

**RESOLUTION NO. 132**

**A RESOLUTION OF THE CITY OF WOODINVILLE AUTHORIZING THE CITY MANAGER TO AMEND AND ADOPT PERSONNEL POLICIES AND EMPLOYEE EVALUATION PLANS,**

**WHEREAS**, the City Council highly values its employees;

**WHEREAS**, the City Council has previously adopted by resolution 86 a compensation and evaluation plan and adopted by resolution 73 personnel policies; and

**WHEREAS**, the City Council should retain its ability to serve as the court of last resort for personnel matters; and

**WHEREAS**, the City Manager is charged with administering and managing all aspects of the City operations; **NOW, THEREFORE**

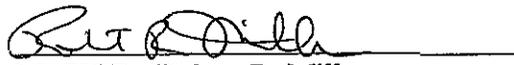
**THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, RESOLVES AS FOLLOWS:**

**Section 1.** The City Council hereby rescinds resolution number 86, a resolution adopting a compensation and evaluation plan for employees of the City of Woodinville, and resolution number 73, a resolution adopting personnel policies for employees.

**Section 2.** The City Council hereby authorizes the City Manager to adopt personnel policies and employee evaluation plan.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF WOODINVILLE THIS 25TH DAY OF AUGUST, 1997.

APPROVED:

  
MAYOR, Robert R. Miller

ATTEST/AUTHENTICATED:

  
Sandra Steffler  
City Clerk

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# CITY OF WOODINVILLE PERSONNEL POLICY

## ACKNOWLEDGMENT AND DISCLAIMER

### EMPLOYEE COPY

By execution, hereof, employee acknowledges that the City of Woodinville has provided him/her with a copy of the Personnel Policies of the City, and further that he/she has read, understands and agrees to abide by terms and conditions of employment set forth therein.

Employee further understands and agrees that the Personnel Policy Manual does not constitute a contract for, or guarantee of employment with the City of Woodinville and does not bind the City to any consideration whatsoever other than payment and benefits for time actually worked or services performed.

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Employee Signature

Date

ATTEST:

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City Clerk

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Employee Signature

Date

ATTEST:

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City Clerk

# **1. General Provisions**

## **1.1. PURPOSE/SCOPE**

- 1.1.1. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens and visitors of the City. This manual is a general informational guide to the City's current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual, as the City deems necessary and appropriate, without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost efficient services.
- 1.1.2. These personnel policies apply to all City employees. They do not apply to elected officials, members of appointed boards and commissions, and independent contractors.
- 1.1.3. The provisions of this personnel manual, as an informational document, yield to all more specific or conflicting provisions of contracts such as collective bargaining agreements, contracts with other agencies or individual contracts of employment. In the event of any conflict with City ordinance, state or federal law, rule or regulation, the ordinance, statute rule or regulation shall prevail. These policies shall be interpreted to conform with ordinance and statute.

## **1.2. EQUAL EMPLOYMENT OPPORTUNITY**

- 1.2.1. The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, medical condition, physical handicap or disability, or any other basis prohibited by local, state or federal law.
- 1.2.2. The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential function of the job.
- 1.2.3. Employees with life threatening illnesses, such as cancer, heart disease, or AIDS/HIV conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they do not pose a direct threat to the health and safety of themselves or their co-workers. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when an employee's disability creates a significant risk of substantial harm that cannot be eliminated or reduced by reasonable accommodation.

## **1.3. ANTI-HARASSMENT**

- 1.3.1. All employees are expected to accomplish their work in a professional and business-like manner. As a standard of behavior, employees and supervisors are expected to treat each other with respect and common dignity.
- 1.3.2. Harassment includes unsolicited remarks, gestures, or physical contact; display or circulation of written materials or pictures derogatory to either gender or racial, ethnic, or religious groups or individuals; or basing personnel decisions on an employee's response to sexually-oriented requests.
- 1.3.3. The City will not tolerate any employee who engages in any act which discriminates against another employee because of race, color, national origin, sex, religion, creed, marital or veteran's status, age, the presence of a physical, mental, or sensory disability, or any other basis prohibited by local, state, or federal laws.
- 1.3.4. Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or adversely interferes with or affects an employee's work performance. Sexual harassment is improper and illegal and is grounds for immediate dismissal.
- 1.3.5. Any employee who experiences conduct of this sort or feels that his/her work environment has become a hostile or offensive place to work, should immediately notify his/her department director, or any member of the management team. The management team member should immediately notify the City Manager. The City will not retaliate against an employee who complains of harassment in any form, nor permit such retaliation. It is important to the City that an employee's concerns be thoroughly reviewed and investigated so that appropriate steps can be taken as necessary. It is the duty of each employee to assist in the maintenance of a discrimination-free workplace. Employees are expected and supervisors obligated to report any questionable instance which might constitute harassment or discrimination to the City Manager.

#### 1.4. DEFINITIONS.

- 1.4.1. **At Will Employees:** An at will employee is an employee who serves at the pleasure of the City Manager, and who may be removed as provided in Paragraph 9.2(d) hereof. At will employees include all department directors.
- 1.4.2. **Contract Employee:** An employee who works under an Employment Agreement which sets the terms and conditions of employment. Contract employees are not covered by these policies unless specifically provided in the Employment Agreement.
- 1.4.3. **Contract Services:** Services provided by any employee working for the City on a contractual basis, and compensated by a third party. Persons providing contract services are not covered by these policies or regulations.
- 1.4.4. **Department Director:** Includes the positions of Police Manager, Permit Center Director, Director of Community Development, Public Works Director, Finance Director, Parks and Recreation Director, and City Manager.
- 1.4.5. **Immediate Family:** An employee's immediate family includes the employee's spouse, child, step-child, parent, step-parent, brother or sister, step-brother or sister, mother or father-in-law, son or daughter-in-law, aunt, step-aunt, uncle or step-uncle.
- 1.4.6. **Management Team:** The Management Team is comprised of the Department Directors, City Manager, City Clerk, and Assistant City Manager.

