

**CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 03-1177**

**A RESOLUTION REGARDING THE ADOPTION OF A
PERSONNEL POLICY FOR THE CITY OF PROSSER.**

WHEREAS, the Personnel Policy previously adopted by the City of Prosser has been substantially revised and updated; and,

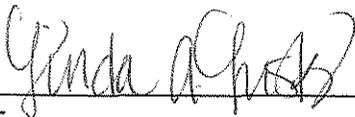
WHEREAS, said Personnel Policy has been provided to each of the Council Members prior to the meeting date; and,

WHEREAS, it has been determined that it is in the best interest of the City of Prosser to adopt said revised and updated Personnel Policy;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Prosser, that the Personnel Policy adopted by Resolution No. 99-1083 adopted on December 14, 1999 is hereby repealed.

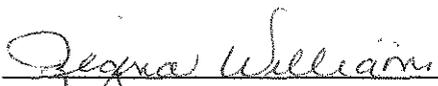
BE IT FURTHER RESOLVED, by the City Council of the City of Prosser, that the Personnel Policy as previously distributed to all of the Council Members, a copy of which is attached hereto and incorporated herein by reference, is hereby approved and adopted and shall hereafter be the Personnel Policy of the City of Prosser until such policy is later amended, modified or repealed.

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this 27th day January, 2004.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney

DISCLAIMER OF LIABILITY

This manual is a publication of the City of Prosser, Washington. This manual is a general information guide to the City's current employment policies and shall not be construed as a contract. These materials are not intended and should not be used as a substitute for specific legal advice or opinions regarding personnel policies and procedures. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. If any valid and effective collective bargaining contract does not have applicable language included in that contract, these personnel policies will apply to those employees even though they are covered by a collective bargaining contract. The City of Prosser will not be responsible for liability due to the use of language contained in this document.

**PERSONNEL POLICIES MANUAL
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CHAPTER 1 GENERAL

1.1 PURPOSE/SCOPE.

- A. This manual is a general informational guide to the City's current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the City deems necessary and appropriate without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost efficient services to its citizens.
- B. These personnel policies shall apply to all City employees. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining contract, or in cases where the application of these policies would conflict with applicable civil services rules and regulations, the provisions of the labor contract and/or civil service rules shall govern. These policies shall not apply to elected officials and independent contractors. In addition, if any valid and effective collective bargaining contract and/or civil service rules do not have applicable language included in that contract and or rules, these personnel policies will apply to those employees even though they are covered by a collective bargaining contract and/or civil service rules.

1.2 EQUAL EMPLOYMENT OPPORTUNITY

- A. The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, medical, physical handicap, disability, or disabled or Vietnam-era veteran's status.
- B. The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably accommodated and prevents proper performance of an essential element of the job.
- C. Employees with life threatening illnesses, such as cancer, heart disease, or HIV/AIDS conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when substantial and unusual safety risk to fellow City employees or the public exists.

1.3 HARASSMENT.

- A. The City of Prosser will not tolerate conduct by any employee that harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment. The City wants to maintain a working environment free from all forms of harassment, whether based upon race, color, religion, ancestry, national origin, age, marital or veteran status, physical or mental disabilities, on-the-job injuries, sex, or other legally protected characteristic or status.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's race, age, national origin, disability, or mimicking one's speech, accent or disability, are examples of prohibited conduct and will not be tolerated in the organization. Retaliating or harassing individuals by making derogatory comments regarding protected statuses or characteristics and any other words or conduct that might create a hostile or offensive working atmosphere are also prohibited.

- B. While all forms of harassment are prohibited, it is our policy to emphasize that sexual harassment is specifically prohibited. Actions are considered to be sexual harassment under the following conditions:
1. If submission to the conduct is in any way deemed to be a term or condition of employment;
 2. If submission to, or rejection of, the conduct is used as the basis for any employment-related decisions;
 3. If the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Conduct such as sexual or sexist language, jokes or innuendo; nude, profane, or obscene cartoons, drawings or photographs; whistling, staring, inappropriate touching; hugging or kissing is strictly prohibited and are not tolerated within the City.

- C. Each Department Head or Supervisor has a responsibility to maintain the workplace free of any form of sexual harassment. No Department Head, Supervisor, or employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development. Sexual harassing conduct in the workplace, whether committed by Department Heads or Supervisors, non-managerial employees or outside individuals (vendors, customers, etc.) is also prohibited.
- D. This policy covers conduct in the workplace, at social functions sponsored by the City (such as holiday dinners, picnics, sporting events, etc.) and business functions (such as conventions, trade shows, etc.).

- E. The City provides and supports a dispute resolution procedure for receiving and resolving complaints alleging discriminatory practices in employment relations. As an employee of the City of Prosser, employees have the responsibility to immediately report any actions or words by a Department Head, Supervisor, co-worker, vendor or other individual, that he/she believes to be unwelcome harassment. Employees should report the incident to his/her Department Head or Supervisor, or any other Department Head or Supervisor, or to the Mayor, or the City Administrator under the direction of the Mayor, if the complaint involves his/her direct Department Head or Supervisor. If the incident involves the City Administrator, the incident should be reported to the Mayor. The City will not retaliate against an employee for filing a complaint or cooperating in an investigation and will not tolerate or permit retaliation by management, employees, co-workers or non-employees such as customers, vendors and contractors.

All complaints of harassment will be investigated promptly and in an impartial manner. Discretion will be used during the investigation in order to maintain as much confidentiality as is possible while still being able to effectively complete the investigation. If the employee is not satisfied with the handling of a complaint or the action taken by the Supervisor, then the employee should bring the complaint to the next higher level of authority. In all cases, the employee will be advised of the findings and conclusion.

Any employee or member of management who is found, after appropriate investigation, to have engaged in harassment of another employee or to have retaliated against an employee for reporting harassment, will be subject to appropriate corrective action, depending on the circumstances, up to and including termination.

1.4 DEFINITIONS:

- A. **Department Head:** An employee who has responsibility for directing and controlling one or more departments within the City organization.
- B. **Exempt:** An employee who is classified as executive, administrative or professional under the definitions of the Fair Labor Standards Act (FLSA). These positions are currently the City Administrator, City Clerk/Finance Director, Police Chief, Public Works Director, Recreation Director and Building Official.
- C. **Immediate Family:** An employee's immediate family includes the employee's spouse, child, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparents, and step relatives.
- D. **Regular Full-Time Employee:** An employee who has completed his/her probation period and who regularly works a minimum of forty (40) hours a week on a continuing basis. In order to meet this definition, an employee must be regularly scheduled to work 2080 hours in a calendar year.
- E. **Regular Part-Time Employee:** An employee who has completed his/her probation

period and who regularly works a minimum of twenty (20) hours per week and may work up to forty (40) hours per week, but is regularly scheduled to work less than 2080 hours in a calendar year. Regular part-time employees may be eligible for pro-rated City benefits based on regularly scheduled hours at date of hire.

- F. **Supervisor:** Works under the control of a Department Head and supervises employees within a department or departments.
- G. **Temporary/Seasonal Employee:** An employee who holds a job of limited duration arising out of special projects, abnormal work loads or emergencies. Temporary/seasonal employees are not eligible for City benefits.
- H. **Work Week:** A work week begins at 12:01 a.m. Sunday and ends at 12:00 midnight on Saturday.

