

**City of Prosser**  
**CITY COUNCIL**  
**WORK SESSION MEETING AGENDA**  
**Council Chambers, 601 7<sup>th</sup> Street, Prosser WA 99350**  
**Tuesday, February 3, 2015 at 7:00 P.M.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. CITIZEN PARTICIPATION**
- 5. MAYOR AND CITY COUNCIL REPORTS AND COMMENTS**
  - a) **HDPA Quarterly Report** (*Dan Smith, Executive Director*)
  - b) **Mid-Columbia Libraries Quarterly Report** (*Katy McLaughlin, Branch Manager*)
- 6. COUNCIL DISCUSSION**
  - a) **Personnel Policy Manual Amendment.....Page 2**
- 7. ADJOURNMENT**

# City of Prosser, Washington

  

## Personnel Policy Manual

Adopted by Ordinance ~~154-~~

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Last Updated: ~~January 23~~ February 11, 201~~54-~~

**CITY OF PROSSER, WASHINGTON  
PERSONNEL POLICIES**

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**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. I hereby acknowledge that I have read this disclaimer and that I have received a copy of the Personnel Policy Manual of the City of Prosser, Washington.

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Signature

Date

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| Last Updated: ~~February 11, 2015~~ January 23, 2015

**POLICY 102: FUNCTION OF THIS MANUAL/SEVERABILITY CLAUSE**

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. The Mayor or the Mayor's designee will be responsible for creating, maintaining, and implementing administrative policies to ensure compliance with this manual and its policies.

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, the personnel policies will apply to those employees even though they are covered by a collective bargaining contract and/or civil service rules.

The provisions of this manual are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this manual or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this manual shall not as a result of said section, subsection, sentence, clause, or phrase be held unconstitutional or invalid.

**POLICY 103: EQUAL EMPLOYMENT OPPORTUNITY**

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, marital status, sexual orientation, pregnancy, race, creed, color, national origin, honorably discharged veteran or military status, presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless a bona fide occupational qualification exists, provided that the prohibition against such discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved.

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.

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.

**POLICY 104: DEFINITIONS**

**Abandonment of a Position:** Unauthorized absence from work for a period of three consecutive days.

**Administrative Leave:** Paid leave of absence during disciplinary investigation or where it is determined, to be in the best interest of the operation of the City by the City Manager or his/her designee.

**Demotion:** The movement of an employee from one classification level or pay grade to a lower classification level or pay grade as a result of reclassification, reorganization, voluntary change, or disciplinary action.

**Department Head:** An employee who has responsibility for directing and controlling one or more departments within the City organization.

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

**Exempt:** An employee who is classified as executive, administrative or professional under the definitions of the Fair Labor Standards Act (FLSA).

**Human Resources Director/Personnel:** An employee who has responsibility for handling personnel functions and maintaining official personnel files within the City organization. The City of Prosser's Human Resources Director is the Finance Director.

**Immediate Family:** An employee's immediate family includes the employee's spouse, child, parent, parent-in-law, brother, sister, son or daughter-in-law, sister or brother-in-law, grandparent, step relative, and domestic partner.

**Improper governmental action:** Any action by a local government officer or employee that:

- A. is undertaken in the performance of the officer's or employee's official duties, whether or not within the scope of the employee's employment; and
- B. is violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds. The phrase does not include any personnel or labor actions.

**Lay Off:** The separation from City service of an employee who has completed six (6) months of employment because of reorganization, a change in the duties of a position, lack of work, changing needs of the organization, insufficient funding or operational analysis.

**Merit Date:** The effective date that a regular status employee is eligible for a merit increase. Merit increases may occur annually and are generally based upon the anniversary date of the employee's first merit increase.

**Overtime:** Time worked by a non-exempt employee in excess of 40 hours in an FLSA defined workweek compensable at the regular rate of time and one-half. Time worked does not include paid leave time.

**Promotion:** Movement of an employee from one classification level or pay grade to a higher classification level or pay grade as a result of reclassification, voluntary change, or reorganization.

**Qualifying Exigency:** (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

**Reassignment:** Movement of an employee to a different work group with no change in classification or pay grade.

**Reclassification of Position:** The changing of a classification level or position of an employee as a result of a classification review and/or amendments to the classification plan in recognition of changes in job duties and responsibilities that have occurred over time, excluding any action which is disciplinary in nature.

**Reemployment:** An employee who has terminated employment and who is subsequently rehired when such employment does not qualify as reinstatement.

**Registered Domestic Partnership:** A domestic partnership registered with the Washington State Secretary of State pursuant to the provisions of Chapter 26.50 RCW. In accordance with State Law, registered domestic partners are to be treated the same as married couples. In this policy and all other documents of the City the term "married" shall be synonymous with "registered domestic partner".

**Regular Full-Time Employee:** An employee 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.

**Regular Part-Time Employee:** An employee 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.

**Regular Position:** A City Council created and budgeted full-time equivalent or some portion thereof.

**Reinstatement:** Return of a regular status employee to a former position within 2 years following a layoff, a leave of absence without pay, or a classification reduction for cost savings.

**Reorganization:** Reallocation of duties, assignments, workload, programs, service, and/or responsibilities to achieve organizational objectives.

**Retaliatory action:** Any adverse change in an employee's employment status or the terms and conditions of employment including:

- A. denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or
- B. hostile actions by another employee towards the employee that were encouraged by a supervisor, Department Head, or official.

**Retirement:** Retirement means to withdraw from active service, to be eligible for retirement under the rules and provisions of the Washington State Department of Retirement Systems (DRS), and to submit a written retirement application to DRS.

**Service Organization:** A nonprofit organization which benefits the community of Prosser or the poor and infirm in Prosser.

**Supervisor:** Works under the control of a Department Head and supervises employees within a department or departments.

**Temporary/Seasonal Employee:** An employee who holds a job of limited duration arising out of special projects, abnormal workloads or emergencies. Temporary/seasonal employees are not eligible for City benefits.

**Transfer:** Reassignment of an employee to a different classification within the same pay grade.

**Unlawful Discrimination:** Discrimination in employment as prohibited by state, local or federal law.

**Workplace:** means City Hall, Community Center, Police Department, City Shop, City Yard, Wastewater Treatment Plant, Water Treatment Plant, various wells or liftstations, and any other City administrative or operation offices, spaces, or facilities. It also includes City vehicles.

**Workweek:** A workweek begins at 12:01 a.m. Sunday and ends at 12:00 midnight on Saturday.

**POLICY 105: HARASSMENT**

The City of Prosser will not tolerate conduct by any employee that harasses, disrupts, or interferes with an employee’s work performance or which creates an intimidating, offensive, or hostile environment. The City is committed to maintaining a working environment free from all forms of harassment, whether based upon sex, marital status, sexual orientation, pregnancy, race, creed, color, national origin, honorably discharged veteran or military status, presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability or as defined in RCW 49.60.040 as now codified or hereafter amended, in violation of any applicable federal or state law or regulations 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.

While all forms of harassment are prohibited. Actions are considered to be sexual harassment under the following conditions:

- A. If submission to the conduct is in any way deemed to be a term or condition of employment; or
- B. If submission to, or rejection of, the conduct is used as the basis for any employment-related decisions; or
- C. 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.

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, 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. Sexually harassing conduct in the workplace, whether committed by a Department Head, supervisor, or non-managerial employee is prohibited.

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.).

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.

Employees must submit complaints in writing to their supervisor, Department Head, City Administrator, Mayor, or Finance Director. The written complaint shall identify the policy violated, date the event(s) occurred, people involved, and requested remedy. Any supervisor or Department Head receiving a complaint of harassment must notify the Finance Director within 48 hours.

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. A response will be given to the employee, in writing, within 14 calendar days of the date of receipt of the written complaint. If the employee is not satisfied with the handling of a complaint or the action taken, then the employee should bring the written complaint to the next higher level of authority within 14 days of receipt of the response. If a complaint is received by the Mayor or City Administrator under direction of the Mayor, a written response will be given to the employee filing such complaint with the final findings and conclusions of such investigation. The Mayor or City Administrator under direction of the Mayor may choose to have a third party review and investigate the complaint. The third party will provide their recommendation to the Mayor or City Administrator under direction of the Mayor within 30 days. The Mayor or City Administrator under direction of the Mayor will provide their final decision within 14 days of receipt of the complaint or the third parties' findings whichever applies.

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.

**POLICY 106: WHISTLEBLOWER POLICY**

This policy implements Washington State’s Local Government Whistleblower Protection Act. This policy applies to all City employees and departments.

It is the policy of the City of Prosser to encourage employees to report information concerning any allegedly improper action by the City’s officers or employees. It is further the policy of the City to prevent retaliation against any employee who in good faith reports such alleged improper action. Employees who feel they have been retaliated against may appeal to the Mayor, or the City Administrator under the direction of the Mayor.

106.1 Reporting Allegedly Improper Action

- 106.1.1 Every City employee has the right to report to the appropriate person information concerning an alleged improper governmental action.
- 106.1.2 Any City employee who desires to report alleged improper governmental action shall first report in writing such action to the following persons:
  - 106.1.2.1 Mayor; or
  - 106.1.2.2 City Administrator; or
  - 106.1.2.3 Finance Director.

It is the responsibility of the receiving official to notify the Finance Director who will pass the information to the Whistle Blower Panel comprised of the Finance Director, City Attorney and the employee’s bargaining unit representative, if applicable.

- 106.1.3 The Whistleblower Panel shall investigate the received complaint (to include the hiring of outside investigators, if needed) and made a final report to the complainant within 30 days.
- 106.1.4 Except in the case of an emergency, an employee shall NOT provide information of an improper governmental action to a person or an entity who is not a public official or person listed in subsection 106.1.2 above. An employee who fails to make a good faith attempt to follow this procedure shall not receive the protections of the policy or the State Whistleblower Protection Act.
- 106.1.5 The City shall keep confidential the identity of the person reporting to the extent possible under law, unless the employee authorizes in writing the disclosure of his or her identity.

