be used in lieu of disciplinary actions. A voluntary demotion may be allowed when there is an existing or upcoming vacancy that the Employee is qualified and competent to fill and it is in the best interests of the City as determined by the Department Head, the City Attorney, and Human Resources. Actions taken regarding any voluntary demotions will be consistently and fairly applied throughout the City.

Voluntary termination is not discipline or Discharge. Voluntary termination occurs when the separation is initiated by the Employee by a) absence from work for three consecutive working days without notifying the direct supervisor, b) failure to return from an approved vacation or leave of absence, or c) resignation or retirement.

5.11 Separation from Employment

Employees who resign from employment should give reasonable advance written notice (two weeks or more) to their supervisor so that service to the community is not disrupted. The ability to meet this condition will be noted as a resignation in good standing. The resignation letter should specify the last day of work and the reason for resignation. Exempt Employees are asked to provide four weeks' notice.

Generally, Human Resources will conduct an optional exit interview with the Employee to provide the opportunity to discuss questions, suggestions, or complaints.

Employees planning to retire are asked to give their supervisor as much advance written notice as possible, at least six months, because the City relies on such notices for budgeting and recruiting purposes.

Employees are responsible for returning all City property and material in their possession to their supervisor on or before the last day worked. This includes without limitation any City-issued property such as keys, credit cards, cell phones and tablets, tools, uniforms, documents, files, records, information stored on a personal computer or disk, office supplies, or equipment. Computerized data generated in the course of employment is considered confidential information and the City's property.

5.12 Payout of Vacation Accruals at Employment Separation

Employees who retire or resign with proper prior written notice will receive wages for hours worked up to time of separation on the next regularly scheduled payday, including cash payment of accrued vacation. Following the last day worked, Employees may elect to use up to a maximum of three weeks of accrued vacation time as their final weeks of service with the remainder of vacation accrual being paid out as a cash payment. Any Employee who elects this option must 1) return all City-owned equipment, badges, etc. before the end of the vacation term, and 2) provide relevant and appropriate project status/transition memos or other documents to their supervisor before the first day of vacation. If any Employee is Discharged for gross misconduct, the City may elect not to pay accrued vacation time at the City Manager's discretion.

5.13 Payout of Sick Leave at Employment Separation

For Non-Represented Employees hired before July 1, 2012, any remaining balance of the 50% of sick leave accrued through 6/30/2012 will be paid out at the Employee's

6/30/12 hourly wage at future date of employment separation. No other sick leave will be cashed out. Non-Represented Employees hired on or after July 1, 2012 are not eligible for payout of accrued sick leave at employment separation unless the City is contractually obligated to pay sick leave cash out.

Any Employee Discharged for gross misconduct or cause will not receive any accrued sick leave payout. Employees who fail to return City property upon their last day of work may have the value of such property deducted from their final paychecks pursuant to WAC 296-126-025.

5.14 Layoffs

The City Manager may lay off Employees for lack of work, budgetary reasons, reorganization, or other changes that have taken place. The City Manager reserves the right to determine layoffs in a way that provides the best mix of skills and resources available to provide City services. The City Manager will consider a number of relevant factors, including the City's needs, individual job classifications, individual job performance, and the required qualifications for the remaining jobs. Employees who are laid off may be eligible for re-employment if a vacancy for which they meet the minimum qualifications occurs within one year of layoff. If a laid off Employee does not respond within 10 calendar days of the date of the recall letter, that Employee waives the right to recall. Layoff considerations for Represented Employees will be in accordance with applicable Collective Bargaining Agreements.

5.15 References on Current or Former Employees

All Employees will direct reference requests on current or former City Employees to Human Resources. Human Resources will limit City employment history to the position held and dates of employment unless the current or former Employee provides a signed release requesting that the City disclose work performance information. The release must be on a form provided by the City. References should be factual in nature and job related. All written references need to be filed with Human Resources. [RCW 4.24.730 provides employers with immunity from liability for providing other potential employers with accurate information relating to an Employee or former Employee's job performance.]

CHAPTER 6 – HOURS & COMPENSATION

6.1 Attendance

The City depends on the good attendance and punctuality of its Employees to meet staffing levels and provide quality, reliable services to Sequim's citizens and visitors. Each Employee is expected to arrive on time, ready to work when the shift begins, and remain at their work station or duty location as scheduled. Supervisors are responsible for maintaining an accurate attendance record for Employees who report to them. Punctual and consistent attendance is a condition of employment.

Sequim residents and visitors depend upon functioning roads, utilities, and other City services that may require extra planning and effort from Employees during challenging weather conditions. If an Employee is unable to get to work or leaves work early because of inclement weather, the Employee may use accruals or leave without pay. Employees who are sent home without prior notice and denied the opportunity to work due to inclement weather will receive their normal pay for the rest of the day in which they were sent home. Refer to Section 9.4, Declared Emergencies and Severe Weather Conditions.

6.2 Work Hours

A normal working schedule for Regular Full-Time, non-Salaried employees consists of 40 hours each Work Week. Different work schedules may be established by the City to meet job assignments and to accomplish the necessary business of the City. These schedules may include weekends and evenings. The Work Week for all Employees will comply with the Fair Labor Standards Act (FLSA).

The standard designated Work Week is 40 hours within a 7-day work period, unless otherwise provided.

Alternative Work Weeks may be authorized by mutual agreement between the Employee and the Department Head, with City Manager approval. Alternative Work Weeks for Represented Employees are outlined in the Collective Bargaining Agreements. Non-Represented Employees who wish to work an Alternative Work Week may utilize any Alternative Work Week identified in a Collective Bargaining Agreement in the same manner as Represented Employees.

6.3 Reporting an Absence or Late Arrival

Employees who are going to be late or absent due to illness or injury must notify their supervisor at least 30 minutes before the beginning of their work shift or in accordance with Department work rules. Notification must be provided to the supervisor who signs off on the Employee's timecards. If the supervisor is unavailable at the time the Employee calls, the Employee must send an email or leave a voicemail for their supervisor stating the reason for being late or unable to report for work. The Employee may also notify any other supervisor or Employee in their Department. Individual departments may establish specific departmental procedures if they are consistent with this policy.

If the Employee is medically unable to contact the supervisor, a family member should contact the supervisor as soon as possible before the start of a scheduled shift. In the event the Employee or family member cannot promptly reach another Employee in their Department, as an alternative, the Employee may call Human Resources at (360) 681-3423.

See also "Mandatory Paid Sick Leave."

> **Important Note:** Uniformed police officers cannot leave a voice message; they must contact and speak to any member of the Sequim Police Department (or, as backup, Pencom) to notify the Department of their absence so that arrangements can be made for public safety coverage. This requirement is in addition to contacting the supervisor as set forth above.

Nothing in this section is to be construed as requiring non-Exempt Employees to find coverage for their absence due to illness, which is in violation of RCW 49.46.210.

For absences of more than one day, the Employee is responsible for reporting in by phone or email to the supervisor each day of the absence, unless other arrangements are approved by the Employee's supervisor. Employee notification of an absence does not serve as the supervisor's approval of the absence. The supervisor will determine whether to authorize the absence based on the reason for the absence and the timeliness of the call. Any absence from work for an unauthorized purpose and/or without proper notification is considered "unexcused". An unexcused absence may result in disciplinary action.

Because regular attendance is essential to satisfactory job performance, Employees are expected to maintain a minimum level of sick leave and vacation balances to cover unexpected events. An Employee who is frequently absent or late for work for an absence not covered by protected leave may be subject to disciplinary action, up to and including Discharge. Employees who are absent for more than 3 consecutive scheduled work days without notification or authorization will be considered to have voluntarily quit employment.

Exempt Employees will notify their supervisor of all absences in advance as soon as practical.

The City reserves the right to require an Employee to provide documentation from the Employee's health care provider verifying the illness or injury that results in absence from scheduled work days of more than 3 consecutive days.

Any failure to enforce this policy is not an abandonment or amendment of the policy and does not in any way constitute a bar to future enforcement.

6.4 Breaks and Meal Periods

All breaks should be arranged to minimize disruption to City business. Employees must take one 15-minute break for every 4 hours worked. Employees will not be required to work more than 3 hours without a break. Where the nature of the work permits intermittent rest periods equivalent to 15 minutes every 4 hours, scheduled rest periods are not required. Employees who choose to remain at their work station during such rest break times are not entitled to leave before their normal quitting time or eliminate the rest periods to shorten the work day. Meal periods are typically 30 minutes in length as established by the Department work schedule. If an Employee works less than a 5-hour shift, a meal period is not provided. Office luncheons are considered lunch breaks.

In addition, for two years 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.

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

6.5 Timesheets

Employees will provide a completed timesheet, written or electronic, to their supervisor on a semi-monthly basis. Employees are responsible for accurately recording their hours worked and any time taken off (paid or unpaid), with their written or electronic signature as verification that the time reported is recorded accurately and in accordance with City policy. The supervisor is responsible for verifying the timesheets of their direct reports before submitting to Payroll. Because maintaining an accurate timesheet is required by law, falsification of timesheets will be grounds for disciplinary action, up to and including Discharge.

6.6 Overtime

All overtime for Non-Exempt positions must first be approved in writing, or verbally approved and put in writing at the earliest opportunity, by the supervisor. Failure to obtain pre-approval of overtime may result in discipline.

For Non-Exempt Employees working their regular shift, the City will pay 1.5 times the Employee's regular rate of pay when they work in excess of their regularly scheduled work hours.

Non-Exempt Employees may ask their supervisor to convert overtime hours worked to compensatory time to be added to the Employee's accruals. Compensatory time (or "comp" time) will be paid at the rate of 1.5 hours off per hour of authorized overtime worked. Use of comp time may be permitted within a reasonable period of time with supervisor's prior approval to ensure its use does not unduly disrupt City operations. The City retains the right to elect to pay accumulated overtime. Maximum accrual of compensatory time is 48 hours at any given time (or as listed in appropriate Collective Bargaining Agreements).

Exempt Employees are paid a salary and do not receive overtime pay or compensatory time in lieu of hours worked in excess of 40 per week. Exempt Employees will not be subject to leave or pay deductions for partial day absences of 4 or fewer hours (e.g., personal time off for errands or appointments), but will be required to deduct for any full day absences from accrued banks. Exempt Employees must maintain good work habits, be accountable, and regularly available during working hours.

6.7 Training, Travel for City Business, and Reimbursements (Approved by City Council on 5/23/2022)

The City demonstrates the value it places on Employees and a continuous learning environment in a variety of ways, including providing training within the limits of available resources. The City encourages using local training and other alternatives to travel such as teleconferencing, on-line training, and/or train-the-trainer models. Employees who attend in-person conferences may stay at the lodging facility in which the conference is held because the benefits associated with staying there are typically greater than the costs associated with staying in less expensive lodging.

Out of state and alternative travel must be approved in advance. Employees should consider methods of travel and times of travel which minimize costs to the City. Employees should consider the costs to the taxpayers and the appearance of potential misuse of public funds. Employees should consult with their Department Head and the

Administrative Services Department to develop the most cost-efficient travel. Employees who extend travel or travel to alternate destinations that results in increased expenses must pay any increase in costs.

Costs associated with training and training-related travel, with the exception of meals, should be paid for using City credit cards or other methods of payment when possible. Meals are reimbursed on a per diem basis. Seeking reimbursement for travel and travel-related expenses should be infrequent.

Travel and travel-related forms must be approved by the City Manager, the City Manager's designee, or Department Heads. The City Manager or designee is authorized to administer reimbursement procedures for travel expenses to allow for full flexibility when necessary if the reasons for policy deviations are fully documented.

In accordance with the Washington State Minimum Wage Act (MWA), Non-Exempt Employees are considered on duty as set forth here when travelling for City-related business. Therefore, Department Heads must be cautious when allowing or requiring Non-Exempt Employees to travel for mandatory or professional development training. Department Heads should work with Human Resources to determine whether equivalent training can be accomplished through webinars or other means. Non-Exempt Employees should first report to the Civic Center before leaving.

Non-Exempt Employees are generally considered "on duty" when travelling under the following circumstances:

- The time between leaving the City Center and arriving at the Non-Exempt Employee's lodging;
- All time spent performing City business, such as in training sessions, responding to email, etc.;
- The time between leaving the Non-Exempt Employee's lodging and arriving back at the Civic Center.

Non-Exempt Employees must not use drugs, consume alcohol, or any engage in conduct that would otherwise be inappropriate in the workplace while on duty.

Non-Exempt Employees are considered "off-duty" when travelling under the following circumstances:

- The time between arriving at the Non-Exempt Employee's lodging and the first training session, meeting, lecture, etc.;

- Time spent during all activities if all of the following are met:
    1. Attendance or participation in the activity is voluntary;
    2. No productive work is performed during that time; and
    3. The activity takes place outside of regular working hours.

Examples of this type of activity include receptions, golf tournaments, group hikes, tourism activities, etc.

Reimbursement: The City reimburses using standard practices such as those set by the Washington State Office of Financial Management (OFM) and the Federal General Services Administration (GSA). Non-business-related expenses will not be approved or reimbursed.

6.8 Compensation (Approved by City Council on 5/23/2022)

6.8.1 General

The City desires to employ a highly competent, professional workforce to provide quality essential municipal services to our community. We strive to reach a balance between fairness in pay for all Employees and rewarding excellent performance for the deserving individual. Pay is only one method of rewarding performance.

