



Personnel Policies

City of Mill Creek

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Mill Creek, WA 98012

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www.cityofmillcreek.com

ACKNOWLEDGMENT OF RECEIPT

I, _____, acknowledge that on _____ I received a copy of the **Personnel Policies** manual or section updates for the City of Mill Creek. Within the next thirty (30) days, which is _____, I will read this manual or updates. If I have questions about any of the policies or procedures contained in this manual, I will seek clarification from my supervisor, department manager, or the City Manager.

Signature

Date

DECLARATION OF UNDERSTANDING

I, _____, have read and understand the policies and procedures contained in the **Personnel Policies** manual for the City of Mill Creek. I agree to maintain the manual and update or add any changes as directed.

Signature

Date

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CITY OF MILL CREEK

Personnel Policy Manual

Update & Overview of Changes

April 22, 2004

Remove Pages	Insert Pages	Description of Changes
		Substantive changes to Chapter 2 are listed below. Other minor wording changes have been made as well, and the red-line version is available for review upon request.
II-ii through II-19	2-i through 2-17	GENERAL EMPLOYMENT POLICIES & PRACTICES Sexual Harassment language replaced by Policy Against Workplace Harassment (Subsection B) New Policy Against Workplace Violence (Subsection E)
	App 2A through 2B	

CITY OF MILL CREEK

Personnel Policy Manual

Update & Overview of Changes

May 22, 2001

Remove Pages	Insert Pages	Description of Changes
Section X, 1-26	10-i	
	10-1 through 10-18	<p>♦Section D (previously Section IV) <i>Determining the Results of the Performance Appraisal Process</i> – third sentence through end of paragraph moved to Section E.</p> <p>♦Section E <i>Determining the Merit Increase</i> – new section. The following language was added: “Per City Council Policy 01-001, the maximum merit increase is 5 percent. This Policy also provides that those employees who are below the 50th percentile as indicated in the City’s most recent salary study, including any market adjustments to the salary survey determined necessary by the City Manager, shall also be eligible for an additional 2% merit premium until they reach the 50th percentile target point. Employees earning less than the market entry as indicated in the City’s most recent salary study, including any market adjustments to the salary survey determined necessary by the City Manager and approved by the City Council, shall have their wages adjusted to no less than the market entry rate. Due to the collective bargaining process, this system may not be directly applicable to employees covered by a collective bargaining agreement or represented by a recognized labor organization. However, the City Council reiterates its belief that the pay-for-performance philosophy should be applied to all employee groups and classification.”</p> <p>♦Section G <i>Incentive Pay Program</i>, which previously existed as a separate document, was added to this chapter.</p>
	App A-1 through A-3	
	App B-1 through B-9	
	App C-1 through C-2	
	App D-1	
	App E-1	♦Added this sample of the Customer Service Survey, which previously existed as an appendix to the Incentive Pay Program.
	App F-1	♦Added this sample of the Department Goals Monitoring Sheet, which previously existed as an appendix to the Incentive Pay Program.

Insert this page directly behind the Table of Contents section in the front of the manual

SECTION 1. INTRODUCTION

A. PURPOSE

These policies and procedures are intended to provide general guidelines, to be applied fairly and equitably to all employees of the City of Mill Creek, regarding personnel administration. They are published to inform employees, supervisors and managers of their rights and responsibilities as employees of the City. Specific objectives of these policies and procedures are to:

- Ensure that recruitment, selection, placement, promotion, retention, and separation of City employees are based upon employees' qualifications, including work experience, training and skills, applied to the work of the position and are in compliance with federal and state laws;
- Develop and maintain a pay and classification plan so that job titles and position descriptions are standardized, essentially similar positions share recruiting, selection and performance evaluation criteria, and that compensation is commensurate with the position classification;
- Promote the highest quality performance by providing job performance evaluations and timely and effective training for employees whenever possible, subject to budget constraints;
- Promote communication between managers, supervisors, and employees; and
- Maintain the confidentiality of official employee records and ensure that those records are accurate, objective and unbiased.

The City specifically reserves the right to repeal, modify or amend these policies, at any time, with or without notice. None of these provisions shall be deemed to create or shall create a vested or implied contractual right in any employee nor to limit the power of the City Manager or City Council to repeal or modify these policies at their discretion. These policies shall not be interpreted as promises of specific treatment.

B. SCOPE

All provisions of the personnel procedures apply to all City employees, except temporary/casual employees and independent contractors. In cases where these policies conflict with the Civil Service rules, City ordinance, personal service contracts, employment contracts, labor agreements, or state or federal law, the terms and conditions of that rule, ordinance, contract, agreement, or law shall govern. In all other cases, these rules shall apply.

In the event of an amendment of any ordinance, rule or law incorporated into this document upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

C. ADMINISTRATION OF POLICIES

Each City department may also develop standard operating procedures, which will not appear in this manual. Department managers shall have the responsibility of informing employees of procedures and of ensuring that they are applied fairly and consistently. All department standard operating procedures must be consistent with the policies in this manual.

To implement, administer or revise the personnel policies and procedures, employees and management are responsible for the following activities:

1. City Manager

The City Manager, to include his/her designee, is responsible for:

- Administering the personnel system and establishing personnel policies and procedures;
- Hiring, placing, disciplining, and removing all employees subject to provisions of the personnel code, these administrative procedures and federal and state law;
- Developing and implementing programs to provide for equal opportunity in all aspects of City personnel administration;
- Fixing and establishing the number of employees in the various departments, determining their duties and compensation in accordance with these rules and the pay and classification plan subject to Council approval, and the provisions of state and municipal budget laws;
- Developing and administering the pay and classification plan based upon duties, responsibilities and nature of work performed. Review of position descriptions, qualifications and the classification system and its requirements should be completed at least once every three (3) years; and
- Exercising such authority in personnel administration as may be prescribed by federal, state and local law, and these personnel policies and procedures.

2. Department Managers

Subject to the direction of the City Manager, the responsibilities of department managers include:

- Participating in the recruitment, selection and placement of employees by summarizing duties and responsibilities assigned to the position(s) being filled and providing advice and information concerning the knowledge, abilities and skills to be tested;
- Hiring, placing, removing, disciplining, and suspending employees in positions in their respective department in accordance with the personnel policies and administrative procedures;
- Keeping employees in their department informed of current personnel policies and procedures;
- Developing performance criteria for the job classifications within their department with the assistance of supervisory personnel and completing performance evaluations for their subordinates; and
- Orienting new employees to the organization and their particular job and training subordinates.

3. Supervisors

Subject to the direction of the department manager, the responsibilities of supervisors may include:

- Participating in the recruitment, selection and placement of employees by summarizing duties and responsibilities assigned to the position(s) being filled and providing advice and information concerning the knowledge, abilities and skills to be tested;
- Hiring, placing, removing, disciplining, and suspending employees in positions in their respective department in accordance with the personnel policies and administrative procedures;
- Keeping employees in their department informed of current personnel policies and procedures;
- Developing performance criteria for the job classifications within their department with the assistance of their department manager and completing performance evaluations for their subordinates; and
- Orienting new employees to the organization and their particular job and training subordinates.

4. Employees

Each employee is responsible for:

- Reading, understanding and following these personnel policies and procedures;
- Encouraging open communication with other employees, including management employees;
- Recommending changes to these personnel policies and procedures, as needed, to the appropriate supervisor, department manager or the City Manager; and
- Performing all job duties appropriately assigned to them in a satisfactory manner.

D. DEFINITIONS

Anniversary Date: Date used to determine annual wage/salary reviews. This date may be adjusted by changes in employment status, such as promotions or reclassification. This date will be adjusted for unpaid leaves of absence, or a portion thereof, which exceed five (5) working days. For part-time employees, this date is calculated by full-time equivalent hours worked.

Applicant: An individual who has submitted a completed application for employment within the publicized recruiting period.

Classification: All positions sufficiently similar in duties, authority, and responsibility to permit grouping under a common title, to apply common standards of selection and to set compensation at the same rate.

Compensatory Time: Paid time off the job earned and accrued by an employee in lieu of cash payment for work outside an employee's regular work period.

Demotion: Appointment to a lower job classification as a result of a disciplinary action.

Examination/Employment Test: Any measure or procedure used as a basis for any employment decision. Examinations include the full range of assessment techniques from traditional paper and pencil tests, performance tests, and physical, and educational and work experience requirements, through interviews and unscored application forms.

Employee: All employees of the City are at-will employees and may be terminated, with or without cause and with or without notice, at any time.

- **Casual Employee:** An employee who is hired to work on an intermittent or as-needed basis and not on a regular schedule, or an employee who regularly works less than twenty (20) hours per week. Such employees shall receive no benefits other than those required by federal or state law.
- **Job Share Employee:** An employee who shares a regular 40-hour position with another regular employee. Job-share employees are eligible for pro-rated benefits.

- **Exempt Employee:** An employee who holds an administrative, professional or executive position which is defined as exempt under the Fair Labor Standards Act. Exempt employees include: City Manager, Director of Public Works, Police Chief, Director of Community Development, Clerk-Treasurer, Police Commander, Public Works Supervisor, Planners I and II, and Assistant to the City Manager, and other department heads or other positions as they may be created.
- **Full-time Employee:** An employee who is employed to work not less than forty (40) hours per week.
- **Non-exempt Employee:** An employee who is subject to the overtime provisions of the Fair Labor Standards Act.
- **Part-time Employee:** An employee who is regularly scheduled to work at least twenty (20) hours per week and fewer than forty (40) hours per week. Part-time employees are eligible for pro-rated benefits.
- **Regular Employee:** An employee who successfully completes his/her initial trial employment period. Regular employees may be full-time or part-time.
- **Temporary Employee:** Any employee who performs work which is temporary in nature as a result of emergency, peak workloads or substitution for other employees. The length of employment shall not exceed five (5) months, unless an extension is granted by City Manager. Such employees are not eligible for benefits other than those required by state or federal law, unless approved by the City Manager.

Grievance: A complaint by an employee alleging a violation of a City ordinance, personnel regulation, or department rule that pertains to the terms and conditions of employment by the City.

Immediate Family: Mother, father, spouse, siblings, spouse's siblings, stepchildren, adopted children, birth children, grandparents, grandchildren, aunts, uncles, and other people related by marriage.

Layoff: A non-disciplinary termination of an employee due to the City's financial position or a change in the need for which the position held was created.

Leave: An authorized absence from regularly scheduled work hours.

Pay Status: The normal employment situation in which the employee is paid for time worked or the employee is on paid leave, e.g., annual leave, sick leave or other paid leave of absence.

Position Description: A written statement describing the general duties and responsibilities of a position.

Promotion: Appointment to a higher job classification. An increase in pay resulting from a reclassification is not a promotion.

Reclassification: Assignment to a new position classification, which may occur when a significant change in job responsibilities occurs.

Reduction in Classification: Appointment to a lower job classification when such an appointment is not for disciplinary reasons.

Resignation: A voluntary separation from employment with the City as initiated by an employee.

Seniority: The length of the employee's continuous service with the City since the employee's most recent date of hire. The seniority date may be adjusted to reflect extended leaves of absence (more than five [5] working days) or other breaks in service.

Separation: Discontinuation of the employment relationship regardless of reason.

Termination: Separation of an employee from employment with the City as a result of a disciplinary action.

Transfer: A change by an employee from a position in one classification to another position whether intra-departmental or inter-departmental.

Trial Employment Period: A defined period of time, minimum six (6) months, which is an integral part of the examination and selection process, during which an employee may be dismissed (new hire) or returned to their previous job classification (promotion, transfer) with or without cause and is required to demonstrate fitness for a position by actual performance of the duties of the position.

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SECTION 2. GENERAL EMPLOYMENT POLICIES & PRACTICES

A. EQUAL EMPLOYMENT OPPORTUNITY (City Resolution No. 92-149)

1. Policy

No person shall be subject to employment discrimination because of race, religion, color, national origin, gender, age, disability, marital status, sexual preference, veteran status, or any other basis not reasonably related to the accomplishment of a legitimate governmental purpose. It is the policy of the City to foster and maintain a harmonious nondiscriminatory working environment for all employees. The City will not tolerate racial, ethnic, religious, or sexual slurs, or comments demeaning national origin or disabled status, whether by or about any employee, applicant, or person.

Violations of this policy by employees will be cause for disciplinary action, including written warnings, suspension, and termination. Any employee who feels they have been the target of discrimination shall report the incident to his or her supervisor, or the City Manager or his/her designee, for appropriate investigation and action.

2. Grievance Process

Any person who believes that they have been discriminated against may submit a grievance to the Finance Director.

- a. The complaint must be filed in written or audio form within thirty (30) days of the date after the complainant becomes aware of the alleged violation.
- b. The complaint must contain the name and address of the person filing it, briefly describing the alleged violation of the regulation, including any persons involved and witnesses to the alleged violation.
- c. The complaint will be investigated by the Finance Director, unless he/she is the subject of the complaint, in which event the City Manager will do the investigation. This process is informal and is intended to afford all interested persons and their representatives an opportunity to submit evidence relevant to their complaint. A decision will be made by the Finance Director and/or the City Manager within twenty days (20) of the receipt of the complaint, and the complainant will be notified of the decision immediately thereafter.
- d. If the complainant is not satisfied with this response, they may file an appeal with the City Council within ten (10) days. Within thirty (30) days of receipt of the appeal, it will be heard by the City Council in a public session. The City Council will then make a binding decision to affirm, amend, modify, or reverse the previous decision.

- e. The right of a person to a prompt and equitable resolution of their complaint will not be impaired by the person's pursuit of other remedies, such as the filing of an Americans with Disabilities Act (ADA) complaint with the responsible federal department or agency. The use of this grievance procedure is not a prerequisite to the pursuit of other remedies.

B. POLICY AGAINST WORKPLACE HARASSMENT

1. Policy

Workplace harassment is a form of discrimination and is an unlawful employment practice under Title VII of the 1964 Civil Rights Act and the Washington State Law Against Discrimination, Chapter 49.60 RCW. The City is committed to insuring that the practices and conduct of all its employees comply with the requirements of federal law and state laws against employment discrimination. To that end, the City expects all employees to work in a manner that respects the feelings and dignity of their co-workers. It is the policy of the City that all employees have the right to work in an environment free from harassment based upon their race, color, religion, gender, national origin, age, marital status, sexual orientation, disability, or any other protected status or characteristic. Any such harassment of employees by their co-workers or supervisors will not be tolerated by the City.

2. Definition of Sexual Harassment

For the purpose of this policy, "sexual harassment" is unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes:

- a. Sexual advances and other verbal or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment.
- b. Unwelcome verbal or physical conduct of a sexual nature that interferes with the employee's work or creates an intimidating, hostile or offensive work environment.

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

- Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm around another, or any other similar physical contact considered unacceptable by another individual.
- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied

by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.

- Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
- Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

3. Definition of "Other Harassment" (Nonsexual)

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

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

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

- Using epithets, slurs, or negative stereotype;
- Threatening, intimidating, or engaging in hostile acts that relate to protected status or characteristics such as those referred to above;
- Jokes or pranks that refer to or denigrate a protected status;
- Placing on walls, bulletin boards, or elsewhere on the work premises or circulating in the workplace written or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

4. Complaint Process

An employee who feels harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly. A complaint can be made verbally or in writing to the employee's supervisor, the employee's department head, the Finance/HR Director, the City Manager, or the City Attorney. The report should include a specific description of the offensive conduct, date(s) of occurrence(s), the individuals involved, and any witnesses.

No employee will suffer retaliation for reporting any incident of workplace harassment. The employee and/or the harasser may be reassigned pending the City's investigation of the incident.

It is the right of all employees to seek at any time redress by the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law. Employees should, however, exhaust the procedures and remedies outlined in this policy before consulting outside agencies.

A harassment complaint will be handled as follows:

- Every complaint is to be reported promptly to the City Manager either by the complainant or by the person receiving the complaint.
- Upon receiving a report of harassment, the supervisor, department manager, or City Manager will promptly notify the City Attorney and the complaint will be immediately investigated by one of the above people. However, choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred. The investigation may include interviews with the involved parties, and where necessary, with employees or others who may have observed the incident or who may be similarly situated with the complaining employee and able to confirm or deny similar experiences.
- Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the City's need to undertake a full investigation.
- There shall be no retaliation by the City, its officers, elected officials, supervisors, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint.
- Where the investigation confirms the allegations, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including

termination. The affected individuals will be informed of the outcome of the investigation.

- There may be instances in which an employee reporting harassment seeks only to discuss the matter informally and does not wish the City to undertake an investigation or to take further steps. In such situations, the City may arrange some informal mechanism for resolving the issues. However, an individual reporting harassment should be aware that the City may decide it must take action to address the harassment beyond informal means.

The City Manager or his/her designee shall be responsible for disseminating information on the City's policy against sexual and other kinds of harassment, for developing training programs and guidelines for preventing sexual or other forms of harassment, and for investigating and resolving allegations of harassment.

All officers, supervisors, and managers (generally, "supervisors") are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. Supervisors must open and maintain channels of communication to permit employees to raise concerns of sexual or other harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity. A supervisor's failure to carry out these responsibilities may be reflected in the supervisor's performance review or salary adjustment or may result in discipline or discharge.

C. WHISTLEBLOWING POLICY AND PROCEDURES - Reporting Improper Governmental Action (RCW, 42.41.050 and City Resolution No. 93-161)

It is the City's policy to encourage employees to report improper governmental action taken by any *officers or* employees of the City and to protect City employees who have reported such improper governmental actions in accordance with the City's policies and procedures.

1. Definitions

As per Washington State law, the following terms, as used in this policy, shall have the meanings indicated:

Improper governmental action: Any action by a City employee 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
- Is (i) in violation of any federal, state, or local law or rule; (ii) an abuse of authority; (iii) of substantial and specific danger to the public health or safety; or (iv) a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands.

Retaliatory action: Any adverse change in the terms and conditions of a City employee's employment.

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

2. Procedures For Reporting Improper Governmental Actions

- a. City employees who become aware of improper governmental actions shall raise the issue first with the City, e.g. their department manager, the City Manager, or City Attorney. The employee shall submit a written report to the department manager, City Manager, or City Attorney, within thirty (30) days of the incident occurring or within thirty (30) days of the employee becoming aware that the incident occurred. The report should state in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes that the improper governmental action involves his/her department manager, the employee shall raise the issue directly with the City Manager or City Attorney.