## 106.2 Retaliatory Action Forbidden

- 106.2.1 No City official or employee may take retaliatory action against a City employee because the employee provided information in good faith in accordance with the provisions of this policy that an improper governmental action occurred.
- 106.2.2 If an employee believes she or he has been retaliated against in violation of this policy, the employee must provide a written notice of the charge or retaliatory action to the Finance Director of the City. The notice must specify the alleged retaliatory action, the date(s) it occurred, people involved, and the relief requested.
- 106.2.3 The charge must be delivered to the Finance Director no later than thirty (30) calendar days after the occurrence of the alleged retaliatory action. The burden of proof is on the employee to prove his or her claim by a preponderance of the evidence. The City will then have thirty (30) calendar days to respond to the charge and the requested relief.
- 106.2.4 Upon receipt of either the response by the City or after the lapse of the thirty (30) calendar days, the employee may request a hearing to determine whether a retaliatory action had occurred and to obtain appropriate relief. The request for a hearing must be made within fifteen (15) calendar days of the receipt of the response by the City of the lapse or the City's thirty (30) calendar day response time. Requests must be made to the City Administrator in writing.
- 106.2.5 If the claimant had met all the time requirements, the City Administrator will hold a hearing. The burden of proof is on the employee to prove his or her claim by a preponderance of the evidence. The City Administrator will issue a final decision consisting of findings of fact, conclusions of law, and judgment no longer than forty-five (45) calendar days following the request for hearing. The City Administrator may grant extension of time upon the request of either party showing of good cause or on his or her own motion.
- 106.2.6 The City Administrator may grant reinstatement, with or without back pay, and injunctive relief as may be necessary to return to the employee to the position he or she held before the retaliatory action and to prevent any recurrence of retaliatory action.

106.2.7 The City Administrator may issue corrective action up to and including termination for any employee that may have retaliated against any employee for an improper governmental action.

106.2.8 Either party may appeal to Superior Court from an adverse determination by the City Administrator. The City Administrator's decision is subject to judicial review under the arbitrary and capricious standard.

**POLICY 107: WORKPLACE VIOLENCE AND WEAPONS PROHIBITED**

The purpose of this policy is to prohibit weapons or the verbal threat to use weapons, intimidation, or violence, in the workplace.

This policy does not apply to: law enforcement personnel; or any official security personnel provided that they are acting in their official capacity. This policy also does not apply to any person engaged in military activities sponsored by the federal or state government, providing they are acting in their official capacity.

107.1. City employees, other than those exempted above, shall not possess firearms or any other dangerous weapons of any type in the workplace, City vehicles or facilities owned and/or managed by the City of Prosser. This prohibition applies even though an individual may be licensed in his/her private capacity to carry a concealed weapon. In addition, any other related object carried for the purpose to injure or intimidate others is not permitted in the workplace, City vehicles, or City facilities unless otherwise authorized by the Mayor.

107.2. Firearms or other dangerous weapons shall include, at a minimum:

- Pistols, revolvers, shotguns, rifles, and the like
- Dangerous knives (defined below) not necessary in the performance of work duties
- Explosive devices of any kind
- Sling shots, nunchaku sticks, and the like
- Clubs, sand clubs, throwing stars, and the like
- Metal knuckles
- Air guns, pellet guns, blow guns
- Dirks, daggers, and similar knives fitted for stabbing
- Any replica or other item that simulates any of the above items

107.3. City employees are prohibited from engaging in any violent behavior towards others, with the exception of law enforcement officers while acting in an official capacity. Any physical, verbal or visual act (with or without a weapon) that threatens, attempts to intimidate, creates fear, or has the purpose of unreasonably interfering with an individual's work performance, creates an intimidating, hostile or offensive work environment is prohibited. This includes aggressive or hostile behavior, intentionally damaging property, committing acts motivated by, or related to, workplace harassment or domestic violence.

Non-exclusive examples of conduct which is prohibited:

- Causing physical injury to another person;
- Making threatening remarks;

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- Acting aggressively or hostilely, creating reasonable fear of injury for another person or subjecting another individual to emotional distress;
- Damaging employer or employee property;
- Possessing a firearm or dangerous weapon while on City property or while on City business;
- Committing hostile acts motivated by, or related to, workplace harassment or domestic violence;
- Conducting harassing surveillance, i.e. stalking;
- Threatening to bring weapons or bringing them to the workplace,
- Displaying overt signs of extreme resentment, hostility or anger,
- Making threatening remarks,
- Displaying irrational or inappropriate behavior.

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107.4. Procedures.

107.4.1 Employees will report any threat or behavior as outlined in section 3 above. Any employee who is subject to, or observes, violent behavior or threat of violent behavior, a firearm or other weapon, or any situation that appears to be potentially dangerous, must immediately report such action to his/her supervisor, Department Director, or the Human Resources Department.

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107.4.2 Supervisors, Department Directors, or the Human Resources Department will immediately take corrective action to resolve any violent behavior situation. This includes, but is not limited to, summoning police officers or calling 911. If the situation is urgent employees may summon police officers or call 911.

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107.4.3 The Human Resources Department will assist supervisors, managers and Department Directors in investigating and preparing documentation for action surrounding an incident of violent behavior. In some cases, a referral to the employee assistance program may also be appropriate.

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107.4.3.1 Incidents that constitute criminal acts will be referred to the Prosser Police Department.

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107.4.3.2 Disciplinary action may be taken, up to and including termination, for violations of this policy.

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107.4.3.3 In no case shall any employee or private person who reports threats or acts of violence be retaliated against through disciplinary action, workload reassignments, denial of promotion, harassment, or any other manner of retribution. Any acts of retaliation will be reported immediately to the appropriate

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Department Director, the Human Resources Director, or, if appropriate, the Mayor pursuant to Policy 106: Whistleblower Policy

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107.5 Additional Employee Obligations

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107.5.1 Occasionally an employee may face a threat from a person outside the workplace. If any employee has reason to believe an outsider may harm the employee in any way in the workplace, the employee is required to report those concerns to the employee's immediate supervisor.

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107.5.2 If an employee has obtained any legal protection order, such as a No Contact" or "Anti-Harassment" or restraining order, against any other individual, and the employee believes the individual may attempt to contact that employee at the workplace in violation of the protective order, the employee is required to report those concerns to the employee's immediate supervisor, and to supply a copy of that order to the City's Human Resources Department. The Human Resources Department will place the copy in the employee's personnel file and will forward a copy to the Prosser Police Department. Such information will be kept confidential to the extent possible, but will be provided to appropriate personnel on a "need to know" basis.

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107.5.3 Any employee concerned about personal safety may request an escort or other appropriate intervention by law enforcement personnel.

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107.5.4 Employees should follow the same procedure in section 4 above if any citizen or visitor to the workplace is observed with or known to possess a firearm or other dangerous weapon, or where a verbal threat of assault of an employee or another person is observed at the workplace. Supervisors, Department Directors, or the Human Resources Department should follow the procedures outlined in section 4, as appropriate.

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**POLICY 1087: EMPLOYEE PERSONNEL RECORDS**

A personnel file for each employee shall be kept under the control of the Finance Director. Access to that personnel file shall be limited to the employee, the employee's immediate supervisor, the Department Head, Finance Director and/or designee, City Administrator and Mayor. An employee's personnel file normally contains 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.

An employee has the right to review his/her file. Files must be reviewed in the Finance Department with the Finance Director or his/her designee. 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 Finance Director to be placed in his/her personnel file.

Personnel files are kept confidential to the maximum extent permitted by law. Except as required by law, 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.

**POLICY 1098: REFERENCES**

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.

Any employee, supervisor or Department Head receiving inquiries from the public concerning past or present employees should direct such inquiries or reference requests to the Finance Director. The Finance Director will respond to such requests or forward them to the City Administrator or Department Head when appropriate.

**POLICY 201: HOURS OF WORK AND OVERTIME**

- 201.1 The standard workweek 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 or a flexible workweek may be authorized by departments provided that the department will have sufficient staff to ensure delivery of services.
- 201.2 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 workweek.
- 201.3 Part-time and temporary/seasonal employees will work hours as specified by their Department Head.
- 201.4 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).
- 201.5 Non-exempt employees shall receive overtime compensation payable at one and one-half times the employee’s regular rate of pay for all time worked beyond the established forty (40) hour workweek. When computing overtime, holidays, sick leave, vacation, and any other leave listed under Policy 801 will NOT be counted as hours worked. Overtime will take effect when the employee has worked over forty (40) hours in one (1) workweek. This policy does not apply to the Police Department when working a 28-day work cycle.
- 201.6 All overtime should be pre-approved in writing on the approved form by the employee’s Department Head or supervisor.
- 201.7 Exempt employees are not covered by the Fair Labor Standards Act (FLSA) overtime provisions and do not receive overtime pay.

201.8 Exempt employees shall only account for leave taken in excess of 4 hours each day.

**POLICY 202: ATTENDANCE**

- 202.1 Punctual and consistent attendance is a condition of employment. Each Department Head is responsible for maintaining an accurate attendance record of his/her employees.
- 202.2 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 workday 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 Finance Director or his/her designated representative, stating the reason for being late or unable to report for work.
- 202.3 The City reserves the right to require an employee to provide documentation from the employee's doctor or professional health care provider verifying an illness or injury which results from absence from work.
- 202.4 Employees are expected to be at work during inclement weather. A Department Head may allow an employee to be late or leave early during severe weather conditions. However, non-attendance will be counted as absence from work. Employees will be given the option of taking leave without pay or using vacation leave.
- 202.5 An employee who is absent without authorization or notification for a period of more than three (3) consecutive days may be assumed to have abandoned his/her position or voluntarily resigned without notice and is subject to disciplinary action, including possible termination.

**POLICY 203: BREAKS AND MEAL PERIODS**

Employees are entitled to 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. Employees should not work more than three (3) hours without a break and breaks should be scheduled as near as possible to the midpoint of the work period.

Meal periods shall be scheduled by the employee's Department Head or supervisor. The scheduling of meal periods may vary depending upon department workload. Meal periods are unpaid and usually one (1) hour in length.

In accordance with State laws, employees shall not be required to work more than five (5) consecutive hours without a meal period of one-half hour in duration.

**POLICY 204: DUTY TO REPORT TO WORK IN THE EVENT OF DISASTER/EMERGENCY SITUATION**

It is the City's policy to continue to provide vital services to the community during emergency conditions, while maintaining a primary concern for the safety of City employees and their families. In the event of a widespread disaster that necessitates the activation of the Emergency Operations Center, the following procedures shall apply.

**204.1 During Non-Work Hours**

All regular employees and hourly workers are encouraged to ensure the safety and welfare of their families and homes. After making any necessary arrangements, all regular employees and hourly workers are required to report to work, pursuant to departmental operating procedures. The Emergency Operations Board must approve any departmental procedure that is less restrictive than this stated policy and procedure.