Our goal is to provide salaries competitive with those paid within comparable jurisdictions and within the applicable labor market. Employee compensation is based on a variety of factors including, but not limited to, job performance, work experience, education, proven capability, initiative, union or other contracts, and the City's financial condition and ability to pay. The City will administer all compensation fairly and consistently within appropriate guidelines and in compliance with City Council directives.

Collective Bargaining Agreements cover the compensation guidelines for Represented positions. Salary ranges for Non-Represented positions are guided by this Policy. Compensation for all positions is adopted by the City Council as part of the budget process. Human Resources conducts periodic market surveys on all positions to provide updated wage information.

The terms of this policy may be changed at any time and no Employee gains any vested rights under this policy.

6.8.2. Staff Compensation Policy Objectives

The City of Sequim's compensation policies and practices are applicable to all Employees. Implementation of these policies will be through collective bargaining for

Represented Employees or by City Management for management, supervisory, and confidential Employees excluded from the bargaining units. The City Council, through its budget and contract actions, approves changes in compensation. All Employees regardless of representation, are to be treated similarly in application of these policies and practices. The City's compensation policy objectives are:

- Pay and benefits competitive with the proximate labor market.
- Internal consistency in pay structure, regardless of representation, within related job Classifications.
- Ability to attract and retain qualified Employees at all levels of responsibility.
- Establishment of market rates based on timely surveys of a valid sample of like employers in a proximate labor market area.
- Consideration of the City's ability to pay, minimize service disruptions, and optimize the City's ability to fund an adequate level of service.
- Sustainability and stewardship of City resources.
- Compliance with the City's legal requirements.

Labor demand and supply impact recruitment for new Employees. Exceptions to these policies may be needed in certain circumstances to attract or retain skilled and experienced Employees.

6.8.3 Reclassifications

If job requirements, assigned duties, responsibilities, technology, and service demands change over time, an Employee may request that a job Classification review be conducted. The Employee will first delineate and discuss job changes with their supervisor and union representative, if applicable. The job Classification review is completed by Human Resources in consultation with the Department Head. A job Classification review may or may not impact the Employee's current wages.

6.8.4. Non-Represented Staff Compensation Policy

A. At-Will Status Not Changed

Nothing in this policy will be considered to change the status of all Non-Represented Employees from At-Will status.

B. Pay Ranges for Non-Represented Employees

To implement the policies listed above, the City has established wage ranges outside of those in City labor agreements. These ranges are established to provide compensation

based on market and internal equity. Wage ranges will be adjusted as part of the budget process based upon Consumer Price Index for all Urban Cities (CPI-U) as of June 30 of the previous year. In no case will wage range changes be negative.

Factors such as level of responsibility, scope of duties, depth of organization reporting to the position, risks associated with the position's discretionary duties, coaching and supervision required given the experience of the individual, amount of discretion delegated to carry out assigned duties, strategic and administrative business skills, and complexity and variety of other duties assigned, must be considered in determining both market "comparable" as well as internal "comparable." Demonstrated proficiency and performance in the assigned role are determining factors in pay progression.

C. Compensation Plan Structure

Non-Represented Employees will be assigned to a pay range with a 30% variance between the top and bottom of the range. Employees will be assigned a step based on education, experience, and skills within a range and progress to the top of the range based on performance and proficiency in their assignments. An annual performance review will be the mechanism for determining eligibility for further increases in the pay range. The City Manager will have discretion to partially or fully withhold an increase if, in the City Manager's opinion, an Employee's performance does not merit a pay increase or the Employee is not performing at the full level of competency expected. The City Manager also has discretion to reward extraordinary performance as a result of an exceptional performance review and to recognize exceptional efforts/work done by individual Employees who make an extraordinary personal investment of time and effort to meet City goals. In consultation with Human Resources, the City Manager assures there is consistency with these performance incentives and equity across the organization.

D. Compensation Survey and Review

The City will conduct periodic salary surveys (every 2-3 years) to evaluate market pay. The City may contract with a professional consultant to conduct the survey.

To improve statistical validity, a market sample for salary surveys should include 5-7 similar and proximate cities (based on size, population, and tax base)."Market rates" will not be considered a fixed number but a targeted range defined as +/- 5% of survey average, ideally within a +3% to -3% range. Some variances in market pay rates may be the result of internal equity considerations. Absent a sample of 5 employers who meet the above criteria, the market sample may be augmented by a selective survey of other agencies serving the same labor market area (for example, cities, counties, and

regional planning agencies). Market sample data will include a review of the data to determine if there are statistical outliers that should be removed from the sample before determining the market rate. When little or no market data is available, internal equity will be considered, that is, similar pay for similar level of responsibility.

To minimize disruptions to City operations and individual impacts on affected Employees, correction of market pay issues will be reviewed, both by individual Classification and overall wage range analysis. Classifications that are above market will be frozen at current rates until their market rate catches up with them. Likewise those found below market will be adjusted over a period of time to minimize sudden changes in salary and benefits cost.

E. Insurance Benefits

The City will attempt within its means to provide an Employee benefits package that is similar in scope and coverage levels to those provided in the market. In doing so, the City will seek competitive prices for similar levels of coverage.

The City will attempt within its means to provide a variation of benefit choices to address differing needs of Employees at various stages of their employment.

6.9 Non-Represented Employee Eligibility for Out-of-Class Assignments

“Out-of-class assignment” means the temporary assignment of an eligible Non-Represented Employee to perform most of the normal ongoing duties and responsibilities associated with a higher-paying job Classification. The Department Head or City Manager may temporarily assign the duties of a higher-paying Classification to an Employee in order to continue or complete essential public services and compensate the Employee for that performance. The threshold for granting an out-of-class assignment is when the Employee who normally performs the duties will be away for 4 consecutive weeks or more. The temporary pay adjustment will increase the Employee’s regular base rate of pay to the greater of: 1) the Classification salary beginning rate of pay for the higher-level position, or 2) 10 percent above the Employee’s regular base rate of pay. The “Non-Represented Employees Higher Classification Assignment” form must be completed by the Department Head and approved by the City Manager.

6.10 Paydays and Deductions

Employees are paid semi-monthly. If a regularly scheduled payday falls on a holiday or weekend, paychecks will normally be distributed on the prior regularly scheduled work

day. The City will withhold from the Employee's paycheck those deductions required by Federal or State law and any voluntary deductions authorized by the Employee.

Direct deposit of payroll checks supports the City's efforts to gain efficiencies, reduce the cost of processing checks, and enhance fraud protection. Direct deposit also provides a safe, convenient, and confidential way of transferring funds directly into an Employee's account. Therefore, the City requires Employees to sign up for direct deposit of their paychecks into a banking account of their choice unless the Employee will incur a cost for the direct deposit. Employees whose banking situation changes may coordinate with the City payroll department on an alternate, temporary method of payment.

Complaints or Concerns*:* If you believe there are any errors in your pay, including that you have been overpaid or underpaid, that improper deductions have been taken from your pay or that your pay does not accurately reflect all hours worked, including overtime, report your concerns to Administrative Services immediately. The City will promptly investigate all reported complaints and, if appropriate, take corrective action.

The City prohibits and will not tolerate retaliation, such as discipline, intimidation, or any other form of retaliation against any Employee for filing a good faith complaint under this policy.

CHAPTER 7 LEAVES & OTHER BENEFITS

7.1 Holidays (Approved by City Council on 5/23/2022)

The City recognizes the following 12 paid holidays for eligible Full-Time Employees, prorated for eligible Part-Time Employees. Other holiday observance information may be found in the Collective Bargaining Agreements.

Holiday	Day Observed
New Year's Day	January 1
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	First Monday in September
Veterans' Day	November 11

Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Friday following Thanksgiving Day
Day before or after Christmas	To be determined by the City
Christmas Day	December 25
Floating Holiday	Selected by employee, approved by supervisor

For Employees who work Monday through Friday, when one of the above holidays falls on a Saturday, the preceding Friday will be observed as the holiday; when it falls on a Sunday, the following Monday will be observed as the holiday. For Employees who perform shift work, the actual holiday will be observed. An Employee must work or have approved paid absence on the work day immediately preceding and immediately following the day on which the holiday is observed to receive holiday pay.

Floating Holidays are available to Employees who have completed six months of employment, at which time the hours will be added to Employee's accrual bank and annually thereafter.

Non-Represented, Non-Exempt Employees required to work on a holiday will be paid for the holiday plus 1.5 times their regular rate of pay for actual time worked on the holiday, with pre-authorization by their Department Head.

7.2 Unpaid Holidays for Reasons of Faith or Conscience

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

The Employee may select the days to take the two unpaid holidays after consultation with their Department Head. If an Employee prefers to take the two unpaid holidays on specific days, the Employee will be allowed to take those days off unless the absence would cause an undue hardship or the Employee is necessary to maintain public safety. The term "undue hardship" has the same meaning as defined in WAC 82-56-020, as currently enacted and as amended.

The City will consider the following factors, on a case-by-case basis, when determining whether granting the request would cause an undue hardship:

- The number, composition, and structure of staff employed by the City or the requesting Employee's department;

- The requesting Employee's department or the City's financial resources;
- The number of other Employees requesting leave on the same date(s);
- The financial impact on the City resulting from the Employee's absence and whether that impact is greater than a de minimis cost to the City;
- Impact on the City, the requesting Employee's department, or public safety;
- Type of operations of the requesting Employee's department;
- Nature of the Employee's work;
- Deprivation of another Employee's job preference or other benefit guaranteed by a bona fide seniority system or Collective Bargaining Agreement;
- Any other impact of the City's operation or requesting Employee's department due to the Employee's absence.

If possible, an Employee should submit a request for an unpaid holiday to their Department Head a minimum of two weeks before the requested day off. The Department Head will coordinate with Human Resources to evaluate requests and consider the desires of the Employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" as set forth above.

These unpaid holidays are available only during a single calendar year, and any unused days will not be carried over to subsequent years.

7.3 Vacation Bank (Approved by City Council on 5/23/2022)

Regular Employees are eligible to accrue vacation based on hours compensated on a bi-monthly basis. All vacation use requires prior approval by the Employee's direct supervisor. Vacation accruals may be used in the pay period earned. Vacations should be scheduled in order to minimize disruption to City operations.

For Represented Employees, the reporting method and accrual earnings are determined by their respective Collective Bargaining Agreements. For Non-Represented Employees, the reporting method and accrual earnings are determined in the chart below.

Paid time off for Non-Exempt positions consists of accrued vacation, annual Floating Holiday, and comp time and/or overtime earned.

For Exempt positions, paid time off consists of accrued vacation and annual Floating Holiday. Salaried Employees are not eligible to earn comp time.

Non-Represented Employees may accrue vacation up to a maximum of 360 hours. Floating Holidays must be used before the end of each calendar year or they will be lost and forfeited.

7.4 Vacation Carry-Over

The City Manager reserves the right, under extraordinary circumstances and with written documentation of the necessity for such extension, to allow some vacation hours to be carried over for a limited, designated period of time to be used within said time frame or lost.

7.5 Annual Conversion of Vacation

After taking 40 hours of continuous paid time off (vacation, floating holiday, or comp time as applicable), an Employee may elect to convert up to 40 hours (but not less than 8 hours) of accrued vacation leave to monetary compensation or a qualified deferred compensation plan, provided the vacation leave bank does not go below 40 hours after the cash out. This process may be used up to two times per year, with written notice provided to the Administrative Services Director or designee. All requests should be received no later than the 15th of October of each calendar year. Requests received after this date will be reviewed and approved at the City's sole discretion.

7.6 Vacation Accruals for Non-Represented Employees

For vacation accrual purposes, Non-Represented Employees are grouped into three categories (below) as provided in the Non-Represented Staff Compensation Policy (see Chapter 6). Department Head positions include those designated as such by Human Resources. Length of service is defined as at the time of hire into the City of Sequim position and includes the number of years of work experience performed at the same level position, reclassification of the position, or a substantially similar level position.

	Effective 1-1-18:	Admin Support (Non-exempt, Exempt)	Manager 1-3 (Exempt)	Department Head (Exempt)
	Length of Service:	Annual Vacation	Annual Vacation	Annual Vacation
Level 1	Year 1 (0-12 months)	80 hours	120 hours	160 hours
Level 2	Years 2-5 (13-59 months)	120 hours	160 hours	200 hours
Level 3	Years 6-10 60-120 months)	160 hours	180 hours	220 hours

Level 4	Years 11+ (121+ months)	200 hours	220 hours	240 hours

Employees have no vested rights in the above schedule. The City Manager retains discretion to adjust the vacation schedule and vacation benefits for individuals up to the chart maximums, and manager and director individual contract provisions may differ. Regular Employees will be paid for unused vacation time upon termination of employment.

7.7 Educational Assistance

The City encourages all Employees to pursue their career goals for City positions through training and advancement. Regular Employees who have completed one year of service who desire to earn an undergraduate or advanced academic degree related to City work needs are eligible to apply for tuition assistance. The Employee must first discuss their academic and career goals with their supervisor and/or Department Head. Human Resources is available to assist Employees with educational and career development planning.

With supervisor and Department Head concurrence, the Employee may apply for tuition assistance. Financial assistance with tuition for an accredited academic degree is discretionary, requires advance approval, and depends upon a determination of cost and availability of funds, benefit to the City, Employee performance, the academic institution, and other factors. Advance approval may be required from the City Manager and/or City Attorney and Human Resources in addition to the Employee's Department Head. If approved, tuition will be reimbursed on a course-by-course basis if passed with a grade equivalent to a C or better. Courses taken as a "pass/fail" must be passed. The courses must relate to the Employee's work and increase the Employee's knowledge and ability to perform their work. Courses not related to the Employee's work but required for a degree that is related to the Employee's work may be reimbursed at 75-100% and as approved by the Department Head. Books and supplies are not eligible for reimbursement.