In the case of an emergency, where the employee believes that imminent 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. See **Appendix 2A** for a list of such agencies.

- b. The department manager, City Manager, or City Attorney shall take prompt action to assist the City in properly investigating the report of improper governmental action. City employees involved in the investigation shall keep the identity of reporting employee(s) confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
- c. City employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the City employee reasonably believes that (1) an adequate investigation was not undertaken by the City; (2) insufficient action has been taken by the City to address the improper

governmental action; (3) or for other reasons the improper governmental action is likely to recur.

- d. City employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protection provided by the City in these procedures.

3. Protection Against Retaliatory Actions

- a. City officials and employees are prohibited from taking retaliatory action against a City employee because he/she has in good faith reported an improper governmental action in accordance with these policies and procedures.
- b. Employees who believe that they have been retaliated against shall advise their department manager, the City Manager, or City Attorney. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.
- c. If the employee's complaint of retaliation is not satisfactorily resolved, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City Council that (1) specifies the alleged retaliatory action and (2) specifies the relief requested.
- d. City employees shall provide the original copy of their written charge to the City Council and provide a copy of their written charge to the City Manager and City Attorney no later than thirty (30) days after the occurrence of the alleged retaliatory action.
- e. After receiving either the response of the City 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 has occurred and to obtain appropriate relief provided by law. An employee seeking a hearing shall deliver the request for a hearing to the City Manager within the earlier of fifteen (15) days of delivery of the City's response to the charge of retaliatory action or forty-five (45) days of delivery of the charge of retaliation to the City Council for response.

Upon receipt of request for a hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
P.O. Box 42488, 4224 Sixth SE
Rowe Six, Bldg. 1
Lacey, WA 98504-2488
(206) 459-6353

The City will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay or dismissed.

4. Responsibilities

The Finance Director is responsible for implementing the City's policies and procedures for reporting improper governmental action and 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, are made available to any employee upon request, and are provided to all newly-hired employees. Officers, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

5. List of Responsible Agencies

Appendix 2A is 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 Finance Director.

D. PERSONNEL RECORDS

1. Personnel Records and Files

Preemployment and employment records are maintained for all City employees, are the property of the City, and are confidential. Those records include but are not limited to an employee's application, examination materials, reports of employment reference checks, list of positions held and pay rates received, personnel action forms, performance evaluations, records of disciplinary actions, records related to fringe benefits, and such other records as may be deemed necessary. The Finance Director shall be the central depository of all such personnel records and files as the City Manager deems necessary and are required by these policies and by law.

2. Confidentiality

Each employee's personnel records are confidential. Only the employee, employee's supervisor, department manager, City Manager, and City Attorney may examine personnel records. The payroll staff shall have access to those records that are required to perform their job, such as the records of benefit elections, salary, and job status. Employees are entitled to review their employment file, in the presence of a supervisor, upon request to their department manager or the City Manager.

Confidential personnel records shall not be released to any other individuals, except with the written consent of the employee or in response to court orders, subpoenas,

or government request directing the provision of information from personnel records if approved by the City Attorney.

Any employee who fails to maintain the confidentiality of personnel records and files shall be subject to disciplinary action.

3. Placement of Documents into Personnel Files (RCW 49.12.250)

Documents to be placed into an employee's file relating to job performance shall be brought to the employee's attention and signed by the employee prior to placement in the file. The employee's signature is required to indicate that he/she has been given the opportunity to read the document. The employee's signature does not indicate agreement with the document. In the event an employee refuses to sign a document, the City may fulfill its obligation by having the manager document the conversation with the employee and the employee's refusal to sign the document.

An employee may challenge the propriety of any document in the personnel file and request removal of information they deem irrelevant or erroneous. Final determination of the retention of such material shall be made by the City Manager. The employee shall have the right to submit a letter of rebuttal in his/her personnel file regarding any disputed information in his/her file.

4. Employment Verification/References

The payroll department may respond to requests for verification of employment of current and former employees and may provide only the following information, unless the employee has provided written consent to provide specific additional information.

- Dates of employment
- Employment status
- Classification job title or job title at date of termination
- Verification of salary information
- Department and division employed

Official responses to requests for employment references, which typically concern an employee's job performance, should come from the City Manager or the employee's department manager.

5. Records Retention

Confidential personnel records may be destroyed seven (7) years after the employee has ceased to work for the City, or at an earlier date as determined by the City Manager. Seven (7) years after the date of separation, former employees' names, Social Security numbers, dates of employment, and job classification(s) will be listed on the City's employee history index and the contents of their personnel file destroyed.

E. DRUG-FREE WORKPLACE POLICY

1. Purpose

The City of Mill Creek has a significant interest in ensuring the health and safety of its employees and citizens. The purpose of this policy is to outline those steps the City is taking to ensure that all its employees are free of chemical dependency while in the performance of their duties.

2. Organizations Affected

All departments/divisions.

3. References

Drug-Free Workplace Act of 1988

4. Policy

The City of Mill Creek strictly prohibits the manufacture, possession, distribution, dispensing, or use of alcohol, drugs, or controlled substances by employees in the workplace. The City further pledges to make a good faith effort to maintain an alcohol- and drug-free work environment.

The City recognizes that chemical dependency is a treatable illness and encourages employees who suspect they may have a chemical dependency to utilize diagnostic, counseling and treatment services such as those provided by the City's Employee Health Care Plan and Employee Assistance Program.

The City is concerned that employees who are suffering from chemical dependency may have impaired work performance or behavior and can pose a serious hazard to the safety and welfare of the employees, co-workers, and the public. Therefore, reporting for work or working while under the influence of alcohol, controlled substances, or drugs except as provided below is strictly prohibited, and will be cause for disciplinary action up to and including termination.

The possession, manufacture, dispensing, distribution or use of alcohol, drugs, or controlled substances in the workplace will be cause for disciplinary action up to and including termination, except as excluded below.

The possession, manufacture, dispensing, distribution, or use of drugs or controlled substances in the workplace, except as excluded below, will also be treated as a criminal matter and will be referred to the Mill Creek Police Department or other law enforcement agency for appropriate action.

Exemptions: The possession and use of prescription drugs or over-the-counter drugs taken for a medical condition (medicinal purposes) during working hours is permissible. The employee shall have no obligation to inform his/her supervisor of such usage unless the prescribed or over-the-counter drug contains a warning notice of possible impairment that may prevent the employee from performing his/her job safely or effectively. Drugs possessed/used by the employee must be prescribed for the specific use of that employee.

In compliance with the *Drug-Free Workplace Act of 1988*, additional requirements are made of any City employees who work in a department or division that receives one or more federal contract awards of \$25,000 or more, federal contracts awarded to individuals, or a federal grant regardless of grant size as follows:

- All employees will receive a copy of this policy and will agree to comply with its terms as a condition of employment.
- Employees must report criminal convictions for illegal drug activity in the workplace in accordance with the Drug-Free Workplace Act of 1988. The report must be made to their department director or his/her designee.
- The City Manager or his/her designee shall notify the federal contracting or granting agency of any criminal convictions of employees for illegal drug activity in the workplace within ten (10) days of learning about the conviction.

The director/manager of a department/division that receives federal funds as specified in this policy shall be responsible for notifying all department/division employees that they are subject to the provisions of the *Drug-Free Workplace Act of 1988* and all sections of this policy. The department/division director/manager shall also be responsible for ensuring that all of his/her employees have read and understood the provisions of this policy and for providing all new employees (see definition of employee in Section 1) with a copy of the City's Drug-Free Workplace Policy Statement.

5. Definitions

Chemical Dependency: Addiction to alcohol or controlled substances either of a prescription or illegal nature; this definition does not cover those who have successfully

completed a recognized rehabilitation program and are no longer alcohol or controlled substance users.

Alcoholism: For the purpose of this policy, alcoholism is defined as an ongoing condition in which the consumption of alcoholic beverages interferes with the employee's job performance in the opinion of his/her supervisor.

Controlled Substances: Those substances whose distribution is controlled by regulation or state law including, but not limited to, narcotics, depressants, stimulants, hallucinogens, cannabis, and other drugs.

Drugs: Any substance that, in the opinion of the employee's supervisor, impairs an employee's ability to perform his/her job or that poses a threat to the safety of others. This definition includes prescription and over-the-counter medications.

Impaired Behavior/Under the Influence Behavior: Behavior that may limit the employee's ability to perform his/her job duties safely and efficiently or that poses a threat to the safety of employees or others.

Workplace: Includes all city-owned, leased, and controlled premises, vehicles, and workstations.

F. POLICY AGAINST WORKPLACE VIOLENCE

1. Purpose

The purpose of this policy is to promote a positive, respectful and safe work environment that fosters employee productivity, safety and security, and to reduce the potential for violence in and around the workplace.

2. Policy

The City will not tolerate any acts or threats of violence, implied or actual, from any person that is directed at employees, the public, or property at a City facility or in connection with City business. The word violence in this policy shall mean a verbal or physical action or behavior that:

- Is a physical assault;
- Consists of a communicated or reasonably perceived threat to harm, harass, abuse, or intimidate another individual;
- Would be interpreted by a reasonable person as carrying the potential for physical harm to the individual;
- A reasonable person would perceive as menacing;
- Involved carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening;
- Consists of a reasonably perceived threat to destroy property;

- A reasonable person would perceive as obsessively directed, e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property.

Violent actions on City property or facilities, or while on City business, will not be tolerated. The City will use disciplinary and enforcement means to secure the workplace from violence and to reasonably protect employees and members of the public. Any unlawful actions committed by employees or members of the public while on City property, or while using City facilities, will be disciplined and referred to law enforcement for criminal investigation and prosecution as appropriate to the circumstances.

3. Scope

This policy applies whenever an employee is:

- On City time (including breaks and meal periods);
- On City premises, property, surrounding grounds and parking lots, leased or rented space;
- In any vehicle used on City business;
- Is acting as an agent of the City; and
- In other circumstances which creates concerns for City operations or safety (this includes inappropriate use of phones, FAX machines, mail or e-mail).

4. Weapons Prohibition

In order to ensure a safe environment for employees and the public, the City prohibits the wearing, transporting, storage, or presence of firearms or other weapons in any area defined in the scope of this policy.

a. Firearms or other dangerous weapon:

- A firearm or any device from which a projectile may be fired by an explosive
- Any club, metal knuckles, throwing stars, "nun-chu-ka-sticks"
- A bb gun or other firearm operated by compressed air
- Any spring blade knife, or any knife that opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement, or any knife when brandished or carried in a manner that warrants alarm for the safety of other persons (note: utility knives, e.g. jackknives or leatherman tools are not considered a dangerous weapon unless brandished or carried in such a way as to cause alarm or safety concern)
- Any instrument that is intended to pose a reasonable risk of injury

b. Exceptions include employees of the City who are:

- Engaged in law enforcement activities, or
- Legally in possession of a 1) firearm, or 2) legal weapon; for which the employee holds a valid permit where required, and that is secured within a personal vehicle and concealed from view.

“No Firearms or Dangerous Weapons per RCW 9.41.270” signs will be conspicuously posted at entrances to City facilities where employees are regularly assigned and/or the public frequents. An employee or member of the public known to have a firearm or dangerous weapon within a City facility, or who is brandishing a weapon in a City parking lot, is to be reported immediately to law enforcement, call 911.

5. Reporting Threats

All City employees are responsible for notifying supervisors and/or department directors of any threats they have witnessed, received, or have been told that another person has witnessed or received, that involves the potential for workplace violence. Even without an actual threat, employees should also report any behavior they have witnessed that could be regarded as potentially threatening or violent. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focuses of the threatening behavior. Specific reporting instructions for situations that may occur in the workplace are provided below.

6. Workplace Violence Concerns Involving The Public

a. General Employees

While the City has a strong commitment to customer service, general employees are not expected to be subjected to verbal abuse or physical threats from the public. The employee's supervisor should immediately be notified when a customer is threatening or abusive. If the act or altercation constitutes an emergency, CALL 911 (dial 9-911 when using City phones that require 9 to get an outside line). Supervisors will discuss the situation with the appropriate department director and/or City police department. Any threats of harm or violence must be referred to the police department. The matter will be handled and investigated as appropriate depending on the circumstances.

b. Law Enforcement Employees

Law enforcement officers are provided specialized training for handling situations where a member of the public is verbally abusive or presenting a physical threat. Situations should be handled and reported in accordance with

department training and procedures outlined in the police department policy manual.

7. Workplace Violence Concerns Involving City Employees

Any employee involved in situations on the job where they fear violence should immediately report/discuss it with their supervisor, department director or human resources office, and/or a law enforcement officer. Reportable situations include incidents where an employee fears that physical retaliation may take place, where another employee has made threats of physical violence, or where another employee displays inappropriate behavior which leads the employee to have cause for concern for the safety of themselves or others. If the act or altercation constitutes an emergency, the employee or supervisor should CALL 911 (dial 9-911 when using city phones that require 9 to get an outside line). Any threats of harm or violence will be referred to the police department for consultation and assistance in dealing with the situation; and/or possible referral for criminal investigation and possible prosecution. If an employee has been served a protection or no contact order that would restrict his/her ability to perform his/her assigned duties or be at a City work location, he/she shall report the matter to his/her supervisor. The City will consider possible job modifications and the overall safety interests of the general workforce and the public when determining an appropriate course of action.

8. Workplace Violence Concerns Involving Personal/Off-Work Situations

An employee may be involved in a personal non-criminal or criminal dispute with family members, neighbors or another party. Domestic violence, or any situations involving individuals being threatened or harmed by another, is wrong and against the law.

Employees are strongly encouraged to report violence to local law enforcement and to take steps to protect themselves when in relationships and/or situations where violence has or is likely to occur. Steps an individual can take may include contacting referral and counseling services for advice and guidance, developing a personal safety plan, talking with local law enforcement, or obtaining protection or restraining orders as needed.

Any employee concerned about personal safety at the workplace may request security precautions with his or her supervisor and the City police department at any time; e.g. an escort to and from his/her vehicle or other appropriate precautions. The Employee Assistance Program can provide assistance

9. Employee Assistance Program Available to Assist Employees

The City offers an Employee Assistance Program (EAP) designed to assist employees and their families who are experiencing personal or job-related problems. An employee of the City wishing confidential assistance for a personal or job-related problem can call the EAP office. The City will not have access to any EAP

information unless an employee authorizes the EAP to release this information to the City. The EAP counselor will advise an employee when information must lawfully be disclosed for the protection of others. The EAP is available for assessment, referral to treatment, and follow-up. Treatment and follow-up expenses are the employee's responsibility (some or a portion of this cost may be covered by an employee's medical insurance coverage provided by the City).

The City will provide reasonable accommodation to support employees participating in a professional treatment program as long as the accommodation does not impose an undue hardship on the City. No employee will be disciplined or discriminated against simply for seeking help and/or participating in a treatment program. However, if an incident at work occurs, the City reserves the right to take disciplinary and/or corrective action as appropriate, up to and including termination.

10. Employee Violations

Any employee who violates this policy will be subject to corrective or disciplinary action, up to and including, but not limited to, termination.

11. Supervisory Intervention/Response

Department directors and supervisors, and City law enforcement for criminal actions, are responsible for responding to and investigating potential or violent situations. Supervisors detecting problems where they believe an employee represents a workplace violence concern should contact their department director, the human resources director, and representatives from the police department prior to addressing a potential workplace violence situation. The specific circumstances applicable to the situation will determine the intervention and disciplinary approach to be taken. Performance issues and/or behavioral problems will be addressed through corrective counseling and disciplinary action as appropriate. The level of discipline imposed, including termination, will be determined as appropriate to the circumstances. If an employee's performance, conduct or behavior raises a serious concern about the safety of others, the City may require a Fit for Duty assessment in addition to any corrective and/or disciplinary action taken. The Fit for Duty assessment is to evaluate the employee's ability to safely be on the job.

12. Searches

If the City has reasonable suspicion to believe an employee has a firearm or weapon at a work location in violation of this policy, or if the employee represents a threat to workplace safety, the City reserves the right to conduct and/or allow a search of City property. This may include the employee's assigned City vehicle, locker, and/or City property including computer files, desks, and office furniture. Any searches of an employee's personal property will be conducted by law enforcement personnel in accordance with legal provisions for a search involved in a criminal investigation.