- 1.4.7. **Regular Full-Time Employee:** An employee, hired by the City, who has completed his/her trial period and who regularly works a minimum of forty (40) hours a week on a continuing basis.
- 1.4.8. **Regular Part-Time Employee:** An employee, hired by the City, who works less than forty (40) but at least twenty (20) hours a week on a continuing basis and is eligible for pro-rated City benefits.
- 1.4.9. **Temporary Employees:** Temporary employees are defined as those employees who hold jobs of limited duration arising out of special projects, abnormal work loads or emergencies. Temporary employees are not eligible for City benefits.
- 1.4.10. **Trial Period:** A period of not less than six (6) months duration which shall be established at the time employment is offered during which time the performance of the employee will be monitored and evaluated in order to determine the employee's suitability for appointment to status as a regular employee.

## 1.5. EMPLOYEE PERSONNEL RECORDS

- 1.5.1. The primary personnel file for each employee is kept in the City Manager's office, and access is limited to the employee's immediate supervisor, the department director, Executive Secretary, Finance Director, and the City Manager. This is the only official personnel record kept by the city. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, original employment application, changes in employment status, training record, performance evaluations, personnel actions affecting the employee, including discipline, resumes, letters of commendation, and other pertinent information.
- 1.5.2. An employee has the right to review his/her file during regular business hours. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.
- 1.5.3. Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information with appropriate justification and notification of the request to the employee. The City's release of such documents is controlled by Washington state law. With the exception of certain materials which violate an employee's right to privacy, that law is required to be broadly interpreted in order to effectuate the release of public documents.

## 1.6. REFERENCES

- 1.6.1. The City does not give references, other than to confirm the dates of employment and last salary, without the express written consent and a liability release to the City from the employee.
- 1.6.2. Only the City Manager or the department director will provide employment references on current or former regular City employees and temporary employees.

## **2. Hours and Attendance**

### **2.1. WORK SCHEDULING**

- 2.1.1. The City's standard work week is Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one-hour unpaid lunch period.
- 2.1.2. A normal working schedule for regular, full-time employees consists of forty (40) hours each work week. Different work schedules may be established by the City to meet job assignments and provide necessary City services, or to comply with State or Federal laws. Each employee's department director will advise the employee regarding his/her specific working hours.
- 2.1.3. Part-time, contract, and temporary employees will work hours as specified by their department directors.
- 2.1.4. Flex scheduling may be permitted by the department director provided that such alternative work scheduling is done in a manner which fully meets the needs and requirements of the City.
- 2.1.5. Exempt employees are expected to manage their workload and schedules to maintain a regular work routine. While establishing his/her work schedule, the exempt employee should adjust regular hours to compensate for periods where workload demands irregular or excessive hours.

### **2.2. HOURS OF WORK AND OVERTIME**

- 2.2.1. All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations for consideration of overtime compensation.
- 2.2.2. For most City employees, the regular work period is forty (40) hours within a seven (7) day work week, commencing Monday at 12:00 a.m. and ending at 11:59 p.m. the subsequent Sunday.
- 2.2.3. Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off at the discretion of the employee, when they work more than the maximum numbers of hours during a regular work period. Such overtime shall be calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period
- 2.2.4. All overtime must be authorized in advance by the employee's department director.
- 2.2.5. When computing overtime, holidays, sick leave and vacation time are not counted as hours worked.
- 2.2.6. Exempt employees are not covered by the FLSA overtime provisions, and are not entitled to additional compensation.

### **2.3. COMPENSATORY TIME**

- 2.3.1. Employees entitled to overtime pay may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's department director. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. Maximum accruals of compensatory

time shall be limited to forty (40) hours for regular employees. After maximum accrual, overtime compensation shall be paid.

- 2.3.2. Employees may use compensatory time within a reasonable time period after making a request to their department director, unless doing so would unduly disrupt City operations. Compensatory time should be used for short term absences from work during times mutually agreed to by the employee and his/her department director. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.
- 2.3.3. If an employee is unable to use accrued compensatory time within a reasonable period, usually ninety (90) days, the employee will be paid his/her original overtime wage.
- 2.3.4. Exempt employees are not covered by the FLSA compensatory time provisions.

## **2.4. ATTENDANCE**

- 2.4.1. Punctual and consistent attendance is a condition of employment. Each department director is responsible for maintaining an accurate attendance record of his/her employees.
- 2.4.2. Employees unable to work or unable to report to work on time should notify the supervisor or department director as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for notifying the supervisor or department director each day. If the supervisor is unavailable, the employee may leave a message with the City Manager or his/her designated representative, stating the reason for being late or unable to report for work.
- 2.4.3. Employees are expected to be at work even during inclement weather. Department directors may allow employees to be late or leave early during severe weather conditions; however, non-attendance will be counted as absence from work and will be charged to accrued vacation time, or compensatory time.
- 2.4.4. An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.
- 2.4.5. Upon request, employees who have no unexcused absences or who have taken no sick leave for each four (4) month period beginning with each fiscal year shall be given one (1) personal day of leave for each such period. Personal leave shall be taken during the ensuing four (4) month period and shall not be carried over into a subsequent period or year, nor shall it be combined with vacation leave or other time off.