The City will reimburse at the agreed upon percentage up to $5,250 per year (or current ceiling the Federal government allows for exempted tuition benefit expenditures). There is a lifetime benefit cap of $20,000.

Employees who resign within one year of the last tuition reimbursement may be required to reimburse the City for tuition payments received the prior year. The reimbursement year will be calculated one year back from the effective date of the

resignation. Employees who will experience financial hardship as determined by the Department Head, the City Attorney, and Human Resources, will not be required to reimburse the City.

Reimbursement requirements and waivers will be consistently and fairly applied throughout the City.

7.8 Certifications and Memberships

Memberships: The City encourages membership in job-related professional organizations or community service clubs in which membership will benefit job performance (e.g., Washington State Bar Association for the City Attorney). The City will pay the dues for such membership if the membership provides information, contacts, or resources of value to the community and the City's operations. Payment for these and any other community service club membership dues is at the discretion of the Department Head.

Certifications: Expenses associated with maintaining professional certifications or licenses required in the position's job description are paid by the City where there is a direct benefit to the City and the Employee is a Regular Full-Time Employee. A "direct benefit" includes a subscription to periodicals, services, or other valuable rights of commensurate value.

Expenses associated with successfully acquiring a new professional certification or license not required by job description may be paid or reimbursable, with prior approval of Department Head or City Manager, as applicable. No reimbursement will be made for training for a test which the Employee fails or for a license or certification required for eligibility for initial employment.

Participation in continuing education requirements to maintain licensure will be paid or reimbursed by the City where the educational programs are relevant to City work. For example, standard driver's licenses are not reimbursable; Commercial Driver's Licenses (CDLs) are reimbursable if such license is used on the job.

7.9 Sick Leave

Generally all Regular Full-Time Employees accrue sick leave at the rate of 8 hours per month. At a minimum, Non-Exempt Employees will receive sick time as authorized under RCW 49.46.200-.210. All Employees are eligible to accrue sick leave to any

amount. Cash-out values, if any, are determined in the Collective Bargaining Agreements or separate individual sick leave contracts.

Employees may use sick leave for the following:

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

To allow the Employee to provide care for a family member with a mental or physical illness, injury, or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; or care for a family member who needs preventive medical care.

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

For absences that qualify for leave under the Domestic Violence Leave Act, Chapter 49.76 RCW.

For purposes of this section, "family member" means any of the following:

(a) A child, including a biological, adopted, or foster child, stepchild, or a child to whom the Employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

(b) A biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an Employee or the Employee's spouse or registered domestic partner, or a person who stood in loco parentis when the Employee was a minor child;

(c) A spouse;

(d) A registered domestic partner;

(e) A grandparent;

(f) A grandchild; or

(g) A sibling.

When an Employee is absent for more than 3 work days (24 consecutive work hours) on sick leave, the Employee may be asked to provide a physician's certification of illness, to document the illness or attest to their wellness to return to work.

Since regular attendance is an important component of satisfactory job performance, Employees are encouraged to maintain a reasonable level of sick leave to provide accruals for unanticipated events. In a city Sequim's size, chronic poor attendance impacts our ability to provide essential municipal services. In the event of ongoing below average attendance, Department Heads may review sick leave usage with Employees and request additional medical documentation in a manner consistent with applicable law. Abuse of Sick Leave may be cause for discipline, up to and including Discharge, except as provided under RCW 49.46.210 for Non-Exempt Employees.

The City may also request the opinion of a second qualified medical provider at the City's expense. The City may request an Employee be evaluated at City expense to determine whether the Employee suffers from a physical or mental condition that impairs their ability to perform the job.

7.10 Mandatory Paid Sick Leave (RCW 49.46.200-.210)

Reasonable Notice for Foreseeable Use of Paid Sick Leave by Non-Exempt Employees

> If an Employee's absence is foreseeable, the Employee must provide notice to their Department Head 10 calendar days in advance, or as early as practicable, before the first day paid sick leave is used. If possible, notification should include the expected duration of the absence.

Reasonable Notice for Unforeseeable Use of Paid Sick Leave by Non-Exempt Employees

> If an Employee's absence was or is unforeseeable, the Employee must make every effort to contact their Department Head before the required start of their shift or as soon as possible thereafter. As a best practice, and if circumstances allow, the Employee should provide notice as soon as the Employee learns of the need for paid sick leave. If it is not practicable for the Employee to provide notice, a person on the Employee's behalf may do so. If possible, this notification should include the expected duration of the absence. The City may request that the Employee submit an Employee Notice for Use of Paid Sick Leave form on the day of the Employee's return from paid sick leave.

Verification requirements for absences under RCW 49.46.200-.210 and more than 3 consecutive working days are set forth below. For care of the Employee or the Employee's family member, acceptable verification may include:

- A written or oral statement from the Employee indicating that the use of paid sick leave is necessary to care for the Employee or their family member for an authorized purpose;
- A doctor's note or a signed statement by a health care provider indicating that the use of paid sick leave is for care of the Employee or their family member for an authorized purpose; or
- Other documentation demonstrating that the Employee's use of paid sick leave is for care of the Employee or their family member for an authorized purpose.

Verification must be provided to the City within 20 calendar days of the first day an Employee used paid sick leave to care for themselves or a family member.

7.11 Part-Time or Temporary

Regular Part-Time Employees scheduled and budgeted to work a limited part-time schedule earn a prorated amount of time off leave based on their full-time equivalent hours worked, but in no event will they accrue less than one hour of sick leave for every 40 hours worked. Temporary Employees may be eligible for vacation or holiday accrual benefits and sick leave benefits as provided below. Benefit eligibility will be determined at the time a Temporary position is requested and as stated in the job description.

Temporary Non-Exempt Employees earn sick leave at a minimum of 1 hour for every 40 hours worked. If a Temporary Non-Exempt Employee is reinstated within 12 months after a prior end of service period, sick leave accruals up to 40 hours will be reinstated.

Regular Part-Time Employees scheduled (and budgeted) to work 20 hours per week or more will be covered by the City's health insurance, including medical, dental, and vision benefits.

Temporary Employees may be eligible for medical, dental, and vision benefits. Benefit eligibility will be determined at the time a Temporary position is requested and as stated in the job description.

7.12 Seasonal and Reserve Employees

Seasonal Employees scheduled and budgeted to work 40 hours per week or more are not eligible for City benefits, except as may be authorized under RCW 49.46.210.

Seasonal Employees are eligible for overtime pay as required by law. Seasonal Employees earn and may use sick leave in the same manner as set forth for Temporary Employees described above.

For purposes of complying with RCW 49.46.200-.210, Reserve Employees earn and may use sick leave in the same manner as set forth for Temporary Employees described above.

7.13 Pre-Authorized Leave of Absence Without Pay

An unpaid leave of absence is defined as an authorized absence from work for personal reasons. It also may be used if an Employee needs temporary Americans with Disabilities Act or ADA Amendments Act of 2008 (ADA/ADAAA) accommodations. It is a privilege that may be granted for a specific time period on a case-by-case basis with the approval of the Department Head and the City Manager.

If all leave balances are exhausted, Employees may request an unpaid leave of absence in writing to their Department Head. Benefits (sick leave, vacation, retirement contributions, health insurance) and service credits do not accrue while on unpaid leave, unless required by law. Health insurance, other than COBRA benefits, may be available, dependent upon the appropriate Teamster or AWC trust guidelines. Employees must continue to pay the employee share of premiums for every pay period that coverage continues, as required.

If leave extends beyond 30 calendar days, the Employee's Anniversary Date will be adjusted equal to the duration of the leave of absence unless otherwise required by law.

7.14 Unscheduled Leave of Absence Without Pay

An unscheduled leave of absence without pay is defined as an unscheduled absence from work for personal reasons not covered under any other forms of leave or after accruals have been exhausted. Benefits (sick leave, vacation, retirement contributions, health insurance) and service credits do not accrue while on unpaid leave. For sick leave by Non-Exempt Employees, the City complies with RCW 49.46.210. Repeated absences falling under this section may result in further discussions with the Department Head and Human Resources and could result in discipline.

7.15 Administrative Leave

On a case-by-case basis, the City may place an Employee on administrative leave with pay for an indefinite period of time. Administrative leave may be used in the best interests of the City as determined by the City Attorney and Human Resources during an investigation or other administrative proceeding. See also “Suspension” in the Discipline section.

7.16 Administrative Time Off

Eligible Exempt Employees may receive paid time off, as recommended by the Department Head and approved by the City Manager, for exceptional work extending beyond the Employee’s normal work hours, such as for special projects. This policy will be applied fairly and consistently across the Exempt Employee population. Such time will not be granted on a routine basis for regular meetings or normal work performed by the Employee.

7.17 Bereavement Leave

Regular Employees are eligible for up to 3 days of paid bereavement leave for an Employee to attend the funeral or memorial service for a member of their immediate family (as defined in Sick Leave section above). If more than 3 work days is needed or requested, earned vacation, sick leave, or compensatory time may be used.

If while on approved vacation time, an Employee has a death in their immediate family requiring the Employee to engage in activities typically covered by bereavement leave, the Employee may make a written request to the Department Head to convert the bereavement leave connected time from vacation leave to bereavement leave. The Department Head will consider the facts involved and then approve or deny the request.

7.18 Jury Duty and Witness Duty

Jury Duty: The City provides all Employees with paid leave to attend jury duty. Employees must provide their supervisor with a copy of the Jury Duty summons as soon as possible after it is received.

Employees who serve on Jury Duty during normal work hours will be paid their regular straight-time compensation for such service and should note the hours spent on Jury Duty appropriately on their timesheet.

1. An Employee who serves on Jury Duty on a scheduled day off during non-work hours is not entitled to receive regular compensation for such service. Time spent on Jury Duty during non-work hours or days off does not count toward an hourly Employee's overtime threshold.

2. When an Employee is not selected to serve on a jury or when dismissal time is at least two hours from the end of the Employee's normal work day, the Employee will immediately notify their supervisor.

3. If an Employee is summoned during a critical work period, the City may ask the Employee to request a waiver from duty.

4. Upon completion of Jury Duty, Employees are required to provide proof of jury service to their supervisor. To receive regular compensation for time served, Employees must complete and turn in to Payroll the Jury Duty service report form.

Witness Duty: All Regular Employees summoned to testify in court are allowed unpaid time off or may utilize their vacation time for the time period they serve as witnesses. Regular Employees who testify within their scope of duties will be paid as part of their regular compensation. However, every effort should be made to minimize time away from the job. Unless they are requested to stay at court, witnesses should return to work after their testimony.

7.19 Time Off for Union Business

Employees who are union officers will conduct official union business during off-duty hours (unless such meeting during working hours is mandated by a Collective Bargaining Agreement or the Public Employee Relations Act). Any solicitation of members, distribution of union literature, or internal union business must be on non-work time. The use of any City facility for union-related business is discouraged and is subject to advance approval of the affected Department Heads.

7.20 Domestic Violence Leave (RCW 49.76)

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

- Seek legal or law enforcement assistance or remedies to ensure the health and safety of the Employee or Employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;

- Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the Employee's family member;

- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crisis center, or other social services program for relief from domestic violence, sexual assault, or stalking;

- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the Employee or the Employee's family member was a victim of domestic violence, sexual assault, or stalking; or

- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the Employee or Employee's family members from future domestic violence, sexual assault, or stalking.

The Employee may elect to use accruals, which includes using paid sick time available under RCW 49.46.210, or may take unpaid leave. Domestic violence leave, including documentation of such leave, will be applied and administered in accordance with the provisions of the State Domestic Violence Leave law.

Nothing in this section will be construed to provide greater or lesser leave rights to Employees who are victims of domestic violence, sexual assault, or stalking than those required by Chapter 49.76 RCW. Employees requesting Domestic Violence leave will be required to notify Human Resources for the required forms.

7.21 Washington Paid Family Medical Leave (PFML)

Paid Family and Medical Leave is a mandatory statewide insurance program. Qualifying Employees are allowed to take up to 12 weeks, as needed, if they:

- Welcome a child into their family (through birth, adoption, or foster placement);
- Experience a serious illness or injury;
- Need to care for a seriously ill or injured relative; or
- Need time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.

Employees will provide written notification to the City as soon as the need to use PFML is identified or as soon as possible after the event. Additionally, the Employee on PFML is expected to document on their timesheet that time off (paid or unpaid) is being taken under PFML.

For specifics on military-connected paid leave, visit
https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs28mc.pdf

Employees facing multiple events in a year might be eligible to receive up to 16 weeks, and up to 18 weeks if the Employee experiences a serious health condition during pregnancy that results in incapacity.

7.22 Payment of Premiums

The Washington Paid Family Medical Leave program is funded by premiums paid by both Employees and Employers. It is administered by the Employment Security Department (ESD) and premium collection began January 1, 2019. The City calculates and withholds premiums from an Employee's paycheck and sends both the Employee's share and the City's to ESD on a quarterly basis.