Appendix List

- 2A List of Responsible Agencies
- 2B Drug-Free Workplace Agreement Form

APPENDIX 2A LIST OF RESPONSIBLE AGENCIES

City of Mill Creek

Office of the City Attorney
Short Cressman & Burgess
3000 First Interstate Center
999 Third Avenue
Seattle, WA 98104-4008
206-682-3333

Snohomish County

Health District
(Environmental Health & Illegal Dumping)
3020 Rucker Avenue
Everett, WA
425-339-5250

Prosecuting Attorney
Snohomish County Courthouse
Everett, WA
425-388-3333

Sheriff
Investigations Division
4th Floor, Courthouse
Everett, WA
(206) 388-3394

Other Agencies

Puget Sound Clean Air Agency
206-343-8800

State of Washington

Attorney General's Office
Consumer Protection Division
900 Fourth Avenue Suite 2000
Seattle, WA
206-464-6684

State Auditor's Office
Legislative Building
P.O. Box 40021
Olympia, WA 98504-0021
1-866-902-3900

Department of Ecology
3190 160th S.E.
Bellevue, WA 98008-5452
425-649-7000

Human Rights Commission
Seattle District Office
206-464-6500

Department of Health
Health Consumer Assistance
P.O. Box 47890
Olympia, WA 98504-7891
1-800-525-0127

Department of Labor & Industries
Safety & Health
1-800-423-7233

Department of Natural Resources
950 Farman Ave North
Enumclaw, WA 98022-9282
360-825-1631

Puget Sound Water Quality Authority
P.O. Box 40900
Olympia, WA 98504-0900
1-800-547-6863

Department of Social and Health Services
Fraud Investigations
360-438-8118

United States

Department of Agriculture
Office of Inspector General
915 Second Avenue
Seattle, WA
Supervisor Auditor
206-553-8290
Supv. Special Agent, Investigation
206-553-8286

Bureau of Alcohol, Tobacco & Firearms
Department of Justice
Law Enforcement Division
915 Second Avenue, Room 790
Seattle, WA 98174-1093
206-389-5800

Consumer Product Safety Commission
Hot line 1-800-638-2772

U.S. Attorney
601 Union Street Suite 5100
Seattle, WA 98101-3903
206-553-7970

Department of Commerce
Office of Inspector General
Office of Audits
915 Second Avenue Room 3062
Seattle, WA 98174
206-220-7970

U.S. Customs Service
Office of Enforcement
1000 Second Ave Suite 2200
Seattle, WA 98104-1049
206-553-6944

Drug Enforcement Administration
Department of Justice
Seattle, WA
206-553-5443

U.S. Department of Education
915 Second Avenue Room 3362
Seattle, WA 98174-1099
206-220-7800

Environmental Protection Agency
Criminal Investigations
1200 Sixth Avenue
Seattle, WA 98101
206-553-1200 or 1-800-424-4EPA

Equal Employment Opportunity
Commission
909 First Avenue Suite 400
Seattle, WA 98104-1061
206-220-6883 or 1-800-669-4000

Federal Emergency Management Agency
130 228th Street S.W.
Bothell, WA 98021-9796
425-487-4600

Federal Trade Commission
915 Second Avenue Room 2896
Seattle, WA
206-220-6363

U.S. Fish & Wildlife Services
Department of Interior
Office of Law Enforcement
14852 NE 95th
Redmond, WA 98052-2541
425-883-8122

Food & Drug Administration
Dept. of Health & Human Services
22201 23rd Drive SE
Bothell, WA 98021-4421
Trade Complaints
425-483-4949

General Services Administration
Customer Service Center
915 Second Avenue
Seattle, WA
206-220-5050
24-hr emergency 253-804-4777

Department of Housing & Urban General Development
Office of Counsel
909 First Avenue Suite 200
Seattle, WA 98104-1000
206-220-5101
Office of Inspector General
Audits 206-220-5360
Investigations 206-220-5380

Occupational Safety & Health (OSHA)
Department of Labor
1111 Third Avenue Suite 715
Seattle, WA 98101-3212
206-553-5930

National Transportation Safety Board
19518 Pacific Highway South Suite 201
Seattle, WA 98188
206-870-2200

Department of Transportation
Office of Inspector General
915 Second Avenue Room 644
Seattle, WA 98174
206-220-7754

DRUG-FREE WORKPLACE AGREEMENT
AS AN ABSOLUTE CONDITION OF EMPLOYMENT

The undersigned hereby agrees not to manufacture, possess, distribute, dispense, or use alcohol or controlled substances in the workplace (includes all City-owned, leased, and controlled premises, vehicles, and workstations whereby the employee is being paid by the City and is under the direct control and supervision of the City). The undersigned also agrees that any violation of this Agreement shall in and of itself be sufficient cause for discharge by the City. Finally, the undersigned agrees to participate in an annual physical exam organized by the City of Mill Creek if the City should choose to institute a program involving such an exam.

Job Applicant

Date

City Manager

SECTION 3. RECRUITMENT AND SELECTION

A. RECRUITMENT

Recruitment of candidates for vacant positions shall be the responsibility of the City Manager with the assistance of the supervisor or department manager. The City Manager will develop and conduct a recruitment program designed to meet current and projected employment needs, tailored to the various positions to be filled, and directed to sources likely to yield qualified candidates. All recruitment efforts will be conducted in the spirit of providing equal employment opportunity.

1. Vacancy



The City Manager shall prepare the written notice of the position opening, which shall include the classification, job title and salary range; employing department; statement of duties and responsibilities; special conditions, educational and certification requirements; minimum qualifications; opening and closing dates of the application period; and any other pertinent information.

Depending upon the needs of the City and the department and the availability of qualified internal candidates, or existing current application material, the following methods of recruitment may be used:

- a. Open: Applications accepted from any qualified person.
- b. Internal: Applications restricted to employees currently working for the City.
- c. Promotional: Applications restricted to regular employees within the employing department.
- d. Combination: Any combination of (a), (b), or (c).
- e. Prior pool: If a current pool of at least five qualified applicants is available from a recent similar job vacancy notice, such applicants may be contacted to ascertain their continued interest in employment. If at least three applicants indicate such interest, they may be interviewed for employment. No such pool may be used more than once without an intervening call for open or internal applications.

All job vacancy notices shall be posted in the City Hall and advertised on the City's public access television channel. At the request of the department manager,

advertisements may be placed in designated newspapers, publications, newsletters, and other recruiting sources.

2. Applications

a. Filing of Applications

Applicants for employment with the City shall submit whatever application materials may be required, which may include a City job application form, resume, or supplemental information. To be accepted for review, applications must be completed in full and received at the City Hall on or before the final date and closing time specified in the position announcement. Applicants applying for more than one position shall complete a separate application for each position. Completed applications cannot be returned to the applicant. The City Manager may require proof of education, experience and other claims made by the applicant as he/she deems appropriate.

b. Notice to Applicants

Each person who files an application for an announced vacancy may obtain information about the status of his/her application upon request. Each applicant accepted for a group examination shall be notified in writing or by telephone of the scheduled time and place of the examination.

c. Disability Accommodation (City Resolution No. 92-149)

The City of Mill Creek will provide reasonable accommodation to handicapped applicants at their request. Handicapped applicants shall notify the City Manager's office at least five (5) working days prior to that need.

B. SELECTION

The department manager, in consultation with the City Manager, shall establish procedures for selecting the best qualified candidate from the pool of applicants. Selection criteria will be designed to measure each applicant's qualifications, experience and ability to perform the duties and responsibilities of the position.

1. Pre-Employment

Selection procedures may include written, oral and/or performance examinations which measure the applicant's job-related abilities, knowledge and skills. The department manager and personnel officer shall determine the appropriate form of each examination and the minimum passing score, if applicable.

2. Interviews

Top-scoring applicants will be invited to interview for the position(s). Interviews will be conducted by one or more people and should include the immediate supervisor of that position. A structured interview format is recommended, and all questions asked should seek to identify the applicant's ability to perform the job.

3. Selection

In addition to experience, training and education, the following factors may be considered in selecting an applicant:

- Skill, ability, and past job performance
- Interpersonal skills
- Physical qualifications
- Disciplinary and attendance records
- Employment references

4. Modification

These selection procedures may be modified as appropriate when internal or promotional vacancies are being filled.

C. APPOINTMENT

After a candidate for employment or promotion has been selected, the department manager, with the concurrence of the City Manager, will contact the successful candidate to officially extend an offer of employment or promotion, provide a final date for acceptance of the offer by the successful candidate and establish a starting date and starting salary. The candidate shall be made aware that employment and compensation are at will and may be terminated, with or without cause and with or without notice, at any time during the trial period. No City representative has authority to make any agreement contrary to the foregoing without the permission of the City Manager.

SECTION 4. EMPLOYMENT STATUS

A. TRIAL PERIOD

It is the City's policy to provide a period of time during which the City can evaluate the job performance and potential of new employees, and new employees may evaluate the City as an employer. The trial period is an integral part of the selection process for new employees, and employees who are transferred or promoted into new positions. During this trial period, the department manager or supervisor will determine the employee's ability to do the work, and will observe the employee's adjustment to the department. Supervisors shall use the trial period to train, observe, and evaluate the employee's job performance.

Employees who have been transferred or promoted and who do not satisfactorily complete their trial period may be returned to their former position or another position for which they qualify if a vacancy exists. If there is no vacancy, the employee may be discharged. Any new employee serving his/her first trial period in the City, or any employee returning to employment after any separation from City service, except layoff, may be terminated for any reason during the trial period without recourse to the grievance process.

1. Length of Trial Period

The trial period for a new, transferred, or promoted employee shall be a period of six (6) calendar months.

2. Extension of Trial Period

The department manager, with the approval of the City Manager, may extend the trial period for an additional period not to exceed six (6) months, for one or more of the following reasons:

- A disciplinary problem has developed which is correctable with additional time, and it is in the interest of the City to do so.
- Additional training is required to achieve satisfactory performance.
- The department manager determines that there has been an insufficient or inadequate opportunity to evaluate the employee's performance.

The trial period may be extended for one period not to exceed six months.

The supervisor should meet with the employee to discuss the reason for extending the employee's trial period. If the trial period extension is due to job-performance deficiencies, a written program for correcting the deficiencies should be developed by the supervisor and discussed with the employee.

Notification, in writing, which states the reason(s) for the extension and the employee's obligation(s) during the extension period should be provided to the trial employee, with a copy to the City Manager, at least one (1) week prior to the normal trial period ending date.

3. Performance Evaluations During Trial Period

Since one of the objectives of a trial period of employment is to determine the new employee's ability to perform the job, the supervisor must clearly communicate his/her expectations about the employee's job performance and how the employee's job performance meets these expectations. During the trial period, the employee shall receive two performance appraisals, the first after three (3) months in the position, and the second approximately two (2) weeks prior to the end of the normal trial period.

B. TEMPORARY APPOINTMENTS

Every employee of the City is subject to the general direction and control of the City Manager. The City Manager may assign an employee work which is of a different nature or which is in a different department from that normally assigned to that employee. If the temporary appointment is for a period longer than thirty (30) days, the employee shall be paid at the minimum rate for that of the temporary position, or five percent (5%) above the employee's current rate of pay, whichever is greater.

C. TRANSFER

The City reserves the right to transfer employees from one position to another position within the same job classification to meet the needs of the organization. A vacant position may be filled by the transfer of another City employee who possesses the minimum qualifications. Both intradepartmental and interdepartmental transfers must be approved by the City Manager.

Transferring employees will serve a trial period of six (6) months. If a transferred employee fails to satisfactorily complete the trial period, he/she may be reinstated in his/her pre-transfer position, provided a vacancy exists. If such a vacancy does not exist, the employee may be discharged. In that event, the employee retains the right to be re-hired for the next available opening in the pre-transfer position occurring within six (6) months following his/her separation from employment with the City.

D. DEMOTION

A department manager, with the concurrence of the City Manager, may demote an employee who is unable to adequately perform the duties and responsibilities of his/her position, or when an employee is subject to disciplinary action.

In cases of disciplinary action, the employee has the right to institute a grievance procedure as set forth in this personnel manual. Demotion may occur immediately, notwithstanding commencement of the grievance procedure.

E. LAYOFF

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. The layoff procedure is as follows:

1. 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.
2. Temporary or casual employees performing similar work in the same department should be laid off before regular employees are affected.
3. Temporary or casual employees performing similar work in other departments should be laid off before regular employees are affected.
4. Options such as part-time work schedules, job sharing, and voluntary time and/or pay reductions may be explored if, in the opinion of the department manager or supervisor, such options are feasible and approved by the City Manager.
5. Regular employees should be retained on the basis of seniority when job performance and qualifications are equal. Relative job performance will be determined by the department head or supervisor on the basis of past job performance evaluations. Qualifications will be determined by the knowledge, abilities, and skills required for the affected position as stated in class specifications, and the employee's ability to perform the remaining work without further training.
6. For a period of one (1) year after the date of layoff, regular employees affected by layoff should be offered the first opportunity to fill comparable vacant positions.
7. The City may provide limited out-placement services to regular employees who have been laid-off. Such services may include job counseling, assistance in the development of resumes, and assistance in locating contacts and resources which may lead to other suitable employment.

During a one (1) year period following a layoff, the City may offer re-employment to laid-off regular employees in order of seniority when job performance and qualifications are equal. The City may choose to increase the hours worked, up to forty (40) hours per

week, or reinstate full pay for employees who took voluntary reductions in pay prior to re-hiring laid-off regular employees. Laid-off temporary and casual employees are not subject to preference in re-employment with the City.

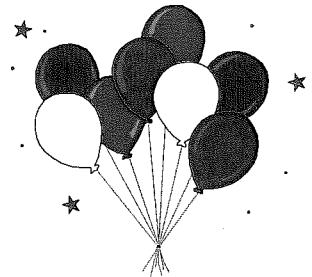
F. RESIGNATION

A regular employee who wishes to leave City service in good standing shall give a minimum of ten (10) working days notice before the resignation becomes effective, filing with his/her supervisor or department manager a written statement explaining the reason(s) for the resignation and the date it is to become effective. An employee who resigns without proper notification may be ineligible for re-employment with the City. The notice period may be waived at the discretion of the City Manager.

If written notice of resignation is not given at least ten (10) working days prior to resignation, the employee will forfeit accrued leave in the amount of the difference between ten (10) working days and the number of working days prior to resignation. For example, an employee who gives seven (7) working days notice will forfeit three (3) days of accrued leave.

G. PROMOTION

It is the City's policy to fill job openings with the people whose qualifications best match the requirements for the job. City employees who possess the minimum qualifications for a vacant position, and are not in a trial period and are satisfactorily performing their current job, are encouraged to apply for the position. Employees applying for promotional positions should be given preference when qualifications are equal to those of outside candidates.



H. VOLUNTARY REDUCTION IN CLASSIFICATION

A regular employee may request a transfer to a position in a lower classification, or restructuring of his/her job duties resulting in a lower classification. Supervisors and department managers are encouraged to explore ways to accommodate the employee if it is possible to do so without jeopardizing the efficiency of the work unit or placing an unfair burden on other employees.

I. RETIREMENT

1. Regular Retirement

It is recommended that retiring employees contact the state retirement office at least one year prior to retirement to find out what paperwork will be required. A written application shall be filed with the Public Employee's Retirement System. Effective retirement date from which benefit payments accrue is always the first day of a calendar month. The employee's retirement date will be at least thirty

(30) days after the application is filed with the City Manager. The retiree should take this into consideration in planning for retirement. **Potential retirees shall fill out medical conversion forms two (2) months prior to the effective date of retirement.**

2. Disability Retirement

Employees who may be eligible for Disability Retirement should contact the Retirement System to obtain the appropriate information regarding the forms to be filed. The Retirement System Medical Review Board will approve or disapprove the request for Disability Retirement.

SECTION 5

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SECTION 5. HOURS OF WORK

A. REGULAR WORK SCHEDULE

The City administrative offices are open to the public between 8:00 a.m. and 5:00 p.m. each weekday except legal holidays.

1. Work Day

The regular work day for many regular full-time employees is eight (8) hours each work day, beginning at 8:00 a.m. and ending at 5:00 p.m., with a one (1) hour unpaid lunch break. Some departments may have slightly different schedules.

2. Work Week

The work week shall consist of forty (40) hours work in a seven (7) day period, beginning Monday at 12:01 a.m. and ending at 12:00 midnight on Sunday.

3. Flextime Option

At the discretion of the City Manager and the department manager, flextime work schedules may be granted to employees as long as City operations or service to City residents are not adversely impacted by the flextime schedule.

Flextime schedules are granted on a provisional basis, subject to the operational needs of the department and the service needs of City residents. Flextime schedules may be revoked at any time.

4. Lunch Break

Employees who work more than five (5) consecutive hours in a work day are required to take an unpaid meal period of at least thirty (30) minutes. The regular lunch break for employees working an eight (8) hour day is a one (1) hour unpaid break. This break shall be taken between the third and sixth hour during the work day, unless other arrangements are made in advance with the supervisor or department manager. Employees who exercise for at least 45 minutes during their lunch hour are entitled to a 1 hour and 20-minute lunch period, of which 20 minutes is a paid rest period.

5. Rest Periods

Employees are entitled to two (2) fifteen (15) minute rest periods in an eight (8) hour work day, or two (2) fifteen (15) minute and one (1) ten (10) minute rest period in a ten (10) hour work day. Employees who work more than three (3) hours but less than

eight (8) hours are entitled to one twenty (20) minutes rest period. Rest periods shall be scheduled so as not to interfere with City operations and service to City residents, provided that employees are not required to work more than three (3) hours without a rest period. Rest periods are to be used in separate increments and are not to be used to start or end a work day.

B. OVERTIME WORK (FLSA 29 CFR 500-599; City Resolution 91-136)

City employees may occasionally be required, as a condition of employment, to work overtime when necessary as determined by their supervisor. All overtime worked by non-exempt employees should be authorized by their supervisor **before** the employee works overtime.

1. Overtime Defined

Hours taken for sick leave or annual leave do not count in the computation of hours worked for purposes of computing overtime hours. Overtime is hours worked in excess of forty (40) hours in a work week. At the discretion of the department manager, overtime may be paid for hours worked in excess of eight (8) hours in one day.

2. Overtime Compensation and Compensatory Time Off

a. Non-exempt Employees

Authorized overtime worked is compensated for at one and one-half (1 1/2) times the employee's straight time rate of pay. An employee may, with approval of his/her supervisor, take compensatory time off at the rate of one and one-half (1 1/2) hours off for each hour of overtime earned in lieu of overtime pay.

Employees are encouraged to use their compensatory time off within ninety (90) days of the date it is earned unless City operations would be unduly disrupted by the employee's absence as determined by the department manager. No more than forty (40) hours of compensatory time off may be carried from one calendar year to the next calendar year.

b. Exempt Employees

Exempt employees are not entitled to compensation for overtime worked. With the approval of the City Manager, exempt employees, excluding department managers, may receive administrative time off with pay if large amounts of time are worked. (See Appendix A for procedures.)

c. Job Share Employees

Supervisors and Department Directors may identify positions under their authority, which would benefit from a job sharing arrangement. Job sharing opportunities shall be allowed only upon the mutual agreement of a current employee and the supervisor, with the approval of the Department Director and City Manager. The hours worked by job-share employees must be mutually agreed upon by the supervisor and the employees involved, and approved by the Department Director.

d. Part-time Employees

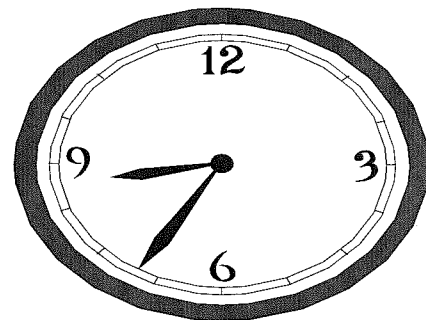
Employees whose regular work schedule is less than forty (40) hours per week shall be compensated at their straight time rate of pay up to forty (40) hours per week for those hours worked in excess of their regular schedule. All hours worked in excess of forty (40) hours per week fall under the provisions for overtime and compensatory time off for non-exempt employees as described above.