1.5 EMPLOYEE PERSONNEL RECORDS.

- A. A personnel file for each employee shall be kept under the control of the City Clerk. Access to that personnel file shall be limited to the employee, the employees immediate supervisor, the Department Head, City Clerk, Payroll Clerk, City Administrator and Mayor. An employee's personnel file shall contain the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, annual performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.
- B. An employee has the right to review his/her file. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the immediate supervisor, Department Head, or City Administrator denies the employee's request to remove the information, the employee may deliver a written rebuttal statement to be delivered to the City Clerk to be placed in his/her file.
- C. Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from any employee's personnel file will be released to the public, including the press, without a written request or authorization from the employee allowing for release of specific information.

1.6 REFERENCES.

- A. The City does not give references, other than to confirm the dates of employment and last salary, without the express written consent of the employee, which consent shall include a written release of the City from all liability.
- B. Only the Mayor, the City Administrator under the direction of the Mayor, the City Clerk or the employee's Department Head will provide employment references on current or former City employees.

CHAPTER 2 HOURS OF WORK AND ATTENDANCE

2.1 HOURS OF WORK AND OVERTIME.

- A. The standard work week for the City is Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one (1) hour unpaid lunch period. There may be deviations from this standard depending upon work location or department.
- B. A normal working schedule for regular full-time employees, except for those classified as exempt under the definitions of the Fair Labor Standards Act (FLSA), consists of forty (40) hours each work week.
- C. Part-time and temporary/seasonal employees will work hours as specified by their Department Heads.
- D. All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA) regulations. An exempt employee is one who is classified as executive, administrative, or professional under the definitions of the Fair Labor Standards Act (FLSA).
- E. Non-exempt employees shall receive overtime compensation payable at one and one-half times the employees regular rate of pay for all time worked beyond the established forty (40) hour work week.
- F. All overtime should be pre-approved by the employee's Department Head.
- G. When computing overtime, holidays, sick leave and vacation time will be counted as hours worked. Overtime will take effect when the employee has worked, or has hours counted as hours worked, over forty (40) hours in one (1) work week.
- H. Exempt employees are not covered by the Fair Labor Standards Act (FLSA) overtime provisions and do not receive overtime pay.

2.2 ATTENDANCE.

- A. Punctual and consistent attendance is a condition of employment. Each Department Head is responsible for maintaining an accurate attendance record of his/her employees.
- B. Employees unable to work or unable to report to work on time must notify their Department Head or their immediate Supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one (1) day, the employee is responsible for reporting in each day. If the Supervisor or Department Head is unavailable, the employee must leave a message with the City Clerk or his/her designated representative, stating the

reason for being late or unable to report for work.

- C. Employees are expected to be at work during inclement weather. Department Heads may allow employees to be late or leave early during severe weather conditions. However, non-attendance will be counted as absence from work and will be charged to accrued vacation time.
- D. An employee who is absent without authorization or notification may be assumed to have abandoned his/her position and is subject to disciplinary action, including possible termination.

2.3 BREAKS AND MEAL PERIODS.

Employees may take one (1) fifteen-minute break for every four (4) hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. Meal periods shall be scheduled by the employee's Department Head. The scheduling of meal periods may vary depending upon department workload. Meal periods are unpaid and usually one (1) hour in length.

2.4 CALL BACK.

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked. The overtime rate will be paid, if applicable.

2.5 PAYROLL RECORDS.

The official payroll records are kept by the City Clerk. Each Department Head shall turn in on a monthly basis a signed work record for each employee within their department, noting hours worked, leave taken, and overtime hours worked. The Mayor, or the City Administrator under the direction of the Mayor, shall sign work records for Department Heads.

CHAPTER 3 RECRUITING AND HIRING

3.1 RECRUITING EMPLOYEES.

- A. It is the policy of the City that all vacant regular, full-time and part-time, employment positions with the City shall be filled only after advertising the position. Unless the position is filled through in-house promotion, advertisements shall be published no less than once per week for two (2) consecutive weeks in a newspaper or publication with general circulation in the Prosser area. The City Clerk shall ensure that all applications received for a position are kept for a period of two (2) years. Publication of an additional notification will not be needed if a similar position is being filled within a six (6) month time frame.
- B. Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, physical or sensory or mental handicap, disability, age, or disabled or Vietnam-era veteran's status.
- C. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the City's official application.
- D. Any applicant supplying false or misleading information is subject to immediate termination, if hired.

3.2 HIRING NON-EXEMPT EMPLOYEES.

- A. When a position becomes vacant, and prior to any posting or advertisement of the vacancy, the Department Head shall review the position and the need for such a position. The Department Head shall receive approval from the Mayor, or the City Administrator under the direction of the Mayor, prior to filling the position. Current employees of the City shall have the first opportunity to apply for promotions, transfers or voluntary demotions prior to the posting or publicizing of any job vacancy (see 3.6 of this policy manual). The Mayor, or the City Administrator under the direction of the Mayor, may waive the requirement for filling a vacancy in-house if it is deemed to be in the best interest of the City.

The hiring procedure for the City will be monitored by the City Clerk and include the following:

1. All jobs will be advertised as required in Section 3.1 of this policy manual.
2. All applications for a vacant position must be submitted to the City in writing, on a form provided by the City.

3. The Department Head may verify previous employment history by contacting previous employers as identified on the application form.
 4. An outside screening and review committee may be established. If established, this committee shall be comprised of people with relevant qualifications to the advertised job.
 5. If established, the screening and review committee shall review the applications, conduct interviews, select the top three applicants (if three are qualified), and submit a letter of recommendation to the Department Head/Mayor/City Administrator under the direction of the Mayor, for final selection. The Department Head/Mayor/City Administrator under the direction of the Mayor, shall interview all recommended applicants before making the final decision.
 6. In the event that an outside screening and review committee is not established, the Department Head shall review the applications and select the top three applicants for interviews. More than three applicants may be interviewed if they meet the job qualifications.
 7. A written offer of employment outlining the conditions of employment with the City shall be given to the successful applicant in a timely manner.
- B. Residency within the City shall not be a condition of employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his/her duties and responsibilities.
- C. Applicants for positions in which the applicant is expected to operate a City-owned motor vehicle must be at least eighteen (18) years old and will be required to present a valid Washington State Driver's License with any necessary endorsements. Prior to employment, applicants will be required to present an abstract driving record at their own expense. Applicants with poor driving records, as determined by the City, may be disqualified from employment with the City in positions requiring driving of City-owned vehicles.
- D. The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.
- E. After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical or psychological examination (which may include testing for alcohol and controlled substances). The purpose of the examination is to determine if the individual is physically and/or mentally able to perform the job and to ensure his/her physical or mental condition will not endanger the health, safety or well-being of his/her self, other employees or the public. The offer of employment may be conditioned on the results of the examination.
- F. If a successful applicant is being hired into a position which requires mandatory,

random drug and alcohol testing, and during the past two years has worked as a driver of a commercial vehicle, the applicant must authorize a request from all employers of the driver within the past two years a release of information on the following: 1) positive alcohol or drug tests; and, 2) refusals to be tested.