**204.2 During Work Hours**

Departments shall make every reasonable effort to allow regular employees and hourly workers to check promptly on the status of their families and homes, provided that doing so does not compromise emergency response functions as defined in the City's Emergency Operations Plan.

The City Administrator will determine the instances when an allowance for time off with pay for unusual circumstances will be made for any employee during a disaster or emergency situation.

**204.3 Controlled Substances**

No employee shall report to duty or remain on duty under the influence of any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the employee that the substance will not adversely affect the employee's ability to perform their essential duties.

No supervisor or Department Head having actual knowledge that an employee has used a controlled substance prior to reporting to work, or has used a control substance while on duty, shall permit the employee to perform, or continue to perform functions.

**POLICY 205: PAYROLL RECORDS**

The Finance Director keeps the official payroll records. Each Department Head shall turn in on a monthly basis a signed work record for each employee within his or her department, noting hours worked, leave taken, and overtime hours worked.

Department Heads and other exempt employees need to only turn in a record showing any leave taken or time off that should be charged to his or her leave.

**POLICY 301: RECRUITING EMPLOYEES**

- 301.1 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 according to State retention requirements. Publication of an additional notification will not be needed if a similar position is being filled within a six (6) month timeframe.
- 301.2 Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to sex, marital status, sexual orientation, pregnancy, race, creed, color, national origin, honorably discharged veteran or military status, presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, unless a bona fide occupational qualification exists, provided that the prohibition against such discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved.
- 301.3 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.
- 301.4 Any applicant supplying false or misleading information is subject to immediate termination, if hired.
- 301.5 In the recruitment of a City Administrator, Department Head, or other essential position, the Council may chose to enter into a contract with a recruitment firm to recruit qualified candidates.

**POLICY 302: HIRING EMPLOYEES**

- 302.1 A written offer of employment outlining the conditions of employment with the City shall be given to the successful applicant. Written offers will be signed by the City Administrator or his/her designee.
- 302.2 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 a driving record abstract 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.
- 302.3 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.
- 302.4 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.
- 302.5 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.
- 302.6 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 screening reveals use of alcohol and/or controlled substances.
- 302.7 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.

302.8 All successful applicants for any City position requiring contact with or supervision of minors, vulnerable adults, or developmentally disabled persons including temporary/seasonal employees shall be subject to a criminal history background check prior to being hired, and periodically thereafter. Any applicant found to have a criminal history of violations against minors shall be automatically disqualified from employment.

302.9 Relocation costs may be paid in accordance with a contract approved by the City Council detailing repayment terms if the employee voluntarily leaves employment or is terminated for cause before twenty-four (24) continuous months of service.

302.10 Pre-employment credit history checks may be required for certain positions to determine the individual’s ability to perform the work of that position. Any pre-employment credit history checks must be developed and validated under the direction of the Finance Director.

302.11 Prospective employees that may operate a vehicle for business purposes, are required to provide the City of Prosser with a five (5) year driving record abstract (pre-employment driving record) which is attainable from the Department of Licensing in each state where the employee was residing for the previous five (5) year period. The cost of the driving record abstract is the responsibility of the prospective employee.

For those jobs requiring employees to drive a City vehicle, a condition of hire is an acceptable driving record (as shown in the Scoring of Acceptable Driving Record table shown below). Minimum age for drivers of City vehicles is eighteen (18). Exceptions will be assessed on an individual basis and approved by the Mayor or City Administrator under the direction of the Mayor.

**Scoring of Acceptable Driving Record (Five Years)**

VIOLATIONS	GRADING CRITERIA
0-1 Minor Violation	Acceptable driving record
2 Minor Violations	Borderline approval (consider carefully)
3 Minor Violations	Poor (approval by Mayor/City Admin only)
4 Minor Violations	Unsatisfactory (not acceptable)
Any Major Violation	Unsatisfactory (not acceptable)
MINOR VIOLATIONS	MAJOR VIOLATIONS (CRIMINAL CONVICTION OF THE BELOW OFFENSES)
Stop sign/traffic signal offenses	DUI alcohol/drugs
Speeding (not more than 20 mph over posted speed limit)	Leaving scene of an accident
Improper turn; failure to signal	Reckless driving
Seat belt violation	Falsifying an accident report

Illegal passing	Vehicular homicide or assault
	Attempt to elude an officer

**POLICY 303: TEMPORARY/SEASONAL EMPLOYEES: NON-EXEMPT**

- 303.1 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 or a position is authorized.
- 303.2 Temporary or seasonal employees may be hired without competitive recruitment or examination.
- 303.3 Temporary or seasonal employees are not eligible for and do not receive retirement, vacation, sick leave, health insurance, holiday, or any other benefits during their employment.
- 303.4 Employment of minors will only be allowed on a temporary or seasonal, part-time basis, and only in accordance with Child Labor Laws.

**POLICY 304: EMPLOYMENT OF RELATIVES (NEPOTISM)**

304.1 The following restrictions apply to married individuals. Married employees will not be employed by the City under any of the following circumstances:

- 304.1.1 Where one of the parties would have authority, or practical power, to supervise, appoint, remove, or discipline the other; or
- 304.1.2 Where one party would be responsible for auditing the work of the other; or
- 304.1.3 Where other circumstances exist which would place the spouses in a situation of actual or reasonably foreseeable conflict between the City's interest and their own; or
- 304.1.4 Where, in order to avoid the reality or appearance of improper influence or favor, or to protect its confidentiality, the City must limit the employment of close relatives of *policy level* officers of customers, competitors, regulatory agencies, or others with whom the city deals.

304.2 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 judgment, the potential problems noted in Section 304.1 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. When possible, the City will consider reassignment of an employee before termination.

**POLICY 305: PROMOTIONS AND TRANSFERS: NON-EXEMPT EMPLOYEES**

- 305.1 The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the Department Head's recommendation, workforce 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.
- 305.2 Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must 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.

**POLICY 401: EMPLOYEE PAY RATES**

- 401.1 Employees shall be paid the amount approved by the City Council within the adopted budget.
- 401.2 Usually, new employees will start their employment at the entry-level pay for their position. However, a new employee may be employed at a higher pay than the entry level when the employee’s experience, training, or proven capability warrant. The entry-level pay rate (or step 1) is a twelve month step and the employee will remain on that step for the duration of those twelve months. Following the twelve month period and for each pay step that follows (steps 2 through 5) the duration is twenty four (24) months. The final step for each employee is step 5. Once the employee reaches the final pay step (or step 5) they will remain on this step and will not receive additional adjustment unless an adjusted wage schedule is approved by Council.
- 401.3 Salary adjustments may be granted upon the recommendation of the Mayor, or City Administrator under the direction of the Mayor, and approval of the City Council (unless already authorized in the budget by City Council). Dependent upon an employee’s performance, a Department or City Administrator could request that the Mayor consider an advanced increase of up to half of their next scheduled wage increase (or step increase). This request can be made provided that the employee in question has completed at least 12 months in their current wage rate or step. The Mayor, or the City Administrator under the direction of the Mayor may approve these requested provided that budget is available to fund the adjustment. Otherwise the adjustment must be approved by the City Council.
- 401.4 If an employee’s performance is consistently unsatisfactory, as based on the job performance evaluation, the Mayor and/or City Administrator under the direction of the Mayor, may defer a scheduled pay increase for a stipulated period of time or until the employee’s job performance is satisfactory.

**Comment [HMS1]:** On this one, the wage increase must be allowed by that year's budget.

**Comment [HMS2]:** I need to look into this in more detail. Usually salaries are required to be set by ordinance or as provided for in the annual budget (this may qualify but I need to research it).

**POLICY 402: LONGEVITY PAY**

402.1 Non-union employees of the City shall, after 10 years of service, 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).

402.2 An employee who previously started earning longevity pay prior to 10 years of service shall continue to receive the current amount of longevity pay. No additional amounts will accrue until such employee has reached 10 years of service. When the employee reaches 10 years of service, the employee will continue accruing in accordance with Policy 402.1.

402.2.1 As an example, an employee who has not reached 10 years of service but received \$90 of longevity pay in the previous year will continue to receive \$90 until the beginning of his/her 20<sup>th</sup> year of service when his/her longevity pay will increase to the maximum amount of \$100.

402.3 Longevity payments will be made in lump-sum amounts in November of each year.

**POLICY 403: CELL PHONE ALLOWANCE**

Employees may be provided a cell phone allowance in the amount of \$45.00 each month on their regular payroll checks at the discretion of the Mayor or the City Administrator under the direction of the Mayor. This allowance shall be increased annually beginning January 1, 2010 equal to 100% of the US All Cities CPI-W June-June with the lowest annual increase being 2% and the highest annual increase being 4%.

Employees utilizing cell phones for City business must not utilize written cell phone capabilities such as text messaging or email for City business unless such phone is synchronized with the City's computer system so that such electronic records can be maintained according to the State records retention requirements.

Employees utilizing cell phones and driving City vehicles or personal vehicles for City business must use a hands-free device when utilizing a cell phone and driving a vehicle.

**POLICY 404: BI-LINGUAL ALLOWANCE**

Employees in positions requiring bilingual capabilities and who are able to satisfactorily complete a test of their bilingual ability may be given an allowance of \$25.00 each month on their regular payroll checks. The City will determine the positions requiring such abilities as well as the test to be utilized and the rating scale for such test.

**POLICY 405: PAYDAYS**

405.1 City employees will be paid on a monthly payroll system. Employee paychecks will be issued on the last working day of the month.

405.2 Regular full-time and regular part-time City employees may elect to receive payroll draws on the fifteenth (15<sup>th</sup>) of each month. Requests for payroll draws must be received by the Finance Department by the first (1<sup>st</sup>) of each month in order to be effective for that 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 15<sup>th</sup> day of the month falls on a Saturday, Sunday or holiday, payroll draw checks will be available on the preceding workday.

405.3 Providing at least 25 City employees request direct deposit of their paychecks in accordance with RCW 41.04.240, employees may elect to deposit payroll checks directly into a savings or checking account of their choice upon completion of the appropriate form.

**POLICY 406: 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 Finance Department.

**POLICY 407: COMPENSATION UPON TERMINATION**

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

407.1.1 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 been employed for at least six (6) months.

407.1.2 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.