C. CALL-BACK TIME (City Resolution 91-136)

Employees may be called back to work outside their regular working hours. In such instances, employees will be paid for actual time worked or the equivalent of two hours worked, whichever is greater. The pay rate will be at the straight-rate or the overtime rate, subject to the definition of overtime. If the overtime rate applies, employees may be permitted to take this time as compensatory time off.

D. TIME REPORTING AND RECORDKEEPING

Maintaining accurate time records is essential in computing employees' pay and ensuring compliance with laws and regulations. Each employee is responsible for completing his/her own time card, and department managers are responsible for ensuring that time cards are maintained properly. Falsification of time cards will be grounds for disciplinary action, up to and including discharge.



E. TARDINESS/ABSENCE FROM WORK

Employees are expected, as a condition of employment, to be at work during their regularly scheduled hours. Any employee who expects to arrive late or to be absent from work must advise his/her supervisor or department manager as early as possible, within one (1) hour of

the employee's scheduled starting time. Habitual tardiness or absenteeism will be treated as a cause for disciplinary action.

Each day an employee is absent, he/she must notify his/her supervisor or department manager. An employee who is absent without prior notification may be subject to disciplinary action. An employee who is absent for three (3) consecutive days/shifts without notification shall be considered as having abandoned his/her job and may be terminated.

F. EMERGENCY CLOSURE

During inclement weather or in the aftermath of a natural disaster, employees who arrive or leave the work site at other than scheduled times will be required to cover the missed hours by any of the following methods:

- Annual leave;
- Compensatory time off;
- Make up absence on an hour-for-hour basis no later than one (1) pay period (that is 30 days) after the event occurs; or
- Unpaid absence by request of the employee and at the discretion of the supervisor or department manager.

In the event that conditions are so severe that the safety of City employees would be jeopardized by reporting to or remaining at work, the City Manager may allow non-essential personnel to leave early or arrive late. The City Manager may also determine that no pay will be deducted for time lost and that no annual leave or compensatory time will be affected.

G. DISASTER PLAN - PERSONNEL

The City's Disaster Plan anticipates the use of City personnel to staff emergency operations in the event of a disaster. City employees may be required to report to work outside of their regular work schedule and perform work not normally associated with their job classification. Depending on the situation, employees' families may be allowed to accompany employees to the work site and may be housed in the City's temporary emergency shelter. In the event of a disaster, City employees should contact City Hall to determine whether or not their services are needed. If they are unable to contact City Hall, they should report to work at City Hall as soon as possible.

SECTION 6

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SECTION 6. PAY AND CLASSIFICATION PLAN

A. POSITION CLASSIFICATION

It is the City's policy to be equitable and consistent in the administration of employee salaries while allowing the flexibility necessary to meet compensation needs unique to particular departments and/or positions in order to attract and maintain a qualified workforce. The City Council shall establish, through approval of the annual budget, the salary ranges for all positions in the City. The City Manager shall determine the appropriate placement of personnel within those salary ranges. The City Manager will periodically review the classification plan and recommend changes to the City Council.

The position classification plan groups together positions requiring similar tasks, responsibilities, knowledge, abilities, and skills. It is the intent of the plan to:

- Standardize titles and terminology used in describing positions;
- Assure equal compensation for equal work;
- Provide a basis for the recruitment and selection of qualified employees;
- Serve as a tool for workforce planning and budgeting;
- Determine training needs;
- Develop career paths; and
- Serve as a basis for performance evaluations.

1. Structure of Plan

a. Position Classifications

Position classifications are groups of positions of approximately equal responsibility and difficulty, requiring the same general qualifications of incumbents, and which can be compensated within the same pay range under similar working conditions.

b. Job Titles

Titles shall be adopted which are descriptive of the work of each classification.

c. Classification Specifications (Job Descriptions)

Written specifications describing the nature of the work, the distinguishing characteristics of the level of work, representative examples of duties,

knowledge, abilities, and skills required, and minimum qualifications for recruitment and selection shall be established for each position classification.

In determining the classification to which any position will be allocated, the specifications of each classification shall be considered in total. Classification specifications shall be liberally construed as general work descriptions and not as prescribing the duties of any position, nor as limiting the authority of the City.

2. Creating New Positions

When a new position is to be created, the City Manager shall recommend to the City Council its placement in the position classification plan. New positions shall be subject to the same recruitment, application, interview, and testing procedures as other job vacancies.

3. Position Reclassification

When the duties assigned to a position have changed significantly, to the extent that they no longer fit within the current classification, it is appropriate to review the duties of the position and allocate it to an appropriate classification. All requests must include sufficient information to demonstrate a **significant change** in the employee's responsibilities. Reclassification shall not be undertaken for the purpose of changing salary based on an employee's job performance in an appropriate classification.

The process of receiving, evaluating, and deciding on reclassification requests is as follows:

- a. Reclassification requests may be submitted by the affected employee or that employee's supervisor. In any event, the reclassification request must be reviewed through the appropriate chain of command (e.g. supervisor, department manager), and each reviewing party must determine that there is merit in the request before continuing to the next step in the process.
- b. All reclassification requests must be submitted to the appropriate department manager by August 1 for consideration and potential inclusion in the following year's budget.
- c. The Assistant to the City Manager will gather information and prepare a staff report evaluating the merits of the request. This information will include, but is not limited to, an examination of the employee's current job responsibilities, a examination of like positions within the City's job classification system, and a survey of like positions in comparable public (and private, if applicable) sector organizations.

- d. The Assistant to the City Manager will submit this staff report to a committee comprised of all department managers. This committee will evaluate the request and make a recommendation to the City Manager.
- e. The City Manager has the final authority to decide the merits of reclassification requests, except when the reclassification would result in the creation of a new job classification, in which case the new classification and salary range must be approved by the City Council. The City Manager retains the authority to assign employees to appropriate job classifications.
- f. If the reclassification request is approved and results in the employee being assigned to a job classification that has a higher salary range than the employee's current job classification, the employee will receive a salary increase, which is the greater of five percent (5%) or the minimum salary in the new salary range. If the reclassification request is approved and results in the employee being assigned to a job classification that has a lower salary range than the employee's current job classification, the employee's salary will remain at its current level, unless that salary is above the maximum of the salary range for the new classification, in which case, the employee's salary will be decreased to the maximum amount in the new salary range.
- g. Unless another date is approved, the effective date of the salary increase/decrease will be January 1 of the calendar year following the year in which the reclassification was approved.

B. PREPARATION OF PAY PLAN

The City Manager is responsible for preparation and administration of the pay plan, which shall be coordinated with the position classification plan. The pay range for each position classification shall be based on several factors, including:

- Duties, responsibilities, and entry level qualifications of the positions in the classification;
- Range of pay for other classifications;
- Rate of compensation for similar work performed in the public and private sectors;
- Cost of living data;
- Financial policies and position of the City; and
- Other relevant factors.

The salary established for a position shall be the total compensation for an employee occupying the position, except for fringe benefits, official travel, and other approved expenses. No employee shall receive pay from the City in addition to the salary and fringe benefits authorized in the current budget, unless so stipulated through a management contract.

C. SALARY RANGES

The City's established wage and salary structure consists of salary grades with a minimum and maximum salary assigned to each grade. All employees shall receive a salary that is no less than the minimum and no more than the maximum for the salary grade to which their job position is assigned.

The rates in the basic pay plan are fixed on the basis of full-time service in full-time positions. For any position that is seasonal, temporary, or requires less than full-time service, hourly rates consistent with full-time salary rates will be paid as approved by the City Manager.

D. ANNIVERSARY DATE

Employees' anniversary date for salary review purposes shall be the month and date of hire. The anniversary date may change as a result of promotion, demotion, leave without pay or a transfer.

E. WAGE/SALARY DETERMINATION AT TIME OF HIRE

New employees are normally paid at the minimum salary of the appropriate salary range for their position. The department manager, with the approval of the City Manager, may authorize a starting salary higher than the range minimum for any of the following reasons:

- The applicant possesses extensive experience, education or a demonstrated ability above that normally required to fill the position at entry level.
- Marketplace factors require paying the salary level to attract a qualified candidate.
- The salary level is required to attract a superior candidate.

F. WAGE AND SALARY ADJUSTMENTS

Wage and salary adjustments are made for the reasons listed below. Proposed changes in employees' wages and salaries are initiated on a Personnel Action Request form. Information on this form must include the reason for the proposed adjustment. Requests for salary adjustments must be accompanied by a completed performance evaluation.

The Personnel Action Request and the performance evaluation must be submitted by the supervisor or department manager to the City Manager. Proposed salary adjustments shall not be finalized until after final approval by the City Manager.

1. Salary Increases

Employees' salaries are reviewed annually on the employee's anniversary date. Salary increases are based on each employee's job performance as documented in the annual job performance evaluation.

2. Promotions

Promotional increases are granted in recognition of a change in assignment to a position in a higher salary range.

a. Timing

A promotional increase should coincide with the first day of employment in the new assignment. The beginning date of the employee's promotion becomes his/her new anniversary date for annual pay review purposes.

b. Amount

Increases granted in recognition of promotion should be an amount sufficient to place the employee at a minimum of five percent (5%) increase over current salary.

3. Transfers

Transfer to a position in the same salary range does not automatically warrant an increase in salary, nor a change in the anniversary date. Due to new and different responsibilities, however, the department manager, with approval by the City Manager, may increase the salary of the transferred employee. In this event, the date of the salary increase becomes the new anniversary date.

4. Reclassification

Assignment of an existing job title to a higher salary range is not a promotion. Placement at a specific step within the new salary range will be determined at the time of the reclassification. The date of the reclassification becomes the new anniversary date.

G. PAY PERIODS

Salary payments will be made on the last business day of the month. An optional draw, not to exceed fifty percent (50%) of an employee's net monthly salary may be requested. If granted, the draw will be made on or about the 15th of the month. The draw amount will be deducted from the employee's check at the end of the month.

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SECTION 7. LEAVES (City Resolution 91-137)

All employees taking a leave, except a leave that cannot reasonably be anticipated, shall submit to and have approved by their supervisor or department manager, a written request for leave prior to taking the leave. All leaves may be used in increments of not less than fifteen (15) minutes, and some leaves may be subject to a different threshold as noted below.

A. HOLIDAYS (RCW 1.16.050)

1. Observance of Holidays

The City observes the following holidays:

New Year's Day	Thanksgiving Day
Martin Luther King Jr. Day	Day after Thanksgiving
Presidents' Day	Christmas Eve Day
Memorial Day	Christmas Day
Independence Day	Floating Holiday
Labor Day	

If a holiday falls on a Sunday, it shall be observed on the following Monday. If a holiday falls on a Saturday, it shall be observed on the preceding Friday.

2. Floating Holiday

Employees are entitled to one floating holiday per year. New employees whose hire date is October 1st or later do not accrue a floating holiday for that calendar year.

The floating holiday shall be taken by an employee at any time during the calendar year with prior approval of the supervisor or department head. Employees in their trial period may not take the floating holiday during their trial period. Floating holidays may not be carried over from one calendar year to the next. If an employee's trial period crosses over into the next calendar year, however, the employee may carry the prior calendar year's floating holiday over to the next calendar year. (New employees may be entitled to use two [2] floating holidays in one calendar year.)

Employees who are separated from employment with the City during their trial period will not be paid for the unused floating holiday. Employees will not be paid for unused floating holidays when they separate from their employment with the City.

3. Payment for Holidays

Employees shall be in a pay status before and after a holiday to be eligible to receive a paid holiday. Employees who are on leave without pay shall not receive compensation for holidays.

Employees shall be paid for holidays observed as they occur. A full-time employee shall receive eight (8) hours pay at the employee's straight time rate of pay. Part-time employees working at least twenty (20) hours per week and job share employees shall receive holiday pay pro-rated according to the employee's regular hours of work at his/her straight time rate of pay.

Whenever the City's operational needs require employees to work on a holiday, the employee shall be paid for all hours actually worked on the observed holiday at one and one-half (1/2) times his/her straight time rate of pay. An employee may receive compensatory time at one and one-half (1/2) times the actual hours worked, if approved by the supervisor or department head.

B. ANNUAL LEAVE (City Resolution Nos. 91-137 and 92-139)

1. Accrual of Annual Leave

Annual leave shall be granted to all full-time employees and, on a pro-rated basis, to part-time employees working twenty (20) hours or more per week and job share employees. Annual leave is accrued monthly on the last working day of the month (no leave time is accrued if the employee separates from employment prior to the last working day of the month). Subject to the restrictions set out in paragraph 2, paid annual leave will be granted to all full-time, part-time, and job share employees according to the following schedule:

0-5 years of service	12 days per year
6-10 years of service	15 days per year
11-13 years of service	16 days per year
14-16 years of service	17 days per year
17-20 years of service	18 days per year
Over 20 years of service	20 days per year
Department directors.....	20 days per year

2. Carry-Over of Annual Leave

The maximum number of annual leave hours which may be carried over from December 31 of one year to January 1 of the next year is twenty (20) days or one hundred sixty (160) hours. Under certain circumstances and with the approval of the City Manager, employees may be permitted to carry over more than twenty (20) days or one hundred sixty (160) hours of annual leave.

3. Use of Annual Leave

Annual leave is intended to provide the employee with a period of relaxation away from work. All employees should take annual leave during the year in which it is earned. After one (1) year of employment, employees shall take a minimum of five (5) days of annual leave per calendar year.

Annual leave shall be taken at times mutually agreeable to the employee and supervisor or department manager. If there is a conflict between employees in requests for leave, the leave should be granted to the employee first requesting it. If requests are received at the same time, the department head shall make the final determination of who may take the leave, using seniority and prior requests for leave as consideration.

Employees are responsible for planning their annual leave and submitting their annual leave request on the City's form to their supervisor well in advance of the time requested. If the reasons given for annual leave would qualify an employee for Family and Medical Leave, the employee's leave request will be governed by the Family and Medical Leave section of this handbook and the employee will be so notified. No annual leave time will be paid without the corresponding number of hours taken as time off, unless the employee is unable to take the vacation during the year accrued because their annual leave request has been denied due to the demands of the City workload. In this event, employees may be paid up to forty (40) hours accrued annual leave with approval of the City Manager.

4. Cash Payment Upon Separation

Upon separation of an employee by resignation, layoff, termination, or death, the employee or beneficiary thereof, shall be paid for unused annual leave at the rate being paid at the time of separation.

5. Employees in Trial Period

New employees shall not take annual leave during their trial period. If the employee does not successfully complete the trial period, he/she shall not be paid accrued annual leave.

6. Donation of Annual Leave (City Resolution 91-135)

Employees may donate a portion of their accrued annual leave to a fellow City employee who is suffering from, or has an immediate family member suffering from, a severe illness which is likely to cause the employee to take leave without pay or terminate their employment with the City. Donation of accrued annual leave will be implemented per City Resolution No. 91-135. (See Appendix B.)

C. SICK LEAVE

Employees are expected to be able to work their regularly scheduled hours. The City discourages excessive use of sick leave, and employees who abuse sick leave may be subject to disciplinary action. Employees may use accrued sick leave during their trial period.

1. Accrual of Sick Leave

Sick leave with pay for full-time regular employees shall be accrued at the rate of eight (8) hours per month, on the last working day of the month; no leave time is accrued if the employee separates from employment prior to the last working day of the month. Regular part-time employees and job share employees shall accrue sick leave benefits on a pro-rated basis according to hours worked. Any sick leave accrued but unused in any year shall be accumulated for succeeding years up to a maximum 1,040 hours, or six (6) months. Employees who are granted sick leave shall continue to accrue sick leave at the indicated rate during such absence.

2. Use of Sick Leave

An employee eligible for sick leave with pay should be granted such leave for the following reasons:

- Illness or physical incapacity;
- Forced quarantine of the employee in accordance with community health requirements;
- Physical or mental health examinations (e.g. doctor, dentist appointments) of employee or member of employee's immediate family;
- Extension of bereavement leave; or
- Illness of member of employee's immediate family.

3. Administrative Procedure for Sick Leave

To request sick leave, an employee shall inform his/her supervisor or department manager and indicate the reason for the leave. The supervisor or department manager may require the absent employee to obtain a physician's statement stating the cause and circumstances of the absence. Prior to the employee returning to work, the City Manager may require a written release from the employee's physician attesting to the employee's ability to return to work. Failure to give proper notice or to obtain a physician's statement may be cause for denial of sick leave pay for the period of absence. If the reasons given for sick leave would qualify an employee for Family and Medical Leave, the employee's leave request will be governed by the Family and Medical Leave section of this handbook and the employee will be so notified.

4. Advance Sick Leave

Advance sick leave may be granted by the City Manager to employees who have at least two (2) years' continuous service with the City and who have used all accumulated annual leave, compensatory time off, and sick leave. Advance sick leave may be granted only in cases of serious illness or injury. Advance sick leave

may not extend for more than twelve (12) consecutive working days. The employee shall reimburse the City for sick leave if the employee does not return to work for a period of time sufficient to cover the sick leave advanced.

5. Extended Illness or Injury

When an employee is off work with accrued time due to an extended illness or injury, the employee's rights, benefits, and employment shall cease after a period of six (6) months from the first day off. Upon good cause shown by the employee, considering such factors as the City's needs and resources, the employee's length of employment, and medical necessity, the City Manager may grant up to an additional six (6) months medical leave of absence without pay or benefits to employees.

Employees may continue their health insurance benefits on a self-pay basis during a leave without pay which is granted due to an extended illness or injury. Per Section 7. (I) "Family and Medical Leave Act Leave" the City will continue to pay its portion of contributions for health insurance benefits for employees on a leave under the Family and Medical Leave Act.

a. Non-job Related Illness or Injury

When an employee is off due to a non-job related illness or injury, the employee shall first use accrued sick leave, compensatory time off, floating holiday, and/or annual leave. (Employees are not eligible to use accrued annual leave during their trial period.) During this time of leave with pay, the employee continues to earn paid leaves and receive benefits under this policy. Thereafter, and for a period not to exceed six (6) months from the first day off due to such illness or injury, the employee shall be placed on a "leave without pay" status. Upon completion of the sixth (6th) month, the employee's rights, benefits, and employment shall cease unless the medical leave of absence without pay or benefits is extended by the City Manager pursuant to Section 7(C)(5) above.

b. Job-related Illness or Injury

Pursuant to worker's compensation regulations, the first three (3) days of an absence due to a work-related illness or injury shall be reported as sick leave (or annual leave and/or compensatory time off). The time beyond three (3) days may be eligible for worker's compensation after a determination of eligibility is made.