## **2.5. BREAKS AND MEAL PERIODS**

- 2.5.1. Employees may take one (1) fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. Meal periods shall be scheduled by the employee's department director. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length.

## **2.6. CALL BACK**

- 2.6.1. All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for

immediate disciplinary action, including possible termination. Non-exempt employees called back to duty will be paid their appropriate rate of pay for hours worked (the overtime rate, if applicable), with a minimum two hour callback pay.

## **2.7. PAYROLL RECORDS**

2.7.1. The official payroll records are kept by the Finance Director, or designee. Each department director is required to submit semi-monthly:

- a work record for each non-exempt employee which notes the hours worked, overtime worked, and any leave taken.
- a leave request for any exempt employee who takes leave, which notes the amount and type of leave taken.

2.7.2. The City Manager shall sign leave requests for department directors.

2.7.3. By signing the work record, the employee certifies that the information is true and correct.

### **3. Recruiting and Hiring**

#### **3.1. RECRUITING**

- 3.1.1. Recruiting is based entirely on ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, physical handicap, disability, age, or any other basis protected by local, state, or federal law.
- 3.1.2. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application. The application shall become a part of each employees permanent personnel record.
- 3.1.3. Any applicant supplying false or misleading information is subject to immediate termination, if hired.
- 3.1.4. Recruitment shall be conducted first among current city employees to extend promotional opportunities to them whenever possible. The City is committed to providing service to its citizens through highly qualified personnel. When there are insufficient qualified internal applicants to provide for an open and competitive process, an open process may be utilized which encourages the participation of current City employees.

#### **3.2. HIRING**

- 3.2.1. When a position becomes vacant and prior to any posting or advertisement of the vacancy, the department director shall review the position, its job description and the need for such a position. The department director will prepare and submit a written request to fill the position to the City Manager. After the City Manager has approved the request the position vacancy will be circulated among city employees for a period of five (5) days. If no applications are received during such internal circulation period, the position will be posted and/or advertised publicly.
- 3.2.2. Residency within the City shall not be a condition of initial appointment or continued employment except when required by State law; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.
- 3.2.3. Applicants for positions for which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving.
- 3.2.4. The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.
- 3.2.5. After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

- 3.2.6. A candidate may be disqualified from consideration if: (1) found physically and/or mentally disabled to perform the essential duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace); (2) when required pursuant to a bona fide occupational qualification the candidate refuses to submit to a post offer medical examination or to complete medical history forms; or (3) if the exam reveals the current use of controlled substances and/or disabling alcohol abuse; (4) a reference check fails to confirm an individual's stated qualifications or a background check reveals information which indicates that an individual's prior performance, criminal record or activities are incompatible with public employment.

### **3.3. TEMPORARY EMPLOYEES**

- 3.3.1. With approval of the department director, temporary employees may be used during emergencies or other peak workload periods, to temporarily replace regular employees absent due to disability, illness, vacation or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- 3.3.2. Temporary employees may be hired without competitive recruitment or examination.
- 3.3.3. Temporary employees may not work more than 90 hours a month (70 hours a month if eligible for PERS I) for more than five months in a twelve month period.
- 3.3.4. Temporary employees are eligible for overtime pay as required by law. Temporary employees are not eligible and do not receive retirement, vacation, sick leave, health insurance, holiday or any other benefits during their employment.

### **3.4. TRIAL PERIOD**

- 3.4.1. All newly hired employees or former employees who have been rehired or employees promoted to a new classification enter a trial period which is considered an integral part of the selection and evaluation process. During the trial period an employee is required to demonstrate suitability for the position through actual work performance.
- 3.4.2. The normal trial period is six (6) months from the employee's date of hire, rehire or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual or unique skills or qualifications.
- 3.4.3. An employee's trial period may be extended for up to an additional six (6) months (when needed due to circumstances such as extended illness, a need to continue to evaluate marginal performance, or for any other purpose as deemed necessary by the employee's supervisor) to properly evaluate the employee's performance. The trial period will not be shortened for any reason.
- 3.4.4. Trial employees accrue vacation and sick leave but are not eligible to use vacation or personal leave until after their trial period is completed.
- 3.4.5. When a department director determines an employee has satisfactorily completed the trial period, the department director should prepare a written performance evaluation, which will be reviewed by the City Manager. If the trial period is satisfactorily completed, the employee may be certified to regular employment status, by the City Manager.

### **3.5. EMPLOYMENT OF RELATIVES (NEPOTISM)**

- 3.5.1. Employees' immediate family, as defined in these policies, will not be employed by the City under any of the following circumstances:

- a) Where one of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
  - b) Where one party would be responsible for auditing the work of the other;
  - c) Where both parties would report to the same immediate supervisor;
  - d) Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
  - e) Where one of the parties is member of the City Council or the immediate family of such member.
- 3.5.2. If two employees marry, become related or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to continue employment with the City, unless reasonable accommodations, as determined by the City Manager, or his designee, can be made to eliminate the potential problem. The decision as to which relative will remain with the City must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time, the City reserves the right to terminate either employee.

### **3.6. PROMOTIONS AND TRANSFERS**

- 3.6.1. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the department director's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.
- 3.6.2. Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his/her trial period and possess the qualifications for the vacant position, unless such requirements are waived by the City Manager in the best interests of the City.