This information must be obtained before the applicant is employed by the City. However, if the information has not arrived by the anticipated start date, and if the applicant has passed the pre-employment drug test, the applicant may be hired and the requested information must be obtained from the previous employers within fourteen (14) days of the date of hire. If the information has not been received within fourteen (14) days, the person will not be permitted to drive vehicles requiring a CDL until the information has arrived. If the information obtained from the previous employer indicates either a positive test or a refusal to be tested which occurred within the past two (2) years, the applicant will not be permitted to drive a vehicle requiring a CDL unless subsequent information indicates that the appropriate evaluation was made and return to duty testing was administered.

- G. A candidate may be disqualified from consideration if: 1) found to be physically or mentally unable to perform the duties of the position, and the individual's condition cannot reasonably be accommodated in the workplace; 2) the candidate refuses to submit to a pre-employment medical or psychological examination or to complete medical history forms; or, 3) if the pre-employment exam reveals use of alcohol and/or controlled substances.
- H. All successful applicants for any City position may be subject to a criminal history background check. Applicants found to have a criminal history may be disqualified from employment.
- I. All successful applicants for any City position requiring contact with or supervision of minors, including temporary/seasonal employees, volunteers, or contracted service providers, shall be subject to a criminal history background check when first hired, and periodically thereafter. Any applicant found to have a criminal history of violations against minors shall be automatically disqualified from employment. If a successful applicant has had a recent background check with another employer (i.e. school district, Hanford, etc.), the City may waive the requirement for a background check provided a copy of the results of the background check are provided to the City by the applicant. Recreation Department volunteer referees and umpires shall not be subject to a background check.

3.3 TEMPORARY/SEASONAL EMPLOYEES: NON-EXEMPT.

- A. With approval of the Mayor, or City Administrator under the direction of the Mayor, temporary/seasonal employees may be used during emergencies or other peak workload periods; or to temporarily replace regular employees absent due to disability, illness, vacation, or other approved leave; or to temporarily fill a vacancy until a regular employee is hired.
- B. Temporary/seasonal employees may be hired without competitive recruitment or

examination.

- C. Temporary/seasonal employees may not work more than sixty-nine (69) hours a month for more than four (4) months in a calendar year.
- D. Temporary/seasonal employees are eligible for overtime pay as required by law. Temporary/seasonal employees are not eligible for and do not receive retirement, vacation, sick leave, health insurance, holiday, or any other benefits during their employment.
- E. Employment of minors will only be allowed on a temporary, part-time basis, and only in accordance with Child Labor Laws.

3.4 PROBATIONARY PERIOD.

- A. All newly hired employees, or former employees who have been rehired, or employees promoted to a new classification, enter a probation period which is considered an integral part of the selection and evaluation process. During the probation period an employee is required to demonstrate suitability for the position through actual work performance.
- B. The normal probation period is one (1) year from the employee's date of hire, rehire or promotion.
- C. An employee's probation period may be extended for up to an additional six (6) months when needed due to circumstances such as extended illness or a need to continue to evaluate marginal performance. The probation period will not be shortened for any reason.
- D. New probationary employees accrue vacation and sick leave, but are not eligible to use vacation until after six (6) months. Current City employees transferring or being promoted to another City employment position shall transfer with accumulated benefits to the new position. New probationary employees who are dismissed, resign, or for any other reason leave the employment of the City during the probationary period shall not be paid for accrued vacation leave.
- E. During the probation period, the employee may be terminated at any time, with or without cause.
- F. When a Department Head determines an employee has satisfactorily completed the probation period, the employee shall be certified to regular employment status.

3.5 EMPLOYMENT OF RELATIVES (NEPOTISM).

- A. Employee's immediate family members will not be employed by the City under any of the following circumstances:

1. Where one of the parties would have authority, or practical power, to supervise, appoint, remove, or discipline the other;
 2. Where one party would be responsible for auditing the work of the other; or,
 3. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City.
- B. No relatives closer than fourth degree as defined in RCW 11.02.005(5) as now codified or hereafter amended, shall be employed within the same department of the City. Departments are defined as those approved by the City Council and as shown in the current organizational chart of the City.
- C. If two employees working in the same department marry, become related, begin sharing living quarters with one another, or begin dating each other, and in the City's judgement, the potential problems noted in Section 3.5(A) above exist or reasonably could exist, only one of the employees will be permitted to stay employed with the City, unless reasonable accommodations, as determined by the Mayor, or City Administrator under the direction of the Mayor, can be made to eliminate the potential problems. The decision as to which employee will remain with the City must be made by the two employees within thirty (30) calendar days of the date they marry, become related, begin sharing living quarters with each other, or begin dating each other. If no decision has been made during this time, the City reserves the right to terminate either employee.

3.6 PROMOTIONS AND TRANSFERS: NON-EXEMPT EMPLOYEES.

- A. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the Department Head's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements, and will be subject to approval by the Mayor, or City Administrator under the direction of the Mayor, and the City Council, where applicable.
- B. Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed his/her probation period and possess the qualifications for the vacant position, unless the Mayor, or City Administrator under the direction of the Mayor, determines that it is in the best interest of the City to waive such requirements.

CHAPTER 4 COMPENSATION

4.1 SALARY CLASSIFICATION AND GRADES.

Each job title within the City is classified into one of the City's classifications for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Each classification is designated a particular salary or salary range shown on the City's salary and wage matrix.

4.2 EMPLOYEE PAY RATES.

- A. Employees shall be paid within the limits of the wage range to which their positions are assigned.
- B. Usually, new employees will start their employment at the entry level step for their classification. However, a new employee may be employed at a higher step than the entry level when the employee's experience, training, or proven capability warrant.
- C. Salary adjustments may, upon the recommendation of the Mayor, or City Administrator under the direction of the Mayor, and approval of the City Council, be granted. If an employee's performance is consistently unsatisfactory, as based on the Job Performance Evaluation, the Department Head/Mayor/City Administrator under the direction of the Mayor, may defer a scheduled pay increase for a stipulated period of time or until the employer's job performance is satisfactory.
- D. The City Council may grant an across the board pay adjustment (cost of living increase) from time to time, raising the salaries of all positions by a specified amount within a defined group of classifications.

4.3 LONGEVITY PAY.

- A. Each regular full-time employee of the City shall, after reaching Step 5 of their designated range on the salary matrix, receive ten dollars (\$10.00) per month for every year of service thereafter. The maximum amount which can be earned per month shall be one hundred dollars (\$100.00).
- B. An employee who has reached Step 5 and has started earning longevity, shall continue to receive longevity pay based upon length of service, regardless of later placement on the salary matrix.

4.4 PAYDAYS.

- A. City employees will be paid on a monthly payroll system. Employee pay checks will

be issued on the last working day of the month.

- B. City employees may elect to receive payroll draws on the 15th of each month. Requests for payroll draws must be received by the Payroll Department no later than 5:00 p.m. on the 12th of each month. Payroll draws may not exceed 70% of base wages earned to the date of the draw for that month, nor more than 40% of base wages earned for the entire month in which the draw is taken.

