

City of Prosser
CITY COUNCIL
WORK SESSION MEETING AGENDA
Council Chambers, 601 7th Street, Prosser WA 99350
Tuesday, March 3, 2015 at 7:00 P.M.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **MAYOR AND CITY COUNCIL REPORTS AND COMMENTS**
 - a) **Confirmation and Oath of Office – Police Officer Scott Orate**
 - b) **Chamber of Commerce Quarterly Report** (*Humberto Rodriguez, Executive Director*)
 - c) **Boys & Girls Club Youth of the Year Presentation and Quarterly Report**
(*Dena Lodahl, Executive Director*)
5. **COUNCIL DISCUSSION**
 - a) **Amplified Sound at City Park**
 - b) **Crime Free Rental Housing.....Page 2**
 - c) **Personnel Policy Manual Amendment.....Page 22**
6. **ADJOURNMENT**

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Discuss Prosser Municipal Code Chapter 15.30 and Fees Associated with such Chapter.		Meeting Date: March 3, 2015 Work Session	
Department: Administration/ Building	Director: Mayor Paul Warden/ Barry Morrow	Contact Person: Mayor Paul Warden/ Barry Morrow	Phone Number: (509) 786-2332
Cost of Proposal: N/A		Account Number: N/A	
Amount Budgeted: \$0		Name and Fund# N/A	
Reviewed by Finance Department: <i>R Manno</i>			
Attachments to Agenda Packet Item: <ol style="list-style-type: none"> 1. Proposed Changes to Chapter 15.30 2. Resolution showing proposed updated fees for rental licenses and inspections. 3. Rental Program Fee Analysis 4. RCW 59.18.125 5. Copy of the Agenda Bill from May 25, 2010 (without attachments). 			
Summary Statement: <p>In 2010, the City was considering a number of options to handle the growing problem of substandard rental housing in the City. Many disadvantaged residents lacked the bargaining power and financial resources to seek remedies for violations of the Landlord Tenant Act. Although most landlords take pride in their businesses and provide safe and comfortable housing options to their tenants, there are those who have and will take advantage of people who lack the ability to protect themselves. The City found a number of instances where the tenants, including small children, were living in extremely dangerous conditions. On May 25, 2010, in response to the enactment of RCW 59.18.125 (see more information below), the City enacted the rental license ordinance as placeholder so that the City could have a more proactive ordinance than would be allowed by RCW 59.18.125.</p> <p>The proposed changes to Chapter 15.30 PMC on attachment 1 are as follows:</p> <ul style="list-style-type: none"> • Must provide an inspection certificate within 45 days from the date of application instead of obtaining one during a floating two-year period. • Initial or first year license would increase from \$30 to \$50 for the first year. • Must still renew rental license each year (this is required by Washington Statute) However after the first year the renewal would go down from \$50 per year to \$10 per year. 			

- Inspection certificates only have to be provided to the city once every five years instead of every other year.

If after the second inspection after 5 years proves satisfactory and no code violations or complaints have been lodged, the property would be exempt from inspection, unless there is cause to do so.

The proposed fee changes are shown on attachment number 2 in redline format.

RCW 59.18.125 may provide the Council with additional changes that could be included in Chapter 15.30 PMC. Currently the city does not have to comply with this RCW because its rental license ordinance was enacted before June 10, 2010 (see subsection 11 of the Statute). Council can, however, elect to be bound by the Statute and amend Chapter 15.30 to be consistent with it. Once amended, the City would then have to comply with RCW 59.18.125 and it could not go back to the terms of the current more restrictive ordinance. The changes pursuant to the Statute can be summarized as follows:

- May only require a certificate of inspection on a rental property once every three years.
- A rental property that has received a certificate of occupancy within the last four years and has had no code violations reported on the property during that period is exempt from inspection. (Pertains to new construction, makes sense)
- A rental property inspected by a government agency or other qualified inspector within the previous twenty-four months may provide proof of that inspection which the local municipality may accept in lieu of a certificate of inspection.
- If a rental property has twenty or fewer dwelling units, no more than four dwelling units at the rental property may be selected by the local municipality to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.
- If a rental property has twenty-one or more units, no more than twenty percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of fifty units at any one property, may be selected by the local municipality to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.
- If a rental property is asked to provide a certificate of inspection for a sample of units on the property and a selected unit fails the initial inspection, the local municipality may require up to one hundred percent of the units on the rental property to provide a certificate of inspection.
- If a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection, the local municipality may require one hundred percent of the units on the rental property to provide a certificate of inspection.
- If a rental property owner chooses to hire a qualified inspector other than a municipal housing code enforcement officer, and a selected unit of the rental property fails the initial inspection, both the results of the initial inspection and any certificate of inspection must be provided to the local municipality.

As a reminder, Prosser's rental housing ordinance is nearly identical to the Pasco ordinance that was upheld by the Washington Supreme Court.