## **4. Compensation**

### **4.1. SALARY CLASSIFICATION AND GRADES**

- 4.1.1. Each job title within the City is classified into one of the City's classifications for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required by the specific job title. Each classification is designated a particular salary or salary range shown on the City's salary and wage schedule, which is approved annually as a part of budget adoption by the City Council.

### **4.2. EMPLOYEE PAY RATES**

- 4.2.1. Employees should be paid within the limits of the wage range to which their positions are assigned.
- 4.2.2. Usually, new employees will start their employment at the minimum wage rate for their classification. However, the City Manager may approve hiring a new employee at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions justify a starting rate greater than the minimum.
- 4.2.3. Pay increases are contingent on satisfactory performance. If an employee's performance is consistently unsatisfactory, the department director may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory.
- 4.2.4. The City Manager may propose and the City Council may grant an across the board pay adjustment (cost-of living increase) annually, raising the salaries of all positions by a specified amount, or within a defined group of classifications.

### **4.3. PAYDAYS**

- 4.3.1. City employees are paid twice monthly, on the 8th and 22nd of each month. If a regularly scheduled payday falls on Saturday, pay will be distributed on the preceding Friday; if it falls on Sunday or a holiday, pay will be distributed on the next regularly scheduled working day.

### **4.4. DEDUCTIONS**

- 4.4.1. Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized in writing by the employee, or statute.

### **4.5. TRAVEL AWAY FROM THE CITY**

- 4.5.1. All travel activity shall conform to the Travel Policy adopted by the City Council and attached to these Policies and Procedures as Exhibit A.

### **4.6. COMPENSATION UPON TERMINATION/DEATH**

4.6.1. When an employee's employment with the City is terminated in good standing as defined in these policies, the employee will receive the following compensation:

- Regular wages for all hours worked up to the time of termination which have not already been paid.
- Any overtime or holiday pay due.
- A lump sum payment of any accrued but unused vacation and compensatory time.
- No compensation shall be provided for unused sick leave or for extra time worked by exempt employees.
- Upon the death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.
- Benefits as defined by Municipal Employees Benefit Trust (MEBT) Policies

## **5. PERFORMANCE EVALUATIONS AND TRAINING**

### **5.1. PERFORMANCE EVALUATIONS**

- 5.1.1. To achieve the City's goals of training, promoting and retaining the best qualified employee for every job, the City conducts semi-annual performance evaluations for all positions. The City Manager is responsible for developing and implementing the City's performance evaluation program.
- 5.1.2. Each employee shall receive a performance evaluation by the supervisor or department director semi-annually in June and December on forms provided by the City. The evaluation shall objectively assess the employee's performance during the preceding six (6) month period. Results of the evaluation shall be reviewed and discussed with the employee prior to review by the City Manager and filing in the employee's personnel record.
- 5.1.3. The completed evaluation form shall be signed by the department director and the employee prior to review by the City Manager. The employee's signature indicates only that the department director discussed the evaluation with the employee but does not signify concurrence in the evaluation by the employee.
- 5.1.4. Every employee shall have the right to appeal a semi-annual evaluation in the manner provided in Section 8.13 hereof.
- 5.1.5. No employee shall be considered for a step increase or promotion except upon having received two successive performance evaluations of satisfactory or higher.
- 5.1.6. The evaluation becomes part of an employee's permanent personnel record and shall be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

### **5.2. TRAINING POLICY**

- 5.2.1. The City seeks, within the limits of available resources, to offer training to augment or increase an employee's skills, knowledge and abilities directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, seminars sponsored by other agencies or organizations, and formal educational programs.

## **6. BENEFITS**

### **6.1. RETIREMENT BENEFITS**

- 6.1.1. The City makes contributions on behalf of all eligible employees to the MEBT. program in lieu of Social Security System, in addition to those contributions made by the employee through payroll deductions.
- 6.1.2. All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.
- 6.1.3. The City participates in a 457 deferred compensation program through the International City Management Association Retirement Corporation (ICMA-RC). All regular employees are permitted to make contributions into this tax-deferred program.
- 6.1.4. Employees intending to retire should notify their department director of their intent to retire at least three months prior to the date of retirement.

### **6.2. DISABILITY BENEFITS**

- 6.2.1. All employees, except those covered by Law Enforcement Officer and Fire Fighters I (LEOFF I) are covered by the State Industrial Insurance program. This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost for any disability resulting from job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor.
- 6.2.2. When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the City will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.
- 6.2.3. When the employee receives Workers' Compensation benefits, he/she is required to repay to the City the amount covered by Workers' Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account.
- 6.2.4. The City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the essential functions of the position, with or without reasonable accommodation.
- 6.2.5. An employee receiving workers' compensation for a time-loss accident shall continue to accrue vacation leave and sick leave for a period not to exceed three (3) months and the City will continue to pay for the usual health, dental and life insurance during the same three-month period.
- 6.2.6. In the event an employee receives workers' compensation in addition to salary, he or she shall endorse each workers' compensation disability check, as received, to the City. The City will then pay the employee's sick leave until his/her accrued sick leave is exhausted.

The workers' compensation check will be credited against sick leave with a corresponding credit to earned sick leave, compiled to the nearest four (4) hour multiple.