If the 15th day of the month falls on either a Saturday or a Sunday, payroll draw checks will be available on the preceding Friday.

4.5 DEDUCTIONS.

Some regular deductions from the employee's earnings are required by law; other deductions are specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute. Voluntary deductions must be requested in writing by the employee to the Payroll Department.

4.6 TRAVEL POLICY.

A. GENERAL PROVISIONS:

1. NEEDS OF THE CITY OR DEPARTMENT: The need for travel is based on the requirements of a specific job or Department. While the convenience of the employee shall be considered, the City or Department shall be the more important factor.
2. COST REIMBURSEMENT BASIS: Travel expenses to out-of-City locations shall be provided on a reasonable and prudent basis as approved by the Department Head or designee.
3. SHARING OF COSTS: Employees attending the same function should share transportation whenever possible. If not feasible due to different departure times or dates, the most cost effective method of transportation is to be used. If employees incur extra expenses for their own convenience, they will be required to pay for the additional costs. The City will not pay costs incurred by family members who travel with the employee (i.e. additional cost for hotel room, etc.).
4. TRAVEL TO AND FROM HOME: Travel to and from the employees home or place of residence to their regularly assigned work site is not a reimbursable travel expense.
5. TRAVEL FUNDED BY ANOTHER AGENCY: When an organization other than the City agrees to pay out-of-area travel expenses for City employees,

reimbursement will be according to that organization's travel policies.

6. AUTHORIZATION FOR TRAVEL: Employees requesting authorization for travel will submit requests to their Department Head.

B. TRAVEL EXPENSES:

1. ADVANCE TRAVEL FUNDS: Advance travel funds must be approved by the City Clerk/Finance Director prior to the issuance of an Advance Travel Check. The Advance Travel Request must include the employees name, destination, dates of travel, name of class, training session or event, mode of transportation, and exact amount requested. The Advance Travel Request form must be signed by the employee and approved by the Department Head prior to presentation to the City Clerk/Finance Director.

Advance Travel Request form should be presented to the City Clerk/Finance Director one (1) week prior to scheduled travel in order to allow sufficient time for processing.

2. MILEAGE REIMBURSEMENT RATE: Whenever possible, a City vehicle should be used for travel for authorized City business. The State of Washington rate for mileage is used when City representatives or employees use their personal vehicles for authorized City business. The purpose of such reimbursement is to cover costs of gas, oil, maintenance and insurance. Mileage is calculated at the State approved rate.
3. INSURANCE REQUIREMENTS: State law requires that owners of motorized vehicles carry an established amount of liability insurance. Employees who fail to do so while using their personal vehicle for City business may have travel expenses related to the use of their personal vehicle denied.
4. RECEIPTS FOR PUBLIC TRANSPORTATION: When using public transportation, receipts are required for reimbursement. Public transportation includes, but may not be limited to, airline, railroad, bus, taxi, and airport limousine service. Hotel transportation should be used whenever possible.
5. AIRLINE TRAVEL: When airline travel is required, the most economical ticket is to be purchased. It is acknowledged that air fares are frequently lower if a schedule is established to the convenience of the airline. Such schedules may result in an employee staying longer at the destination than the business trip requires. If savings can be substantiated as a result, meal and lodging expenses may be approved by the Department Head.
6. PARKING: Receipts for parking must be included with requests for reimbursement, when available.
7. USE OF CITY VEHICLES: Employees attending training, etc., outside the City will make every attempt to utilize City vehicles. When utilizing City vehicles, all receipts for expenses (i.e. gas, oil, etc.) will be required for reimbursement.

C. MEAL EXPENSES:

1. MEAL EXPENSES: Meals will be reimbursed by presenting receipts and a completed Travel Expense Voucher to the City Clerk/Finance Director within thirty (30) days of return. Meals may be charged on the hotel room bill, however, meal receipts for meals charged to the hotel room must be submitted with the hotel bill.
2. ALLOWABLE MEALS FOR TRAVELING LESS THAN A TWENTY-FOUR (24) HOUR PERIOD: Reimbursement for breakfast is allowed if an employee starts their trip before 7:00 a.m. Reimbursement for lunch is allowed if the employee is out of the City six (6) hours or more. Reimbursement for dinner is allowed if the employee returns after 7:00 p.m. Meals during, or in conjunction with, business meetings held either in Prosser or at another location are allowed.

Maximum individual meal rates, including gratuities, for travel less than twenty-four (24) hours are as follows:

Breakfast	\$10.00
Lunch	\$15.00
Dinner	\$25.00

Receipts are required for reimbursement.

3. ALLOWABLE MEALS FOR TRAVELING A TWENTY-FOUR (24) HOUR PERIOD OR GREATER: Unless otherwise pre-approved by the Department Head, maximum meal rates for twenty-four (24) hours or greater shall not exceed fifty dollars (\$50.00) per day, including gratuities. Receipts are required for reimbursement.
4. USE OF PERSONAL CREDIT CARD TO PAY TRAVEL EXPENSES: An employ who uses a personal credit card to pay for travel expenses must submit a receipt from the facility (i.e. restaurant, hotel, etc.,) along with the credit card receipt for reimbursement.

D. LODGING EXPENSES:

Lodging in out-of-area locations will be reimbursed at cost, if pre-approved by the Department Head. As a general rule, the most modest lodging should be sought. Lodging should be obtained at commercial or government rates whenever possible. Receipts for lodging must be turned in at the time of request for reimbursement. A purchase order may also be used and the City will be billed directly. Copies of the hotel receipt, including copies of receipts for meals charged to the hotel room, must be submitted by the employee to the City Clerk/Finance Director for all direct billings.

E. REGISTRATION AND CONFERENCE FEES:

Required registration and conference fees may be handled in one of three (3) ways:

1. Where time allows, the City will pay the registration fee directly to the conference sponsor prior to the event.
2. A purchase order may be written to the conference sponsor and the City will be billed directly for the registration fee; or,
3. The employee personally pays the fee and is reimbursed as part of the reimbursement request. A copy of the employee's canceled personal check or a receipt **AND** a copy of the registration form must be submitted for reimbursement.

F. ALLOWABLE MISCELLANEOUS EXPENSES:

Other allowable expenses may include, but are not limited to: car rentals; rental of rooms to conduct official business; charges for photocopying or other clerical requirements; business telephone calls; ferry tolls; etc. Itemized receipts must be submitted for reimbursement of these type of expenses. When questions arise about appropriate expenditure or procedure, the State travel regulations should serve as a guide. If the State regulations do not cover the question, the Mayor, City Administrator under the direction of the Mayor, and/or the City Council has the authority to accept or reject claims for reimbursement.

G. UNALLOWABLE EXPENSES:

Certain travel expenses are considered as personal and are not essential to the transaction of official agency business and **ARE NOT** reimbursable. Such unallowable expenses include, but are not limited to: laundry or valet service; entertainment expenses, including the cost of alcoholic beverages; tobacco products; radio, television, movie, game or VCR/DVD rental; other forms of stress relief (including, but not limited to, massage and spa services); cost of transportation to and from places of entertainment; cost of personal trip insurance; personal telephone calls and personal telephone use charges; cost of personal reading materials; barber shop and beauty salon expenses; personal toiletry articles; postage; medical or hospital expenses; theft, loss or damage to personal property; expenses for spouse, family, or other persons not authorized to receive reimbursement, etc.