407.2 In the 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.

**POLICY 408: SPECIAL RECOGNITION AWARD**

The Mayor or his/her designee may establish a special recognition award program in compliance with the terms of this policy. No award may be provided to an appointed official of the City. The maximum amount of an award shall not exceed the amount approved by the City Council in its annual budget. The special recognition award will not be incorporated into an employee's base salary rate of pay for the purposes of computing overtime/compensatory time accruals, unless required by the Fair Labor Standards Act, but will remain a separate, one-time recognition of contribution or innovative ideas put to practice in the organization. The special recognition award program shall be limited to awards for:

- A. A project or work product that is specific and identifiable with both start and end dates.
- B. A project or work product assignment that may be interdepartmental, with an assigned "total award" which is shared equally among all members of the task group.
- C. A demonstrated level of creativity, skill, or conscientiousness that is beyond that normally expected for the position.
- D. Individual contribution or leadership without which the project or product results would not have been achieved, and which are beyond what is normally expected for the position.
- E. Innovation or conscientiousness that may have resulted in substantial savings or reduced costs.

The Mayor or his/her designee may hold a semi-annual Employee Awards Banquet and Appreciation Day to honor and recognize employees receiving such awards. The banquet and awards may include appointed and/or elected officials. The event may be held at a City facility at no cost to employees, appointed officials, elected officials, or their family members. The City may choose to provide food, non-alcoholic drinks, or other like items at the banquet. ~~All~~ items provided at the banquet will not be incorporated into an employee's base salary rate.

E.

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Comment [HMS3]: For elected, this might be considered extra compensation. As you know their salaries cannot be increased mid-term.

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**POLICY 501: REIMBURSEMENT OF BUSINESS TRAVEL EXPENSES**

Reimbursement rates for business travel expenses are established at the State of Washington per diem rate as now exists or is hereafter amended. The Department Head is responsible for verifying the trip is necessary and clearly in the best interest of the City, that budgeted funds are available, and ensuring that these procedures have been followed. Business travel expenses are categorized as follows:

501.1 Travel is to be by the most direct route and by the most economical mode available in the form of transportation approved by the Department Head.

501.2 Reservations for commercial air transportation may be made by each department. Employees are not required to fly on aircraft not able to carry at least twenty passengers. All promotional airfare, tickets, discounts, negotiable items of value, or coupons received as a result of travel on City business may not be used by an employee for personal purposes.

501.3 A City vehicle should be used for travel purposes when a department has one available.

501.4 Travelers using privately owned automobiles on City business will be reimbursed for actual miles driven at the Washington State privately owned vehicle or motorcycle mileage rate at it now exists or is hereafter amended.

501.4.1 If more expensive transportation is used, reimbursement is limited to costs that would have been incurred had the most economical means been used. If traveling by automobile, all travelers to the same event shall travel together in the same vehicle. Those choosing not to share a ride will be required to cover their own transportation costs above the per diem amount for the actual miles driven.

501.4.2 It is the Department Head's responsibility to ensure that an employee traveling in a City-owned or a privately-owned vehicle has provided the City with a copy of his/her driving record abstract in the current calendar year showing he/she has an acceptable driving record according to Policy 302.11 prior to traveling on City business.

501.4.3 An employee traveling for business purposes must ensure he/she has the minimum required insurance coverage prior to traveling on City business.

- 501.5 Lodging should be at the lowest available government, corporate, or conference rate. Travelers may stay at the conference center hotel even if less expensive lodging is located nearby.
- 501.6 Meals will be reimbursed at the established Washington State per diem rate based upon partial-day or full-day travel status as it now exists or is hereafter amended. Meals included in registration fees or included with lodging are not reimbursable. Tips and taxes are included in the maximum per diem rate.
- 501.7 Necessary miscellaneous business travel expenses such as taxi or bus fare, ferries, tolls, parking fees, and educational materials are reimbursable. Detailed receipts are required for reimbursement of miscellaneous business travel expenses.
- 501.8 Non-allowable expenses of a personal nature that do not benefit the City are not reimbursable. Examples include, but are not limited to, dependent expenses, entertainment, traffic fines, loss or damage of personal property, personal telephone calls, in-room movies, laundry service, valet service, and alcoholic beverages.
- 501.9 Employees traveling need to keep in mind that they are responsible for the accuracy of information reported on City travel documents.
- 501.10 Requests for reimbursement of travel related expenses should be submitted to the Department Head and forwarded to the Finance Department within 5 (five) business days of completion of travel.

**POLICY 601: PERFORMANCE EVALUATIONS**

- 601.1 To achieve the City's goal to train, promote and retain the most qualified employee for every job, the City conducts performance evaluations for all positions at least annually.
- 601.2 The Finance Director is responsible for developing and maintaining the City's performance evaluation program.
- 601.3 Employees are to be evaluated by their Department Heads during their first six (6) months of employment and at least once every twelve (12) months thereafter.
- 601.4 The evaluation is part of an employee's personnel record and may be a factor in determining whether the employee receives a wage increase, or whether the employee is promoted, transferred, demoted, laid off, or terminated.
- 601.5 The employee is allowed to provide a reply or rebuttal statement indicating his/her agreement or disagreement with the evaluation findings. Statements will be attached to the evaluation and filed with the employee's personnel record.

**POLICY 602: TRAINING POLICY**

602.1 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.

602.2 Unless prohibited by law, the City may pay for renewals of all required certifications needed for employment subject to budgetary constraints.

~~602.3 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 the 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 regular or overtime compensation will be paid to any employee as a result of participation in this program.~~

**POLICY 603: TUITION REIMBURSEMENT**

603.1 The City is dedicated to providing personal and professional development opportunities for all employees as long as educational courses provide a benefit to the City. While tuition reimbursement is not the only training and development offered to employees, it is an essential benefit which provides learning and career growth opportunities. Tuition reimbursement also assists in attracting and retaining employees and demonstrates the degree of value the City places on its employees.

603.2 If an employee desires to take an advanced education course, the course must be pre-approved by the Mayor or the City Administrator under the direction of the Mayor and the Department Head as being a benefit to the City. Any approval is subject to budgetary and scheduling constraints. Reimbursement will only be made for college courses from an accredited college or university. —Each semester or quarter shall require separate approval and submission of a Tuition Reimbursement Form.

603.3 The City may reimburse the employee for the cost of tuition, provided that the employee receives a B grade or better. Official grade reports must be submitted with the request for tuition reimbursement. Reimbursement requests and official grade reports must be submitted within ninety (90) days of completion of each course. Tuition reimbursement includes the cost of tuition only. Other costs not covered by this policy include but are not limited to the following: parking, transportation, recreation fees, lab fees, student fees, and textbooks. No regular or overtime compensation will be paid to any employee as a result of participation in this program.

603.4 The total maximum reimbursable amount will be \$5,000 or the amount budgeted, whichever is less, in any calendar year for each employee. If requests for tuition reimbursement exceed the amount allowed by the City's current budget, then requests by employees will be funded according to the date on which the employee submitted the Tuition Reimbursement Form.—

603.5 Tuition reimbursement may be subject to income and FICA tax withholding depending on the IRS tax codes in effect. Employees should contact their accountant or tax advisor for guidance on the tax laws related to tuition reimbursement.

603.6 Employees shall remain in an active, good-standing position with the City for 24 months after any tuition reimbursement is provided. Employees separating prior to completing this obligation shall be financially liable for reimbursing the City for all tuition reimbursement provided to the employee within 24 months from the date of the employee's separation from employment from the City. The employee and

his or her spouse, if applicable, shall sign a Tuition Reimbursement Form with the City before any tuition reimbursement is provided in substantially the following form:

**TUITION REIMBURSEMENT FORM**

Name of Employee \_\_\_\_\_

Date of Application \_\_\_\_\_

I request approval to take the following courses under the City's tuition reimbursement program:

Course Name(s) \_\_\_\_\_

School \_\_\_\_\_

Accreditation Information \_\_\_\_\_

Reason for taking course \_\_\_\_\_

\_\_\_\_\_

Beginning Date \_\_\_\_\_ Completion Date \_\_\_\_\_

1. City related tuition costs		\$	_____
2. less Outside/non-personal assistance	-	\$	_____
3. Subtotal (line 1 – line 2)		\$	_____
4. less Prior tuition claim(s) in same year	-	\$	_____
5. Total tuition reimbursement requested (line 3 – line 4)		\$	_____

**Notes: Tuition reimbursement may not exceed \$5,000 per year**

I understand that I must pay the cost of tuition and fees in advance, and upon successful completion of the course(s), the City will reimburse me at the appropriate rate as outlined in the policy. I understand that I must furnish a grade report within ninety (90) days of completion of the course and receipt of expenses before reimbursement will be made. I agree to abide by all other provisions of the tuition reimbursement policy. I also understand that if I leave the City within 24 months calculated from the date of reimbursement, I will be required to repay any amount received, in full, in accordance with the terms of exhibit "A" attached hereto as incorporated herein as if fully set forth.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

City Administrator Approval \_\_\_\_\_ Date \_\_\_\_\_

\*\*\*\*\*

I have completed the course(s) and submit my expenses and grade report for reimbursement (receipts attached)

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

I, the undersigned, being the spouse of the above named employee, have read the above tuition reimbursement form and attached exhibit "A" and understand the terms thereof. I hereby consent to the provisions of the tuition reimbursement form and accept and ratify them as binding upon me, insofar, as the agreement effects my community rights.

Spouse Signature \_\_\_\_\_ Date \_\_\_\_\_

**Exhibit "A"**

Employee and Employee's Spouse promises to pay to City at (601 7<sup>th</sup> Street, Prosser, Washington), the principal sum of \_\_\_\_\_ without interest on or before employee's separation from employment from the City. The employee agrees that the City may deduct the amount due by employee from employee's last paycheck. Employee also promises as follows:

- 1. DEFAULT INTEREST: After maturity, or failure to make any payment, any unpaid principal shall accrue interest at the rate of twelve percent (12%) per annum.
- 2. CURRENCY: All principal and interest payments shall be made in lawful money of the United States.
- 3. ATTORNEY'S FEES AND COSTS: Employee shall pay all costs incurred by City in collecting sums due under this agreement after a default, including reasonable attorney's fees, whether or not suit is brought.
- 4. NON-WAIVER: No failure or delay by City in exercising its rights under this Note shall be a waiver of such rights.
- 5. SEVERABILITY: If any clause or any other portion of this Agreement shall be determined to be void or unenforceable for any reason, such determination shall not affect the validity or enforceability of any other clause or portion of this agreement, all of which shall remain in full force and effect.

6. INTEGRATION: There are no verbal or other agreements which modify or affect the terms of this agreement. This agreement may not be modified or amended except by written agreement signed by Employee and City Administrator. This agreement shall be considered to be a promissory note, enforceable under the laws of the State of Washington.