<u>Consistent with or Comparison to:</u>		
N/A		
<u>Recommended City Council Action/Suggested Motion:</u>		
Discuss potential changes to Chapter 15.30 PMC and fees related to the Chapter and provide staff with direction regarding such changes.		
<u>Reviewed by Department Director:</u>	<u>Reviewed by City Attorney:</u>	<u>Approved by Mayor:</u>
 Date: 2/27/15	 Date: 2/27/15	 Date: 2-27-15
<u>Today's Date:</u>	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>
February 25, 2015		

Chapter 15.30

RENTAL LICENSES

Sections:

- 15.30.010 Definitions.
- 15.30.020 License required.
- 15.30.030 Adoption of Uniform Housing Code.
- 15.30.040 Inspection required.
- 15.30.045 Crime-free rental housing program.
- 15.30.050 Rental license fee.
- 15.30.060 Exemptions.
- 15.30.070 Violations.
- 15.30.080 Procedures for revocation of business license.
- 15.30.990 Severability.

15.30.010 Definitions.

- A. "Person" means any individual, firm, partnership, limited liability company, corporation, association, receiver, assignee, trustee in bankruptcy, trust, estate, joint venture, club, joint stock company, business trust, society, or any group of individuals acting as a unit.
- B. "Residential dwelling unit" means any structure or part of a structure which is used as a home, residence or sleeping place by one, two, or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings and mobile homes.
- C. "Criminal activity" means a criminal act defined by statute or ordinance that threatens the health, safety, or welfare of the tenants, owner, guests, occupants, or property manager. (Ord. 2888 § 1, 2014; Ord. 2692 § 2, 2010).

15.30.020 License required.

- A. Beginning July 1, 2012, no person shall make available for rent, or rent, lease, or let, to the public any residential dwelling unit without securing and maintaining a current rental license as required by this chapter.
- B. Beginning July 1, 2012, any person who makes available for rent, or rents, leases, or lets, to the public any residential dwelling unit shall secure a rental license for each residential dwelling unit including the following:
1. The applicant for a business license shall provide a certification warranting that each such residential dwelling unit complies with the Uniform Housing Code as adopted by the city and does not present conditions that endanger or impair the health or safety of the tenants.
 2. If participation in the Prosser crime-free rental housing program is required by Section 15.30.045, the applicant for business license shall provide a certificate from the city's chief of police warranting that the owner is participating in such program.
- C. Issuance of the license shall be contingent upon compliance with this chapter, submission of the certification of inspection required by this chapter, submission of the certification of the chief of police that the owner is participating in the Prosser crime-free housing program, if required by this chapter, and payment of the fee as provided for in this chapter.
- D. The provisions of this chapter shall prevail over any inconsistent provision in Title 5.
- E. The city administrator, or his or her designee, under the direction of the mayor, is authorized to adopt, publish and enforce rules and regulations consistent with this chapter for the purpose of carrying out the provisions of this chapter, including, but not limited to, the adoption of application forms.
- F. Licenses shall be valid for one year from the date they are issued. (Ord. 2785 § 1, 2012; Ord. 2776 § 1, 2012; Ord. 2756 § 1, 2011; Ord. 2692 § 3, 2010).

15.30.030 Adoption of Uniform Housing Code.

There is adopted and by this reference made a part of this chapter as though fully set forth herein at length that certain code, known as the Uniform Housing Code. (Ord. 2692 § 4, 2010).

15.30.040 Inspection required.

A. As a condition for the issuance of a rental license provided by this chapter, the applicant shall provide a certificate of inspection that all of the applicant's residential dwelling units covered by the license comply with the standards of the Uniform Housing Code, and do not present conditions that endanger or impair the health or safety of a tenant including:

1. Structural members that are insufficient in size or strength to carry imposed loads with safety;
2. Exposure of the occupants to the weather;
3. Plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury;
4. Lack of water, including hot water;
5. Heating or ventilation systems that are not functional or are hazardous;
6. Defective, hazardous, or missing electrical wiring or electrical service;
7. Defective or inadequate exits that increase the risk of injury to occupants;
8. Violations that increase the risks of fire; or
9. Violations of other applicable codes, rules or regulations.

B. Timing of Inspection. To facilitate the availability of an inspection by each applicant, at the time of application, an inspection renewal period shall be established upon which the applicant shall submit its initial certificate of inspection within 3045 days from the date of application and the corresponding renewal date of the certificate of inspection ~~two five years thereafter. The renewal periods shall be divided into calendar quarters over a two year period and assigned to the applicant at the time of licensing on a rotational basis. The first calendar quarter shall commence on the first date of January, terminating on the last day of March; the second calendar quarter shall commence on the first day of April and terminate on the last day of June; the third calendar quarter shall commence on the first day of July and terminate on the last day of September; and the fourth calendar quarter shall commence on the first day of October and terminate on the last day of December, with one half of which shall be scheduled in years ending with an even digit and the remaining half being scheduled in years ending with an odd digit.~~ Certificates of inspection shall be submitted no later than the last day established above of the applicant's assigned calendar quarter.