### **6.3. INSURANCE BENEFITS**

- 6.3.1. Employees are eligible to participate in the City's insurance programs. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- 6.3.2. Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. Continued insurance coverage provided for by Federal Law (COBRA) may apply in the event coverage is not extended through the City.
- 6.3.3. While an employee is receiving workers' compensation benefits, the City will continue to pay the employee's health insurance premiums for up to one (1) year, after which the employee may choose to use his/her COBRA rights and self-pay insurance premiums.
- 6.3.4. Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct."
- 6.3.5. An administrative handling fee over and above the cost of the insurance premium may be charged the employee or his/her dependents who elect to exercise their COBRA continuation rights.

### **6.4. UNEMPLOYMENT COMPENSATION**

- 6.4.1. City employees may qualify for Washington State Unemployment Compensation after termination from City employment depending on the reason for termination and whether certain qualifications are met.

## 7. LEAVES OF ABSENCE AND TIME OFF

### 7.1. LEAVES

7.1.1. The City has eight (8) different types of leave:

1. Vacation leave.
2. Sick leave.
3. Personal leave.
4. Leave without pay.
5. Jury and Witness leave.
6. Military leave.
7. Administrative leave.
8. Executive Leave

### 7.2. VACATION

7.2.1. Each regular full-time employee is entitled to vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation Days per Month</u>
First Year	¾ day
Second Year	1 day
Fifth year	1 ¼ days
Eighth Year	1 ½ days
Twelfth Year	2 days

7.2.2. All new employees must satisfactorily complete their trial period to be entitled to the use of vacation leave. Regular part-time employees will receive vacation on a pro-rata basis. Temporary employees are not eligible for any vacation benefits.

7.2.3. Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests shall be submitted at least two weeks prior to taking vacation leave.

7.2.4. The maximum number of vacation hours which may be generally carried over from December 31 of one year to January 1 of the next year is 80 hours. In cases where City operations have made it impractical for an employee to use vacation time, or where the employee has made suitable arrangements with the department director approved by the City Manager, additional accruals may be authorized. Employees will be paid for unused vacation time upon termination of employment.

### 7.3. SICK LEAVE

7.3.1. All full-time regular employees, except LEOFF I employees, accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular

part-time employees will accrue sick leave benefits on a pro-rata basis according to hours worked.

7.3.2. Employees accrue and may use sick leave during their trial periods. Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.

7.3.3. Sick leave covers situations in which an employee is absent from work due to:

- a) Physical injury or illness to the employee;
- b) The need to care for the employee's dependent children under the age of 18 who are ill.
- c) Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
- d) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- e) Use of a prescription drug which impairs job performance or safety;
- f) Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability. Vacation leave, compensatory time, or leave without pay may be used.
- g) The death or critical illness of an immediate family member, not to exceed five (5) days.

7.3.4. A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job. Employees who are habitually absent due to chronic incapacity, illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.

7.3.5. Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with their department director's prior approval, take leave without pay, up to a maximum of ninety (90) days.

7.3.6. Employees will not be paid for any unused sick leave upon leaving City service for any reason.

#### **7.4. LEAVE WITHOUT PAY**

7.4.1. The City Manager may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) days per year.

- 7.4.2. Only regular full-time and part-time employees who have satisfactorily completed their trial period are eligible for leave without pay. The following requirements apply:
- 7.4.3. Leave may be granted to an employee for a period of up to ninety (90) days upon the approval of the City Manager. Further extensions are at the discretion of the City Manager.
- 7.4.4. Accrued compensatory time, if any, and vacation leave must be exhausted prior to taking any leave without pay.
- 7.4.5. An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay.
- 7.4.6. In certain circumstances, self-payment of benefits may apply. See Section 6.3 on Insurance Benefits.
- 7.4.7. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay.
- 7.4.8. If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's position.

## **7.5. JURY AND WITNESS LEAVE**

- 7.5.1. Employees may be granted time off with pay for up to three weeks to serve on a jury or as a court witness. After the three week period with pay, the employee may be required to use accumulated vacation leave, comp time, or leave without pay for extended jury duty or court witness time. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.

## **7.6. ADMINISTRATIVE LEAVE**

- 7.6.1. On a case-by-case basis, the City may place an employee on administrative leave with, or without, pay for an indefinite period of time, as determined by the City Manager to be in the best interests of the City during the pendency of an investigation or other administrative proceeding.

## **7.7. MILITARY LEAVE**

- 7.7.1. Employees who are members of the National Guard or federal reserve military units may be absent from their duties, with pay, for a period of up to fifteen (15) days per calendar year when they are performing ordered military duty and while going to and from that duty.

## **7.8. EXECUTIVE LEAVE**

- 7.8.1. The City Manager may grant executive leave to exempt employees having demonstrated exemplary service to the city based upon the expectation and understanding that such exemplary service be continued. The employee must submit an executive leave request to the City Manager and receive approval, prior to taking such leave.

## **7.9. HOLIDAYS**

7.9.1. The following holidays are recognized by the City:

New Years Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	4th Friday in November
Christmas Day	December 25
Floating Holiday	

7.9.2. Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

7.9.3. Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the supervisor.

7.9.4. Temporary employees will be paid at their regular straight-time rate for hours worked on a holiday.

7.9.5. New employees hired prior to July 1 will be entitled to a floating holiday for that year. New employees hired after that date do not receive a floating holiday in the year hired.

## **7.10. RELIGIOUS HOLIDAYS**

7.10.1. If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her department director's approval, take the day off using vacation, compensatory time, personal leave, or leave without pay.

## **7.11. FAMILY MEDICAL LEAVE ACT**

7.11.1. At such time that the City employs 50 or more employees, the City will consider the integration of sick leave policies with Family Medical Leave Act (FMLA) leave policies.