4.7 REIMBURSEMENT FOR NON-TRAVEL RELATED BUSINESS EXPENSES.

- A. Every reasonable attempt should be made to purchase all business-related items at locations where the City already has an open charge account. On occasion, however, it is necessary for an employee to personally purchase business related items, such as special parts or office supplies at locations where charge accounts can not be initiated. The City does not expect its employees to use personal funds to purchase business-related items, and expenditures of this nature should be limited. These purchases must be pre-approved by the Department Head. Itemized receipts must be submitted before reimbursement will be made. Reimbursement will be made by Claims

Warrant during a normal payment process.

- B. Under no circumstances will COD deliveries be accepted by the City.

4.8 COMPENSATION UPON TERMINATION.

When an employee's employment with the City is terminated by retirement, dismissal or resignation, the employee will receive the following compensation:

- A. Upon termination of employment by retirement, dismissal or resignation, all regular employees shall be paid for accrued and unused vacation time up to a maximum of thirty (30) days at their regular wage, provided however, that the employee has successfully completed his/her probation.
- B. At the date of retirement or resignation, one-half of the total sick leave time accrued shall be paid to the employee, provided that the employee has a minimum of forty-five (45) days accrued, up to a maximum of one hundred twenty days (120) days accrued. In order to be eligible to receive compensation for accrued sick leave, the employee must give at least two (2) weeks notice prior to the effective date of his/her retirement or resignation. An employee who has been dismissed from his/her position is not eligible for sick leave compensation. In the event of death of an employee, one hundred percent (100%) of the accrued sick leave compensation shall be paid.
- C. In case of death of an employee, such compensation as provided in subsections 1 and 2 above, shall be made to the designated beneficiary of the deceased.

**CHAPTER 5
PERFORMANCE EVALUATIONS AND TRAINING**

5.1 PERFORMANCE EVALUATIONS.

- A. To achieve the City's goal to train, promote and retain the best qualified employee for every job, the City conducts performance evaluations for all positions at least annually, usually in December.
- B. The City Administrator is responsible for developing and maintaining the City's performance evaluation program.
- C. Employees are to be evaluated by their Department Heads periodically during their probationary period, and at least once every twelve (12) months thereafter, usually in December.
- D. The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or whether the employee is promoted, transferred, demoted, laid off, or terminated.
- E. The employee is to be allowed a reply or rebuttal statement indicating his/her agreement or disagreement with the evaluation findings, which statement will be attached to the evaluation form and filed with the employee's personnel record.

5.2 TRAINING POLICY.

- A. The City seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge and abilities directly related to City employment, to obtain and maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, and seminars and workshops sponsored by other agencies and organizations outside the City.
- B. The City shall pay for renewals of all required certifications needed for employment.
- C. If an employee desires to take an advanced education course, and the course is pre-approved by the Mayor, or the City Administrator under the direction of the Mayor, and Department Head as being a benefit to the City, subject to budgetary and scheduling constraints, the City may reimburse the employee for the cost of tuition, provided that the employee receives a B grade or better. No overtime compensation will be paid to any employee as a result of participation in this program.
- D. Non-Union employees shall receive twenty-five dollars (\$25.00) per month for an "AA" degree or fifty dollars (\$50.00) per month for a "BA" degree. The school used to obtain the degree shall be recognized and accepted by the City. It shall be the

responsibility of the employee to provide his/her Department Head and the Payroll Department with a copy of said degree before compensation will be made.

CHAPTER 6 BENEFITS

6.1 RETIREMENT BENEFITS.

- A. The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.
- B. All regular full-time and eligible part-time uniformed Police Officers are covered by Law Enforcement Officer's and Firefighter's Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.
- C. All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employee's Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.
- D. Employees intending to retire should notify his/her Department Head of his/her intent to retire at least three (3) months prior to the date of retirement.
- E. For regular part-time employees, the City's policy regarding retirement benefits shall be as follows:

If an employee works more than sixty-nine (69) hours per month for any five (5) months in one calendar year, he/she shall be required to participate in the retirement program for the full calendar year. Such service does not have to be in consecutive months.

6.2 DISABILITY BENEFITS.

- A. All employees, except those covered by LEOFF 1, are covered by the State Industrial Insurance Program (Worker's Compensation) administered by the Department of Labor & Industries. This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for work days lost after the first three (3) days for any disability resulting from job-related injuries or illnesses. All job-related accidents shall be reported immediately to the immediate Supervisor or Department Head. The Department Head shall promptly file a corresponding report with the City Clerk.
- B. When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Worker's Compensation. If the employee files a claim, the City will continue to pay the employee's regular salary pending receipt of Worker's Compensation benefits, provided, the employee has unused sick leave and vacation leave. All unused sick leave will be used prior to unused vacation leave.
- C. When the employee receives Worker's Compensation benefits, he/she is required to

repay to the City the amount covered by Worker's Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued leave is available, while insuring that no employee receives more than he/she would have received had the injury not occurred.

- D. The City may require an examination at it's expense, performed by a physician of it's choice, to determine when the employee can return to work and if he/she will be capable of performing the essential duties and responsibilities of the position.

6.3 MEDICAL INSURANCE BENEFITS.

- A. Employees are eligible to participate in the City's medical insurance program. Coverage will begin on the first day of the month following the date of employment. The program and criteria for eligibility will be explained at the time the employee is hired. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- B. Regular, part-time employees will receive benefits on a pro-rata basis, based on regularly scheduled hours at date of hire. Should a regular, part-time employee temporarily receive an increase in hours of work, i.e., up to two (2) consecutive work weeks, they shall continue to receive their regular proration of benefits. Should hours increase for a period of greater than two (2) consecutive work weeks, benefit proration shall be based on actual hours worked for said period.
- C. Upon mutual agreement between the employee and the City, an in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.
- D. While an employee is receiving Worker's Compensation benefits, the City may continue to pay the employee's health insurance premiums for one (1) month, after which the employee may choose to use his/her COBRA rights and self-pay insurance premiums.
- E. Upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA.
- F. Effective January 1, 2003, the City shall pay the monthly medical/dental/vision insurance premiums for all employees covered by this personnel policy and their dependents with maximum limits as follows:

For All Employees:

Single	\$242.78
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Married	\$464.47
Married + 1 Child	\$592.43
Married + Children	\$668.41
Employee + 1 Child	\$362.72
Employee + Children	\$478.61

Any premium increase over the January 1, 2003, levels shall be split on a 50/50 basis. Employer pays fifty percent (50%) of the premium increase—employee pays fifty percent (50%) of the premium increase.

The City may wish to review premium increases greater than six percent (6%) for cost containment purposes.

- G. The City shall offer an IRS Code 125 Plan for employee participation featuring both medical and child care options.

6.4 UNEMPLOYMENT COMPENSATION.

City employees may qualify for Washington State Unemployment Compensation after termination from City employment subject to State guidelines.