Starting January 1, 2020, Employees who worked 820 hours in the qualifying period (equal to 16 hours a week for a year) were able to apply to take paid medical leave or paid family leave. The 820 hours are cumulative, regardless of the number of employers or jobs an Employee has during a year. All paid work over the course of the year counts toward the 820 hours, including Part-Time, Seasonal, and Temporary work. While on leave, Employees are entitled to partial wage replacement. That means the Employee will receive a portion of their average weekly pay. The benefit is generally up to 90 percent of their weekly wage, with a minimum of $100 per week and a maximum of $1,000 per week. Employees will be paid by ESD rather than the City. The City will not supplement this benefit through simultaneous use of Employee's accruals.

Employees who return from leave taken under this law will be restored to a same or equivalent job if they have worked for the City for at least 12 months, and have worked 1,250 hours in the 12 months before taking leave (about 24 hours per week, on average). Employees keep City-provided health insurance while on leave. If Employee contributes to the cost of health insurance, Employee must continue to pay their portion of the premium cost while on leave.

The City will not discriminate or retaliate against an Employee for requesting or taking paid leave.

7.23 Family Medical Leave

The City complies with the federal Family Medical Leave Act (Federal FMLA) and all applicable Washington State laws. This section is intended as a summary of these statutes.

The Federal FMLA supersedes the Washington Family Leave Act (FLA) where the provisions overlap. The FLA runs concurrently with FMLA **except** during certain FMLA

military leave and pregnancy disability leave, which is discussed below. FMLA provides up to 12 weeks of unpaid (or paid with earned accruals) job-protected leave every 12 months to eligible Employees for certain medical and family reasons. Under FMLA, if Employees exhaust their paid accruals during their leave of absence, the City will continue to pay Employees' health insurance premiums for this time period. To be eligible, Employees must have worked for the City at least one year and must have worked 1,250 hours over the previous 12 months.

Reasons for taking FMLA to cover absences from work include:

- The birth and care of the newborn child of an Employee;
- Placement of a child for adoption or foster care with the Employee;
- To care for an immediate family member (spouse, State-registered Domestic Partner, child, or parent) with a serious health condition; or
- To take medical leave when the Employee is unable to work because of their own serious health condition.

For purposes of this FMLA policy, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

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

Unless serious complications arise, the flu, earaches, upset stomach, minor ulcers, headaches other than migraines, routine dental problems, and periodontal disease are examples of conditions that are <u>not</u> considered serious health conditions that qualify for Federal FMLA leave.

Federal FMLA is taken in a rolling 12-month period measured from the first date the Employee uses any Federal FMLA leave. Going forward, each time the Employee uses Federal FMLA leave, the remaining leave entitlement would be the balance of the 12 Work Weeks that have not been used. If a medical need arises for an additional 12-month period, it would begin the first time the Employee takes Federal FMLA leave after the completion of the prior 12-month period.

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 business 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.

The City requires Employees to use accrued paid sick leave during FMLA leave in circumstances where Washington State law and City policies allow the use of sick leave. If the Employee has any sick leave available for the kind of FMLA leave being taken, the Employee must use that paid sick time effective the first day of FMLA leave. If sick leave is used for a purpose for which FMLA leave would be available, it is the City's policy to count that leave against the Employee's FMLA leave allowance. Employees may use vacation time during FMLA leave at the Employee's own discretion.

7.24 Notification

When the need to use Federal FMLA leave is foreseeable more than 30 calendar days before the need arises, Employees seeking to use Federal FMLA leave must provide 30-days' advance notice of the need to their supervisor. If leave is foreseeable fewer than 30 days in advance, Employees must provide notice as soon as practicable to their

supervisor – generally the same or next business day. When Employees ask their supervisor to take Federal FMLA leave, the supervisor must notify the Employee of the eligibility, rights, and responsibilities under Federal FMLA or direct the Employee to Human Resources for this information. Employees must provide sufficient information for the City to reasonably determine whether Federal FMLA applies to the leave request. When the City has enough information to determine that leave is being taken for a Federal FMLA-qualifying reason, the City must notify the Employee that the leave is designated and will be counted as Federal FMLA leave.

7.25 Certification

When an Employee requests Federal FMLA leave, Human Resources will provide a form (Certification WH-381) to take to their health care provider. The Employee must have the form completed by the health care provider and returned to Human Resources within 15 calendar days. Human Resources will then provide the Employee with a second form (Designation WH-382) notifying the Employee about leave approval. If sufficient information is not provided in a timely manner, the Employee's leave may be denied.

The City may require a second or third opinion (at City expense), periodic recertifications 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 designation to Employees who do not provide proper advance notice of a foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

7.26 Returning from Federal FMLA Leave

Employees who do not return to employment with the City after Federal FMLA leave may be required to repay benefits paid by the City during Federal FMLA leave.

Upon return from Federal FMLA leave for an Employee's own serious health condition, medical certification of fitness to return to duty is typically required. Employee will be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment in accordance with Federal FMLA guidelines.

For additional information regarding Federal FMLA and City compliance, see 29 CFR Part 825.

7.27 Washington Family Care Act

The Washington Family Care Act (WFCA), RCW 49.12.265, allows Employees with available leave or other paid time off to care for sick family members in addition to children under age 18 in the following circumstances:

- to care for a child with a health condition that requires treatment or supervision;
- to care for a spouse, parent, parent-in-law, or grandparent, who has a serious health condition or an emergency health condition;
- a condition warranting treatment or preventive health care such as physical, dental, optical, or immunization services, when a parent must be present to authorize the treatment and when sick leave may otherwise be used for the Employee's preventative health care; and
- to care for children 18 years and older with disabilities that make them incapable of self-care.

Grandparents-in-law, grandchildren, and siblings are not covered by the WFCA. An Employee who does not have any paid leave available cannot take leave under the WFCA.

7.28 Maternity Leave Under Washington Family Leave Law

The City will provide maternity disability leave in addition to an eligible Employee's right to take 12 weeks of leave under FMLA for all female Employees for the period of actual disability associated with pregnancy and childbirth. In the case of a pregnancy- or childbirth-related disability, the Washington Family Leave Act allows an Employee to request maternity leave for the full period of disability without reducing any leave entitlement under FMLA. This leave is in addition to FMLA, and is only for a pregnancy- or childbirth-related disability where a physician has certified that the Employee is medically unable to perform the normal duties assigned to her position. This leave runs consecutively with FMLA (beginning when FMLA ends); thus a pregnant Employee with no complications in the pregnancy or childbirth is generally entitled to 18-20 weeks of leave (12 weeks under FMLA and 6-8 weeks physical disability leave).

During this leave period the Employee is required to use all accrued benefit balances. If such balances run out, the remainder of this leave will be unpaid, and the Employee will be required to pay all necessary health premiums if coverage is required. Employees will be required to provide a statement from their health care provider verifying the need for the leave, along with its beginning and end dates. At time of return to work, a medical certification for fitness for duty is required. Also, in the event the City's circum-

stances have changed so that the Employee cannot be reinstated to the same position, she will be reinstated in another position that is vacant and for which she is qualified.

7.29 Military Leave

The City provides all Employees leave while performing military service in accordance with Federal and State law. Military service includes active military duty and Reserve or National Guard training. Regular Full-Time and Part-Time Employees are guaranteed paid military leave of up to 21 days per year for military service. Employees are required to provide Human Resources with copies of their military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable Federal and State law (RCW 38.40.060).

The Uniformed Services Employment and Reemployment Rights Act (USERRA, (38 USC §§ 4301-4335) protects civilian job rights and benefits for veterans and members of Reserve components. USERRA establishes the length of time an Employee may be absent from work for military duty and retain reemployment rights to 5 years. It ensures that returning service-members are reemployed in the job they would have attained had they not been absent for military service, with the same seniority, status, and pay.

7.30 Military Leave under Federal FMLA

Under the Federal FMLA, an eligible Employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured servicemember who is the Employee's spouse, parent, child, or next of kin. A covered servicemember is a current member of the Armed Forces, including a National Guard or Reserves member, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform their duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered servicemember may also be a veteran who was a member of the Armed Forces any time during the 5 years preceding their need for medical treatment, recuperation, or therapy for a serious injury or illness, where the injury or illness was incurred or aggravated in the line of duty. For purposes of this kind of leave, the 12-month period begins with the first day the Employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.
Additionally, the City will provide 12 weeks of FMLA leave to the immediate family members of Reservists and members of the National Guard for "qualifying exigencies" arising out of the fact that the Employee's spouse, son, daughter, or parent is a covered military member (including those in the regular Armed Forces, the National Guard, or the Reserves) who is on active duty, or has been notified of an impending call to

covered active duty, and who has been or is being deployed to a foreign country. Qualifying exigencies are generally activities related to the active duty or call to duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

7.40 Military Family Deployment Leave

The Washington State Military Family Leave law allows an Employee whose spouse is an active member of the U.S. Armed Forces, National Guard, or Reserves to take a total of 15 days unpaid leave when notified of impending deployment or whose spouse has been deployed or is on leave from deployment (see RCW 49.77).

7.41 Other Leave

Not all details concerning State or Federal leave are covered in this Manual. If an Employee needs to take family leave, please discuss these provisions with the appropriate Department Head and with Human Resources to complete the required forms.

CHAPTER 8 - PERFORMANCE, EVALUATIONS, DISCIPLINE, & RECOGNITION

8.1 Purpose

The City seeks to provide the highest quality services to the Sequim community. Promoting honest communications and continuous improvement in customer service are the foundations for our performance standards and the evaluation programs we have established for Employees. Personal development and changes in the work environment require an ongoing commitment to growth in skills and expertise from all City personnel who interact with each other and the public. The City is supportive of Employees who seek to expand the knowledge and training relevant to their work and our evaluation and recognition programs assist in this. The City also intends to establish a fair and consistent disciplinary process when performance issues do arise.

8.2 Performance Evaluation Process

To achieve the City's goal to train, promote, and retain the best qualified Employees for every job, we conduct periodic performance evaluations for all positions. Performance evaluations are designed to ensure open and ongoing communication, motivate and develop Employees to their fullest potential, and clarify roles and expectations between supervisors and Employees. The supervisor will provide feedback to the Employees they supervise to:

- Communicate the tasks, responsibilities, and performance criteria of each position,
- Develop goals, objectives, and work plans, and
- Provide the tools and resources in support of Employees reaching their established goals.

Generally, Employees will be evaluated by their supervisor prior to completion of their Probation period and then at least annually in writing. While the City deems performance evaluations as valuable, the City has no obligation to complete performance evaluations before Discipline or Discharge of At-Will Employees.

8.3 Discipline

The City values Employees who exercise self-discipline when performing their jobs, and expects that they will do so. The City also believes that external discipline can be positive if it is honest, constructive, timely, and provided in the best interests of the Employee and the City. When instruction, training, mentoring, or coaching and counseling fail to resolve an ongoing problem, progressive discipline will be used to provide sufficient opportunity for the Employee to understand and correct the issue unless circumstances warrant otherwise. Such circumstances may include cases where the Employee's conduct is of such a serious nature that written reprimand, suspension, demotion, or Discharge is justifiable, even on a first offense. The City retains the right to discipline and Discharge Employees for misconduct not specified in a policy.

An Employee's refusal to sign any disciplinary document does not negate the effect of the document.

8.4 Coaching and Counseling

As part of ongoing supervisory duties and good communication practices, supervisors may utilize instruction such as coaching or counseling, which is not considered disci-

pline[4]. If a supervisor deems coaching and counseling appropriate for a particular Employee, the supervisor will consult Human Resources and the City Attorney before requiring a particular course of action. Coaching and counseling may run concurrent with any disciplinary process.

8.5 Performance Improvement Plan

If an Employee is not performing to the City's standards, the supervisor may, but is not required to, establish a Performance Improvement Plan (PIP), as follows:

1. Identify the problem and then meet with the Employee to discuss;
2. Work with the Employee to design specific job goals and methods to achieve those goals; and
3. Set a reasonable time period to adequately assess progress and job performance skills.

The supervisor should inform the Employee that continued employment in their current position is dependent on the ability to meet criteria contained within the PIP. If the Employee fails to improve in the time frame specified, the Employee is subject to additional discipline, including Demotion or Discharge. PIPs should be limited to one plan and should not exceed 6 months. The status of At-Will Employees remains unchanged regardless of the existence or completion of a PIP.

8.6 Disciplinary Process

The City of Sequim believes that our Employees are motivated to do what is best and that they are accountable for their actions. Rules of conduct are established so we can all work together in an effective and efficient manner to provide the best public services to the community. These disciplinary procedures are intended as a guide to assist supervisors and Employees by describing unacceptable conduct and providing consistency in the steps taken to correct it.

Actions and behaviors that are unreasonable, offensive, threatening, detrimental to the City's interests, or disruptive to the safety of others will not be tolerated. The following list contains examples of actions that are detrimental to the City and may result in discipline to the Employee, up to and including Discharge. This list is not all-inclusive; it is provided as guidance.

[4] Coaching and counseling is considered discipline for law enforcement officers pursuant to Washington State law.