## **8. EMPLOYEE RESPONSIBILITIES AND CONDUCT**

### **8.1. GENERAL POLICY**

- 8.1.1. All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department director.
- 8.1.2. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving, maintaining, and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

### **8.2. OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

- 8.2.1. Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:
  - a) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
  - b) is conducted during the employee's work hours;
  - c) utilizes City telephones, computers, supplies, or any other resources, facilities or equipment;
  - d) is employment with a firm which has contracts with or does business with the City; or
  - e) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.
- 8.2.2. An employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she notifies his/her immediate supervisor, and does not conflict with Sec. 8.2(a).

### **8.3. POLITICAL ACTIVITIES**

- 8.3.1. City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- 8.3.2. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties may not wear or

display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a political cause.

- 8.3.3. Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendments Rights.

#### **8.4. NO SMOKING POLICY**

- 8.4.1. For health and safety considerations, the City prohibits smoking by employees in all City facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices.

#### **8.5. USE OF CITY VEHICLES AND EQUIPMENT**

- 8.5.1. Use of City phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

#### **8.6. BULLETIN BOARDS**

- 8.6.1. Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the City Manager.

#### **8.7. CONTACT WITH NEWS MEDIA**

- 8.7.1. The City Manager, the City Clerk, or designated department directors shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The City Manager, City Clerk, or department director may designate specific employees to give out procedural, factual or historical information on particular subjects.

#### **8.8. SEAT BELT POLICY**

- 8.8.1. Per Washington law, anyone operating or riding in City vehicles must wear seat belts at all times.

#### **8.9. DRIVER'S LICENSE REQUIREMENTS**

- 8.9.1. As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license.
- 8.9.2. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her department director and may be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department director.
- 8.9.3. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

## **8.10. SAFETY**

- 8.10.1. Every employee is responsible for maintaining a safe work environment and for following City safety rules. Each employee shall promptly report all unsafe potentially hazardous conditions to his/her department director. The City will make every effort to remedy problems as quickly as possible.
- 8.10.2. In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their department director or the City Manager.

## **8.11. SUBSTANCE ABUSE**

- 8.11.1. The City may discipline or terminate an employee possessing, consuming, controlling, selling or using alcohol, drugs or other controlled substances during work hours, or in any manner which detracts from the employee's ability or impedes other employees in performing essential City functions safely and efficiently.
- 8.11.2. The City may discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the City's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the City or others.
- 8.11.3. The City is committed to supporting employees who undergo treatment and rehabilitation for alcohol or other chemical dependency. The City will not retaliate against any employee who voluntarily seeks treatment; conversely, however, an employee who violates the City's policies or brings drugs or alcohol into the workplace will be disciplined or discharged.

## **8.12. DRUG-FREE WORKPLACE**

- 8.12.1. The manufacturing, distribution, dispensation, possession or use of unlawful drugs or alcohol on City premises or during work hours by City employees, or in any manner which diminishes or impairs the employee's ability to perform essential job functions is strictly prohibited.
- 8.12.2. Employees must notify the City within five (5) days of any conviction for a drug violation in the workplace.
- 8.12.3. Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete an assigned rehabilitation program is grounds for termination.

## **8.13. COMPLAINT PROCEDURES**

- 8.13.1. The City recognizes that situations arise in which an employee feels that he or she has not been treated fairly or in accordance with City rules and procedures or evaluated correctly for performance. For this reason the City provides its employees with procedures for resolving complaints.
- 8.13.2. Step 1: An employee should first try to resolve any problem or complaint with his/her supervisor, within five (5) working days of the incident or evaluation.
- 8.13.3. Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures or the performance evaluation, the employee should submit a written statement to the department director within three (3) working days. The department

director will respond to the employee in writing within three (3) working days after meeting with him/her, if possible.

8.13.4. Step 3: If the employee is not satisfied with the response from the department director, the employee may submit the problem, in writing, to the City Manager within three (3) working days of the response (or lack thereof) from the department director. The written complaint must contain, at a minimum:

- a) A description of the problem;
- b) A specific policy or procedure which the employee believes has been violated or misapplied, or the perceived evaluation oversight;
- c) The date and approximate time of the circumstances leading to the complaint; or the date when the employee first became aware of those circumstances; or the date and time of the evaluation.
- d) The steps taken by the employee to deal with the problem.
- e) The remedy sought by the employee to resolve the complaint.
- f) The written complaint shall be filed within five (5) working days of the occurrence leading to the complaint or of the time the employee becomes aware of the circumstances, or of the evaluation complained of.

8.13.5. The City Manager may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within three (3) days of the meeting. The City Manager's response and decision shall be final and binding.

8.13.6. Any complaint which is not noticed within the time limits established herein, or which is not timely taken to the next level of review, shall be considered settled on the basis of the last reply made and received in accordance with the provisions of this section.

8.13.7. The time limits prescribed in this section for the initiation and completion of the steps of the review process may be extended by mutual consent of the parties involved.

#### **8.14. REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION**

8.14.1. It is the Policy of the City of Woodinville to:

- a) Encourage reporting by its employees, of improper governmental action taken by City of Woodinville officers and employees; and
- b) Protect City of Woodinville employees who have reported improper governmental actions in accordance with the following policy and procedures.

8.14.2. To so assure, the City of Woodinville is adopting the following practices to pledge compliance with RCW Chapter 42.40, which is intended to assure local government employees protection and freedom from retaliation when disclosing improper governmental actions, protect legitimate employer interests by encouraging reporting to the local government body, and provide a speedy dispute resolution method.