**CHAPTER 7
LEAVES OF ABSENCE AND TIME OFF**

7.1 LEAVES.

The City has eleven (11) different types of leave:

- A. Vacation Leave;
- B. Sick Leave;
- C. Leave Without Pay;
- D. Jury and Witness Leave;
- E. Administrative Leave;
- F. Military Leave;
- G. Holiday Leave;
- H. Religious Holiday;
- I. Personal Leave;
- J. Family Medical Leave; and,
- K. Emergency Leave.

7.2 VACATION.

- A. Each regular full-time employee is entitled to vacation leave, with pay, at his/her regular wage as follows:
 - 1. After one (1) year of service: ten (10) days (eighty (80) hours) vacation;
 - 2. After five (5) years of service: fifteen (15) days (one hundred twenty (120) hours) vacation.
 - 3. After ten (10) years of service: fifteen (15) days, plus one (1) day for each additional year of service (one hundred twenty (120) hours plus eight (8) hours for each additional year of service;

provided that, upon approval of the Mayor, or the City Administrator under the direction of the Mayor, and/or City Council, an employee hired into a Management Position (i.e. City Clerk/Finance Director, Police Chief, Public Works Director, Building

Official, or Recreation Director) may be placed in level 1, 2, or 3 above based on experience, education and training as deemed appropriate by the Mayor, or the City Administrator under the direction of the Mayor, and/or City Council.

Maximum vacation earned for any employee will be thirty (30) days during any anniversary year. Vacation with pay may be accumulated to a total of thirty (30) days (two hundred forty (240) hours).

No vacation days will be accrued during a leave of absence without pay.

- B. All new employees must complete six (6) months of their probationary period to be entitled to vacation leave. Regular, part-time employees will receive vacation on a pro-rata basis. Temporary/seasonal employees are not eligible for any vacation benefits.
- C. Each department is responsible for scheduling its employee's vacations without undue disruption of department operations. Vacation requests of two (2) days or less should be submitted at least forty-eight (48) hours prior to the time being requested off. Vacation requests of three (3) days or longer normally shall be submitted at least thirty (30) days in advance of the requested time off.

Vacation schedules will be established by the Department Head/Supervisor and in so far as operating conditions and other needs permit, seniority will be considered in establishing such schedules and in resolving conflicting requests.

In the event of an unexpected personnel shortage or work overload, the City may cancel vacation, without the payment of overtime and reschedule the vacation at a mutually agreeable time. Employees that have made travel plans shall be accommodated if the cancellation of vacation will result in an economic loss.

- D. In cases where City operations have made it impractical for an employee to use vacation time, the Department Head, with the approval of the Mayor, or the City Administrator under the direction of the Mayor, may authorize additional accruals.
- E. During the first month of employment, vacation hours will be earned as follows:

Start date before the 15th of the month—full month accrual;

Start date after the 15th of the month—one-half (½) month accrual.

During the last month of employment, vacation hours will be earned as follows:

Last date of employment before the 15th of the month—one-half (½) month accrual;

Last date of employment after the 15th of the month—full month accrual.

- F. All non-union employees may elect to take one-half (½) of their annual accrual of vacation earned in cash as opposed to taking the time off. The Salary Matrix will be

used to determine any hourly rate and the employee will be paid that equivalent in cash. The employee may only exercise the option to buy back vacation hours once in a calendar year. The maximum hours that may be exercised for vacation buy back is eighty (80) hours in any calendar year. The Mayor, or the City Administrator under the direction of the Mayor, has the discretion to allow additional vacation buy back under certain circumstances.

7.3 SICK LEAVE.

- A. All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees may accrue sick leave benefits on a pro-rated basis based on regularly scheduled hours. Sick leave may be accrued up to a maximum of one hundred twenty (120) days (nine hundred sixty (960) hours). Temporary/seasonal employees do not accrue sick leave benefits.
- B. Employees accrue and may use sick leave during their probationary period. Employees do not accrue sick leave benefits during a leave without pay.
- C. Sick leave covers those situations in which an employee is absent from work due to:
 - 1. Physical injury or illness to the employee;
 - 2. The need to care for the employee's immediate family members who are ill;
 - 3. Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day;
 - 4. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
 - 5. Use of a prescription drug which impairs job performance or safety; and,
 - 6. Actual periods of temporary disability associated with pregnancy or childbirth. Employees may request additional time off beyond the actual period of disability. Vacation leave, compensatory time, or leave without pay may be used.
- D. A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.

- E. Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with the Mayor's, or the City Administrator's under the direction of the Mayor, prior approval, take leave without pay.
- F. During the first month of employment, sick hours will be earned as follows:
 - Start date before the 15th of the month—full month accrual.
 - Start date after the 15th of the month—one-half (½) month accrual.During the last month of employment, sick hours will be earned as follows:
 - Last date of employment before the 15th of the month—one-half (½) month accrual.
 - Last date of employment after the 15th of the month—full month accrual.
- G. Non-union employees may donate sick leave, in hour for hour increments, to another employee subject to the following conditions:
 1. The employee requesting the donation must have exhausted all paid accrued leaves.
 2. The employee donating leave must maintain at a minimum 173.3 hours of sick leave after the donation.
 3. No employee may donate more than forty (40) hours sick leave within a one (1) year period.

7.4 LEAVE WITHOUT PAY.

- A. The Mayor, or the City Administrator under the direction of the Mayor, may grant leaves of absence without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, parenting, caring for an immediate family member, pursuing an education, or fulfilling a military obligation in excess of fifteen days per year.
- B. Full-time and part-time employees may be eligible for leave without pay subject to the following requirements:
 1. Leave may be granted to an employee for a period of up to ninety (90) days upon consultation with the Department Head and approval from the Mayor, or the City Administrator under the direction of the Mayor. Further extensions are at the sole discretion of the Mayor, or the City Administrator under the direction of the Mayor.
 2. All accrued leaves must be exhausted prior to taking any leave without pay.

3. An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay, except as identified in Section 7.4(B)(4).
4. In certain circumstances, self-payment of insurance benefits may apply. See Section 6.3 on Insurance Benefits.
5. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned.
6. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay.
7. If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the essential work, duties and responsibilities, of the employee's position.

7.5 JURY AND WITNESS LEAVE.

- A. Employees may be granted time off with pay, to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.
- B. An employee granted such leave shall reimburse the City for pay received while serving as a witness or juror, except for mileage and expense reimbursement.

7.6 ADMINISTRATIVE LEAVE.

On a case by case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time, as determined by the Mayor, or the City Administrator under the direction of the Mayor. The finding by the Mayor, or the City Administrator under the direction of the Mayor, must be that such action is in the best interests of the City during the pendency of an investigation or other administrative proceeding.

7.7 MILITARY LEAVE.

Employees who are members of the National Guard or Federal Reserve Military Units may be absent from their duties, with pay, for a period of up to fifteen (15) days during each year beginning October 1 and ending the following September 30 when they are performing ordered military duty and while going to and from that duty.