- Misrepresentation or withholding of pertinent facts in securing employment. (An individual who supplies false or misleading information to the City in the hiring process is subject to immediate Discharge, without regard to the length of time the Employee has been employed by the City.)
- Violation of the City's Anti-Discrimination, Anti-Harassment, or Retaliation policies.
- Unauthorized use, misuse, possession, destruction, damage, or waste of City facilities, supplies, and/or property.
- Use of City position for personal gain or advantage, accepting unlawful gratuities or bribes, or disclosing confidential information.
- Violation of the City's computer, internet, and telephone use policy.
- Failure to report an occurrence causing damage to public or private property.
- Failure to properly secure City facilities or property.
- Violation of duties or rules in this Manual.
- Unauthorized use or misuse of machines, tools, or equipment to which the Employee has not been specifically assigned.
- Unauthorized recording or alteration of an Employee's time card.
- Excessive absenteeism and/or habitual lateness for work; absence without proper notification to immediate supervisor.
- Neglect of duty, including sleeping on the job, failing to perform assigned duties, performing those duties in an unsatisfactory manner, or failing to assist others in a work situation.
- Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of other Employees, on or off premises.
- Disorderly conduct, including threats or actual violence, fighting, rudeness, discrimination, intimidation, coercion, use of obscene language or gestures, or lack of courtesy to customers, the public, or fellow Employees.
- Intentional falsification of records/paperwork required in the transaction of City business.
- Failure to fully cooperate with a City investigation.
- Inability, inefficiency, negligence, or Insubordination, including a refusal or failure to perform assigned work; concealing defective work.
- Failure to observe safety practices, regulations, and instructions; negligence that results in injury to others; failure to wear required safety clothing and equipment.
- Failure to promptly report to immediate supervisor an on-the-job injury or accident involving an Employee, equipment, property, or a visitor.
- Dishonesty, theft, or making false declarations, including false declarations to hide errors.
- Deliberate destruction, damage, or removal of public or private property from the premises or any job site.
- Possession, use, sale, or being under the influence of alcohol or un-prescribed controlled substances while on City business (including Standby duty); abuse of prescription or non-prescription drugs, or violation of City drug and alcohol policies.

- Possession of explosives or firearms on the premises or at any job site unauthorized by City policy.
- Committing a crime, regardless of whether charged or not.
- Engaging in off-duty misconduct that interferes with an Employee's ability to do their job or reflects negatively on the City.

The City may discipline or Discharge Employees for other reasons not stated above.

The Department Head will consult with Human Resources prior to determining the level of discipline. The choice of discipline will be based on a consideration of the totality of circumstances and is at the City's sole discretion.

The City reserves the right to discipline or Discharge an Employee without resorting to prior disciplinary measures if, in the discretion of the City Attorney and Human Resources, no progressive disciplinary steps are necessary. Nothing in this section should be construed as requiring progressive discipline or as promising specific treatment in specific situations.

8.7 Progressive Discipline

When a supervisor advises an Employee of a conduct violation or performance deficiency and instructs the Employee on what corrective action needs to be taken, the supervisor should make sure the Employee understands the problem and the needed corrective action.

Once informed, the Employee is responsible for taking appropriate action to meet the objectives established by their supervisor. If an Employee fails to correct work performance or behavior, disciplinary action may become more severe at each ensuing level and may result in Discharge. Discipline will be administered by the Employee's supervisor as soon as possible; however, a serious violation can be corrected by any supervisor immediately. Management will review each situation independently and decide on the appropriate discipline, up to and including Discharge for the first offense. A decision to use progressive-type discipline in any given case is an attempt to improve performance or behavior, but does not change any At-Will nature of the employment relationship. For Represented Employees, the City will adhere to procedures set forth in the applicable Collective Bargaining Agreement.

As a guideline, at the discretion of the City, progressive disciplinary action on the same performance issue generally takes the following form unless circumstances warrant otherwise: 1) written reprimand, 2) Suspension, 3) Demotion, 4) Discharge.

1. Written reprimand: A written reprimand should clearly identify the problem and outline a course of action within a specific time frame. It should state the consequence if the problem is not corrected. The Employee must sign to acknowledge receipt of the written reprimand and may include their comments. The written reprimand is kept in the personnel file indefinitely.

2. Suspension without pay: This step is typically used to ensure the Employee realizes they must take immediate action or face Discharge. An Employee may be placed on Suspension for a period of days or weeks based on the seriousness of the violation. Suspension should be accompanied by a written letter, which also may be accompanied by a Last Chance Agreement. The Last Chance Agreement should state that this is the Employee's final warning and that upon return to work if performance or behavior does not improve immediately the City will Discharge the Employee.

   Note regarding Exempt Employees: Washington State law allows *unpaid* Suspension in increments of less than one week only for violations of safety rules of major significance. Unpaid Suspensions for non-major violations must be in full-week increments.

   Paid Suspension may be used on a case-by-case basis. An Employee may be placed on paid Suspension for an indefinite period of time as determined by the Employee's supervisor and Human Resources, after consultation with the City Attorney. Paid Suspension may also be used during the pendency of an investigation or other administrative proceeding if deemed to be in the City's best interests.

3. Demotion: Demotions may be temporary or permanent. This form of discipline is administered as a result of a severe infraction of rules or standards, for repeated lesser violations, or when an Employee has demonstrated an inability to competently perform the duties of their assigned position.

4. Discharge: Discharge occurs when the City ends an Employee's employment for violation of rules of conduct set forth in this Manual or such other Manual as may be adopted by a City department.

The City may choose to discipline at any level including Discharge. Progressive discipline is at the City's sole discretion and does not change the At-Will status of an Employee.

For disciplinary process information regarding Represented Employees and commissioned police officers, we refer to the applicable Collective Bargaining Agreement and the Civil Service Commission Rules.

8.8 Pre-Disciplinary or Pre-Discharge Hearings for Represented Employees

A pre-disciplinary hearing (or *Loudermill* hearing) for Represented Employees will be conducted in the following manner before any disciplinary action is imposed that results in a decrease or loss of pay or benefits. The pre-disciplinary hearing serves as a check against mistaken decisions and provides an opportunity for the Employee to furnish additional facts before a disciplinary decision is finalized.

If a Department Head wants to suspend, demote, or Discharge an Employee, after consultation with Human Resources and the City Attorney, the Employee will be provided with a Notice of *Loudermill* Hearing. This notice includes a preliminary intent to take disciplinary action, an explanation of the charges and facts upon which the preliminary intent to discipline is based, and the date and time at which the hearing will occur. A copy of this notice will be provided to the Employee's Union representative. If the Employee fails to appear at the hearing without having provided at least 72 hours' prior notice and a reason for such inability to appear, or if the Employee refuses to appear, the disciplinary action may proceed.

Loudermill hearings will be presided over by the City Manager, Department Head, or designee. A Human Resources representative and the City Attorney will also be present. The hearings are intended to be informal. The Employee may use this opportunity to show cause as to why they should not be disciplined. The Employee may bring one person to the hearing as a representative, which may include the Employee's Union representative.

Note: Represented Employees may also have a representative present in any investigatory interview with a supervisor that an Employee reasonably believes may result in discipline.

Usually within 10 calendar days after the hearing, the person presiding over the hearing will issue a decision regarding whether there are reasonable grounds to believe the charges against the Employee are true and support the recommended disciplinary action. The decision may include whether to accept the disciplinary action as recommended, to impose lesser discipline, or to impose no action. Written notice of the decision will be provided to the Employee and to the Union representative (if the representative attended the hearing). A longer review period may be required for more complex situations.

Probationary Employees who have not completed their Probation period with the City are not eligible for pre-disciplinary or pre-Discharge hearings and may be Discharged at any time.

8.9 Name-Clearing Hearings

A name-clearing hearing is required when stigmatizing information[5] regarding the reasons for an Employee's discipline or termination is publicly disclosed. Simply placing a document in the Employee's personnel file amounts to publication of stigmatizing information if the document includes information as to the Employee's misconduct. Under the Public Records Act, disciplinary records that reflect substantiated allegations of Employee misconduct must be disclosed, so a hearing must be held. This hearing may occur either before or after termination.

8.10 Employee Personnel Records

The Human Resources Department maintains an official personnel/work history file for each Employee in a central filing system and these files are kept confidential to the extent permitted by law (RCW 42.56.320(2) and 42.56.250).

Supervisors may maintain a file containing relevant information and performance notes on Employees they directly supervise to aid the supervisor in writing performance evaluations. Supervisors are required to provide a copy of the performance evaluations they conduct on their staff to Human Resources to be kept in the Employee's personnel file. Employee medical-related information is kept separate from the Employee's personnel file and is only reviewed on an as-needed basis by Human Resources or the Department Head.

Employees have the right to review their file with proper notice. An Employee wishing to review their personnel file should contact Human Resources to schedule a time to do so. An Employee may obtain a copy of information contained in their personnel file. Per ordinance, the City may charge a copy fee for providing copies. Employees who believe erroneous information has been placed in their personnel file may request that the Department Head or the City Manager remove that information. If the request is denied, the Employee may file a written rebuttal statement to be placed in their file.

[5] Examples of "stigmatizing information" include lying on an employment form; dishonesty, including theft and lying; taking or selling illegal drugs; prostitution; sexual harassment; accepting kickbacks or favors as a public employee. Examples of what does not constitute "stigmatizing information" are attendance issues; tardiness; horseplay; disputing supervisory authority; performance issues, including incompetence.

8.11 Employee Recognition (Approved by City Council on 5/23/2022)

The City of Sequim truly values its Employees and would like to show its appreciation by providing a meaningful remembrance for years of public service, at incremental intervals, and for exceptional performance at any time. The goal of this program is to foster a sense of pride in affiliation with the City, and promote safety, productivity, reliability, efficiency, dedication, and commitment to the community. This program recognizes our City values of integrity, stewardship, positive attitude, respect, team-work, customer service, and continuous learning. The City Council endorses this program through adoption of the Human Resources budget.

A. Years of Service Awards

Regular Full-Time and Part-Time Employees who complete 5, 10, 15, 20, 25, 30, and 35 years of service are eligible for a length of service award up to the following amounts:

5 years of service	$50
10 years of service	$100
15 years of service	$150
20 years of service	$200
25 years of service	$250
30 years of service	$300
35 years of service	$350

The eligible Employee selects from the following (to appropriate amount):

- Clothing item with city logo;
- Donation to charity of employee's choice;
- A gift card to local business [note this option is IRS taxable to employee and the City]; or
- A professionally appropriate award mutually agreed upon by Employee, Department Head, and Human Resources.

The years of service award will be presented to the Employee publicly at the year-end recognition event. An Employee may choose not to accept the award publicly, in which case their name will be acknowledged.

B. Recognition Options

City departments may provide awards and hold special events to recognize and publicly acknowledge the contribution of its Employees. Such events and awards emphasize City values and achievements of organizational goals by:

- Public acknowledgement by the City Manager, Elected Officials, or Department Heads of Employee excellence and/or achievement by the City Manager, Elected Officials, or Department Heads.
- Presentation of an individual award such as a certificate, plaque, or other recognition memento.
- Recognition and celebration of group success and achievement.
- Celebratory meals or light refreshments with the purpose of honoring Employees.
- Supervisors are strongly encouraged to verbally recognize Employee achievements on an ongoing basis.

C. Employee Group Recognition Options

The City desires to provide recognition events. For specified events, Employees may bring only one guest. Events should be appropriately planned and budgeted.

D. Employee Retirements

City funds up to $200 may be use by a department and Human Resources to defray the cost of light snacks and a commemorative gift on the occasion of an Employee's retirement. For those Employees who have 10 years of service or more, the Department Head may also give the retiring Employee a formal recognition by presenting a Resolution to the Employee honoring their service at a City Council meeting.

Resignations typically do not involve the same level of public purpose as retirement events. At the City Manager's discretion, City funds may be used to defray the cost of light snacks and beverages for a resignation event.

The City Manager is authorized to create and provide funding for Employee recognition programs designed to create good will, provide incentives to encourage Employee excellence, and to recognize Employee accomplishments and tenure. Recognition programs may include, but are not limited to, events and items of appreciation. Funding for a City-wide recognition program may be included in the City budget. This program is subject to the availability of budgeted funds as determined by the City Council each year when setting the annual budget for the City.

E. Departmental Employee Recognition

To recognize the value of dedicated, creative Employees to the success of each department's Key Performance Indicators, Department Heads are allowed a certain amount within the annual budget from which to purchase tokens of appreciation such as food, flowers, plaques, pins, or city logo wear for the Employees who report to them. Purchases must not exceed the annual budgeted amount.

The Internal Revenue Service classifies cash and gift certificate awards as taxable income; therefore, the Department Head must ensure that the total value of all unexcluded recognition items received by an Employee in a given year will not exceed the non-taxable de minimis limit set by the IRS.

The Administrative Services Department has established the amount of $100 as the annual de minimus value for Employee recognition items, based on its determination that accounting for amounts lower than $100 is unreasonable or impracticable.

The annual budget allocation for each Employee is based upon the de minimus value established above, times the number of budgeted Employees for each department. This annual amount will be reflected as a separate line item in the Human Resources budget. As Department Heads request awards for their staff from the Human Resources budget, Human Resources will track each Employee award to ensure compliance with this policy.

Exclusions: The meals, snacks, trinkets, logo wear or other items that might be provided to staff in the following circumstances are excluded from the calculation of the $100 de minimus:

- Working lunches/training sessions
- City Council, Commission, and Board meetings
- Department celebrations
- All City Staff meetings
- Annual Recognition Events
- Summer Picnics

CHAPTER 9 – WORKPLACE SAFETY

This chapter applies to Volunteers and Elected Officials as well as Employees, unless otherwise noted.

9.1 Purpose

The City of Sequim is committed to providing and maintaining a safe workplace. All Employees, Volunteers, and Officials on City property or conducting City business are responsible for following all safety rules and procedures at all times and to use safety equipment and clothing as required. Department Heads are responsible for following safety guidelines and ensuring compliance with safety standards at each work site.