603.7 Employees who receive financial assistance for their education from another source must disclose the source and amount on their Tuition Reimbursement Request Form. If employees are receiving 100% funding for their education from another source, the City will not provide reimbursement. Under certain circumstances, it is possible that the tuition reimbursement program can be coordinated with other funding sources. In all instances, total financial assistance and tuition reimbursement will not exceed the educational expenditures incurred.

#### 603.8 HOW TO APPLY FOR TUITION REIMBURSEMENT

1. Complete the Tuition Reimbursement Form.
2. Submit this completed form to the department head for recommendation to the City Administrator.
3. When the City Administrator, or department head, returns the approved Tuition Reimbursement Form to the employee (or otherwise informs the volunteer of course approval), he/she may then enroll in the course.
4. Within 90 days after successful completion of the course, attach a copy of the payment/sales receipts and evidence of satisfactory course completion, if applicable, to the previously approved Tuition Reimbursement Form (or other evidence of prior course approval). Forward the documentation to the City's Finance Director for processing.

**POLICY 701: RETIREMENT BENEFITS**

- 701.1 The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee.
- 701.2 All regular full-time and eligible part-time uniformed Police Officers are covered by Law Enforcement Officers and Firefighter's Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington.
- 701.3 All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.
- 701.4 An employee 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.
- 701.5 For regular part-time employees, the City's policy regarding retirement benefits shall be in accordance with the State of Washington's retirement system.

**POLICY 702: WORKER'S COMPENSATION BENEFITS**

- 702.1 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 (L&I). This type of insurance covers employees in case of on-the-job injuries or job-related 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 Finance Director.
- 702.2 When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for 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 or other qualifying leave available. All unused sick leave will be used prior to any other unused leave.
- 702.3 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.
- 702.4 Full sick leave pay or pay for other types of leave and time loss benefits cannot be received concurrently. Employees who are on paid leave and who also receive time loss payments from L&I for the same period of time are required to remit payments received from L&I in their entirety to the City. The buy-back program reconciles this "double payment" and allows for reinstatement of a proportionate amount of leave to the employee's leave record.
- 702.5 The City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if he/she will be capable of performing the essential duties and responsibilities of the position.

**POLICY 703: INSURANCE BENEFITS**

- 703.1 Employees are eligible to participate in the City’s insurance program. Coverage will begin ~~as outlined in the underwriting rules of each healthcare plan, 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.
- 703.2 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 workweeks, benefit proration shall be based on actual hours worked for said period.
- 703.3 Upon mutual agreement between the employee and the City, in accordance with the terms and conditions of the insurance policy, the City will continue 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.
- 703.4 While an employee is receiving Worker’s Compensation benefits, the City may continue to pay the employee’s insurance premiums. If the City does not pay the employee’s insurance premiums, the employee may choose to use his/her COBRA rights and self-pay insurance premiums.
- 703.5 Upon an employee’s termination from City employment, at the employee’s option and expense, the employee may elect to continue City insurance benefits to the extent provided under COBRA.

~~703.6 The City of Prosser shall not pay the medical insurance premium for double coverage of dependents that were not already double covered as of July 1, 2007. Those dependents already double covered as of July 1, 2007 are grandfathered and the double coverage limitation shall not apply unless they are dropped from coverage at a later date. If dropped from coverage at a later date, the double coverage limitation will apply as of the date the dependent is dropped.~~

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~~Double coverage of dependents for medical insurance premiums will not be paid for by the City. If an employee elects coverage on a dependent that has coverage under another plan (double coverage), the City contribution will revert to the qualified level of coverage in accordance with the terms above.~~

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703.7 Premium increases shall be split on a 50/50 basis; employer pays fifty percent (50%) of the premium increase and employee pays fifty percent (50%) of the premium increase.

703.8 The City shall offer an IRS Code 125 Plan for employee participation featuring both medical and childcare options.

**POLICY 704: UNEMPLOYMENT COMPENSATION**

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

**POLICY 801: LEAVES**

801.1 The City has the following types of leave:

1. Vacation Leave
2. Sick Leave
3. Leave without Pay
4. Jury and Witness Leave
5. Administrative Leave
6. Military Leave
7. Holiday Leave
8. Religious Holiday
9. Family Medical Leave
10. Emergency Leave
11. Domestic Violence Leave
12. Pregnancy Leave
13. Public Safety Volunteer Leave

**POLICY 802: VACATION**

802.1 Each regular, full-time, unionized employee is entitled to vacation leave, with pay, at his/her regular wage as follows:

START OF YEAR	END OF YEAR	HOURS PER MONTH
0 years	4 years	6.67 hours per month
5 years	9 years	10 hours per month
10 years		10 hours per month plus .67 hours per month for each additional year of service (maximum of <del>29</del> hours per month)

802.2 Each regular, full-time, non-union employee is entitled to vacation leave, with pay, at his/her regular wage as follows:

START OF YEAR	END OF YEAR	HOURS PER MONTH
0 years	4 years	8.66 hours per month
5 years	9 years	12 hours per month
10 years		12 hours per month plus .67 hours per month for each additional year of service (maximum of <del>29</del> hours per month)

802.2.1 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 at the zero, five, or ten-year category above based on experience, education and training as deemed appropriate by the Mayor, or the City Administrator under the direction of the Mayor. Employees starting at the five-year level will move to the ten-year level after five years of service.

802.3 Maximum vacation earned for any employee will be thirty-~~three~~ (~~330~~) days or ~~29~~ hours per month during any anniversary year. Vacation with pay may be accumulated to a total of thirty (30) days (two hundred forty (240) hours).

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

802.5 All new employees must complete six (6) months of their employment to be entitled to vacation leave. Employees resigning prior to completing six (6) months of employment are not entitled to cash out vacation. Regular, part-time employees will receive vacation on a pro-rata basis. Temporary/seasonal employees are not eligible for any vacation benefits.

802.6 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 or supervisor who will consider operating conditions and other needs prior to authorizing vacation. 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.

802.7 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.

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

- Start date on or before the 15<sup>th</sup> of the month – full month accrual; or
- Start date on or after the 16<sup>th</sup> 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 on or before the 15<sup>th</sup> of the month – one-half (½) month accrual; or
- Last date of employment on or after the 16<sup>th</sup> of the month – full month accrual.

802.9 Annual Vacation Buy Back will be paid out once a year in the month of December. An employee may exercise the buy back option, and if they do so, the City shall compensate them up to the maximum of forty (40) hours at the regular rate of pay. Employees may only buy back vacation up to maximum of forty (40) hours if he/she had taken a minimum of forty (40) hours of vacation in the year.

In the event of an emergency, at the approval of the Finance Department (who will verify the availability of vacation hours) and the approval of the City Administrator, under the direction of the Mayor, a vacation buy back could be approved for cash out at a different time of year. This emergency vacation buy back cannot exceed forty (40) hours and the employee receiving the emergency vacation buy back would not be eligible for the regular buy out in December.

**POLICY 803: SICK LEAVE**

- 803.1 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.
- 803.2 Employees accrue and may use sick leave beginning the 1<sup>st</sup> of the month following their date of hire. Employees do not accrue sick leave benefits during a leave without pay.
- 803.3 Sick leave covers those situations in which an employee is absent from work due to:
- 803.3.1 Physical injury or illness to the employee, subject to the requirements of Policy 702;
  - 803.3.2 The need to care for the employee's immediate family members who are ill;
  - 803.3.3 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 workday;
  - 803.3.4 Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
  - 803.3.5 Use of a prescription drug which impairs job performance or safety;  
or
  - 803.3.6 Sickness or disability associated with pregnancy or childbirth.
- 803.4 A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition, which impairs his/her ability to perform the job. Employees who are habitually absent due to 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.

803.5 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.

803.6 During the first month of employment, sick hours will be earned as follows:

- Start date on or before the 15<sup>th</sup> of the month – full month accrual; or
- Start date on or after the 16<sup>th</sup> 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 on or before the 15<sup>th</sup> of the month – one-half (½) month accrual; or
- Last date of employment on or after the 16<sup>th</sup> of the month – full month accrual.

803.7 Non-union employees may donate sick leave, in hour-for-hour increments, to another employee subject to the following conditions:

803.7.1 The employee requesting the donation must have completed six (6) months of employment;

803.7.2 The employee requesting the donation must have exhausted all paid accrued leaves;

803.7.3 The employee donating leave must maintain at a minimum 173.3 hours of sick leave after the donation; and,

803.7.4 No employee may donate more than forty (40) hours sick leave in a one (1) year calendar period.

**POLICY 804: LEAVE WITHOUT PAY**

- 804.1 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, fulfilling a military obligation in excess of fifteen days per year, pregnancy or childbirth, or due to being a victim of domestic violence.
- 804.2 Full-time and part-time employees may be eligible for leave without pay subject to the following requirements:
- 804.2.1 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; and,
  - 804.2.2 All accrued leaves must be exhausted prior to taking any leave without pay.
- 804.3 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 804.4.
- 804.4 In certain circumstances, self-payment of insurance benefits may apply. See Section 703 regarding Insurance Benefits.
- 804.5 An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned without notice.
- 804.6 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.
- 804.7 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.

**POLICY 805: JURY AND WITNESS LEAVE**

- 805.1 Regular full-time and regular part-time employees will 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.
- 805.2 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.

**POLICY 806: 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 interest of the City during a pending investigation or other administrative proceeding.

**POLICY 807: MILITARY LEAVE**

- 807.1 Employees who are members of the National Guard or Federal Reserve Military Unit may be absent from their duties, with pay, for a period of up to twenty-one (21) 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.
- 807.2 An FMLA eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to a combined total of 26 weeks of all types of leave in a single 12-month period to care for the service member.
- 807.3 Spouses of military personnel who work an average of 20 or more hours per week are entitled to take up to 15 days of unpaid leave while their spouse is on leave from deployment, or before and up to deployment, during times of military conflict declared by the President or Congress. An employee must provide his/her Department Head with notice of his/her intention to take leave within five business days of receiving official notice that his/her spouse will be on leave or of an impending call to active duty. An employee may substitute accrued, paid leave for any part of the unpaid leave.
- 807.4 Family members of National Guard or Reserve personnel are authorized up to 12 workweeks of FMLA job-protected leave for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The leave is intended to allow family members to manage their affairs while the member is on active duty in support of a contingency operation.

**POLICY 808: HOLIDAY LEAVE**

808.1 The following holidays are recognized by the City:

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

808.2 Any holiday falling on Saturday will be celebrated on the preceding Friday; any holiday falling on Sunday will be celebrated on the following Monday.