After a determination of eligibility is made by the Washington State Department of Labor and Industries that an employee is eligible for worker's compensation benefits, the employee will receive compensation (time-loss payments) from the state for the period off work beyond the initial three (3) days.

In such situations, the employee shall reimburse the City, by remitting the time-loss payments received on their worker's compensation claim, for the portion of sick leave paid while out on worker's compensation benefits. (Total reimbursement would not exceed the dollar value of the sick leave used.) The number of sick leave hours "bought back" by the City will be equal to the number of hours paid for by the worker's compensation reimbursement. The employee may choose to "buy back" annual leave hours under this same procedure. If sick leave is used, the disability compensation cannot be used to buy back annual leave time.

6. Unused Sick Leave at Time of Separation

Employees shall not be paid for any unused sick leave benefits upon separation of employment.

D. JURY/COURT DUTY (RCW 2.36.080)

Employees called for jury duty shall receive full pay for the time served provided that they assign monies received for jury duty to the City and provided that they return to work on any day they are excused from service.

Employees subpoenaed for judicial proceedings in an employment-related matter shall be paid per normal payroll procedures straight time for time spent up to eight hours per day, then one and one-half (1/2) times their regular rate of pay for any additional time spent that day.

On any day that an employee is released from jury duty or as a witness in an employment-related matter and four or more hours of the employee's scheduled work day remains, the employee must notify his/her supervisor and report to work if requested to do so.

In the event that a City employee is subpoenaed as an expert witness in a matter in which the City is not a party, the City shall be reimbursed, in advance, for that employee's time. Alternatively, the employee may request annual leave or leave without pay for the time spent away from work.

E. BEREAVEMENT LEAVE

Upon the death of a member of the employee's immediate family, and with the approval of the City Manager or his/her designee, an employee may use a maximum of three (3) days of bereavement leave. In the event the employee needs to travel out of state to attend a funeral, leave may be allowed up to five (5) days, however, the first and fifth day shall be charged to sick leave or leave without pay. Bereavement leave may be granted during an employee's trial period with supervisor's approval. Employees may take additional time off for bereavement leave by using accumulated compensatory time off or annual leave time.

F. VOTING

When an employee's work schedule is such that he/she is unable to vote prior to or after his/her normally scheduled working hours, he/she will be granted a reasonable time off to vote without loss of pay or any benefits.

G. PERSONAL LEAVE

1. Unpaid Personal Leave

Employees shall make every reasonable effort to handle personal matters outside of working hours. Leaves of absence without pay may be granted at the discretion of the City Manager for good cause. Prior to leave without pay being granted, the floating holiday, all annual leave, and compensatory time off must be exhausted. If the leave is for medical reasons, accrued sick leave must also be exhausted.

At any time during the leave of absence, the department manager may require the employee to return to work if the leave causes a hardship in the department.

No annual or sick leave benefits or any other benefits shall accrue while an employee is on an extended leave without pay. Benefits will continue to accrue for the first (5) five days of an unpaid leave, after which time they will cease to accrue. An employee on an approved leave of absence without pay may continue his/her health insurance benefits by paying the full premium cost to the City in advance for each month that he/she is absent.

H. MILITARY LEAVE (RCW 38.40.060 and RCW 73.16)

Any officer or employee of the City who is a member of the Washington National Guard or Federal Reserve Military Unit shall be entitled to be absent from his/her duties with the City with full pay for up to fifteen (15) days during each calendar year while engaging in the performance of officially ordered military duty and while going to or returning from such duty. Such leaves shall be in addition to any other leaves or annual leave benefits. During the period of military leave, the employee shall continue to accrue all leave benefits and to receive his/her normal rate of pay.



Employees who are called or volunteer for services with the Armed Forces of the United States or the Washington National Guard shall be entitled to be considered for reinstatement in accordance with the provisions of the laws of the state of Washington.

An employee promoted to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return should be restored to the position he/she held previously or another equivalent position.

A new employee hired to fill a vacancy created by a person serving in the armed forces shall hold such position subject to the return of the veteran. The employee affected by the return should be placed in an equivalent position or, if no such position exists, may be subject to layoff.

I. FAMILY AND MEDICAL LEAVE (Federal Family and Medical Leave Act of 1993 - City Resolution 94-186)

This policy implements requirements to provide leave time for family and medical reasons under the Family and Medical Leave Act of 1993.

The FMLA leave policy overlays and works in conjunction with the City's other applicable leave policies. Employees requesting a leave of any variety are required to inform the City of the reason for the leave. If the leave is requested for a "qualifying event" per the FMLA, the employee will be informed that the leave is being treated as an FMLA leave.

1. Definitions

The definitions in this section are particular to the FMLA policy.

Child: Includes biological, adopted, foster, stepchild, or legal ward. Also includes child to whom a person is an acting parent when the child is under eighteen (18) years old or when the child is over eighteen (18) years old but is unable to care for themselves.

Continuing Treatment: Two (2) or more visits to a health care provider; two (2) or more treatments by a health care practitioner on referral from a health care provider; or one (1) visit to a health care provider that results in a regimen of continuing treatment under the supervision of a health care provider.

Health Care Provider: Includes doctors of medicine and osteopathy, podiatrist, dentist, clinical psychologist, optometrist, chiropractor (limited to certain treatments), nurse practitioner and nurse midwife, and Christian Science practitioner.

Serious Health Condition: Any injury, illness, impairment or physical or mental condition that requires inpatient care at a hospital, hospice, or residential medical care facility or requires continuing treatment by a health care provider and (i) absence from work for at least three (3) days; (ii) is an incurable condition; (iii) is a condition so serious that, if untreated, would likely result in three (3) or more days of incapacity; or for continuing prenatal care.

2. Employees Eligible for FMLA Leave

To be eligible to take an FMLA leave, an employee must:

- Have been employed by the City for a minimum of twelve (12) months on the date an FMLA leave begins; and
- Have been employed by the City for a minimum of 1,250 hours during the previous twelve (12) months.

3. Eligible Reasons for FMLA Leave

Eligible employees may take FMLA leave to care for:

- Child at birth (leave can begin prior to birth of child) or placement for adoption or foster care;
- Spouse (as recognized under Washington State law), child, or parent who has a serious health condition; or
- Yourself if you have a serious health condition that makes you unable to perform the essential functions of your job.

FMLA leave is not allowed for routine physical examinations or voluntary or cosmetic treatments.

4. Amount of Leave Allowed

Employees are eligible to take up to twelve (12) weeks of FMLA leave within a twelve (12) month time period. A "week" is based on the employee's usual work schedule averaged over the twelve (12) weeks prior to the leave. The twelve (12) month time period is calculated on an individual rolling twelve (12) month period measured backward from the first day of the new leave period an employee is requesting.

When spouses are employed by the City, together they are eligible for a combined total of twelve (12) weeks during the twelve (12) month period for the birth or placement of a child for adoption or foster care or to care for a seriously ill parent (but not parent-in-law). Married employees working for the City are allowed twelve (12) weeks each to care for the spouse's illness, a seriously ill child, or his/her own serious illness.

For FMLA leave taken for other than medical reasons, the leave must be taken for one continuous period of time. For FMLA leave taken for medical reasons, employees may take leave intermittently or work a reduced work week, when medically necessary. Any reduction in the employee's normal work week must be approved by the department manager. If the employee's current position does not

accommodate an intermittent leave, the City may place the employee in another position with equivalent pay and benefits.

5. Continuation of Benefits

During the FMLA leave, the City will continue to pay its portion of prior contributions for health insurance benefits. If the employee is making contributions to their health insurance benefits, payment is due from the employee by the 25th day of each calendar month. Failure to make this payment within thirty (30) days after it is due will result in cancellation of employee's health insurance benefits. Employees may choose not to retain their health insurance coverage during their FMLA leave and are entitled to reinstatement of these benefits upon returning to work.

The City will recover the health insurance premium payments made on behalf of the employee if the employee fails to return to work after the FMLA leave is exhausted; however, recovery will not be made if employee's failure to return is the result of certain circumstances such as employee's continuing serious health problem. Returning to work is defined as returning for at least thirty (30) days. Recovery of contributions is applicable for only the portion of the FMLA leave that is unpaid leave.

After the employee returns to work, all benefits will resume in the same manner and at the same level as were provided when the leave began, subject to changes made to employee benefits during the time which the employee was on FMLA leave. Benefit accruals for sick and annual leave will continue during the time the employee is on paid FMLA leave but accruals will not be made during unpaid FMLA leave.

6. Use of Paid Leave in Conjunction with FMLA Leave

Employees must use all paid leave time, such as sick leave or annual leave, **concurrently** with their FMLA leave for absences of three (3) days or more. For example, an employee who has one (1) week of accrued sick leave and two (2) weeks of accrued annual leave and has an FMLA leave qualifying event occur for which he/she requests a four (4) week leave, three (3) weeks would be paid leave, one (1) week would be unpaid leave, and the employee would have used four (4) weeks of their eligible FMLA leave.

The City retains the right to designate qualifying leave as FMLA leave. This designation will be made at the time of the request for any leave for an FMLA qualifying event, or after an employee has begun a leave, when the City learns that the leave is for an FMLA qualifying event.

7. Process for Requesting FMLA Leave

Employees who wish to request FMLA leave must request it, in writing, thirty (30) days prior to the leave's effective date in the event of a birth, adoption, foster care or planned medical treatment, unless it's not practicable, in which event, the leave must

be requested as soon as practicable. (See Appendix for a "Leave Request" form.) If the employee is unable to request the leave, the spouse or other family member may do so. For leaves for planned medical treatment, the employee should consult with their supervisor in order to schedule the leave so as not to unduly disrupt City operations.

Employees who request an FMLA leave to care for themselves or a seriously-ill family member must provide certification from a health care provider testifying to the necessity for medical leave within fifteen (15) days of requesting such leave. (See Appendix for a "Certification from Physician or Practitioner.") The City may require other medical opinions at the City's expense for the ill person. The City may require the employee to obtain a medical recertification when it deems necessary.

When the leave is taken as a result of the employee's medical condition, a fitness for duty certification is required before the employee will be reinstated. (See Appendix for a "Fitness for Duty" certification.)

While an employee is absent from work on an FMLA leave, the City may require the employee to report periodically to his/her supervisor on his/her status and intent to return to work. If the employee notifies the City of his/her intent not to return to work, the employee shall be immediately separated from employment with the City.

The employee's failure to provide any of the required certifications will result in the denial of leave until the requirements are satisfied, denial of continuation of the leave, and/or denial of reinstatement. All documentation related to the medical condition of employee or family member will be maintained in medical records file separate from the employee's personnel file.

8. Reinstatement

An employee who takes an FMLA leave will be reinstated to his/her original or equivalent position with equivalent pay, benefits, and other working conditions, but the employee has no right to return to the original position.

There are some limits on reinstatement. Employees returning from an FMLA leave have no greater rights to reinstatement or other benefits and conditions of employment than if they had not taken FMLA leave. For example, if their position was affected by a lay-off or reorganization or elimination, they may not be eligible for reinstatement. Temporary and casual employees have no reinstatement rights if the project for which they were hired has ended and the City would not have continued to employ them in the absence of their taking an FMLA leave. An employee who fails to comply with the City's requirements for reporting and fitness for duty certification may be denied reinstatement.

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SECTION 8. EMPLOYEE BENEFITS

The employee benefits described in this section are generally available to all regular employees. The City reserves the right to make changes in the carriers, provisions, and conditions of these programs. Detailed information about the City's employee benefits and options will be provided to all employees during their orientation or upon their request.

A. HEALTH CARE INSURANCE

Full time, regular employees may be provided medical, dental, and vision insurance as outlined below. Part-time regular and job share employees who work a minimum of 20 hours per week, may be provided medical, dental and vision insurance on a pro-rated basis, based upon the hours normally worked compared to the normal full-time work week. The City may provide employees the option to carry family health care coverage; however, the employee may be required to contribute to the cost of the spouse and dependent premiums.

1. Eligibility

Health care insurance may only be purchased in increments of one month. New employees are eligible for coverage on the first calendar day of the month following date of hire (or on the first day of the month in which they were hired if their hire date is the first calendar day of the month).

When an employee is separated from employment with the City prior to or on the fifteenth (15th) of the month, health care insurance benefits will cease on the last calendar day of the last full month of employment. In this case, an employee may elect coverage for the last partial month of employment by self-paying the pro-rated cost from the last day of employment to the end of the month. If an employee's last day of employment is after the fifteenth (15th) of the month, the City will pay its portion of the premium cost for that entire month.

2. Medical, Dental, Vision Benefits

The City is part of the Association of Washington Cities benefit plan.

3. Employee Assistance Program

An employee assistance program is available to provide confidential assistance for employees and their families.

4. Extended Health Benefits (COBRA)

The City offers continuing health care coverage on a self-pay basis to employees and their dependents following discharge, a reduction in hours, retirement, or death. For discharged or reduced-hour employees, the coverage may last up to eighteen (18) months or until they become eligible for other health insurance coverage, whichever

is earlier. In the event of the employee's retirement, divorce, separation, or death, the coverage may last up to thirty-six (36) months for the employee and/or qualified beneficiary.

B. FLEXIBLE BENEFIT PLAN

A flexible benefit plan enables employees to tailor their benefits offered through the City. This program allows employees to better utilize the current benefits and City funds used to purchase those benefits for you. Each employee has a benefit allowance to use to purchase benefits, after using the allowance to purchase core benefits for themselves, from a menu of benefits offered through the plan. Dollars spent above the benefit allowance are deducted from the employee's pre-tax salary.

C. DEFERRED COMPENSATION PLAN (City Resolution No. 85-26)

Employees may defer a portion of their taxable income into a retirement savings plan that is subject to federal rules and regulations governing tax liability and restrictions on withdrawals.

D. MUNICIPAL EMPLOYEE BENEFIT TRUST PLAN (MEBT)
(City Resolution No. 88-82)

The City of Mill Creek does not participate in the Federal Social Security System and, in lieu of Social Security, provides an employee benefit plan for the exclusive benefit of participating employees, their beneficiaries, and dependents. Life and disability insurance are part of the MEBT plan. The plan is administered by a committee appointed per the plan's rules. A complete copy of the plan is available upon request.

1. Eligibility

All employees and City Councilmembers are required to participate in the MEBT plan. There are actually two plans, MEBT I and MEBT II, which have some different requirements and characteristics. The main distinctions between MEBT I and MEBT II are differences in City and employee contribution amounts and vesting. These items, as well as others are discussed as they apply to each section. All regular full-time and part-time employees and elected officials belong to MEBT I. Temporary and casual employees belong to MEBT II.

2. Contributions

All of the employees' contributions, mandatory and voluntary, are made via payroll deduction and are after-tax payroll deductions. The City's contributions to participants' account are made in pre-tax dollars.

MEBT I plan participants are required to contribute an amount equal to the current social security tax. In 1993, for example the employee's contribution (via payroll deduction) would be 7.65% of the first \$57,600 earned as a City of Mill Creek

employee. (This amount is subject to annual changes, dependent on social security tax rates.) For employees hired after March 31, 1986, part of their contribution and part of the City's contribution (1.45%) must, by law, be used to pay Medicare tax on employees' behalf.

The City contributes to the plan an amount equal to the employee's contribution. Sixty percent (60%) of the City's contribution is allocated to employees' individual accounts. Forty percent (40%) of the City's contribution is used to pay the costs of the insurance premiums for the three insurance components of the MEBT plan. Annually, any money reserved for administrative expenses that is not spent is distributed to the accounts of MEBT I plan participants who are employed as of December 31 or who retired during the year.

MEBT II plan participants contribute 7.5%, as required by law, to their plan account. The City does not make any contributions to MEBT II plan accounts.

MEBT I plan participants have the option of making voluntary contributions to their account, provided that the sum of your mandatory and voluntary contributions does not exceed 15% of total compensation in a plan year.

3. Vesting of Benefits

<u>Time of Continuous Participation</u>	<u>Percentage Vested</u>
• Less than 12 months	0%
• 12 months	10%
• Each additional month	1.25%
• 84 months or longer	100%

E. RETIREMENT PROGRAM

City employees are required to participate in either the state of Washington's Public Employees' Retirement System or the Law Enforcement Officers' and Fire Fighters' Retirement System as long as their compensated hours continue to qualify them for service credit under the appropriate plan. Participating employees shall pay any required amounts towards the contribution costs by means of a payroll deduction.

F. WELLNESS PROGRAM

1. Statement of Purpose

The City offers a wellness program to aid and encourage employees in maintaining good physical and mental health. Goals of the wellness program include but are not limited to the following:

- Maximize efficient use of healthcare plan
- Reduce healthcare expenses
- Reduce absenteeism
- Increase productivity

2. Program Administration

The Human Resources Division of the Finance Department is responsible for administering the wellness program. The Finance Department administrative secretary is the human resources and finance liaison to the wellness committee.

3. Wellness Committee

A wellness committee, appointed by the City Manager and consisting of a minimum of three interested employees plus the administrative secretary from the Finance Department, meets monthly for the following purposes:

- a. Plan wellness activities for employees
- b. Evaluate the wellness program
- c. Recommend (to the City Manager) changes or enhancements to the program

The wellness committee members will select a chairperson and a vice-chairperson from the membership.

The wellness committee may sponsor various activities and programs to promote stress reduction, increase fitness for employees, and to boost overall staff morale. These programs may include, but are not limited to, fitness testing, fitness games, and seminars/guest speakers on wellness topics.

4. Financial Support

The City of Mill Creek financial support for the wellness program will be determined on a biennial basis as part of the budget process.

5. Eligibility for Participation

Participation in City of Mill Creek wellness programs, except the Wellness Day Off (see Section 6 below), is open to all employees. Wellness activities are voluntary.

6. Wellness Day Off

Participation in the wellness day off program is limited to regular full-time or regular part-time employees who are regularly scheduled to work 20 or more hours per week and who have medical insurance benefits through the City of Mill Creek. The wellness day off is defined as eight hours.