9.2 Summary of Injury or Accident Procedure

If an Employee observes a potentially hazardous or unsafe condition on City property or during City operations, they must promptly report it to their supervisor. Employees with the requisite knowledge and skills can take action to fix a minor situation if in their judgment it is wise to do so. The City will make every effort to remedy problems as quickly as possible.

Any injury sustained on the job by an Employee must be reported to the supervisor immediately. In case of an accident involving personal injury or damage to City property, regardless of how minor, Employees must immediately notify their supervisor and complete a report of accident form. The supervisor will promptly evaluate any injury or suspected injury and assist in securing appropriate medical assistance. First aid or other treatment required should only be administered by qualified practitioners. In follow-up, the supervisor will complete the accident investigation report form. See the City of Sequim's Safety Manual for more detail on safety rules and procedures.

9.3 Safety Committee

To further encourage a safe and healthy workplace, the City has established a Safety Committee and safety program as delineated in WAC 296-800-13020. New Employees will receive a list of applicable safety rules and procedures as part of departmental orientation.

The Safety Committee will be comprised of 6 persons consisting of 4 Employee-selected positions and 2 Employer-selected positions. Employee-selected positions must exceed the Employer-selected positions and must include at least one management representative. The Safety Committee must meet at least monthly, or more often if

agreed upon by the Committee. The Safety Committee reviews accidents and recommends corrective actions, documents attendance, and prepares minutes that must be retained by Human Resources for at least one year.

9.4 Declared Emergencies and Severe Weather Conditions

During times of unusual inclement weather or disaster, the City will continue to operate and provide vital public services unless the City notifies Employees otherwise. Responding to emergencies and leading or assisting recovery efforts are an important function of the City and its Employees. Therefore, it is expected that Employees will make every reasonable effort to report to work without endangering their personal safety or that of their family members.

The City Manager or designee has the right to make decisions regarding emergency closures in the best interests of safety. In the event of a City-designated office closure, Employee emergency contact information will be used to notify Employees who are not at work at the time the decision is made. When a City-designated closure prevents Employees from working, they will be compensated at their normal rates.

If the City Manager has not designated City office/facility closures, an Employee who is unable to get to work (or leaves work early because of weather conditions) may utilize accruals or leave without pay. As in any other case of absence or late arrival, Employees should notify their supervisor as soon as possible.

In the event of declared emergency circumstances, the City of Sequim Comprehensive Emergency Management Plan, located in the Police Department, establishes specific procedures to follow.

9.5 Light Duty

This policy intends to establish consistent, equitable light duty practices across departments. It does not in any way guarantee that light duty will be available at any given time. Light duty is only available to Employees who have medical restrictions or limitations due to a work-related injury or illness covered by Labor & Industries. Light duty is different from accommodations that may be made under other legal provisions, such as the ADA. (Please refer to Chapter 2 for reasonable accommodations for non-work related injuries.) The availability of light duty assignments depends on the Employee's medical restrictions or limitations delineated by their medical provider and the City's operational business needs. Temporary light duty assignments are intended to help

bring injured Employees back to work as soon as possible and help reduce workers' compensation and other related costs.

The City may, at its sole discretion, offer Employees temporary light duty assignments if the City has work available that meets the Employee's medical restrictions and limitations. Light duty is intended to be temporary, and in no instance will light duty extend beyond 12 months. The City will not create new positions to accommodate light duty restrictions.

Employees may be eligible for a light duty assignment if:

- Employee is in a regular Full-Time or Part-Time position,
- Employee has a short-term injury, illness, or disability that prevents them from performing the full scope of their job duties,
- Employee is expected to recover from the injury, illness, or disability and return to full job duties, and
- Light duty work is available.

An Employee who would like to request assignment to light duty must provide Human Resources with: 1) a signed statement from a health care provider describing restrictions, limitations, expected duration, and any workplace accommodations or mobility aids that may be required, and 2) a verbal, handwritten, or typed request for light duty.

Once assigned light duty, the Employee must:

- Coordinate their required doctor visits and related treatment appointments in advance with their supervisor to appropriately account for any sick leave time taken.
- Promptly notify their supervisor after each visit to their health care provider of any change in restrictions or limitations as determined and documented by the health care provider.
- Provide the health care provider's note with clear instructions as to limitations to Human Resources from a doctor visit no less than once every 60 calendar days. Human Resources may require additional documentation from the Employee's treating health care professional.
- Ensure their physical activity stays within the medical and physical guidelines prescribed by their medical provider.

It is the supervisor's responsibility to:

- Determine what, if any, light duty work exists based on the City's operational needs and services and the Employee's medical restrictions and limitations.

- Write a temporary light duty job tasks description and forward a copy to Human Resources.
- Estimate the length of time light duty tasks may be available and review it periodically.
- Monitor the Employee's physical activity at work so the Employee stays within their medical provider's physical restrictions.
- Keep the Department Head apprised of the Employee's ability to perform the light duty assignment.
- Advise Human Resources when no more light duty work is available.

Human Resources will review all updates from the health care provider at least every 60 calendar days to determine whether light duty is still required. Before returning to full-duty status, Employees are required to provide a statement signed by their health care provider to Human Resources indicating that they are medically cleared to perform the essential job functions of their assignment with or without reasonable accommodation. The City reserves the right to require a fitness-for-duty examination, paid for by the City.

Probationary Employees who are assigned to a temporary light duty assignment will have their Probation extended by a period of time equal to the light duty assignment time.

Nothing in this policy prevents an Employee's right to seek reasonable accommodation as provided by Federal and State law. At the end of a light duty assignment, in order to continue working, the Employee must be able to perform the essential functions of their regular job. If an Employee is disabled, the Employee must be able to perform the essential functions of their regular job with reasonable accommodations if reasonable accommodation is necessary and available.

The City is not obligated to assign or continue light duty as it is based on the City's operational needs and restrictions imposed by the Employee's physician on the Employee.

9.6 Workers Compensation Program

All Employees are covered by Washington State Department of Labor and Industries (L&I) workers' compensation in the event of on-the-job injuries or job-related illnesses. City Volunteers (RCW 51.12.035) and Elected Officials (RCW 51.32.010; 51.12.020; WAC 296-17A-5305) are also covered by workers compensation laws.

All Personnel must report all job-related accidents or illnesses immediately to their supervisor.

In order to claim worker's compensation benefits due to an on-the-job accident or exposure, the person must seek medical treatment and file a claim. If the person filing a claim is an Employee, they may choose to keep the L&I reimbursement payments or assign the L&I reimbursements over to the City. If the Employee signs over the L&I reimbursement to the City, the City will continue to pay the Employee through use of the Employee's accrued leave time. This policy is to ensure that Employees will receive prompt and regular payments during periods of incapacity so long as accrued leave is available, while ensuring that no Employee receives more than they would have received had the incapacity not occurred. Upon repayment of the funds advanced, an appropriate amount of accrued leave will be reinstated to the Employee's account. Willful failure to repay the City for any duplication of benefits as required by this policy will be considered fraud and will subject the Employee to discipline, up to and including Discharge.

The City may require an Employee to undergo a physician's examination at the City's expense, performed by a physician of the City's choice, to determine when the Employee can return to work and if they will be capable of performing the duties of the position.

9.7 Prevention of Workplace Violence

The City is committed to providing, insofar as it reasonably can, a safe working environment. The City will not tolerate acts or threats of violence by any person in or about City facilities at any time. The word "violence" in this policy means an act or behavior that: 1) is physically assaultive; 2) communicates threat to harm or endanger the safety of another individual; 3) is perceived by a reasonable person as menacing or carrying potential harm to the individual; or 4) involves displaying weapons, destroying property, or throwing objects in a hostile manner.

All Employees have a duty to warn their supervisor or other appropriate person of any suspicious workplace activity or incidents they observe to be potentially problematic and related to violence. Human Resources should also be notified if the activity involves Employees. Reports made pursuant to this policy will be held in confidence to the maximum possible extent consistent with law and as necessary to conduct a thorough investigation. The City will not condone any form of retaliation against any person who makes a good faith report under this policy.

The City will take prompt disciplinary action against any Employee or Volunteer who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.

9.8 Imminent Danger/Violence Incident Procedure

Any Employee who reasonably believes that a situation with an aggressive Employee, citizen, or any other person may become violent and put the Employee or others in imminent danger, should promptly leave the work area and report the situation to their supervisor, Human Resources, or a Department Head. No disciplinary action will be taken against any Employee who leaves a work area under these circumstances. The supervisor should take immediate action and contact Human Resources and a Department Head as soon as possible to determine the appropriate emergency response action (e.g., call 911). Management should coordinate the timing and circumstances of possible return of Employees to their respective workstations. The Employee, supervisor, Human Resources, or Department Head will follow the City's procedures in response to such events, including incident reporting and appropriate action as management deems necessary.

Violation of this policy is grounds for disciplinary action, up to and including Discharge.

9.9 Weapons

No Employees other than commissioned police officers and reserve officers are authorized to carry or have in their possession a weapon, as defined in RCW 9.41.300(11), concealed or not, on City premises, in City vehicles, or in their capacity as an Employee for the City. Employees carrying or having in their possession a weapon in violation of this policy are subject to disciplinary action, up to and including Discharge.

9.10 Communicable Diseases

City personnel with communicable diseases or life-threatening diseases are treated the same as all other persons. Employees are permitted to continue working as long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves, their co-workers, or the public. The City will preserve workplace safety and reserves the right to reassign Employees or take other job actions, including medical separation, when there is a substantial and unusual safety risk to themselves, their colleagues, or the public. The City respects medical privacy, and only authorized staff who need to know medical information for legitimate City reasons will have access to such information.

9.11 Bloodborne Pathogens Citywide Program

Bloodborne pathogen exposure can lead to hepatitis, HIV, malaria, and other serious illnesses. Because the City wishes to ensure workplace safety, it is our policy to comply with all statutory obligations to prevent exposure to bloodborne pathogens. Failure to comply with the safety procedures described in the City's adopted Safety Manual may result in discipline up to and including Discharge.

9.12 Driving for City Business

The following rules apply regarding driving for City business:

1. Only Employees 18 years old or older, possessing a valid driver license and meeting the driver approval standards may drive a vehicle for City business.

2. Employees are personally responsible for all tickets, citations, or infractions issued for moving violations or parking violations while using a City vehicle or a personal vehicle for City business. Except for parking violations, Employees should promptly advise their supervisor of any such tickets, citations, or infractions received.

3. Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for 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. This prohibition also extends to Employees operating any vehicle while on City business while using, consuming, or under the influence of alcohol, marijuana, and illegal drugs.

4. Employees should obey all safety laws and regulations while operating a City vehicle or a personal vehicle on City business and to drive in a safe and courteous manner that reflects positively on the City. This would include, but is not limited to, the proper use of seat belt, the prohibition on using cell phones without a proper hands-free device, and obeying applicable traffic laws.

These rules apply to the use of all City-owned vehicles and motorized equipment used by City of Sequim Employees.

1. Vehicle should have an accident report form and WCIA proof of coverage card in the glove box.

2. A passenger may ride in a City vehicle only if they are associated with a specific work-related purpose under Employer's direction.

3. Employees must authorize evaluation of their Washington State motor vehicle driving record and license status upon the City's request.

4. Employees must report any driver's license change of status to their supervisor within the next business day. In the event of an arrest and/or charge of driving under the influence of alcohol or drugs, the Employee must report this to their supervisor on the day of occurrence. If an Employee's license is suspended, revoked, or restricted, the Employee may not resume driving until proof of a valid, current, unrestricted license is provided to their supervisor. Depending on the circumstances, an Employee may be subject to corrective or disciplinary action.

5. Accidents must be reported to the police department with jurisdiction immediately following the accident. Employees must report any accident, theft, or damage to their supervisor, Legal Department, and Human Resources regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than 48 hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident, answering all questions of investigating officers. However, Employees should avoid volunteering comments about the incident outside of direct responses to officers' questions.

6. Smoking (including vaping) is not allowed in City vehicles.

7. Employees who are entrusted with public safety as part of their job duties, or whose positions require operation of machinery or equipment, or who work with hazardous substances such as chemicals, will be held to a higher standard of safety than other Employees.

8. Only Employees who are on call on a 24-hour basis are allowed to take a City vehicle home. The sole purpose of such usage is to facilitate quick responses to emergencies. Using a City vehicle for any other purpose is prohibited and may result in discipline. In some cases, take-home vehicles may be considered "fringe benefits" under IRS regulations and the Employee may be subject to payroll taxes associated with this benefit. Employees must provide written acknowledgment that they fully understand that the vehicle should only be used as part of an on-call response for the City.

9. New Employees may not drive any City vehicle until successfully completing assigned defensive driving training.

10. Employees must only use the vehicle in conjunction with work-related activities, i.e., no "frolic and detours" for personal use.

The following rules apply when an Employee uses their privately-owned vehicle for City business:

1. The Employee must have a valid Washington State driver's license and have and maintain auto liability insurance coverage in accordance with State law.

2. The use of a privately-owned vehicle will be reimbursed at a rate consistent with the established IRS reimbursement mileage rate where such use has been pre-approved by the City. Persons requesting such mileage reimbursement may submit mileage forms on a monthly or quarterly basis in the form prescribed by the Administrative Services Department. Commute miles (round-trip distance between residence and regular place of work) are not reimbursable. Employees may receive a monthly stipend in lieu of reimbursement at the City's sole discretion.