808.3 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.

808.4 Temporary/seasonal employees will be paid at their regular, straight-time rate of pay for hours worked on a holiday.

808.5 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.

**POLICY 809: 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 leave without pay.~~

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

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The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management (WAC 82.56.010).

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If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of 2 days prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.

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The two unpaid holidays allowed by this section must be taken during the calendar year, if at all, they do not carry over from one year to the next.

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**POLICY 810: FAMILY MEDICAL LEAVE**

810.1 The Family Medical Leave Act (FMLA) provides up to twelve (12) weeks of unpaid, job-protected leave every 12 month period, in a rolling calendar year, 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.

810.2 Paid or unpaid leave is granted for any of the following reasons:

810.2.1 To care for the employee’s newborn child after birth, or placement with the employee for adoption or foster care (FMLA to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement);

810.2.2 To care for the employee’s spouse, child, parent, parent-in-law, brother, sister, son or daughter-in-law, sister or brother-in-law, grandparent, step relative, or domestic partner who has a serious health condition; or,

810.2.3 For a serious health condition that makes the employee unable to perform the essential functions of the employee’s job; or,

810.2.4 Military leave as outlined in Policy 807.

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

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

810.4.1 The employee ordinarily must provide thirty (30) days advance notice when the leave is foreseeable.

810.4.2 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.

810.5 Certain job benefits and protections are required under FMLA as follows:

810.5.1 For the duration of FMLA leave, the City will maintain the employee's insurance coverage under the City's group health plan, provided the employee continues to pay the employee's portion of the insurance premium.

810.5.2 Upon return from FMLA leave, an employee will be restored to his/her original or equivalent position with equivalent pay, benefits, and other employment terms.

810.5.3 The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of the employee's leave.

810.6 While an employee is out on FMLA the City will not:

810.6.1 Interfere with, restrain, or deny the exercise of any right provided under FMLA; or,

810.6.2 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.

810.7 If both an employee and his/her spouse work for the City and request leave for the birth, adoption, or foster care placement of their child, to care for their new child, or to care for his/her child, parent, parent-in-law, brother, sister, son or daughter-in-law, sister or brother-in-law, grandparent, step relative, or domestic partner who has a serious health condition, 12 weeks total (rolling calendar method) is the combined annual FMLA available to them as a couple for those purposes.

810.8 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.

**POLICY 811: EMERGENCY LEAVE**

All regular employees of the City shall receive paid emergency leave of three (3) workdays for a death in his/her 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.

**POLICY 812: DOMESTIC VIOLENCE LEAVE**

- 812.1 An employee who is a victim of domestic violence, sexual assault or stalking may take a reasonable amount of paid or unpaid intermittent leave from work to take care of legal or law enforcement needs or get medical treatment, social-services assistance or mental-health counseling.
- 812.2 An employee who is a family member of a victim of domestic violence, sexual assault, or stalking may take a reasonable amount of paid or unpaid intermittent leave to help the victim obtain treatment or seek help. For this purpose, family members include the employee's spouse, children, parents, parents-in-law, grandparents, and a person with whom the employee has a dating relationship.
- 812.3 An employee must give advance notice of his/her intent to take leave unless the leave cannot be foreseen in which case notice must be provided no later than the end of the first day leave is taken.
- 812.4 An employer may require verification from an employee who is requesting leave. If so, an employee may provide one or more of the following:
- A police report indicating the employee or employee's family member was a victim;
  - A court order providing protection to the victim;
  - Documentation from a healthcare provider, attorney, clergy member, or other professional from whom assistance was sought; or
  - An employee's written statement that the employee or employee's family member is a victim and needs assistance. Family relationship may be determined by birth certificate, court document or other similar record or a statement from the employee.
- 812.5 For the duration of Domestic Violence Leave, the City will maintain the employee's insurance coverage under the City's group health plan, provided the employee continues to pay the employee's portion of the insurance premium.

**POLICY 813: PREGNANCY LEAVE**

The City follows all applicable state and federal laws.

**POLICY 814: PUBLIC SAFETY VOLUNTEER LEAVE**

814.1 Introduction: Ensuring the public safety needs of the community serves a fundamental purpose of the City of Prosser, Washington. The community relies on the efforts of volunteers to meet many of its public safety needs. City employees are an invaluable resource for special skills that can aid in such volunteer activities. Without a leave policy, city employees must take unpaid leave to respond to the public safety needs of the community. A policy to encourage city employees to volunteer to meet the public safety needs of the community will help the city ensure the public safety needs of the community. Therefore, a City Public Safety Leave Policy is established for non-represented employees to facilitate such volunteer efforts. An employee may be eligible for a maximum of 80 hours of additional paid leave (or the equivalent/proportionate paid leave if on alternative/reduced work schedule) to volunteer with an agency in support of the public safety of the community. Public Safety Volunteer Leave (PSVL) is subject to Departmental/City Administrator approval. Fiscal impacts limit the total number of employees who can use this program. A city employee is not entitled to use such leave to volunteer as a reserve police officer.

814.2 Definitions:

- “Community” means the corporate limits of the City of Prosser, or the service area of Prosser Fire District Number 3, or any governmental agency with which the City of Prosser or Prosser Fire District Number 3 has a mutual aid agreement.
- “Public Safety” means the protection of persons or property from the imminent threat of harm, death, illness, fire, or destruction and shall also mean a response to a declaration of an emergency from any local, state, or federal agency.

814.3 PSVL Approval Process:

1. Initial Manager Contact: Employee contacts his/her manager if s/he wishes to volunteer under this policy to discuss possible times the employee can take leave and/or workload issues.
2. Volunteer Agency Contact: After the initial manager contact, the employee should contact one or more volunteer agencies involved in the volunteer effort for which leave is requested. The employee is responsible for finding volunteer agencies that will provide adequate written documentation that the employee will not be engaged in ineligible activities listed in C(6) below prior to PSVL approval. The employee shall inform the agency that s/he must obtain final approval from the employer. In addition to the documentation regarding no ineligible activities, agency approved employees shall bring back to their manager written confirmation

of the volunteer placement, including the dates of the placement and the skill or service to be provided. This information will aid managers if they must choose among employees because of workload or other constraints.

3. It is within a department director's discretion, with the concurrence of the City Administrator or designee, whether to approve PSVL taking into consideration workload, fiscal and other relevant issues. No city official shall approve employees for leave where it would plan to backfill in their absence. Employees wishing to take PSVL must complete all required forms including an acknowledgment of the employee's acceptance of the terms of this policy.

4. Upon return to the City from the PSVL, the employee shall provide written confirmation from the volunteer agency of the dates the employee volunteered with the agency. Failure to provide adequate written confirmation may result in not receiving the pay for PSVL.

5. Ineligible Employees: Part time and temporary employees, employees who are serving an initial probationary period or have not worked for the City for at least six continuous months, employees who are on a performance improvement plan or similar program, employees who have documented excessive absences (unrelated to protected FMLA or Family Care leave), employees who are being counseled regarding excessive absences, and employees who are currently the subject of a disciplinary investigation are not eligible for PSVL.

6. Ineligible Activities: The city will not approve PSVL for: a) Any activity not directly related to public safety in the community; b) fundraising for volunteer organizations; c) activities associated with agencies that do not provide services on a nondenominational basis; d) activities that involve proselytizing for a religion; and c) volunteer activities that conflict, on an ongoing basis, with an employee's work schedule.

814.5 Benefit:

1. An employee approved for PSVL is eligible to receive up to 80 hours of paid leave per calendar year. Employees who work alternative or reduced schedules are eligible for an equivalent or proportional benefit.

2. As with any other paid leave, employees will continue to receive health, retirement and accrued leave benefits if otherwise eligible for these benefits.

3. PSVL does not accrue to an employee's leave bank, cannot be cashed out upon termination or retirement and is not eligible for credit for retirement purposes. PSVL is only available when an employee meets the above approval conditions and takes PSVL.

4. While on PSVL, an employee is not acting as a city employee. Therefore, the employee is not covered by the City's workers compensation program for an injury, illness or death that occurs while on leave including while volunteering or training for an agency and while traveling to and from the volunteer agency. Additionally, any travel or miscellaneous expenses incurred during volunteer activities but not covered by the volunteer organization is the sole responsibility of the PSVL participant.-

5. In the sole discretion of the City Administrator, an employee may be eligible for additional unpaid PSVL beyond the 80 hours for a volunteer commitment.

6. In the City Administrator's sole discretion, the PSVL policy may be suspended at any time. Suspension of the program can result in an employee not receiving PSVL even though he or she has already been approved by an agency, and employee's department. Every effort will be made to give employees notice of the suspension of the PSVL program. The City Council may terminate the PSVL, at any time, by repealing the Ordinance establishing the policy.

814.6 Volunteer Agencies: The City does not warrant or make any endorsement of the safety or reliability of a volunteer agency or its volunteer placements when an employee is approved for PSVL. The employee is solely responsible for making these determinations. The City does not bear any risk or liability to the employee for any accident, injury or death while on PSVL (including training, travel to and from the volunteer site, and while engaged in the volunteer effort).

814.7 Administrative Rule Making Authority.  
The City Administrator is authorized to establish policies and procedures to implement this Ordinance.

**POLICY 901: EMPLOYEE RESPONSIBILITY AND CONDUCT**

The City has adopted a separate Values, Vision and Mission Statement by resolution. The City's mission is to provide dependable service to a safe, sustainable community of businesses, families, and neighbors with integrity, accountability, and stewardship. Employees should keep the City's values, vision, and mission in mind at all times when delivering service to both internal and external customers.

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

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

**POLICY 902: OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

902.1 Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict, in the City’s opinion, with the best interests of the City or interfere with the employee’s ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:

- 902.1.1 Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods; or
- 902.1.2 Is conducted during the employee’s work hours; or
- 902.1.3 Utilizes City telephones, computers, supplies, or any other resource, facilities or equipment; or
- 902.1.4 May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

902.2 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.