8.14.3. Definition of key words and phrases in the above Policy Statement:

8.14.4. "Improper governmental action" means any action by a City of Woodinville employee: (a) that is undertaken in the performance of the employee's official duties, whether or not the

action is within the scope of the employee's employment; and (b) is in violation of any federal, state, or local law or rule; is an abuse of authority; is of substantial and specific danger to the public health or safety; or is a gross waste of public funds.

- 8.14.5. "Improper governmental action" does not include personnel actions, including, but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of civil service laws, alleged labor agreement violations, reprimands, or any action which may be taken under RCW Chapters 41.06 or 28B.16, or other disciplinary action except as provided in RCW Chapter 42.40.030.
- 8.14.6. "Retaliatory action" means any adverse change in the terms and conditions of a City of Woodinville employee's employment.
- 8.14.7. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.
- 8.14.8. **Procedures for reporting improper governmental actions.** The City of Woodinville employee who becomes aware of improper governmental actions should:
  - (1) Bring the issue to the attention of the first uninvolved supervisor.<sup>1</sup>
  - (2) At the request to the supervisor, the employee shall submit a written statement or report to the supervisor, or his/her designee, stating in detail the basis for the employee's belief that an improper governmental action has occurred.
  - (3) The supervisor (or designee) shall review the report with the Department Director, or, if the Department Director is involved, with the City Manager, and determine an Investigating Official. The Investigating Official may be the supervisor, the Department Director, or an appropriate designee.
  - (4) The Investigating Official shall take prompt action to properly investigate the report of improper governmental action. The City of Woodinville employees involved in the investigation shall keep the identity of the reporting employee confidential to the extent possible under law. After an investigation has been completed, the employee reporting the improper government action shall be advised of a summary of the results of the investigation, except any personnel actions taken as a result of the investigation may be kept confidential.
  - (5) Alternatively, City of Woodinville employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if:
    - a. The employee reasonably believes that an adequate investigation was not undertaken by the City of Woodinville to determine whether an improper governmental action occurred; or

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<sup>1</sup>In the case of an emergency, when the employee believes that the damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

- b. Insufficient action has been taken by the City to address the improper governmental action; or
- c. The improper governmental action is likely to recur.

8.14.9. City of Woodinville employees who fail to make a good-faith attempt to follow the above procedures in reporting improper governmental actions shall not receive the protection provided in these procedures.<sup>2</sup>

8.14.10. **Protection against retaliatory action.** City of Woodinville employees are prohibited from taking retaliatory action against a City of Woodinville employee because he or she has, in good faith, reported an improper governmental action in accordance with these policies and procedures.

8.14.11. Employees who believe that they have been retaliated against for reporting an improper governmental action should:

- (1) Advise their supervisor or other Department Director or the City Manager in writing within thirty (30) days after the occurrence of the alleged retaliatory action. The person receiving the report shall take appropriate action to investigate and address complaints of retaliation within thirty (30) days from the date notice was given to the City by the employee. If all the above persons are involved in the alleged retaliation, the employee may direct this to the City Council.
- (2) If the investigation does not satisfactorily resolve the employee's complaint that he or she has been retaliated against in violation of these policies, the employee may obtain protection under this policy and pursuant to State law by providing a written notice, within sixty (60) days after receipt of the outcome of the investigation, to the City of Woodinville City Council which specifies the:
  - a. Alleged retaliatory action; and
  - b. Relief requested.
- (3) After receiving either the response from the City of Woodinville Council or thirty (30) days after the delivery of the charge to the City Council, the employee may request a hearing before a State Administrative Law Judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the City of Woodinville City Manager within the earlier of either fifteen (15) days of receipt of the outcome of the City of Woodinville's City Council investigation to the charge of retaliation or forty-five (45) days of delivery of the charge of retaliation to the City Council for response.
- (4) Upon receipt of the request for hearing, the City Manager shall apply, within five working days, to the State Office of Administrative Hearings for an adjudicative proceeding before an Administrative Law Judge, Office of

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<sup>2</sup>In the case of an emergency, when the employee believes that the damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with the responsibility for investigating the improper action.

Administrative Hearings, Post Office Box 42488, 4224 Sixth SE, Row Six, Building 1, Lacey, WA 98504-2488, (206) 459-6353.

- (5) If a determination is made that retaliatory action has been taken against the employee, the Administrative Law Judge may, in addition to any other remedy, impose a civil penalty personally upon the retaliator.
- (6) The City of Woodinville will consider any recommendation provided by the Administrative Law Judge that the retaliator be suspended with or without pay or dismissed.
- (d) Responsibilities.

8.14.12. The City Manager is responsible for implementing the City of Woodinville policies and procedures for:

- (1) Reporting improper governmental action; and
- (2) For protecting employees against retaliatory actions.

This includes ensuring that this policy and these procedures are permanently posted where all employees will have reasonable access to them and are made available to any employee upon request and are provided to all newly hired employees.

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

8.14.14. Responsible agencies. The City will maintain a list of agencies responsible for enforcing Federal, State, and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the City Manager.