3. If an Employee's license becomes expired, suspended, revoked, or restricted, the Employee is required to notify their supervisor immediately. In this event, the Employee will not be allowed to drive on City business until they obtain a valid driver's license or show compliance with all restrictions.

If an Employee utilizes a personal vehicle on City business and damage or theft occurs to that vehicle, they must file an accident or police report to document the loss. Auto liability coverage follows the vehicle. Therefore, the Employee's personal auto insurance is primary, and the City's risk pool's liability coverage is excess. The City may, at is discretion, reimburse up to $250 of the property damage deductible.

9.13 Drug-Free and Alcohol-Free Workplace (Updated 9/2024)

This section applies to all Employees while on or in City property or conducting the business of the City. Some provisions apply to behavior outside the workplace that has the potential to affect the workplace. Employees working in Safety-sensitive functions (as defined in Appendix A) are subject to particular scrutiny. The City of Sequim is committed to protecting the health, safety, and wellbeing of its Employees and all individuals who encounter them in our workplace or in the course of City operations. In addition, we strive to create and maintain a productive and efficient work environment in which all City Employees have an opportunity to thrive and be successful.

Recognizing that Drug and Alcohol use and abuse can pose a serious threat to these goals, we have established policies and procedures that balance our respect for individuals with the need to maintain a workplace free of the issues and risks associated with the use of such substances.

This policy is in accordance with Chapter 296-800 of the State Administrative Code (WAC) and with the Federal Drug Free Workplace Act.

The City of Sequim strictly prohibits the following in the workplace, on City property (including in City vehicles), or on work time:

- the use, sale, distribution, dispensation, manufacture or possession of Alcohol or Drugs (including marijuana and other drugs included in Schedule I or II of the Federal Controlled Substances Act), drug paraphernalia; or any other substances which impair job performance or pose a hazard while at work;
- the unauthorized use or distribution of prescription drugs;
- the use of any legally-obtained drug (prescriptions or over-the-counter medications) when such use may adversely affect job performance or workplace safety;
- reporting to work or working while under the influence of Alcohol or Drugs (including marijuana and other drugs included in Schedule I or II of the federal Controlled Substances Act). An Employee will be deemed under the influence of a drug if they test positive following a test conducted in accordance with this policy or when the Employee acknowledges impairment.

While the use of marijuana has been legalized under State law for medicinal and recreational uses, it remains an illegal drug under Federal law. Further, its use impacts the workplace and is therefore prohibited by City policy. Employees may not consume or be under the influence of marijuana while on duty or at work, even if the Employee has a valid prescription for medical marijuana.

Prescription Medication. The possession and use of medically prescribed or over-the-counter drugs during work hours is permissible, subject to certain conditions. Individuals are not obligated to inform the City of such use unless the drug's known side effects could impair safe and effective job performance. In such cases, Employees must notify their supervisor or Human Resources so that a determination can be made as to whether it is in the best interests of the City and the Employee that the Employee work, not work, or be reassigned while the medication is being used. Medical information will be handled in a confidential manner.

Reasonable Suspicion Testing and Searching. The City asserts its right to test employees or applicants for Alcohol and/or controlled substances to the extent allowed by law. This includes urine drug testing and evidential breath alcohol testing using procedures as detailed in Section 9.14. Refusing to submit to such tests constitutes a violation of City policy and will result in Discharge or, for an applicant, withdrawal of the job offer. Reasonable suspicion is based on specific personal observations that a Human Resource representative, supervisor, or medical professional can describe and

document regarding an Employee's appearance, behavior, speech, and breath odor. Reasonable suspicion processes may also be implemented if an Employee is in a vehicle accident in which the damage exceeds the damage threshold established by the Washington State Patrol for collision reports pursuant to RCW 46.52.030.

The City limits access to Employee medical personnel files in accordance with applicable law, which generally means that test results are shared only with those who have a need to know the information.

The City also reserves the right to search Employee desks, lockers, work areas, and personal property brought into the workplace where there is a reasonable basis to suspect a violation of this policy.

Consequences. The City will impose disciplinary action, up to and including Discharge, in the event of any of the following: (1) violation of this policy; (2) a positive test result; (3) Refusal or failure to Submit to testing when requested to do so; (4) refusal to cooperate in the testing process; or (5) adulteration of any sample or tampering with any part of the testing process.

Assistance; Questions. Questions concerning the City's drug and alcohol policy, including any drug or alcohol testing, should be directed to Human Resources.

Special Provisions for Federal Contracts/Funds. Workplace Drug Related Convictions. The Drug Free Workplace Act of 1988 requires Employees, as a condition of employment, to report any criminal convictions of drug-related activity in the workplace to the City no later than 5 days following a conviction. Any such report should be directed to Human Resources, who must notify the Federal contracting agency within 10 calendar days. Employees convicted of workplace drug-related crimes while employed with the City may be subject to discipline up to and including Discharge.

Education and Encouragement. The City will provide alcohol and drug awareness information for all Employees. This will include the City policy on alcohol and drug abuse; the dangers of alcohol and drug abuse; and (for Employees) treatment and counseling services available through the Employee Assistance Programs (see below). All City personnel are strongly encouraged to seek help to address their drug or alcohol problems before such issues affect their performance or result in a positive drug or alcohol test. Employees seeking help on their own, or who are referred to an Employee Assistance Program by their supervisor, will be provided assistance on a confidential basis without jeopardizing their employment status.

Employee Assistance Programs and other Drug/Alcohol Misuse/Abuse Resources. The City recognizes that alcohol and drug addiction can be successfully treated and is willing, through its Employee Assistance Program (EAP), to help

Employees who suffer from these problems while holding them responsible for their own recovery. Employees may also have access to professional services through the City's health insurance plans' medical programs to aid them with any Alcohol or Drug problems. Employees who need help with Drug and/or Alcohol misuse or abuse are encouraged to use these resources.

An Employee who seeks assistance *after* testing positive or demonstrating performance issues will not avoid the disciplinary consequences of their behavior.

- *For union-represented employees:*

  Teamsters - Employee Assistance Program
  Phone: 1-866-301-0313
  Online: guidanceresources.com
  Web ID: WATEAMSTERS

- *For non-union represented employees:*

  AWC - Employee Assistance Program
  Phone: 1-800-570-9315
  Online: guidanceresources.com
  Web ID: trusteap71

The City expects all Employees to work Drug- and Alcohol-free at all times. If you have any questions about this policy, or would like a referral to a Substance Abuse Professional (SAP), contact the Human Resources Department.

9.14 Employees Covered by Commercial Driver's Licensing Requirements (Updated 9/2024)

Federal regulations require that Employers conduct alcohol and controlled substances testing of Employees who operate Commercial Motor Vehicles (CMV), mechanics, and supervisors with a commercial driver's license who fill in. This policy provides guidelines for circumstances under which mandated testing must occur to comply with the Federal Motor Carrier Safety Administration (FMCSA) and United States Department of Transportation (USDOT).

Prohibited Conduct. The following is considered prohibited conduct under this policy:

1. No Employee whose duties involve Safety-sensitive functions can report for duty or remain on duty while having an alcohol concentration of 0.04 or greater.
2. No Employee can use alcohol while performing Safety-sensitive functions.
3. No Employee can perform Safety-sensitive functions within four hours after using alcohol.

4. No Employee required to take a post-accident alcohol test under 49 CFR 382.303 can use alcohol for 8 hours following the accident, or until the Employee undergoes a post-accident alcohol test, whichever occurs first.
5. No Employee can refuse to submit to a post-accident, random, reasonable suspicion, or follow-up controlled substance and/or alcohol test required by 49 CFR Part 382.
6. No Employee can report for duty, remain on duty, or perform a Safety-sensitive function when there is a quantifiable level of a controlled substance in the Employee's body above the minimum thresholds established in 49 CFR Part 40. Although the personal use of marijuana is permitted under Washington law, Federal law still prohibits the use and possession of marijuana. Employees must be aware that having a detectable level of marijuana in their body, regardless of whether their use was for recreational or medical purposes, constitutes prohibited conduct.
7. No Employee can report for duty or remain on duty requiring the performance of Safety-sensitive functions when the Employee uses any Drug except when the use is pursuant to the instructions of a licensed medical practitioner, as defined in §382.107, who is familiar with the Employee's medical history and has advised the Employee that the substance will not adversely affect the Employee's ability to safely operate a commercial motor vehicle. Notwithstanding the above, the medical use of marijuana that causes drug or drug metabolites to be present in the body above minimum thresholds established in 49 CFR Part 40 constitutes prohibited conduct regardless of whether the marijuana was used under the guidance of a medical practitioner and regardless of whether the medical practitioner advised that such use would not adversely affect the Employee's ability to safely operate a commercial motor vehicle.

The City will not permit an Employee to continue to perform Safety-sensitive functions if it has actual knowledge of an Employee violating any of these prohibitions. Actual knowledge may be based on direct observation of the Employee, information provided by the Employee's previous employer(s), a traffic citation for driving a commercial vehicle while under the influence of alcohol or controlled substances, or the Employee's admission of alcohol or controlled substances use, except as discussed in the Employer's voluntary self-identification program.

Participation in DOT Drug and Alcohol Clearinghouse. DOT regulations require covered employers, Medical Review Officers, Substance Abuse Professionals, and consortia/third-party administrators to participate in the FMCSA Drug and Alcohol Clearinghouse, as stated in 49 CFR Part 382. As a covered entity, the Employer is required to:

1) Register and establish an account with the Clearinghouse;

2) For job applicants, conduct a “full query” of the Clearinghouse as part of the pre-employment hiring process, and before allowing Drivers to operate a commercial motor vehicle;
3) For employees, conduct a “limited query” at least annually, followed by a “full query” if negative information is obtained from the Clearinghouse;
4) Report Drug and Alcohol program violations; and
5) For Drivers with unresolved Drug and Alcohol program violations, report negative return-to-duty test results and date(s) of successful completion of follow-up testing plans.

When using the Clearinghouse, the Employer may conduct either a “limited query” or a “full query,” defined as follows:

6) A “limited query” allows the Employer to determine if a Driver’s Clearinghouse record has any information about resolved or unresolved Drug and Alcohol program violations, but does not release any specific violation information contained in the Driver’s Clearinghouse record. Limited queries require written consent, on a form provided directly by the Employer.
7) A “full query” allows the Employer to see detailed information about Drug and Alcohol program violations in a Driver’s Clearinghouse record. The Employer must obtain the Driver’s electronic consent in the Clearinghouse each time it seeks the release of detailed violation information from a full query.

Job applicants for covered positions and Employees are required to provide consent to have queries of the Clearinghouse conducted on their behalf. Drivers who fail to provide the necessary consent are subject to revocation of a job offer, revocation of Safety-sensitive driving duties, and/or corrective action, up to and including termination.

Drivers covered by this policy are expressly notified the Employer will report any adverse Drug and Alcohol testing information to the Clearinghouse. This includes, as examples, any positive drug test results, any alcohol test resulting in a blood alcohol content 0.04 or greater, refusals to test, or any other non-testing violations of DOT regulations (see 49 CFR 382.705). In addition, where the Employer has “actual knowledge” of a violation as defined in “Prohibited Conduct” above, the Employer is required to report a detailed description of the event, supporting evidence, and the names and contact information of witnesses. When the Employer learns of a Drug or Alcohol program violation, the Employer will report with the Clearinghouse by the close of the third business day following the date on which the information was obtained. Records of Drug and Alcohol program violations will remain in the Clearinghouse for five (5) years, or until a Driver has completed the mandated return-to-duty process, whichever is later.

A Driver may review information in the Clearinghouse about himself or herself, except as otherwise restricted by law or regulation. A Driver must register with the

Clearinghouse before accessing his or her information. When the Employer submits information to the Clearinghouse pertaining to a Driver, the Driver will be provided a copy of the same information. Drivers who dispute the information provided have the ability to file a petition with the FMCSA for the sole purpose of disputing the information reported, but may not contest the accuracy of test results, test refusals, or other violation information unless authorized by 49 CFR 382.717.

Controlled Substances and Alcohol Testing. Submission to the controlled substance and alcohol testing described in this policy is a condition of employment with the City of Sequim for those Employees covered by USDOT and FMCSA regulations. Refusal to submit constitutes a violation of this policy and is grounds for Discharge. An Employee may be tested for controlled substances at any time during the workday.

Employees are subject to testing as follows:

Pre-Employment Testing for Applicants who already have CDLs and Employees who receive their CDL permit. A negative pre-employment drug test is required before an employee can first perform Safety-sensitive functions. Employees will be tested for controlled substances unless:

1. The Applicant or Employee participated in a USDOT testing program within the past 30 calendar days and:
2. While participating in that program, either:
   a. Was tested for controlled substances within the past 6 months (from the date of application with the Employer), or
   b. Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the Employer); and
3. No prior employer of the applicant or Employee of whom the Employer has knowledge has records of a violation of USDOT controlled substances regulations within the previous 6 months.

If an existing employee has been removed from a DOT random testing pool for more than 30 days (e.g., due to furlough, leave of absence, separation and reinstatement), the employee must undergo a pre-employment test and a negative result must be received before the employee may perform a Safety-sensitive function.

An Applicant who tests positive on a pre-employment test will not be hired, but may be eligible to reapply for employment with the Employer 12 months from the date of the positive test. In addition, an Applicant who tests positive on any USDOT-mandated pre-employment drug test must provide documentation of their successful completion of return-to-duty requirements (i.e., an evaluation by a Substance Abuse Professional, education and/or treatment, and a negative pre-employment test, all of which meet the requirements of 49 CFR Part 40).