902.3 No City employee shall engage in any act, which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An employee is deemed to have a conflict of interest if the employee:

- 902.3.1 Receives or has any financial interest in any sale to the City of any service or property when such financial interest was received with the prior knowledge that the City intended to purchase such property or obtain such service; or
- 902.3.2 Solicits, accepts or seeks anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction, which is or may be the subject of official action of the City, provided, that the prohibition against gifts or favors shall not apply to:

- 902.3.2.1 attendance of an employee at a hosted meeting directly related to the conduct of City business or where official attendance by the employee as a staff representative is appropriate; or

- 902.3.2.2 any gift, which would have been offered or given to the employee if he or she were not a City employee; or

- 902.3.2.3 any City-sponsored or City-hosted event or program in which the City partners with community organizations or businesses for donations;
- 902.3.3 Participates in his or her capacity as a City employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City; or
- 902.3.4 Engages in private employment or renders services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence, judgment, or action in the performance of official duties; or
- 902.3.5 Appears on behalf of a private person, other than his or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer in an official capacity is a part, or accepts a retainer or compensation that is contingent upon a specific action by the City; or
- 902.3.6 Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City; or
- 902.3.7 Has a financial or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest; or
- 902.3.8 Holds, directly or indirectly, for purposes of personal financial gain, investment or speculation, any interest in real property situated within the City, if such employee in the course of his or her official duties performs any function requiring the exercise of discretion on behalf of the City in regard to the regulation of land use or development, provided, that this prohibition shall not apply to:
  - 902.3.8.1 real property devoted to the personal use or residence of the employee or member of the employee immediate family; or
  - 902.3.8.2 any other interest in real property held by the employee on the date of enactment of this chapter.

**POLICY 903: POLITICAL ACTIVITIES**

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

**POLICY 904: USE OF CITY VEHICLES**

These rules apply to the use of all City of Prosser vehicles and motorized equipment. The City uses a variety of vehicles and motorized equipment in its delivery of services to the public. These vehicles, and the employees who drive them, represent a major investment in resources and potential for loss. Vehicle usage is one of the most visible activities performed by the City.

904.1 An employee whether full-time, part-time, temporary or seasonal may drive a City vehicle for work-related purposes when authorized to do so by his/her Department Head or his/her designee.

904.2 Employees driving City vehicles may not allow unauthorized persons without a specific work-related purpose to operate or ride in City vehicles at any time without the Department Head or their designee's approval. Passengers may include other City employees, employees of contracted temporary help agencies, other government officials, agents contracted with the City, citizens participating in police ride-along programs, or other similar purposes. Carrying a passenger in a City vehicle must be for a demonstrable public purpose.

904.3 Family members of City employees are not allowed as passengers in City vehicles unless they are qualified as explained in the paragraph above. Employees who take family members to work-related events, seminars, conferences, etc., must use their own personal vehicle and may receive travel reimbursement up to the amount that the City would have paid had a City vehicle been utilized if available, depending on the circumstances.

904.4 Drivers and passengers must follow all state and local laws and departmental policies and procedures concerning motor vehicle operation. Such laws include the requirement to wear seat belts when operating or riding in a City vehicle and using a hands-free device when utilizing a cell phone and driving a vehicle.

904.5 The use of City vehicles for personal profit is strictly prohibited.

904.6 Drivers operating or parking City vehicles may make occasional stops or use the vehicle for personal convenience, which is incidental to the performance of the employee's official duties. Incidental stops outside City limits are only allowed if the authorized use includes a destination outside the City and the stop is not a deviation from the direct route to or from the official duty. Official duties include those performed outside the City's jurisdiction such as travel to or from emergency response calls or training.

904.7 If a City vehicle must be stored away from a City parking lot overnight, then it must be stored off-street or in secured parking, wherever practicable or feasible.

904.8 The Finance Department will issue a gas card to an employee authorized to drive City vehicles. Employees driving City vehicles are required to fill vehicle gas tanks at City refueling stations with the City gas card when the vehicle has less than ¼ tank of gas (at the least). This is critical to efficient use of the City’s resources and to assure the ability to respond during emergency situations. Every attempt must be made to utilize City refueling stations since fuel is provided at a discounted rate.

904.9 No person shall operate a City vehicle while under the influence of intoxicants or drugs, or while adversely affected by medical conditions or medications, which cause drowsiness, slowed reaction times, vision disturbance or other symptoms affecting driving performance. Any employee experiencing such medical conditions or taking such medications must report the situation to his/her supervisor if operating, or asked to operate, any City vehicle. No employee shall drink alcoholic beverages within four hours of when he/she has knowledge that he/she will be operating a City vehicle. No off-duty or on-duty employee in possession of a City vehicle shall use the City vehicle as transportation to any tavern, bar, saloon or similar establishment.

~~904.10 Operators of city vehicles and passengers shall not refrain from smoking smoke in City vehicles. Smoking, for the purposes of this section, includes but is not limited to the ,including the use of electronic egerettscigarettes or e-cigarettes.~~

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~~904.10~~904.11 Employees who possess a commercial driver’s license and operate a commercial vehicle are covered by the policies and procedures outlined in this chapter.

~~904.11~~904.12 Persons operating specialized equipment such as tractors or backhoes must meet their department’s requirements for operation of the equipment prior to its use.

~~904.12~~904.13 Drivers of City vehicles must have a current, valid Washington State driver license with any endorsement applicable to the class and use of vehicle operated.

~~904.13~~904.14 A driving record abstract is required at least once every 36 months annually ~~by~~ all drivers who drive City vehicles and by employees operating personal vehicles for business travel no later than December 31<sup>st</sup> of each year. The City of Prosser will reimburse employees for the cost of the driving record abstract upon submittal of a receipt and the correct 35-year driving record abstract. Reimbursement does not apply to newly hired employees that must submit an abstract prior to beginning employment. Employees with unsatisfactory driving record abstracts as shown in Policy 302.11 may not be allowed to travel on City business or if it is a requirement of their job may be terminated (see Policy 911).

~~904.14~~904.15 Drivers of City vehicles or drivers that travel on City business in personal vehicles must immediately report to their supervisor any change in status of their Washington State driver's license.

~~904.15~~904.16 Drivers of City vehicles are required to report all incidents involving City vehicles to their supervisor, to the appropriate agency if the incident occurs outside Prosser City limits, and to the Prosser Police Department. Whenever a City vehicle is involved in an incident causing damage to any vehicle or property, the incident will be reviewed by the City's Safety Committee. Drivers of personal vehicles are similarly required to report all incidents involving their personal vehicle that occur while using their personal vehicle for City business.

~~904.16~~904.17 Drivers of City vehicles are required to report all mechanical malfunctions and/or damages to the vehicles to Personnel.

904.18 Drivers of City vehicles covered by IRS regulations for vehicle-use taxation must report to their department timekeeper each day they use a City vehicle as transportation to and/or from work. Income tax withholding will be made according to current IRS rules for the use of City vehicles outside of regularly scheduled work hours.

904.19 Drivers of City vehicles shall endeavor to keep the interior of City vehicles clean and tidy.

904.20 Operator's of pooled or shared City vehicles shall return the vehicle with a fuel level no less than ¼ of a tank.

904.21 Drivers of City vehicles are expected to extend courtesy to other vehicles and pedestrians. .  
~~904.17~~

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**POLICY 905: USE OF CITY-OWNED CELL PHONES**

**Comment [HMS4]:** Once complete, this should say that employees will comply with the city's electronic devices policy.

- 905.1 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.
- 905.2 City-owned cell phones are generally only for City business. However, very limited personal use is acceptable if it does not cause the City to incur additional costs. ~~It is the employee's responsibility to check with the Finance Department to see which plan is utilized and how personal use may affect the bill.~~
- 905.3 Employees utilizing City-owned cell phones are required to sign an agreement prior to such use indicating that they understand that the City will deduct the cost of any non-business or personal calls from the employee's next paycheck.
- 905.4 Employees utilizing City-owned cell phones are required to review the invoice each month to identify whether any additional costs were incurred due to non-business or personal use. If additional costs were incurred, the City will deduct the cost of the additional costs from the employee's next paycheck.
- 905.5 Employees utilizing cell phones for City business must not utilize written cell phone capabilities such as text messaging or email for City business unless such phone is synchronized with the City's computer system so that such electronic records can be maintained according to the State records retention requirements.
- 905.6 Employees utilizing cell phones and driving City vehicles or personal vehicles for City business must use a hands-free device when utilizing a cell phone and driving a vehicle.
- 905.7 All City-owned cell phones are considered public property and may be inspected by the City at any time without prior disclosure to the employee.
- 905.8 Please refer to the current administrative policy regarding use of electronic devices.

**POLICY 906: COMPUTER, ELECTRONIC MAIL (EMAIL), INTERNET AND TECHNOLOGY USE**

This policy applies to all employees, officers, and elected officials of the City of Prosser, unless otherwise addressed by a current collective bargaining agreement.

906.1 As a general rule, the City of Prosser's computer, email, Internet and technology capabilities may be used for City business only.

~~906.2—The Mayor and/or City Administrator, under the direction of the Mayor, will prepare an administrative policy to address the use, management, retention, and structure of the City's information technology systems. Computers, email, Internet, and other technology capabilities play a significant role in the City of Prosser's communications and daily operations. All employees are responsible for adhering to City standards when email and documents are created, forwarded, sent, or saved. The failure to do so can put both the City and the individual user at risk for legal liabilities, embarrassment and other setbacks. These policies are meant to make employees aware of the risks associated with using the computer, email, Internet, and other technology capabilities and to advise them on the City's philosophy regarding such use. No City of Prosser employee, officer, or elected official shall be authorized to use the City's computer, email, Internet, and other technology capabilities until he or she has signed a document indicating that the employee, officer, or elected official has read and agrees to be bound by the terms of the Computer, Email, Internet, and Technology Use Policy.~~

~~906.3—While this policy does restrict computer, email, Internet, and other technology uses to official business, very limited personal use (except unacceptable sites or uses as listed above) during breaks or before or after work hours is allowed as a way to encourage staff to become more proficient in using the computer, email, Internet, and other technology capabilities as well as to facilitate the timely and efficient conduct of City business. Limited personal use of the computer, email, Internet, and other technology capabilities is intended to accommodate the demands of daily living so long as the use is occasional and does not cost the City money or interfere with City work. City departments may enforce more restrictive policies on computer, email, Internet, and other technology uses as needed.~~

~~906.4—Unacceptable uses of the computer, email, Internet, and other technology capabilities include, but are not limited to, the following:~~

- ~~• Pornographic sites and access to pornographic materials; and~~
- ~~• Use of the computer, email, Internet, and other technology capabilities to harass employees, vendors, customers, and others; and~~
- ~~• Computer, email, Internet, and other technology uses for sports or games; and~~

**Comment [HMS5]:** This needs to provide more direction to the Mayor. Council can delegate, but the actual policy should be council driven. Such as: the Mayor is authorized to establish de minimus use policies for the personal use of city computers and so forth.