## 9. DISCIPLINE AND TERMINATIONS

### 9.1. DISCIPLINE

- 9.1.1. All employees are expected to exercise good judgment, loyalty, common sense, dedication, respect, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.
- 9.1.2. Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- 9.1.3. The City Manager, department director, or supervisor, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- 9.1.4. The following examples of the types of behavior which may result in discipline are offered here by way of example only, and not by way of limitation or exclusion:
  - a) Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.
  - b) Violation of a lawful duty.
  - c) Insubordination.
  - d) Absence from work without first notifying and securing permission from the supervisor.
  - e) Habitual absence or tardiness for any reason.
  - f) Unsatisfactory job performance, as determined by the City.
  - g) Conviction of a felony or a misdemeanor involving moral turpitude.
  - h) Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City.
  - i) Refusal or failure to perform the duties of the assigned job.
  - j) Violation of duties or rules imposed by this manual, or by any other City rule, regulation or administrative order.
  - k) Sexual harassment or any harassment of coworkers.
  - l) Violations of safety rules or common safety practices; personal conduct at work which is dangerous to others; failure to report on the job injuries or accidents promptly to employee's supervisor;
  - m) Negligent or willful damage to the City's property, waste of supplies or equipment, theft; unauthorized possession or use of City property, equipment or materials; theft of City property or property belonging to employees or customers;
  - n) Discourteous treatment of the public or other employees;

- 9.1.5. The City may discipline or terminate employees for other reasons not stated above.
- 9.1.6. In the event that discipline is necessary, the following types of disciplinary actions may be used:
- 9.1.7. **Oral Warning.** An oral warning is a counseling session between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session the supervisor should document the oral warning.
- 9.1.8. **Reprimand.** A reprimand is a formal written disciplinary action that may be used for misconduct, inadequate performance, repeated lesser infractions, or any other situation situations where warranted. Written reprimands are placed in the employee's personnel file.
- 9.1.9. **Suspension.** A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct, repeated lesser infractions, or any other situations where warranted. A suspension is a severe disciplinary action which is made part of the employee's permanent record.
- 9.1.10. Suspensions with pay, where the employee is placed on administrative leave, may be utilized by a department director or the City Manager pending the results of an investigation or disciplinary action where the department director or City Manager determines that factors such as public confidence, the safety of the employee or the efficient functioning of the City call for such a suspension.

## 9.2. TERMINATION

- 9.2.1. An employee may be terminated from City employment for reasons which are listed hereinafter by way of examples and not by way of any limitation or exclusion:
- a) During or at the end of the employee's trial period.
  - b) As a result of disciplinary action.
  - c) Due to loss of skills, certifications or other conditions which would make the employee unfit for service.
  - d) If the employee has a physical or mental impairment that prevents him/her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated in their current position. The City will also review whether the employee has the skills and qualifications necessary to perform other work within the City and will review other available jobs as they arise with the disabled worker. The City will not create work but will seek to reasonably accommodate disabled workers within the City's work force. In addition to the actual experience of non-performance, termination must be supported by medical evidence which establishes that the individual is unable to perform the essential functions of his or her job even with reasonable accommodation. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in termination.

- 9.2.2. At-will employees may be terminated at any time, with or without cause and with or without notice.
- 9.2.3. No employee will be disciplined or terminated for a discriminatory or otherwise illegal reason.
- 9.2.4. City Manager Review. At will employees serve at the pleasure of the City Manager. The City Manager will endeavor to review all disciplinary actions with the department director, but final action regarding discipline or discharge of an at will employee shall be at the City Manager's sole discretion. There shall be no appeal from his or her decision. Designated employees other than department directors have the right to have the City Manager review a disciplinary or discharge decision made by a department director with respect to the employee. This review is not a hearing, but shall consist of an informal review of the department director's decision by the City Manager. Opportunity may be provided for the employee to provide his or her reasons or explanations in writing. The decision of the City Manager is final and shall not be appealable.

### **9.3. PRE-TERMINATION HEARING**

- 9.3.1. In the case of termination of an employee other than at-will employees, or trial employees, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and to determine whether there is a reasonable presumption that the charges against the employee are valid and support termination.

### **9.4. LAYOFF**

- 9.4.1. The City Manager may lay off employees for lack of work, budgetary restrictions or reorganization or restructuring of the work force. Affected employees will be given as much notice as possible, with a minimum of ten (10) working days notice, before such layoff becomes effective. Every reasonable effort shall be made to transfer affected employees into other positions.
- 9.4.2. Whenever a layoff is anticipated, employees whose jobs may be affected should be notified of the situation and the available options as early as possible to allow them time to make the necessary arrangements;
- 9.4.3. Temporary or casual employees performing similar work in the same department should be laid off before regular employees are affected;
- 9.4.4. In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
- 9.4.5. Options such as part-time work schedules, job sharing, and voluntary timer and/or pay reductions may be explored if, in the opinion of the department director or supervisor, such options are feasible and approved by the City Manager;
- 9.4.6. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.
- 9.4.7. The termination of contract employees will be governed by the contract for services.

### **9.5. MERITORIOUS SERVICE AWARD**

- 9.5.1. The City Manager may authorize a monetary or non-monetary special service award which shall be in addition to regular salary and benefits for deserving City employees subject to the following terms and conditions:
- 9.5.2. Special service awards may be given at any time and for any reason, but shall not be given to any employee more frequently than once each calendar year.
- 9.5.3. The value of special service awards shall not exceed five (5) percent of the employee's annual salary.
- 9.5.4. Special service awards may be given in the form of cash, contributions to deferred compensation, additional leave, services, or gifts as authorized by the City Manager.

## **9.6. RESIGNATION**

- 9.6.1. Employees are required to provide at least two (2) weeks' notice of termination of employment or resignation in order to be determined to have resigned in good status.