Post-Accident Testing. As soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road, each Employee must be tested for controlled substances and alcohol if:

1. the Employee was performing Safety-sensitive Functions with respect to the vehicle, if the accident involved the loss of human life (fatality); or
2. the Employee received a citation for a moving violation and the accident involved bodily injury to any person who, as a result of the accident, immediately received medical treatment away from the scene of the accident; or
3. the Employee received a citation for a moving violation and the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

An Employee may not consume alcohol for 8 hours following an accident that requires the USDOT alcohol test. The alcohol test must be completed within 2 hours of the accident. If a test is not completed within 2 hours, the supervisor must document the reasons for the delay, and must have the test conducted within 8 hours following the accident. After 8 hours the attempt to test can cease; however, the supervisor must again provide the reasons for the test not being administered.

A controlled substances test must be administered as soon as practicable up to 32 hours following the accident. After 32 hours the attempt to test can cease; however, the supervisor must provide the reasons for the test not being administered. Employee must remain readily available for testing, or may be deemed by the Employer to have refused to submit to testing.

Nothing in this policy should be construed to require the delay of necessary medical attention for the injured.

Random Testing. The City uses a consortium/third party administrator to facilitate the random selection of Employees for alcohol and controlled substance testing:

PROCOM
1805 Fortino Blvd.
Pueblo, CO 81008
(719) 295-1911

Employees are subject to random testing under the following program:

1. Random selection of Employees will be made by a scientifically valid method using a computer-based random number generator that is matched with Employees' social security numbers.

2. Each Employee will have an equal chance of being drawn each time selections are made.
3. Selections for testing are unannounced and reasonably spread throughout the calendar year.
4. Random selections are made to ensure testing for controlled substances is conducted at not less than the minimum annual 25% rate and alcohol is conducted at not less than the minimum annual 10% rate, or the rates as established by the FMCSA.
5. An Employee will only be tested for alcohol just before, during, or after performing Safety-sensitive functions; however, they may be tested for controlled substances any time while performing work for the Employer.
6. Once an Employee is notified of selection for random alcohol and/or controlled substances testing, they must proceed to the test site immediately.

Reasonable Suspicion Testing. Employees with Commercial Driver's Licenses (CDLs) will be tested for Alcohol and/or Controlled substances whenever the Employer has reasonable suspicion that the individual is under the influence of alcohol or a Controlled substance. Reasonable suspicion will be based on specific, contemporaneous, articulable observations concerning the behavior, speech, appearance, or body odors of the Employee, including any indicators of the chronic and withdrawal effects of controlled substances. Employees required to be tested under reasonable suspicion testing will be removed from performing Safety-sensitive functions pending the outcome of the test result(s) and will be transported by Employer to the testing facility.

Reasonable suspicion Drug testing is authorized when the supervisor's observation of the Employee's behavior occurs any time during the workday. Reasonable suspicion Alcohol testing is authorized only if the supervisor's observation of the Employee's behavior has been made during, just preceding, or just after performing any Safety-sensitive Function.

The alcohol test must be completed within 2 hours of the observation. If it is not, the supervisor must document the reasons for the delay and continue to have the test conducted up to 8 hours following the observation. After 8 hours, the attempt to test can cease. However, if a test is not completed within the 2- or 8-hour time periods, the supervisor must prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frame.

The City will not permit an Employee to report for duty, remain on duty, perform, or continue to perform any Safety-sensitive functions while they are impaired by Alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, until one of the following has occurred:

1. an alcohol test is administered and the Employee's alcohol concentration measures less than 0.02 percent; or
2. the start of the Employee's next regularly-scheduled duty period, but not less than 24 hours following the supervisor's determination that reasonable suspicion exists.

Supervisors and any Employer representative that may be expected to serve in a supervisory capacity, and who may be required to make a reasonable suspicion determination, must have received at least 60 minutes of training on the indications of probable drug use and an additional 60 minutes of training on the indicators of probable alcohol misuse. Only those individuals who have received this training are qualified to make these decisions.

Return-to-Duty Testing. No Employee found to be in violation of this Drug and Alcohol policy will be permitted to return to a duty involving Safety-sensitive functions until they have undergone an assessment with a Substance Abuse Professional as required by 49 CFR Part 40 and have a verified negative controlled substances test and/or an alcohol test with a result less than 0.02 alcohol concentration. All controlled substances return-to-duty tests will be conducted by same-gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive. Any return to Safety-sensitive duty following a failure or refusal to submit to a DOT drug and/or alcohol test must also be conditioned on the employee being subject to a Last Chance Agreement.

Follow-up Testing. Any Employee in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances use as identified through the evaluation by the substance abuse professional will, if still employed, be required to enter into a Last Chance Agreement as a condition of continued employment and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the substance abuse professional. The City may require follow-up testing for 5 years. All controlled substances return-to-duty tests will be conducted by same-gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

Testing Procedures. Specimen collections and laboratory testing will be conducted in accordance with the procedures of 49 CFR Part 40, as amended.

Urine specimen collection. Specimen collections will be conducted in accordance with the procedures of 49 CFR Part 40, as amended. The collection procedures are designed to ensure the security and integrity of the specimen provided by each covered employee, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to preserve the individual's privacy as

much as possible consistent with ensuring an accurate result. Covered employees will be required to empty their pockets before providing the drug test specimen.

Under normal circumstances, the covered applicant or employee will be afforded compete privacy in the restroom for providing the urine sample. Certain situations do require the urine sample be provided under same-gender direct observation. Those situations include:

1. The temperature on the original specimen was out of range; or
2. The original specimen appeared to have been tampered with (i.e. unusual color, odor, foam, etc.); or
3. The collector observes materials brought to the collection site or the individual's conduct clearly indicates an attempt to tamper with a specimen; or
4. The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the Employer there was not an adequate medical explanation for the result; or The MRO reported to the Employer that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
5. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5mg/dL, and the MRO reported the specimen to the Employer as negative-dilute and a second collection must take place under direct observation; or
6. All return-to-duty or follow-up drug tests.

When direct observation is conducted, the individual subjected to testing will be required to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.

Refusing to permit an observed collection, or possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, are considered a refusal to test and will constitute a verified positive drug test result.

Breath alcohol. Testing will be conducted by a qualified technician according to 49 CFR Part 40 procedures using a DOT-approved device. If an initial test indicates an alcohol concentration of less than 0.02, no further testing will be conducted. If the initial test result is 0.02 or greater, a confirmation test will be conducted by a Breath Alcohol Technician using an evidential breath testing (EBT) device. Testing will be conducted in a manner that protects the confidentiality of the employee's testing information as well as the integrity of the testing process.

Failure to Cooperate. Employees are expected to comply fully with any required testing. Employees who fail to do so will be immediately relieved from performing Safety-sensitive functions, and are subject to discipline, up to and including Discharge. The City also reserves the right to involve law enforcement when it believes an Employee's conduct might be in violation of State or Federal law.

Failure to cooperate includes, without limitation, the following acts or omissions:

- refusing to sign consent or refusing to test
- obstructing the testing process
- failing to make themselves available for a required test
- failing to provide an adequate sample for testing
- attempting to adulterate or substitute a specimen
- tampering with a required test in any way
- failure to empty pockets or wash hands as requested by collection site personnel
- refusing to permit an observed collection
- possessing or wearing a prosthetic or other device that could be used to interfere with the collection process

Medical Review. All controlled substances test results will be reviewed by a Medical Review Officer (MRO) before results are reported to the Employer. The MRO will attempt to contact the Applicant/Employee to discuss the test results before reporting positive results to the Employer.

The City of Sequim contracts with the below Medical Review Officer (MRO):

Phillip Lopez, MD
1805 Fortino Blvd.
Pueblo, CO 81008
(719) 295-1911

Notification of Results. The City will notify affected Employees of any controlled substances test that is reported as positive by the MRO. The City will notify Applicants of the results of pre-employment testing if they request that information in writing within 60 calendar days after being notified of the City's decision not to hire them.

Analysis of Split Sample. A urine sample will be split at the time of collection. Within 72 hours of the MRO notifying the Employee of a verified positive controlled substances test, or an adulterated or substituted specimen, the Driver may request the split sample to be tested. Only the MRO may authorize such testing, which may take place only at laboratories certified by the Department of Health and Human Services (DHHS). If the

split sample test fails to reconfirm the presence of the drug or drug metabolite, the MRO will cancel the test or take such steps as are directed by DOT regulations.

Applicants/Employees have a right to request testing of the split sample at their own expense

Confidentiality. Records required under this policy, including test results, will be maintained in a secure location with controlled access.

Evaluation and Referral. USDOT regulations require that any Employee who violates the alcohol and controlled substances rules of 49 CFR Part 382 be advised of available evaluation resources and be evaluated by a substance use professional. The Employee must complete an appropriate education and/or treatment program before being eligible to return to Safety-sensitive duty.

Before returning to performing Safety-sensitive Functions, an Employee must be tested for controlled substances with a verified negative controlled substances test result and/or alcohol with a test result less than 0.02 alcohol concentration. The Employee will be subject to follow-up testing of at least six tests in the first 12 months of returning to duty, and follow-up testing may continue for 5 years.

Supervisory Training. Personnel responsible for supervising and managing Employees must attend at least two hours of training on Alcohol and Drug misuse symptoms and indicators before they can refer Employees for testing. Training must be completed within six months of appointment to supervisory position. It is recommended by the City that supervisors receive refresher training at least every other year.

Consequences. Under normal circumstances, Employees violating this policy or Federal regulations will be suspended from performing any Safety-sensitive functions with a commercial motor vehicle and will be subject to disciplinary action up to and including Discharge. The City also reserves the right to involve law enforcement officials for any conduct the City believes may be in violation of local, state or federal law. Under some circumstances, however, the Employer may agree to return an Employee to performing these functions following treatment and rehabilitation. When that occurs, the Employee must pay the cost of any treatment. The City’s medical plans, if available to the Employee, may cover a portion of the costs associated with the pre-treatment evaluation and treatment. Uncovered costs of treatment are the Employee's responsibility to pay.

When, at the Employer's discretion, an Employee is returned to work, the Employee will be required to enter into a Last Chance Agreement and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the substance use professional in order to continue to perform Safety-sensitive functions and operate a commercial motor vehicle requiring a CDL.

The City reserves the right to take disciplinary action up to and including Discharge for violation of the Employer Drug and Alcohol policy where and when deemed appropriate.

Appendix A: Drug and Alcohol Definitions

"Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

"Alcohol concentration (or content), BAC" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382.

"Alcohol use" means the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

“Clearinghouse” refers to a secure online database, maintained by the FMCSA, that gives employers and government agencies real-time access to information about CDL driver drug and alcohol program violations. When a Driver completes a return-to-duty process and follow-up testing plan, this information is also included in the Clearinghouse.

"Commercial motor-vehicle" (or “CMV”) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

1) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
2) Has a gross vehicle weight rating of 26,001 or more pounds; or
3) Is designed to transport 16 or more passengers, including the driver; or
4) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

"Controlled substances" mean those substances identified in 49 CFR Part 40.85, as amended: marijuana, cocaine, opioids, amphetamines, and phencyclidine.

“DOT Agency” means an agency (or “operating administration”) of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing in accordance with 49 CFR Part 40.

“Driver” means any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are

either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

“Drug” has the meaning of any controlled substances, prescription, or over-the-counter medication.

“EBT (or evidential breath testing device)” means an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices” (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

“Licensed medical practitioner” means a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

“Medical Review Officer (MRO)” means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer’s drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information.

“Performing (a Safety-sensitive function)” means a Driver is considered to be performing a Safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any Safety-sensitive functions.

“Refuse to submit (to an alcohol or controlled substances test)” means that a covered employee:

1) Fails to show up for any test (except a pre-employment test) within a reasonable time after being directed to do so by the Employer. This includes the failure of an employee to appear for a test when called by a Consortium/Third Party Administrator;

2) Fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test. The testing process commences once the applicant has been provided the specimen collection cup;

3) Fails to provide a urine specimen for any drug test or breath or saliva sample for an alcohol test required by 49 CFR Part 382, if the employee leaves after the testing process has commenced;

4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;

5) Fails to provide a sufficient amount of urine, breath or saliva when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure to provide;

6) Fails or declines to take a second test the employer or collector has directed following a negative dilute result as required by 40.197(b);

7) Fails to undergo an additional medical examination, as directed by the MRO as part of the verification process, or as directed by the Designated Employer Representative (DER) concerning the evaluation as part of the “shy bladder” procedures in 49 CFR Part 40, subpart I; or fails to undergo a medical examination or evaluation as directed by the employer as part of the insufficient breath procedures outlined in 40.265;

8) Fails to cooperate (e.g., refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector) or otherwise interferes with any part of the testing process;

9) Fails to sign the certification at Step 2 of the alcohol testing form (ATF);

10) Is reported by the MRO as having a verified adulterated or substituted test result;

11) For an observed collection, fails to follow the observer’s instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process;

12) Possesses or wears a prosthetic or other device that could be used to interfere with the collection process; or

13) Admits to the collector or MRO to having adulterated or substituted the specimen.

"Safety-sensitive function" means all time from the time a Driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the Driver has been relieved from duty by the employer;

2) All time inspecting equipment as required by FMCSA regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

3) All time spent at the driving controls of a commercial motor vehicle in operation;

4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);

5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

6) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.