Qualified participants may earn a wellness day off by earning a total of 500 points as follows:

- a. At least 400 points must be earned by exercising on the employee's own time. One 30-minute activity earns five points, and a maximum of five points per day may be earned. Each participant will keep track of his or her own exercise points on a form provided by the wellness committee and approved by the Human Resources Division.

Exercise is defined as any vigorous exercise dedicated to increasing your heart rate and/or building strength and sustained for at least 30 minutes. The following steps are a guideline to determine an individual's target heart rate zone:

1. Calculate maximum heart rate by subtracting age from 220.
 $220 - \text{ (age) } = \text{ (maximum heart rate) }$
2. Multiply maximum heart rate figure by 0.6 or 60%
 $\text{ (maximum heart rate) } \times 0.6 = \text{ (beats per minute) }$
This is the low end of target zone (see item #4 below)
3. Multiply maximum heart rate by 0.8 or 80%
 $\text{ (maximum heart rate) } \times 0.8 = \text{ (beats per minute) }$
This is the high end of target zone (see item #4 below)
4. Target zone is between _____ and _____ beats per minute.

To find your pulse, place the second and third fingers of either hand on your neck on either side of your Adam's apple. To take your pulse rate, count the number of beats for six seconds. Then multiply that number by 10 to get your pulse in beats per minute.

- b. Up to 100 points can be earned by participating in various wellness events to be determined by the wellness committee with approval of the City Manager. Each wellness event is worth 10 points. Participation in a minimum of three wellness events is required to be eligible for the wellness day off.

After the employee has earned 500 qualifying points, the employee must turn in the completed form to the Finance Department administrative secretary, who will prepare a wellness day off certificate for approval by the Human Resources Division.

One wellness day off may be earned per calendar year. The wellness day off must be taken within the calendar year in which it is earned at a time approved by the employee's supervisor or department manager. The wellness day off certificate must be turned in with the employee's time sheet and approved leave request form for the pay period in which the wellness day off is used.

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SECTION 9. STANDARDS OF CONDUCT

In the interest of the City and the public, it is desirable at all times, whether off-duty or on-duty, that an employee's conduct reflects favorably on the employee, his or her fellow employees, and the City. Off-duty misconduct may result in discipline when it renders an employee less capable of performing his or her duties and responsibilities, or when it reflects upon an employee's continuing qualifications for employment.

It is the City's policy to place as few restraints on employees' personal conduct as possible. The City relies on each employee's good judgement and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. For the protection of the City's business interests and other employees, however, certain rules of conduct have been established.

A. PERSONAL APPEARANCE AND CONDUCT

Employees should dress in an appropriate manner while performing all official City duties. Managers or supervisors will inform employees of the appropriateness of attire privately and on an individual basis if the supervisor or department manager deems it to be necessary.

B. OUTSIDE EMPLOYMENT

Employees shall not engage in employment other than their City position if such employment interferes with the efficient performance of their City job, constitutes a conflict of interest, creates the appearance of a conflict of interest, or would result in a poor public image for the City. Outside employment includes any activity for which an individual receives compensation, including consulting or self-employment.

Employees considering outside employment must obtain approval, in writing, from their department manager prior to beginning outside employment. The City Manager shall have the right to revoke or suspend any previous approval given if, at any time, the outside employment interferes with the efficient performance of their City job, constitutes a conflict of interest, creates the appearance of a conflict of interest, or results in a poor public image for the City.

C. SOLICITATION

Employees are not permitted to conduct or arrange for collections, solicitations or sales, or distribute literature during the City's office hours or an employee's work hours (including breaks and lunch hours) in working areas, unless approved in advance by the City Manager.

D. SMOKING

To protect the health of all employees and citizens who use City facilities and vehicles, smoking is prohibited in all City facilities and City vehicles at all times.

E. POLITICAL ACTIVITY (RCW 35.17.160 and RCW 41.06.250)

Employees shall have the right to vote and to express their opinions on all political subjects and candidates, to hold any political office, and to be involved in any political campaign, as long as that involvement is not during working hours or while performing official City duties. Nothing in this section shall prohibit an employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for partisan and nonpartisan offices, as long as any involvement is not during working hours or while performing official City duties, and is not expressly prohibited by law.

Employees shall not hold a part-time public office for the City if holding such an office is incompatible with or substantially interferes with the discharge of an employee's official job duties.

No employee shall actively promote a political cause while performing official City duties, nor may any City property or equipment be used to further any political campaign or candidate. No person, elected official, or City employee shall solicit any contribution to be used for political purposes on City property. Employees shall not use their City title or position to solicit or promote political activity. Employees shall not be required to make any contribution to a political party, an elected official, a candidate, or an initiative or referendum. Any refusal to do so shall not be used to penalize the employee in any way, nor shall any employee make any solicitation from any other employee.

Nothing in this policy prevents employees from participating in advocacy activities, such as testifying to the legislature, on behalf of their professional organizations or associations. The City Manager should be informed about such activities.

F. CONFLICT OF INTEREST AND ACCEPTANCE OF GIFTS

Public confidence of the citizens of the City of Mill Creek in their City government depends on the integrity of City employees. Accordingly, no City employee shall engage in any act that is in conflict with, or creates an appearance of being in conflict with, the performance of official City duties.

Some examples of behaviors that are prohibited because they may create a conflict of interest or the appearance of a conflict of interest include, but are not limited to, the following actions:

- Use of City personnel, time, property, equipment, or money for the private benefit or financial gain of an employee;
- Use of official position to accept or seek any service, information or thing of value on more favorable terms than those granted to the public; or
- Solicitation or acceptance of a gift or favor in exchange for official services of an employee or influence over official actions of an employee.

Subject to the limitations above, gifts valued at less than \$25.00, such as a lunch, may be accepted by City employees. Gifts exceeding that amount should be refused.

Violations of this policy may result in appropriate disciplinary action.

G. DISCLOSURE & USE OF INFORMATION & OFFICIAL RECORDS

As part of their official duties, City employees have access to information and official records, most of which are public, but some of which are confidential. Employees shall not disclose confidential City information to any unauthorized person, nor shall employees use such information for their personal gain or benefit.

Some examples of information that are considered confidential include, but are not limited to, the following:

- Personnel files of City employees;
- Test questions, scoring keys and other examination data used to administer employment examinations;
- Lists of individuals requested for commercial purposes;
- Residence addresses and telephone numbers of City employees; and
- Personal information in prisoner's files.

H. NEPOTISM

No immediate family members may be in a position in which one audits, controls, supervises, or otherwise oversees or is supervised by another immediate family member. If two employees become immediate family members, one must be transferred to another department where the reporting, auditing or supervisory relationship does not exist or where the employees are not reporting directly to the same supervisor. If a transfer cannot be accomplished due to the lack of an open position, one of the employees must resign. The decision as to which employee will transfer or resign will be made by the employees involved. If the employees do not decide which employee will transfer or resign within thirty (30) days of becoming related to one another, the City Manager shall determine which employee will transfer or resign based on the best interests of the City.

I. SEARCH AUTHORITY

1. Purpose

The purpose of this policy is to ensure the integrity of the City work force, the City facilities, the safety of the employees, and the public confidence in the City employees. Adoption and implementation of the policy constitute advanced notice that privacy expectations in City locations, furnishings, and equipment is limited.

The City cannot assume responsibility for any theft or damage to personal belongings of the City's employees. Therefore, the City encourages its employees to avoid bringing private articles or property to work.

2. Scope

All City locations, furnishings, and equipment, including but not limited to lockers, desks, drawers, file cabinets, vehicles, computer files, and other items are subject to search pursuant to this policy.

All lockers, desks, and files will be assigned by the appropriate Department Head and shall be used only with City supplied locks, assigned keys, and/or combinations as appropriate. No private locking devices will be permitted on City locations, equipment, or furnishings.

Employees are advised that searches of employee property which is on the City's property may be conducted. All computer pass codes must be made available to the City upon request. Employees who do not consent to the inspections may be disciplined up to and including immediate termination.

3. Procedure

A Department Head may search the locations, equipment, files, and furnishings identified in this policy at any time with or without prior notice. The Department Head or his designee and one witness will conduct the search and will inventory all items identified during the search.

The Department Head and/or designee is authorized to confiscate contraband when located.

After each search conducted under this section, a notice of the search will be issued or posted to inform department personnel of the fact.

4. Electronic Files and E-Mail

Electronic files and E-mail should only be used for City business purposes. The City may periodically monitor messages sent via E-mail and those stored on City equipment for reasons of security and to enforce company policies. Employees shall not attempt to gain access to another employee's files of E-mail messages without the employee's permission.

The City's E-mail and other information systems may not be used in a way that could be disruptive or offensive to others. The City's E-mail should only be used for City business. E-mail should not be used to solicit others for commercial ventures, religious or political causes, outsider organizations or other non job-related solicitations.

Any violation of this policy may result in disciplinary action, up to and including termination.

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SECTION 13. OTHER PROVISIONS

A. TRAINING AND TRAVEL-RELATED EXPENSES

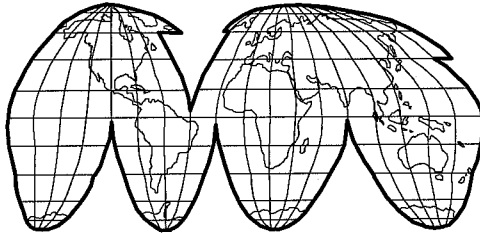
1. Training

The City recognizes the importance of training in improving job performance and career development. The City will provide training opportunities to employees as needed and as financial resources to do so are available.

The City will pay the tuition expense, excluding books or other course material, for job-related college courses, dependent on the employee's completion of the course with a passing grade. If the employee fails to furnish the City with evidence of successful completion of the course, the employee will be required to reimburse the City for all expenses incurred.

The City will pay expenses for employees to attend job-related short courses, conferences, and business meetings dependent on the employee's attendance at and, where applicable, successful completion of, the course. If the employee fails to furnish the City with evidence of successful completion of the course, the employee will be required to reimburse the City for all expenses incurred.

2. Travel-Related Expenses



Employees who are authorized to travel on City business shall receive reimbursement for meals, travel costs, and lodging according to the City of Mill Creek Travel Ordinance, which is attached as Appendix D.

B. SAFETY

1. Managers' and Employees' Responsibilities

The City is committed to creating and maintaining a safe working environment. All employees share this responsibility.

Department managers and supervisors are responsible for assuring safe working conditions by establishing safety practices, developing and maintaining safety programs, teaching employees proper and safe use of equipment, and enforcing safety practices. Employees are responsible for learning and understanding proper safety procedures and practices, observing all safety practices governing their work, and immediately reporting unsafe working conditions and on-the-job injuries to their supervisor or department manager. Failure to exercise these responsibilities is grounds for disciplinary action, up to and including discharge.

2. On-the-Job Injuries

Any injury on the job, no matter how minor, must be reported to the employee's supervisor or department manager immediately. First aid or other medical treatment required should be administered by qualified practitioners only.

An accident report must be filed with the Risk Manager.

C. USE OF VEHICLES

City employees may be required to use a vehicle for City business. It is preferable to use a City-owned vehicle for City business; however, employees may use their personal vehicle due to availability and/or convenience. Employees using any vehicle, City-owned or private, must possess a valid driver's license. Employees shall promptly report any accidents involving City vehicles or private vehicles used to conduct City business.

1. City-Owned Vehicle

The use of City-owned vehicles is restricted to City business during regular working hours unless otherwise authorized by the City Manager. The City may make a regular driving record check of employees who drive City vehicles. If the record check reveals a circumstance that might result in an increase to the City's insurance premium, the employee may be prohibited from driving or required to pay the full amount of the extra premium. If the affected employee's job requires regular driving, the employee may be transferred or demoted to a position that does not require regular driving or may be discharged.

2. Private Vehicle

The following conditions apply to employees' use of private vehicles.

- Employees will be reimbursed at the IRS rate for mileage expense for use of their private vehicle.
- Injuries to employees that result from accidents while conducting City business will be handled as a worker's compensation claim.
- Damage to personal vehicles used while conducting City business will not normally be paid by the City; these claims will be processed through the employee's own insurance carrier. In those cases where there is no City vehicle available and City business must be conducted in an employee's personal vehicle, repairs to the personal vehicle used while conducting City business will be considered on a case-by-case basis.
- Personal property damaged or loss from personal vehicles used while conducting City business will not be paid for by the City.

D. USE OF COMPUTER EQUIPMENT

The City provides its employees with the use of computer equipment, including hardware, software and network equipment, in performing their jobs. The use of City computer equipment for anything other than City related business is prohibited. The Network Administrator will perform random audits of computer systems to verify appropriate use by employees. Violations of this policy may result in disciplinary action up to, and including, termination of employment.

1. Definitions

Hardware: Computer equipment including, but not limited to, computer monitors, keyboards, printers, modems, laptop units, power supplies, auto adapters, network adapters, backup tapes, and floppy disks.

Software: Programs used to operate computer hardware, including, but not limited to, Novell Netware, DOS, database, spreadsheet, graphics, accounting, mail, message routing, CAD, and word processing programs.

Network: Connection of computer stations to one central unit or file server.

2. System Integrity

The Network Administrator and the City Manager or his/her designee are the only employees with the authority to make hardware changes, install software, or make any other changes to the network. If an employee wishes to have such changes made, he/she shall notify the Network Administrator, in writing, who shall determine the appropriateness of such changes and who shall be responsible for making the changes.

At a minimum, the criteria for determining the appropriateness of a change to a computer system shall include:

- Software shall be Novell compatible;
- Software shall be free of computer viruses;
- Software shall be properly licensed for use by City employees;
- Software shall be on an original manufactured disk; and
- The change shall not affect the overall integrity of the City's computer systems.

No outside individual, organization, or company is allowed a modem connection with the City network without prior approval of the Network Administrator or City Manager.

3. Security Procedures

a. Access Rights

Each authorized computer user is assigned certain rights on the network. These rights identify what areas the user has access to and types of access, e.g. "read" and/or "write to," that are permitted. These rights are determined jointly between the user's department manager and the Network Administrator.

Each user selects a password, which is required to access the computer system. By the use of this password, the computer system knows what files the user is permitted to access. Therefore, the use of passwords, and maintaining strict confidentiality about one's password, is critical to maintaining the integrity of the computer systems.

If a user inadvertently gains access to files to which they have not been assigned access rights, they should notify the Network Administrator immediately. "Exploring" computer files or areas of the network to which an employee is not granted access rights is prohibited.

Access rights include the time period during which a user is authorized to use the computer systems. For most employees, the system is available for use between the hours of 6:00 a.m. to 9:00 p.m. on Monday through Friday. If a user needs to access the system during other time periods, he/she must get permission from his/her department manager who will notify the Network Administrator.

b. Use of Software

All software used on City equipment must be properly licensed for such use and is the property of the City. Placing employee-owned software on the City's equipment must first be approved by the Network Administrator and the City Manager. Any attempt to copy data or application files for one's personal use is considered "pirating," may be a violation of copyright laws, and is prohibited.

4. Care of Equipment

Computer equipment should be treated with the same care and respect given to all City property. Any damage, or suspected damage, to any piece of equipment must be reported promptly to the Network Administrator. In particular, since most users are interconnected via the network system, a problem with one computer station or user can quickly become a problem for all computers and all users.

5. Laptop Computers

The City owns laptop computers, which are available for use by City employees for performing City related business off-premises. Laptops shall be checked-out with the Network Administrator or his/her designee. All policies and regulations relating to use of computer equipment shall apply to the use of laptops.

6. Modem Access

Modem access to the City's computer network from an employee-owned personal computer located at the employee's residence is allowed for performance of City business only. Employees who wish to have modem access to perform City work may request access through their department manager. The City Manager and the appropriate department manager will evaluate and approve/deny requests for modem access.

Employees who are allowed modem access are given the modem program to load on their home computer and agree in writing to erase the program upon termination of their access rights. Employees are required to sign a usage agreement governing the installation/deletion of the modem access program.

7. Use of City Licensed Software Programs

Under the City's licensing agreements for some software programs, such as WordPerfect, employees have the right to install and use this software on their home computers during the time they are employed by the City. Employees who need to use City licensed software programs for City-related business may request this through their department manager. The City Manager and the appropriate department manager will evaluate and approve/deny requests for usage of City licensed software programs on employees' home computers.

Employees who are allowed usage of City licensed software programs are given the program to load on their home computer, and they agree in writing to erase the program upon termination of their employment with the City. Using the software for personal use is permitted as long as the licensing agreement permits this use; however, access is granted based on the employee's need to use the software for City business. Employees are required to sign a usage agreement governing the installation/deletion of the software program.

E. USE OF CELLULAR TELEPHONES

The City may provide its employees with the use of cellular telephones to conduct City business. Cellular telephones are to be used to conduct official City business only unless prior approval has been granted by the employee's supervisor or City Manager for other uses. All personal calls made or received on the cellular telephones will be billed to the appropriate employee in an amount sufficient to reimburse the City for all direct and indirect costs. The formula used to calculate the cost of a personal call is 25¢ + other

charges directly associated with the call (airtime, toll, long distance, etc.) + cost of the call, at the per minute rate, if the personal call caused the airtime to exceed the free 30 minutes/month allotted to the City.

Cellular telephones are subject to failure or malfunction. If the telephone is not working properly, the employee shall report this to his/her supervisor who will arrange for it to be repaired. Employees shall not attempt to repair the equipment themselves.

The City may perform random audits of cellular telephone usage to verify appropriate use by employees. Violations of this policy may result in disciplinary action up to, and including, termination of employment.

Some City employees, including supervisors and those employees designated as emergency workers, are eligible to purchase cellular phone service from US West Cellular with the same rates and terms as provided to the City for official use, subject to certain conditions. The employee shall:

1. Acknowledge their status as an emergency worker.
2. Agree to assume full responsibility for any and all costs associated with cellular phone service and pay said costs promptly.
3. Pay for any installation charges and any equipment needed, which will remain the property of the employee.
4. By signing this agreement, be deemed to authorize the withholding of funds from the employee paycheck, any amount necessary to pay for charges the City incurs as a result of this contract.
5. Authorize, in the event the relationship between the employee and the City is terminated, the (City) to withhold any and all of the employee's final reimbursement or paycheck until such time as the City is notified by US West Cellular that all charges and obligations for service have been paid in full.
6. Fully indemnify, release and hold harmless the City for any monetary costs or claims of any nature arising out of this cellular telephone program.