7.8 HOLIDAYS.

A. The following holidays are recognized by the City:

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

- B. Any holiday falling on Saturday will be celebrated on the preceding Friday; any holiday falling on Sunday will be celebrated on the following Monday; except that when New Year's Day falls on a Saturday, it shall be observed on the following Monday.
- C. Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half (1½) times his/her regular rate of pay for any time worked on the holiday. Such time must be pre-authorized and approved by the Department Head.
- D. Temporary/seasonal employees will be paid at his/her regular, straight-time rate of pay for hours worked on a holiday.
- E. All new employees, except temporary/seasonal employees, hired prior to July 1 will be entitled to a Floating Holiday for that calendar year. New employees hired after that date do not receive a Floating Holiday in the calendar year hired. The Floating Holiday must be taken in it's entirety and cannot be taken in hourly increments.

7.9 RELIGIOUS HOLIDAY.

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

7.10 PERSONAL LEAVE.

- A. All regular employees will be allowed up to three (3) working days per year, non-accumulative and with pay at his/her regular wage, for personal business defined as follows:
 - 1. Making arrangements for care or caring for a member of the employee's immediate family who is seriously ill; or,
 - 2. Personal business which cannot be conducted during off-duty hours, including, but not limited to, loan closings, attorney's meetings, court appearances, etc.
- B. Personal leave shall not be used to extend vacations except in cases of an emergency or as outlined in Section 7.10(A)(1).
- C. All personal leave must be approved by the Department Head prior to taking the personal day. The Department Head shall have the right to request the general reason for the personal time off and shall receive the general justification. Such requests shall not include issues of medical confidentiality.
- D. Personal leave may be taken in one (1) hour increments.

7.11 FAMILY MEDICAL LEAVE.

- A. The Family Medical Leave Act (FMLA) requires the City to provide up to twelve (12) weeks of unpaid, job-protected leave to eligible employees for certain family and medical reasons. Employees are eligible if they have worked for the City for at least one (1) year and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.
- B. Unpaid leave must be granted for any of the following reasons:
 - 1. To care for the employee's child after birth, or placement for adoption or foster care;
 - 2. To care for the employee's spouse, son or daughter, parent, parent-in-law, or grandparent who has a serious health condition; or,
 - 3. For a serious health condition that makes the employee unable to perform the employee's job.

For the purpose of this twelve (12) week period, paid accrued leaves must be used prior to unpaid leave.

- C. The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

1. The employee ordinarily must provide thirty (30) days advance notice when the leave is foreseeable.
 2. The City may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the City's expense) and a fitness for duty report to return to work.
- D. Certain job benefits and protections are required under FMLA as follows:
1. For the duration of FMLA leave, the City must maintain the employee's health coverage under the City's group health plan, provided the employee continues to pay the employee's portion of the medical insurance premium.
 2. Upon return from FMLA leave, employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
 3. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.
- E. FMLA makes it unlawful for the City to:
1. Interfere with, restrain, or deny the exercise of any right provided under FMLA; or,
 2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.
- F. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

7.12 EMERGENCY LEAVE.

All regular employees of the City shall receive paid emergency leave of three (3) work days for a death in the immediate family. This emergency leave is not deductible from the employee's accrued sick leave or vacation. Pay will be at his/her regular wage.

**CHAPTER 8
EMPLOYEE RESPONSIBILITY AND CONDUCT**

8.1 GENERAL POLICY.

- A. All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their Department Head.

- B. Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: basic tact and courtesy towards the public and fellow employees' adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from Supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens.

8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST.

- A. Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:
 - 1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods;
 - 2. Is conducted during the employee's work hours;
 - 3. Utilizes City telephones, computers, supplies, or any other resource, facilities or equipment;
 - 4. Is employment with a firm which has contracts with or does business with the City; or,
 - 5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

- B. Any City employee who chooses to have an additional job, contractual commitment or self-employment, may do so provided he/she obtains prior approval from the Mayor, or the City Administrator under the direction of the Mayor.

8.3 POLITICAL ACTIVITIES.

- A. City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- B. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.
- C. Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment Rights.

8.4 NO SMOKING POLICY.

For health and safety considerations, the City establishes the following No Smoking Policy:

- 1. All City owned or leased buildings are hereby designated as no smoking areas pursuant to RCW 70.160.030.
- 2. Employees may smoke in City vehicles when the vehicle is occupied only by persons who smoke and the employee under whose name the vehicle is assigned agrees to return the vehicle thoroughly aired with all smoking debris removed, provided smoking is not otherwise prohibited for safety reasons.

8.5 USE OF CITY VEHICLES AND EQUIPMENT.

Use of City telephones for local personal calls should be kept to a minimum; long distance personal use is prohibited. (See Section 8.6 for policies regarding City owned cell phones.) Other City equipment should be used by employees for City business only. City vehicles may not be used for personal use. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action, including termination.

8.6 USE OF CITY-OWNED CELL PHONES.

- A. Each employee assigned a City-owned cell phone will be placed on a calling plan designated by the City which best accommodates the assigned job duties of the employee.
- B. The City will review and monitor the billings for the City-owned cell phones on a monthly basis. If an employee exceeds the minutes allowed on his/her calling plan, the City Clerk/Finance Director, or his/her designee, will audit the calls to determine

the number of personal and business calls. If an employee is found to have abused the privilege of having the City-owned cell phone by making an excessive amount of personal calls (whether charged or not), the City may take disciplinary action, which shall include repayment of all costs above the assigned plan fee and/or other disciplinary action. An excessive amount of personal calls shall be defined as personal calls constituting twenty-five percent (25%) or more of the total number of calls and/or minutes made during any month. All personal calls shall be repaid to the City if the minimum minutes are exceeded in any one month.

8.7 INTERNET USE.

- A. Internet access is provided to certain employees as a research and communication tool to help them conduct City business. Employees are trusted and expected to exercise good judgement in both duration and frequency of internet use and to access internet sites only for job related purposes.
- B. When there is a clear business reason for downloading internet software, the appropriate anti-virus detection program should be used to prevent infection.
- C. The City reserves the right to monitor internet usage. Use of the internet for purposes other than job related activities can result in disciplinary action, including termination.

8.8 E-MAIL USE.

- A. While all e-mail may be considered writings, and all writings may be public records, the public does not have a right to examine every public record. RCW 42.17 exempts broad categories of records, while other statutes provide for confidentiality of specific records. Business uses on a home computer may be considered public documents and may be discoverable.
- B. Confidential and sensitive issues, including but not limited to performance reviews, disciplinary actions, and attorney privileged information should not be communicated via e-mail. If a communication must be private, use interoffice mail and mark it "confidential".
- C. All office information technology resources, including e-mail systems, are the property of the City. Employees should use e-mail for City business or otherwise to advance the City's best interests.
- D. Employees shall not use City-provided e-mail media in a fashion that promotes discrimination on the basis of race, creed, color, gender, religion, marital status, sexual preference, physical or sensory or mental disability, or Vietnam-era veteran's status; sexual harassment; copyright infringement; an employee's personal political beliefs or personal business interests; or any unlawful activity.
- E. Employees should be aware that messages may be forwarded to others by the recipient, printed in a location where individuals other than the intended recipient may

view the message, or directed to the wrong recipient.