- ~~• Use of the computer, email, Internet, and other technology capabilities for partisan political purposes; and~~
- ~~• Unauthorized transfer of copyrighted material utilizing computer, email, Internet, and other technology capabilities; and~~
- ~~• Any Internet site that charges a fee (unless there has been prior written approval of justified City expense item by a supervisor); and~~
- ~~• Use of the computer, email, Internet, and other technology capabilities to access vendor sites to purchase personal items; and~~
- ~~• Use of the computer, email, Internet, and other technology capabilities for marketing of personal or private business.~~

~~906.5 It is the City of Prosser's policy that files are not to be downloaded from the Internet without express consent by the employee's Department Head. The possibility of downloading a file with a computer virus is great and care must be taken not to contaminate any computers in the City. Files downloaded from the Internet, or any other outside source, must be scanned by a virus checking software prior to being used on a City computer.~~

~~906.6 Most of the information available on the Internet is copyrighted. It is illegal to reproduce or distribute copyrighted information regardless of its source. It is the Department Head's responsibility to ensure that copyrighted information is not misused by the employees. Violation of copyright laws endanger the City and legal remedies include large fines. The email system is not to be used to send, receive, or download copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior approval.~~

~~906.7 Information maintained on City computers, in the City's email system, accessed utilizing the City's Internet connection, or utilizing other City technology is the property of the City of Prosser and may be public record under the Public Disclosure Act (RCW 42.56 as now codified or hereafter amended). The City may have a need to search individual computers, emails, and any other technological methods utilized for records that have been requested under the Public Disclosure Act. There are no rights to individual privacy when utilizing the City's technology systems. The City reserves the right to monitor in any way the activities of any employee accessing the City's technology systems. The City Clerk should be consulted before releasing or exempting documents from disclosure and in regards to retention requirements for specific records.~~

~~906.8 The computer, email, Internet, and other technology capabilities are not to be used to create, send or copy any offensive, harassing or disruptive messages or content to others. The City will review the appropriateness of any communication or content on the basis of how it would have been perceived and dealt with by a reasonable person had it been conducted by telephone, in person or on paper.~~

~~906.9 Confidential and sensitive information such as performance evaluations, disciplinary and/or corrective actions, attorney-client privileged information, matters of litigation, disputes that could result in litigation, personnel information, and health or medical information should not be communicated via electronic communications.~~

~~906.10 Communications, which would be inappropriate under other City policies, are equally unacceptable if delivered via electronic communications. These communications may include, but are not limited to, harassing or discriminatory comments, breach of confidentiality and insubordinate statements.~~

~~906.11 Computers, email, Internet, and other technology capabilities may not be used to sale or solicit anything for commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.~~

~~906.12 All employees are responsible for appropriate use of their computer, email, Internet, and other technology capabilities and for certain aspects of the management of records. It is the user's responsibility to:~~

- ~~• Respond promptly, professionally, and courteously to emails; and~~
- ~~• Protect electronic records and files from unauthorized release; and~~
- ~~• Remove personal and transitory messages from email boxes on a regular basis; and~~
- ~~• Know their audience since different users have varied levels of experience with technology applications; and~~
- ~~• take time to proofread correspondence because errors can be distracting and unprofessional; and~~
- ~~• Identify their title, name and the City in correspondence especially if acting on behalf of the City; and~~
- ~~• Avoid sending messages in anger since such situations are better handled in person or in another forum; and~~
- ~~• Avoid capital text since it is often interpreted as having extra emphasis, and may seem angry or harsh; and~~
- ~~• Avoid sending emails with information or attachments that should not become public knowledge.~~

~~906.13 The same consideration and care must be used in email correspondence regarding official actions or statements on behalf of the City that would be given in other forms of correspondence. Any email message that expresses an opinion that has not been authorized as the official position of the City on the subject must include a disclaimer that the opinion is not that of the City of Prosser but the employee's own personal opinion.~~

~~906.14 The Internet consists of a series of connected networks or servers transferring communications throughout the world. Confidential or sensitive communications over the Internet typically pass through several of these intersections before reaching the intended recipient. In addition, messages over the Internet may be subject to review by those maintaining or monitoring the system. Unless encrypted, such communications risk intentional or inadvertent interference at each of the intersections.~~

~~906.15 There may be occasions when emails are received that do not comply with this policy even though the recipient did not solicit the emails. No employee shall be subject to discipline for receiving such email provided the employee promptly replies by email to discourage the sender with the following or similar message to the sender:~~

~~*" You have sent me email at the City of Prosser which is not in compliance with City policies. Email sent to City of Prosser email must be for City business purposes only. I do not wish to receive email of the nature you sent at work. Please do not send me any additional material of this kind at a City of Prosser email address."*~~

~~906.16 The following uses and/or violations may be grounds for disciplinary action up to and including termination:~~

- ~~• Any abuse or misuse of the Internet or email function, including use in violation of state, federal, or local laws; or~~
- ~~• Any violation of the Computer, Email, Internet, and Technology Use Policy; or~~
- ~~• Any email messages sent or authored by a City employee containing derogatory remarks based on a person's race, creed, color, national origin, gender, disability, marital status, appearance, sexual orientation or age; or~~
- ~~• Any forgery or attempt to forge documents.~~

~~906.17 906.2 It is responsibility of the Department Head to enforce these policies, and to monitor and audit the use of email and Internet usage within each department.~~

~~906.18 906.3 An employee that believes he/she has been a victim of harassment should not delete the information he/she considers harassment. The employee must then submit his/her complain in writing in accordance with Policy 105, Harassment.~~

**POLICY 907: USE OF EQUIPMENT**

- 907.1 Employees shall not mishandle, misappropriate, or convert to their own use any property of the City of Prosser.
- 907.2 Employees shall not loan, sell, give away, or appropriate to their own use any public property, nor shall they pilfer or be guilty of theft of property.
- 907.3 No items of department property loaned for use to another agency shall be removed off the premises unless such loan is approved by the Department Head. A record shall be kept of all items loaned, to who loaned, and the dates of the loan and return. No loaning of equipment is allowed to a private citizen.
- 907.4 All employees are responsible for the proper care and safekeeping of all City property.

**POLICY 908: BULLETIN BOARDS**

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

**POLICY 909: 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.

**~~POLICY 910: — 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.~~

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**POLICY 9104: DRIVER'S LICENSE REQUIREMENTS**

9104.1 As part of the requirements for certain City positions, an employee may be required to have a valid Washington State Driver's License or Commercial Driver's License.

9104.2 If an employee's license is revoked, suspended or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her Department 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.

9104.3 If an employee is not able to perform assigned duties without a license, he/she shall be suspended without pay until he/she obtains a valid Washington State Driver's License. Depending on the duration of the license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action up to and including termination.

9104.5 A driving record abstract is required every thirty-six (36) months annually by all drivers who drive City vehicles and by employees operating personal vehicles for business travel ~~no later than December 31<sup>st</sup> of each year~~. The City of Prosser will reimburse employees for the cost of the driving record abstract upon submittal of a receipt and the correct 35-year driving record abstract. Reimbursement does not apply to newly hired employees that must submit an abstract prior to beginning employment. Employees with unsatisfactory driving record abstracts as shown in Police 302.11 may not be allowed to travel on City business or if it is a requirement of their job may be terminated.

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**POLICY 9112: SAFETY**

9112.1 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.

9112.2 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 in accordance with the City's policies. The City will make every effort to remedy problems as quickly as possible.

9112.3 In case of an accident involving a personal injury, employees shall immediately notify his/her Department Head and report the accident in accordance with the City's policies.

**POLICY 9123: DRUG AND ALCOHOL FREE WORKPLACE**

Employees are required to report to work and any City function drug and alcohol free unless prescription drugs have been prescribed by a physician.

**POLICY 9134: COMPLAINT PROCEDURES**

9134.1 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:

9134.1.1 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.

9134.1.2 Step 1: An employee should first try to resolve any problem or complaint with his/her immediate supervisor.

9134.1.3 Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee shall file a written complaint with his/her Department Head, the City Administrator under the direction of the Mayor, or the Finance Director. 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.

9134.1.4 Step 3: The person receiving the complaint will 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. If the employee is not satisfied with the response, the employee may submit the issue, in writing, to the next higher level of authority. The written complaint must contain, at a minimum, the following:

9134.1.4.1 A description of the problem;

9134.1.4.2 A specific policy or procedure, which the employee believes has been violated or misapplied;

| 9134.1.4.3 The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and,

| 9134.1.4.4 The remedy sought by the employee to resolve the complaint.

| 9134.2 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.

| 9134.3 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 response and decision by the Mayor or City Administrator under the direction of the Mayor shall be final.

**POLICY 9145: ENROLLMENT IN SERVICE ORGANIZATIONS**

9145.1 Employees, subject to Department Head approval and budgetary constraints, are encouraged to contribute to the community by enrolling in and becoming volunteers for service organizations. Service organizations are generally nonprofit community organizations or community organizations that benefit the poor or infirm. Volunteering shall not conflict 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:

9145.1.1 prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods; or

9145.1.2 is conducted during the employee's work hours; or

9145.1.3 utilizes City telephones, computers, supplies, or any other resource, facilities or equipment unless an exception has been made by the Mayor or City Administrator under the direction of the Mayor; or

9145.1.4 may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

9145.2 In most cases, an employee volunteering his/her time to service organizations will not cause the City to incur any additional costs beyond the payment of enrollment fees as authorized by Policy 9145.3 unless such additional costs have been reviewed and approved by the Mayor or City Administrator under the direction of the Mayor.

9145.3 A City employee may request the City pay for enrollment fees to belong to service organizations benefitting the community. Such request must be approved by the Mayor or City Administrator under the direction of the Mayor.

**POLICY 1001: LAY OFF**

1001.1 The Department Head, Mayor, or City Administrator under the direction of the Mayor may lay off employees for lack of work, budgetary restrictions or other changes that have taken place.

1002.1 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.

1003.1 Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified.

**POLICY 1002: RESIGNATION**

1002.1 Employees should provide two (2) weeks written notice of resignation. This time limit may be waived by the Mayor or the City Administrator under the direction of the Mayor. However, Policy 407 still applies to compensation.

1002.2 Before receiving their final paycheck, departing employees should be interviewed by the Mayor, the City Administrator under the direction of the Mayor, or his/her designee to determine the reason(s) for resignation, and when desirable, attempt to retain employees.