To obtain this service, the employee must read and sign the "Personal Cellular Phone Agreement" as shown in Appendix H.

F. EMPLOYEE SUGGESTION AWARDS

This is a six-month pilot program, beginning January 1994. In July 1994, this program will be evaluated by the City, and a determination will be made whether to continue it in its present form, continue it in a modified form, or discontinue it.

The City established a suggestion awards system to recognize employees when they make suggestions about City services and City operations that improve the quality, efficiency, or effectiveness of City services and/or result in a savings of City funds.

1. Eligibility of Participants

Most regular full- and part-time employees are eligible to receive awards for suggestions submitted. City Councilmembers, members of City boards and commissions, department directors, temporary employees, and other people performing work for the City are not eligible for this program. Awards will not be considered for suggestions pertaining to subjects assigned to employees for research or development or for problems assigned to employees for solution, which such employee would normally be expected to offer in the line of duty.

2. Eligibility of Suggestions

To be eligible to be considered for an award, a suggestion must meet one or more of the following criteria. The suggestion must:

- Eliminate or reduce City expenditures without substantially reducing the quality of a City service;
- Propose a change that was not under active consideration by the City department affected at the time the suggestion was made;
- Make possible an extension or expansion of a public service commensurate with the expense involved or do more with the same dollars;
- Improve operating methods or procedures, resulting in increased productivity;
- Conserve energy;
- Improve quality and/or the service provided;
- Reduce, simplify, or eliminate paperwork and reports; or
- Eliminate or reduce scrap or waste.

If an employee submits a suggestion that is implemented by the department before the suggestion has been evaluated by the suggestion evaluation team, the suggestion may still be considered for an award. Employees may make a request

for reconsideration for suggestions not originally receiving an award but which are subsequently implemented by the City department, provided that implementation occurred within one (1) year of submission of the original written suggestion.

If a duplicate suggestion is received, only the first one received is eligible for an award.

3. Process

- Suggestions must be submitted on the form designed and provided for that purpose and must be completed in full.
- Suggestions must be signed by the employee or employees submitting them but will remain anonymous until evaluation is completed.
- All suggestions will be acknowledged by the suggestion evaluation team.
- Suggestions will be evaluated by the affected City department within thirty (30) days of submittal, and a recommendation, with projected cost savings, will be sent to the suggestion evaluation team.
- The suggestion evaluation team will make an award decision within sixty (60) days of submittal.

All participants in the process will endeavor to meet the time limits stated above; however, there may be circumstances in which these time limits cannot reasonably be met (such as during budget time or if the suggestion involves a complex analysis). In these cases, the evaluating department and the suggestion evaluation team will make their decisions as soon as possible.

4. Suggestion Evaluation Team

The suggestion evaluation team is the administering body for the suggestion award system. Their responsibilities include evaluating suggestions submitted and making administrative rules to implement the system.

The suggestion evaluation team includes the following people: all department managers, two (2) employees at large and one (1) alternate employee at large. The employee at large members are chosen by submitting their name to the City Manager who will select names in a lottery drawing. Employee at large members serve one (1) year terms on the team.

5. Awards

All employees who submit an eligible suggestion, whether or not it is recommended for implementation, receive a certificate of appreciation from the City Manager and City Council. Employees whose suggestions are implemented receive 10 percent of the net first year savings attributed to their suggestion, up to a maximum award of one thousand dollars (\$1,000). If a suggestion was submitted by a team of employees, the total award dollars are awarded in equal amounts to all team members. If the cost saving is intangible, an award of up to fifty dollars (\$50.00) may be made. Awards are made by the City Council, and the employee(s) may be featured in the *Current*.

APPENDIX A: ADMINISTRATIVE LEAVE PROCEDURES

For employees designated "exempt" under the Fair Labor Standards Act (FLSA), the City is not required to pay overtime compensation for hours worked over 40 in a work week. A policy of allowing administrative time off recognizes that exempt employees may frequently be required to attend night meetings in addition to performing their regular job responsibilities during the regular eight-hour workday. Administrative time off is not meant to compensate employees on an hour-for-hour basis for hours worked over 40 in a work week, which would jeopardize employees' status as an exempt employee.

Administrative time off is not accrued; it is granted at the beginning of the calendar year as a bank of hours. Time cards should reflect actual time worked as regular hours, and time off recorded as sick time, vacation time, administrative time, etc.

The following are the policies and procedures regarding administrative time off for exempt employees who are not department managers:

- A bank of 40 hours administrative time (AT) will be given to these employees at the beginning of each calendar year.
- Since AT is not accrued during the year, AT off may be taken any time during the calendar year.
- Employees do not vest in AT - use it or lose it each calendar year.
- AT off is recorded for absences of 4 or more hours per day (except when flextime is used). For example, if an employee works from 8:00 a.m. - 2:00 p.m., no AT off need be recorded for the hours between 3:00 and 5:00 p.m. If an employee works from 8:00 a.m. to 11:30 a.m., four and one-half hours of AT off would be recorded.
- Upon approval by their supervisor, employees have the option of using flextime (instead of using administrative time off) during the work week preceding or following the flextime. For example, an employee who is required to work on a Saturday may choose to substitute that working Saturday for another regular work day by taking a day off during the preceding or following week.
- Employees are required to account for a minimum number of hours, depending on which work schedule has been approved for them, each calendar month. These hours must be accounted for as hours worked or hours used for an approved leave (e.g. sick, vacation, administrative time off, etc.). The following table lists minimum monthly hours for 1993.

1993 HOURS WORKED BY MONTH			
Month	Standard Schedule	Flex Schedule 1	Flex Schedule 2
January	168	167	167
February	160	159	159
March	184	187	187
April	176	169	177
May	160	159	159
June	176	178	178
July	176	176	168
August	176	178	178
September	176	177	177
October	168	160	168
November	176	185	177
December	184	193	177
TOTAL	2,080	2,088	2,072

EXEMPT EMPLOYEES WHO USE A FLEX-TIME SCHEDULE

The following explains how leave time is accounted for under a flex-time schedule. For illustration purposes, a 44/36 hour schedule is used, but the same guidelines would apply under other flex-time schedules such as a 4/10 schedule.

Sick Leave: If a flex/exempt employee is sick for a full day, they will take nine hours of sick leave (unless it is their eight-hour Friday). If the employee leaves sick in the middle of a nine-hour day, they will take enough sick leave to bring that day's total hours up to nine hours.

Vacation: If a flex/exempt employee takes a full vacation day, they will take nine hours of vacation (unless it is their eight-hour Friday). If the employee takes vacation for over four hours but less than a full day (on a nine-hour day) they will take vacation hours or draw from the 40-hour bank to bring that day's total hours up to nine hours.

Other: Employees are paid eight hours for Holidays, Wellness Day, and Day of Choice. If a flex/exempt employee has more than their minimum number of hours and their extra four hours, they may use these extra hours to bring the Holiday, Wellness Day, or Day of Choice up to a nine hour day. If they do not have extra hours they will have to use vacation hours to make a nine-hour day.

Example: Minimum hours required in the month (177) plus the extra 4 hours = 181. If the employee had 182 hours, they could use the extra hour to bring the holiday day up to a nine-hour day. If the employee had 179 hours, they would have to use one hour of vacation time to bring the holiday day up to a nine-hour day.

APPENDIX B: DONATED ANNUAL LEAVE POLICY

RESOLUTION NO. 91-135

A RESOLUTION OF THE CITY COUNCIL OF MILL CREEK, WASHINGTON, ESTABLISHING A POLICY PROVIDING FOR THE TRANSFER OF ANNUAL LEAVE BETWEEN EMPLOYEES.

WHEREAS, the City provides annual leave to its employees as a vested right subject to payment upon termination; and

WHEREAS, the City Council finds it in the public interest to permit employees to share annual leave under specific circumstances and to transfer such leave to employees who, without such transfers, would be forced to terminate their employment or go without pay in order to meet the needs of severe illness; and

WHEREAS, the authority to approve budgetary decisions is vested in the City Council of the City of Mill Creek; and

WHEREAS, an administrative policy establishing for the transfer of annual leave between employees has a budgetary impact on the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section I. PURPOSE

The purpose of shared leave is to permit City employees, at no additional cost to the City other than the administrative costs of the program, to come to the aid of a fellow City employee who is suffering from, or has an immediate family member suffering from, an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment with the City.

Section 2. ELIGIBILITY OF RECIPIENT OF SHARED LEAVE.

The City Manager may permit an employee to receive shared leave under this resolution if:

- A. The employee suffers, or has an immediate family member (as defined by the City's personnel policies) suffering from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature, and which has caused, or is likely to cause, the employee to go on leave without-pay status or to terminate his or her employment with the City; and
- B. The employee has depleted or will shortly deplete his/her total of accrued annual leave, compensatory time, sick leave, holiday leave, and/or other paid leave; and
- C. The employee has abided by the City's sick leave policy in the past; and
- D. The employee has diligently pursued and is found to be ineligible for state industrial insurance benefits; and
- E. The use of shared leave will not significantly increase the City's costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.

Section 3. ELIGIBILITY OF DONOR OF SHARED LEAVE.

The City Manager may permit an employee to donate shared leave under this resolution if:

- A. The employee has a total of more than ten (10) days of accrued annual leave; and
- B. The employee has taken at least five (5) days of annual leave within the calendar year; and
- C. The donating employee retains at least ten (10) days total of accrued sick leave, annual leave and/or compensatory time off.

Section 3. AMOUNT OF SHARED LEAVE ALLOWED.

The City Manager shall determine the amount of shared leave, if any, which an employee may receive under this resolution. The employee shall be required to provide appropriate medical justification and documentation regarding the necessity for the leave and the time which the employee can reasonably be expected to be absent due to the

condition. An employee shall not receive more hours in shared leave than the difference between 1,440 hours and the number of leave hours already used by the affected employee in this extraordinary situation. To the extent possible, shared leave should be used on a consecutive day basis.

Section 4 IMPLEMENTATION OF SHARED LEAVE

- A. All donations of shared leave shall be voluntary.
- B. Transfers of shared leave shall be in increments of one (1) day. The transfer of shared leave shall be on an hour-for-hour basis regardless of the salary difference between the employee donating the shared leave and the employee receiving the shared leave.
- C. The employee's salary rate shall not change as a result of being on shared leave, nor under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payments by the City to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he/she been in a regular pay status.
- D. Donations of shared leave may be made between any two non-represented employees. Donations of shared leave may be made between represented employees and/or between represented and non-represented employees if the contract between the City and the represented employees permits such transfers of shared leave.
- E. While an employee is on shared leave, he/she shall continue to receive and accrue all benefits as he/she would normally receive if using other accrued paid leave.
- F. Any leave transferred which remains unused shall be returned to the employee(s) who donated it.

RESOLVED, this 17th day of December, 1991.

APPROVED:

Kenneth J. Graska
MAYOR, KENNETH J. GRASKA

ATTEST/AUTHENTICATED:

Michele Schutz
CITY CLERK, MICHELE SCHUTZ

APPROVED AS TO FORM:

BY: _____
OFFICE OF THE CITY ATTORNEY
STOEL RIVES BOLEY JONES & GREY

FILED WITH THE CITY CLERK: 12-11-91
PASSED BY THE CITY COUNCIL: 12-17-91
PUBLISHED: N/A
EFFECTIVE DATE: 1-1-92
RESOLUTION NO.: 91-135

W:\City\Emc\WP\Acad\N\Ac.Fr

APPENDIX D: CITY OF MILL CREEK, TRAVEL ORDINANCE

ORDINANCE NO. 368

AN ORDINANCE OF THE CITY OF MILL CREEK, WASHINGTON, AMENDING THE TRAVEL AND EXPENSE REIMBURSEMENT POLICIES AND REGULATIONS FOR CITY EMPLOYEES AND OFFICIALS ACTING ON OFFICIAL BUSINESS.

WHEREAS, RCW 42.24.090 permits the City Council to prescribe regulations governing and amounts to be paid officers and employees as reimbursement for expenses in connection with officially assigned duties and other travel for approved public purposes prior to reimbursement of any expenditures; and

WHEREAS, Ordinance No. 84-13, 91-252 and Resolution No. 89-96 established general reimbursement policies, an advance travel fund, and related regulations; and

WHEREAS, the City Council desires to adopt by ordinance an amendment to the established travel and expense reimbursement policies and regulations for City employees and officials acting on official business as set forth in Ordinance No. 91-252;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, ORDAINS AS FOLLOWS:

Amend Ordinance 91-252, Section 11, City Credit Card, as follows:

Section 11 City Credit Card

City credit cards may be used by City Officials and employees subject to RCW 42.24 and the following restrictions:

- A. The City credit card may be used solely for covering actual and necessary expenses incident to official business.
 - B. The City credit card shall not be used for personal use or the purchase of personal items, whether or not repaid to the City at a later date.
 - C. A receipt shall be obtained for each purchase made, and shall be submitted with a fully itemized travel expense voucher to the Clerk-Treasurer not less than ten days after the charge has been made. Any charges which are not documented on the travel expense voucher, or which are disallowed by the Clerk-Treasurer, City Manager or Council Audit Committee, shall be immediately reimbursed by the user in the form of cash or salary deduction.
 - D. A user shall not use the City credit card if any disallowed charges are outstanding. A user shall surrender the card upon demand of the Clerk-Treasurer. The City reserves unlimited authority to revoke use of any City credit card at any time and shall not be liable for any costs or charges incurred on said card thereafter.
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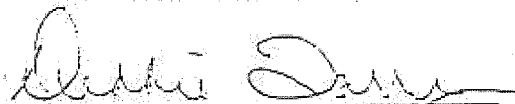
E. The City credit card shall not be used for cash advances.

F. The City credit card shall not be used for expenses for which the employee expects direct reimbursement from an outside agency, except in extraordinary circumstances and with prior written approval by the City Manager.

PASSED by the City Council and APPROVED by the Mayor this ____ day of _____, 1995.


TIMOTHY E. AUSTIN, MAYOR

ATTEST/AUTHENTICATED:


DEBBIE TARRY, CITY CLERK

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

BY: _____
SHORT CRESSMAN & BURGESS

FILED WITH CITY CLERK: 11/10/95
PASSED BY CITY COUNCIL: 11/14/95
PUBLISHED: 11/17/95
EFFECTIVE DATE: 11/22/95
ORDINANCE NO. 45-368

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ORDINANCE NO. 91-252

AN ORDINANCE OF THE CITY OF MILL CREEK, WASHINGTON,
ESTABLISHING TRAVEL AND EXPENSE REIMBURSEMENT POLICIES
AND REGULATIONS FOR CITY EMPLOYEES AND OFFICIALS ACTING
ON OFFICIAL BUSINESS; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, RCW 42.24.090 permits the City Council to prescribe regulations governing and amounts to be paid officers and employees as reimbursement for expenses in connection with officially assigned duties and other travel for approved public purposes prior to reimbursement of any expenditures; and

WHEREAS, Ordinance No. 84-13 and Resolution No. 89-96 established general reimbursement policies, an advance travel fund, and related regulations; and

WHEREAS, the City Council desires to adopt by ordinance a comprehensive policy and set of regulations for travel and expense reimbursements to supersede Resolution No. 89-96;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Reimbursement of Expenses Authorized.

A. Officials and employees of the City are entitled to reimbursement of certain expenditures incurred while on official business for the City. Reimbursable expenses shall include expenses for transportation, lodging, meals, tips, and other actual and necessary expenses related to official business.

B. Official business means performance of officially assigned duties, travel for approved public purposes, attendance at approved meetings or training and education seminars, attendance at approved conferences, and other approved sessions involving municipal affairs or other activities concerning the business of the City. Approval shall be obtained from the City Manager or City Council as appropriate.

Section 2. Reimbursement Policy.

To qualify for reimbursement, expenses must be directly related to the conduct of business or service for the City and be actual, reasonable and necessary under the circumstances. Unnecessary or excessively costly expenditures will not be reimbursable. Exceptions to the policies and regulations set forth herein may be made only for unusual or extenuating circumstances upon the written directive of the City Manager, or in the case of

City Councilmembers, by the Council Audit Committee, but only when the claimed expenses reasonably relate to a benefit or service received by the City and compliance with these regulations was not feasible.

Section 3. Documentation of Expenses: Receipts Required.

No claim for reimbursement shall be paid unless it is accompanied by a bona fide receipt. Receipts should show the date, a description of the purchase, vendor identification, and amount paid. Credit card receipts are required where available. Meal ticket stubs or invoices will be accepted as long as the name of the restaurant and date of issue are included. Other rules for documenting specific types of expenses are identified below.

Section 4. Reimbursement for Meals.

A. The actual and necessary cost of meals incurred while conducting official business is reimbursable. Payment for table service at a restaurant, commonly referred to as a tip, is reimbursable but may not exceed 15% of the restaurant price of the meal. Actual meal costs must be documented by a receipt.

When a receipt is unavailable, amounts on the following schedule may be claimed subject to the policies of this ordinance. The listed amounts are amounts allowable (tip included) for meal claims submitted without a receipt:

Breakfast _____	\$ 6.00
Lunch _____	8.00
Dinner _____	<u>16.00</u>
Daily Maximum _____	\$30.00

B. Meal costs must be actually incurred by the claimant to be reimbursable. Direct billing to the City by a restaurant is prohibited, except by use of the City credit card or as authorized in advance by the City Manager. If meal costs for persons other than the claimant are included, those persons must be entitled to reimbursement in their own right, and they shall be listed by name and title in the claim documentation.

C. Unauthorized and unpermitted meal costs include, but are not limited to, liquor and expenses of a spouse or other person not authorized to receive reimbursement under this ordinance.

Section 5. Reimbursement for Travel.

A. The actual and necessary costs of travel for official business are reimbursable pursuant to the following guidelines.

B. City Vehicles. Necessary out of the area costs for operation of City vehicles, such as gas, oil, tires and repairs.

C. Personal Vehicles. Authorized use of private vehicles shall be reimbursed at the prevailing Internal Revenue Service reimbursement rate for actual miles traveled. In no event shall reimbursement for actual miles driven exceed an amount equal to round trip coach air fare by common carrier. No reimbursement shall be allowed for mileage from home to a normal work location.