- F. Employees should be aware that messages cannot be protected from unauthorized access caused by the user failing to maintain password confidentiality or leaving the computer unattended when he/she has logged onto the system.
- G. The City may access data that is normally under an employee's control without the consent of the individual employee when necessary to carry out normal business functions, or if suspicious of possible misuse. Misuse of the e-mail system can result in disciplinary action, including termination.

8.9 BULLETIN BOARDS.

Information of special interest to all employees is posted regularly on City bulletin boards.

8.10 CONTACT WITH NEWS MEDIA.

The Mayor, City Administrator or designated Department Head shall be responsible for all official contacts with the news media. The Mayor, City Administrator or Department Head may designate specific employees to give out procedural, factual or historical information on particular subjects.

8.11 SEAT BELT POLICY.

Any person operating or riding in a City vehicle must wear seat belts or other required restraining devices (i.e. child safety seats) at all times.

8.12 DRIVER'S LICENSE REQUIREMENTS.

- A. As part of the requirements for certain City positions, an employee may be required to have a valid Washington State Driver's License.
- B. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her Department Head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her Department Head.
- C. If an employee is not able to perform assigned duties without a license, he/she shall be suspended without pay, or terminated at the City's discretion, until he/she obtains a valid Washington State Driver's License.
- D. Depending on the duration of the license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

8.13 SAFETY.

- A. All employees will be provided with a copy of the City's Safety & Accident Prevention Manual, Hazardous Communications Manual, and Exposure Control Plan at the time of hire.
- B. Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her Department Head. The City will make every effort to remedy problems as quickly as possible.
- C. In case of an accident involving a personal injury, employees shall immediately notify his/her Department Head. The Department Head shall fill out an accident report and submit it to the City Clerk, or his/her designee.

8.14 DRUG-FREE WORKPLACE.

The City certifies that the workplace of all functions, places of employment and work of the City employees is drug-free.

8.15 COMPLAINT PROCEDURES.

The City recognizes that sometimes situations arise in which an employee feels that he/she has not been treated fairly or in accordance with City rules and procedures. For this reason the City provides its employees with the following procedures for resolving complaints:

- A. Step 1: An employee should first try to resolve any problem or complaint with his/her immediate Supervisor.
- B. Step 2: When normal communication between an employee and the Supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee shall file a written complaint with his/her Department Head. The Department Head shall meet with the employee within five (5) working days and shall respond to the employee in writing within five (5) working days after the meeting.
- C. Step 3: If the employee is not satisfied with the response from the Department Head, the employee may submit the issue, in writing, to the Mayor, or the City Administrator under the direction of the Mayor. The written complaint must contain, at a minimum, the following:
 - 1. A description of the problem;
 - 2. A specific policy or procedure which the employee believes has been violated or misapplied;
 - 3. The date of the circumstances leading to the complaint or the date when the

employee first became aware of those circumstances; and,

4. The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee became aware of the circumstances.

- D. The Mayor, or the City Administrator under the direction of the Mayor, may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within (10) working days of the meeting. The Mayor's, or City Administrator's under the direction of the Mayor, response and decision shall be final.
- E. Certain employees may have more than one (1) source of dispute resolution rights, i.e. the City's Civil Service Rules, a collective bargaining agreement, and this complaint process. Employees represented by a bargaining unit or who are covered under Civil Service Rules should follow grievance procedures set out in their respective labor contracts or Civil Service Rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

**CHAPTER 9
DISCIPLINE AND TERMINATION**

9.1 DISCIPLINE.

- A. All employees are expected to exercise good judgement, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery to the citizens of the City.
- B. Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- C. The Mayor, City Administrator under the direction of the Mayor and/or Department Head, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- D. The following are examples of the types of behavior which may result in discipline:
 - 1. Consumption or possession of alcohol on the job or arriving at work under the influence of alcohol; being under the influence of any drug or controlled substance when it affects the employee's ability to perform the assigned job; or, the possession of illegal drugs or other illegal controlled substance;
 - 2. Violation of lawful duty;
 - 3. Insubordination;
 - 4. Dishonesty;
 - 5. Absence from work without first notifying and securing permission from the Supervisor;
 - 6. Habitual absence or tardiness for any reason;
 - 7. Unsatisfactory job performance, as determined by the City;
 - 8. Conviction of a felony or a misdemeanor involving moral turpitude;
 - 9. Acceptance of fees, gratuities, or other valuable items in the performance of the employee's official duties for the City;
 - 10. Inability, refusal or failure to perform the duties of the assigned job;
 - 11. Violation of duties or rules imposed by this manual, or by any other City rule, regulation or administrative order; and,

12. For any legal reason.

This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above.

E. In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:

1. Verbal Warning: An verbal warning is a counseling session between the employee's Supervisor and/or Department Head and the employee on the subject of the employee's conduct and performance, or his/her failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods. Following the counseling session, the Supervisor and/or Department Head shall document the counseling warning which shall then be placed in the employee's personnel file.
2. Reprimand: A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employees personnel file.
3. Suspension: A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action which is made a part of the employee's permanent record.

F. Suspensions with pay, where the employee is placed on administrative leave, may be utilized by a Department Head, with approval of the Mayor, or the City Administrator under the direction of the Mayor, pending the results of an investigation or disciplinary action where the Department Head determines that factors such as public confidence, the safety of the employee, or the efficient functioning of the City call for such a suspension.

9.2 TERMINATION.

A. An employee may be terminated from City employment for any legal reason including for the reasons listed below:

1. During or at the end of the employee's probationary period, with or without cause;
2. As a result of a disciplinary action;
3. Due to loss of skills, certifications or other conditions which would make the employee unfit for service;
4. When the City Council has made a determination that a lack of work or funding

exists with respect to the employee's position. The City Council has sole discretion to make determinations of lack of work or lack of funding;

5. If the employee has a physical or mental impairment that prevents him/her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated. Termination must be supported by medical evidence which establishes that the individual is unable to perform bona fide job requirements. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such a request may result in termination; or,
 6. Theft or other illegal use of City-owned property. Any allegations of theft or other illegal use of City-owned property shall be investigated by the Prosser Police Department, unless such allegation involves a member of the Prosser Police Department, in which case the City shall request an outside agency to conduct an investigation.
- B. No employee will be disciplined or terminated for a discriminatory or otherwise illegal reason.

9.3 PRE-TERMINATION HEARING.

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

9.4 LAYOFF.

- A. The Department Head, Mayor, or City Administrator under the direction of the Mayor may layoff employees for lack of work, budgetary restrictions or other changes that have taken place.
- B. In determining who is to be laid off, considerations will be given to individual performance and the qualification required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
- C. Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.

9.5 RESIGNATION.

- A. An employee should provide two (2) weeks written notice of resignation. This time limit may be waived by the employee's Department Head or the Mayor, or the City Administrator under the direction of the Mayor.

- B. Before receiving their final paycheck, departing employees should be interviewed by the Mayor, or the City Administrator under the direction of the Mayor, or his/her designee to determine the exact reasons for resignation, and when desirable, attempt to salvage employees by transfer or by attempting to rectify conditions causing dissatisfaction.

9.6 DEATH.

Upon the death of an employee, all compensation due shall be paid to the designated beneficiary of the employee.