D. Rental Vehicles. Vehicle rentals must be approved in writing in advance by the City Manager.

E. Air Travel. Advance arrangements and authorization for air travel should be made using a requisition and purchase order. No reimbursement shall exceed the cost of coach fare by common carrier. Pricing quotes should be obtained by the City before booking to ensure a low cost. Air travel should be billed directly to the City by the vendor, if possible.

F. Other Travel Expenses. Other travel expenses such as bus and taxi fare, bridge or other tolls, parking, ferry, porter, bellman and the like (not including maid service) are reimbursable if itemized on the reimbursement form. Reasonable amounts for porter service, bellman service and the like are considered to be necessary payment for such service. Receipts shall be submitted where possible. If any individual item exceeds \$10.00, a receipt is required before reimbursement will be authorized.

Section 6. Reimbursements for Accommodations and Lodging.

Actual and necessary hotel/motel accommodations will be reimbursed or paid in advance, limited to the maximum single room rate of the specific hotel or motel. A vendor's receipt is required for all accommodations. In the event the receipt includes non-reimbursable expenses, the claimant shall be responsible for the expense.

Section 7. Reimbursements for Incidental Expenses.

A. Reimbursable incidental expenses include:

- Baggage checking.
- Laundry expenses if away from home on official business four or more working days.
- Telephone and postage expenses. One telephone call home if away from home for more than twenty-four (24) hours shall be considered a business expense.

B. Non-reimbursable incidental expenses include:

- Personal entertainment.
- Theft, loss or damage to personal property.
- Expense of a spouse, family or other person not authorized to receive reimbursement under this ordinance.
- Barber or beauty parlor.
- Airline or other trip insurance.
- Personal postage, reading material, and telephone calls.
- Personal toilet articles.
- Medications.

Section 8. New Employee Moving Expenses.

At the discretion of the City Manager, the actual and necessary moving expenses of a new department head are reimbursable. Moving expenses means the costs of moving household goods, furniture, clothing, and other personal effects of the new employee. Approval of the Council is required for claims exceeding \$2500.

Section 9. New Employee Recruitment Expenses.

Actual and necessary expenses of candidates for department head positions are reimbursable when candidates are invited, in writing, to visit the City for an

official interview. The invitation letter shall specify which expenses are reimbursable and the necessary documentation of expenses. Arrangements for transportation and lodging shall be made through the City Manager's office.

Section 10. Non-Reimbursing Expenses/Other.

Actual and necessary expenses of persons who are neither City employees nor officials may be reimbursed where the expense can reasonably be construed as consideration for a service performed for the City or benefit received by the City and the service or benefit is of commensurate value. Accompanying documentation shall state the purpose for the reimbursement and shall require prior, written approval of the City Manager.

Section 11. City Credit Card.

City credit cards may be used by City officials and employees subject to RCW 42.24 and the following restrictions:

A. The City credit card may be used solely for covering actual and necessary expenses incident to official business.

B. The City credit card shall not be used for personal use or the purchase of personal items, whether or not repaid to the City at a later date.

C. A receipt shall be obtained for each purchase made, and shall be submitted with a fully itemized travel expense voucher to the Clerk-Treasurer not less than ten days after the charge has been made. Any charges which are not documented on the travel expense voucher, or which are disallowed by the Clerk-Treasurer, City Manager or Council Audit Committee, shall be immediately reimbursed by the user in the form of cash or salary deduction.

D. A user shall not use the City credit card if any disallowed charges are outstanding. A user shall surrender the card upon demand of the Clerk-Treasurer. The City reserves unlimited authority to revoke use of any City credit card at any time and shall not be liable for any costs or charges incurred on said card thereafter.

E. The City credit card shall not be used for cash advances.

Section 12. Reimbursement Claims and Approval Procedure.

A. All claims for reimbursement shall be submitted on approved forms supplied by the Clerk-Treasurer. If a travel advance has been obtained, the amount of the advance and the actual costs incurred must be reconciled in accordance with the guidelines established in Ordinance No. 89-190, as amended. All claims for reimbursement must be

submitted within 30 days of incurring the expense or the claim will be denied.

B. Claims requiring special or written approval of the City Manager or City Clerk must include such documentation.

C. All non-Council reimbursement claims must be authorized by the claimant's department head and the City Manager.

D. Claims of Councilmembers must be approved by the Council Audit Committee.

E. All approved reimbursable expense claims shall be paid and charged to the fund and department responsible for the expenses of the claimant. Minor expense items may be paid out of the petty cash fund.

Section 13. This ordinance shall supersede Resolution No. 89-96.

Section 14. If any section, sentence, clause, phrase or application of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, phrase or application of this ordinance.

Section 15. This ordinance shall be in full force and effect five (5) days after publication of the attached summary which is hereby approved.

APPROVED:


MAYOR, LYNN W. EPPERLY

ATTEST/AUTHENTICATED:


CITY CLERK, MICHELE SCHUTZ

APPROVED AS TO FORM:

BY: 

OFFICE OF THE CITY ATTORNEY
STOEL RIVES BOLEY JONES GREY

FILED WITH THE CITY CLERK: 5-21-91

PASSED BY THE CITY COUNCIL: 5-28-91

PUBLISHED: 6-1-91

EFFECTIVE DATE: 6-6-91

ORDINANCE NO.: 91-252

SUMMARY OF ORDINANCE NO. 91-252

of the City of Mill Creek, Washington

On the 28 day of May, 1991, the City Council of the City of Mill Creek, passed Ordinance No. 91-252. A summary of the contents of said Ordinance, consisting of the title, provides as follows:

An Ordinance of the City of Mill Creek, Washington, establishing travel and expense reimbursement policies and regulations for City employees and officials acting on official business; and establishing an effective date.

The full text of the Ordinance will be mailed upon request.

DATED this 28 day of May, 1991.

Michele Schutz
MICHELE SCHUTZ, CITY CLERK

APPENDIX E: MEET YOUR PAYCHECK

The pay period is one calendar month. Employees may take a draw amount, not to exceed 50% of their monthly net pay, to be paid on or about the 15th of each month. All deductions, adjustments, and paycheck information will be shown on the pay stub for the check issued on or about the last day of each month.

A. HOURS/EARNINGS

- *Regular* - earnings for hours worked during this pay period
- *Vacation* - earnings for annual leave hours used during this pay period
- *Sick* - earnings for sick leave hours used during this pay period
- *Holiday* - "banked" holiday hours available (applies to police officers only)
"floating holiday" hours show up only when used
- *Comp.* - compensatory time off hours used during this pay period
- *Overtime* - monies earned for overtime work
- *Misc.* - field not currently used

- *Prem 1* - special purpose field
- *Prem 2* - City dollars available for flexible benefit fund
- *Adjust* - retroactive salary transactions

- *Adj. Gross/Adj. Net* - fields not currently used
- *Draw* - amount taken as a draw during this pay period
- *Gross* - total amount of earnings for this pay period
- *Net* - amount of check for this pay period; "gross amount" minus all deductions

B. DEDUCTIONS - these amounts are for the current pay period

- *Med* - field not currently used
- *A-Club* - deduction for monthly dues at Columbia Athletic Club
- *Dent* - field not currently used
- *Garnis* - field not currently used
- *Cred U* - deduction for deposit into employee's credit union account
- *ICMA* - field not currently used
- *Vision* - field not currently used
- *Med133* - employee contribution to medical pocket (flexible benefit)
- *Grphea* - employee paid portion of Group Health insurance coverage
- *Def133* - employee contribution to deferred compensation investment (flexible benefit)
- *Medcar* - field not currently used

- *Day133* - employee contribution to day care pocket (flexible benefit)
- *Uniway* - employee contribution to United Way
- *Misc* - special purpose field
- *Medcsr* - employee paid portion of insurance coverage
- *FWT* - withholding for federal income tax
- *FICA* - employee paid portion of Municipal Employees Benefit Trust coverage
- *Ind Ins* - employee paid portion of worker's compensation insurance coverage
- *State* - field not currently used
- *Pension* - employee paid portion of state pension coverage (PERS or LEOFF)
- *Unemp* - employee paid portion of Medicare coverage (applies only to employees hired after April 1, 1986)

C. YEAR TO DATE - these amounts are year-to-date totals

- *FWT* - withholding for federal income tax
- *FICA* - employee paid portion of Municipal Employees Benefit Trust coverage
- *Pension* - employee paid portion of State pension coverage (PERS or LEOFF)
- *Def Cmp* - field not currently used
- *State* - field not currently used
- *Gross* - total amount of earnings
- *Net* - total dollar amount received (gross pay minus deductions)

- *Vacation Bal.* - accrued annual leave hours available
- *Sick Bal.* - accrued sick leave hours available
- *Bank* - (above "Vacation Bal.") - floater holiday hours available
- *Bank* - (next to "Sick Bal.") - accrued compensatory time off hours available; "banked" holiday hours available (for police officers only)

APPENDIX F: "AMERICANS WITH DISABILITIES ACT"

held in city hall which is an accessible location. With advance notice, the City can provide a sign language interpreter for residents who have a hearing impairment. If you have a disability which requires an accommodation to use a City service, please let us know and we will try to provide what you need.

Telecommunications

To talk with City staff on the telephone, residents who have a telecommunications device for the deaf (TDD) may use Washington State's TDD Relay Service. This service connects users with an operator who "translates" calls between users of TDDs and non-TDD telephones. The access number is 1-800-833-6388.

Transportation

The ADA prohibits a public entity from discriminating against an individual with a disability in connection with providing transportation service. The main public transportation provider in Mill Creek is Community Transit. For information about accessing their services, you may contact them at 778-2185 or 778-2188 (TTY).

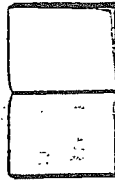
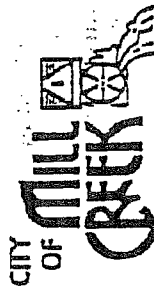
Grievances

People who believe that they have been discriminated against on the basis of disability may submit a complaint, in written or audio form, to the Assistant to the City Manager. The complaint will be investigated, and a decision will be made within 20 days. If you are not satisfied with that decision, you may appeal to the City Council.

Individuals may also file a complaint with the federal agency responsible for enforcement, such as the Equal Employment Opportunity Commission. If you do not know the agency responsible, the complaint may be filed with the Department of Justice.

Let Us Know

The ADA is new to all of us, and we'd like your help in implementing it. If you have ideas, please about how we can make our employment opportunities, facilities, services, and communications more easily accessible to people with disabilities, please let us know. Contact the Assistant to the City Manager at 745-1891 or 337-1116.



A
CITIZEN'S
GUIDE TO YOUR
RIGHTS UNDER
THE...

"Americans
with
Disabilities
Act"

The Purpose

The "Americans with Disabilities Act" (ADA) was signed into law in July 1990. The purpose of the act is to extend civil rights to people with disabilities, and to over 43 million citizens with disabilities, the ADA is an opportunity to eliminate barriers to independence and productivity.

The Law

In Washington State, residents already enjoy some protection against discrimination on the basis of disability concerning employment, credit, insurance, public accommodations, and real estate sales. The ADA, however, extends that protection to other areas and the remedies required.

The ADA prohibits discrimination on the basis of disability concerning access to:

- employment
- public and commercial facilities
- public services
- telecommunications
- transportation

The ADA requires public and private entities to develop a compliance program. Key dates include:

- *August 26, 1990:* All buses ordered must be accessible.
- *January 26, 1992:*
 - * Public employers with at least 25 employees must comply with employment provisions.
 - * State and local government programs must be accessible to disabled persons.
 - * Public accommodations cannot discriminate in access to goods, services, facilities, etc.
 - * Emergency systems (911) must have equipment for hearing and speech impaired persons.
 - * Public accommodations must be accessible if non-structural changes are required.
- *July 26, 1992:* Employers with at least 25 employees must comply with employment provisions.
- *January 26, 1995:* Public accommodations requiring structural changes must be accessible.

Our Program

To comply with the law, we are undertaking a variety of activities.

Employment

We are reviewing our job descriptions and job requirements to eliminate all non-essential responsibilities that might create a barrier to employment. We are reaching out to the community of people with disabilities by posting our job announcements in places they are likely to see them. Our aim is to make employment opportunities more readily available to people with disabilities.

City Facilities

We are looking at our parks, city hall and library to determine how we can make them more accessible. Structurally, our buildings meet accessibility requirements; however, there may be non-structural modifications we can make to increase accessibility.

City Services

We are evaluating our services, such as recreation programs and public meetings, to see how we can make them more accessible. All public meetings conducted by the City are

APPENDIX G



AGREEMENT FOR
ACCESS TO CITY'S COMPUTER NETWORK
VIA MODEM

_____, is granted permission to access the City's computer network via modem. The modem access program will be installed on my home computer, and I understand that:

- I may use this modem access only to perform City-related business;
- I agree to delete this program from my home computer upon termination of my modem access rights; and
- Retaining the modem access program in violation of City authorized access constitutes theft and will be treated as such by the City.

Signature

Date



AGREEMENT FOR USE OF CITY LICENSED SOFTWARE PROGRAMS

_____, is granted permission to install and use the following City-licensed computer software programs on my home computer: _____

The software program(s) will be installed on my home computer, and I understand that:

- I may use this software program for personal use as well as City-related business, unless the licensing agreement prohibits personal use, as noted here, _____;
- I agree to delete this program(s) from my home computer upon written notification from the City that I am no longer permitted to use this City-licensed program(s), or upon termination of my employment with the City; and
- Retaining the software program(s) in violation of City authorized use constitutes theft and will be treated as such.

Signature

Date

APPENDIX H

PERSONAL CELLULAR PHONE AGREEMENT

This agreement is entered into between the City of Mill Creek, hereinafter referred to as the "City" and _____ hereinafter referred to as "Employee," on the _____ day of _____, 19____.

WITNESSETH:

WHEREAS, the City desires to provide the tools to help contact employees under a variety of normal and emergency conditions; and

WHEREAS, many employees have indicated a desire for the City to obtain cellular service; and

WHEREAS, the law and the cellular supplier provides the opportunity to meet the needs expressed by both the City and the employees;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, the parties hereto agree as follows:

A. THE EMPLOYEE SHALL:

1. Acknowledge their status as an emergency worker.
2. Agree to assume full responsibility for any and all costs associated with cellular phone service and pay said costs promptly.
3. Pay for any installation charges and any equipment needed, which will remain the property of the employee.
4. By signing this agreement, be deemed to authorize the withholding of funds from the employee paycheck, any amount necessary to pay for charges the City incurs as a result of this contract.
5. Authorize, in the event the relationship between the employee and the City is terminated, the City to withhold any and all of the employee's final reimbursement or paycheck until such a time as the City is notified by US West Cellular that all charges and obligations for service have been paid in full.

6. Fully indemnify, release and hold harmless the City for any monetary costs or claims of any nature arising out of this cellular telephone program.

B. THE CITY SHALL:

1. Authorize this individual to be on this plan.
2. Authorize billing and be the responsible party of record for cellular telephone service through US WEST Cellular.

C. TERM:

The term of Agreement shall begin on _____, 19__ and shall automatically renew annually unless terminated according to the provisions herein.

D. TERMINATION:

1. Termination of Convenience. Upon mutual agreement, either party may terminate the Agreement immediately with written notice to the other party. The City may terminate this agreement by notifying US WEST Cellular that the employee number is no longer authorized to participate in the program, followed by written notice to the employee.
2. Termination for Cause. If the employee fails to perform in the manner called for in this Agreement, or if the Service Provider fails to comply with any provisions of the Agreement, or if the employee fails to participate actively with the City, or if the employee does not maintain an acceptable performance evaluation, the City may terminate this Agreement. Termination shall be effected by notifying US WEST Cellular that the employee's number is no longer authorized to participate in the program, followed by written notice to the Employee.

E. ATTORNEY'S FEES AND COSTS:

If any legal proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default, or misrepresentation in connection with any of the provisions of this Agreement, the City shall be entitled to recover from the employee, in addition to any other relief to which such party may be entitled, reasonable attorney's fees and costs incurred in that action or proceeding.

F. JURISDICTION:

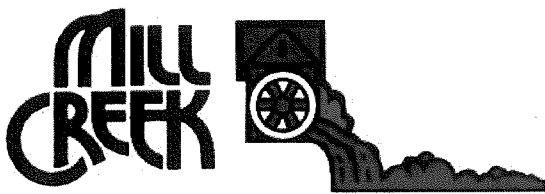
1. The Agreement has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each party hereto that this Agreement shall be governed by the laws of the State of Washington, both as to interpretation and performance.
2. Any action of lawsuit in equity or judicial proceeding for the enforcement of this Agreement or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Snohomish County, Washington.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first written.

CITY

EMPLOYEE

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October 19, 2005

To: All employees

From: Steve Nolen

Recently there have been a variety of questions about what is appropriate dress for City employees. I am aware that there is a perception and complaints that various departments have different standards for dress, and that perhaps people are not aware of an established administrative policy.

The following essentially reiterates a standard set by City Manager Bob Stowe in June 2001. I addressed the issue with our Management Team, and together we are requesting that all employees adhere to the following expectations for work attire:

Monday through Thursday

The standard is business casual. For example:

- Neat, clean clothing appropriate for a business environment, such as khaki, twill, or more formal pants and skirts or dresses.
- Oxford, polo or knit shirts, sweaters, and blouses appropriate to an office environment.

Casual Friday

- You still need to present a professional image.
- Jeans may be worn if they are clean and neat.
- City logo wear is appropriate and encouraged.

Not appropriate at any time:

- Sexually provocative or revealing clothing: low cut blouses, tube or halter tops, exposed midriffs, see-through or tight clothing.
- Shorts or short skirts.
- Casual t-shirts that are not issued as a work uniform item.

Exceptions:

- Blue jeans may be worn by employees who expect to be engaged that day in activities where clothing may be soiled or damaged.
- T-shirts issued as work uniform items, when engaged in active recreation supervision or public works maintenance activities.
- Shorts when engaged in active recreation supervision.

Remember, we are all professionals. We need to dress and present a professional image to our customers. Your department director can address any questions or concerns.