~~During the first two years of the implementation of this ordinance, the applicant shall be granted a provisional rental license pending the timely submission of its initial certificate of inspection.~~

C. Inspectors. The applicant shall submit a certificate of inspection based upon the physical inspection of the dwelling units conducted not more than ninety days prior to the date of the certificate of inspection and compliance certified by one of the following:

1. A city of Prosser code enforcement officer or building official;
2. Inspectors certified by the United States Department of Housing and Urban Development for grant-required inspections;
3. Certified private inspectors approved by the city upon evidence of completion of formal training including the passing of an examination administered by the National Association of Housing and Redevelopment Officials (NAHRO), the American Association of Code Enforcement (AACE) or other comparable professional association as approved by the city administrator or his or her designee, which approval or denial shall be subject to appeal to the city council;

- 4. A Washington licensed structural engineer;
- 5. A Washington licensed architect.

All inspection certifications shall be submitted on forms provided by the city or approved by the United States Department of Housing and Urban Development.

In the event that the applicant has a Prosser code enforcement officer or the building official inspect the residential dwelling unit, then the applicant shall pay an inspection fee in the amount as provided for in the city's fee schedule adopted by resolution or ordinance of the city council.

D. Other Inspections. Nothing herein shall preclude such additional inspections as may be conducted pursuant to the tenant remedy provided by RCW 59.18.0115 of the Residential Landlord-Tenant Act at the request or consent of a tenant, or issued pursuant to a warrant. (Ord. 2692 § 5, 2010).

15.30.045 Crime-free rental housing program.

A. The city of Prosser implements the Prosser crime-free rental housing program. Unless required by this chapter, participation in the Prosser crime-free rental housing program is voluntary. The city has established and will continue, through the city's police department, a crime-free rental housing program that will be an active coalition of property owners, managers, residents and law enforcement with the goal of reducing crime and improving the quality of life for residents of rental housing. The crime-free rental housing program shall consist of the following:

- 1. Workshop. Property owners, or their agent, manager and/or leasing staff will receive workshop training that will include training on rental applications, rental agreements, tenant screening, evictions, Section 8 housing, working with the police, criminal activity identification, drug use in rental properties, gang activity identification and crime prevention through environmental design (CPTED).
- 2. Public Records. The city police department will provide or make available for review, without cost and upon request, public records of activities occurring on rental property and of activities involving rental applicants and other occupants to property owners, managers and leasing staff of the affected property.
- 3. Certification that the owner/licensee requires execution of a crime-free lease/rental agreement addendum, substantially in the form below:

CRIME-FREE LEASE/RENTAL AGREEMENT ADDENDUM

Crime-Free Rental Housing Program

Rental property Name or Owner Name:

Full Rental Unit Address:

In consideration of the agreement for or execution or renewal of a lease/rental agreement of the dwelling unit identified in this addendum, Owner and Resident agree as follows:

- 1. Neither resident, nor any member of the resident's household, nor a guest, nor other person under the resident's control shall engage in criminal activity, including but not limited to drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, or use; or possession with intent to manufacture, sell, distribute or use a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 U.S.C. Section 8021)).

2. Neither resident, nor any member of the resident's household, nor a guest, nor other person under the resident's control shall engage in any act intended to facilitate criminal activity, including but not limited to drug-related criminal activity, on or near the said premises.

3. Neither resident, nor any member of the resident's household, nor a guest, nor any other person under the resident's control shall permit the dwelling unit to be used for or to facilitate criminal activity including but not limited to drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household or a guest.

4. Neither resident, nor any member of the resident's household, nor a guest, nor any other person under the resident's control shall engage in the unlawful manufacturing, selling, using, storing, keeping or giving of a controlled substance as defined in RCW 69.41, 69.43, 69.50, 69.52, 69.55 on or near the dwelling unit premises.

5. Neither resident, nor any member of the resident's household, nor a guest, nor any other person under the resident's control shall engage in any criminal activity on or near the said premises, including but not limited to the following:

- a. prostitution as defined in RCW 9A.88;
- b. criminal street gang activity as defined in RCW 9.94A;
- c. any criminal street gang activity whether on or near the dwelling unit premises or otherwise, that cause the residence or neighboring residence(s) to be targeted by rival gang members;
- d. threatening or intimidating as prohibited in RCW 9A.46;
- e. assault as prohibited in RCW 9A.36 and 9A.44, including but not limited to the unlawful discharge of firearms on or near the dwelling unit premises; or
- f. any breach of the lease/rental agreement that jeopardizes the health, safety and welfare of the landlord, landlord's agent or other tenants, or involving imminent serious property damage, as defined in RCW 9A.48, including but not limited to:
 - i. any theft as prohibited in RCW 9A.56;
 - ii. any burglary or car prowling as prohibited in RCW 9A.52;
 - iii. unlawful restraint of another as prohibited in RCW 9A.40; or
 - iv. engaging in any nuisance in violation of Chapter 8.26 of the Prosser Municipal Code.

6. FAILURE OF ANY RESIDENT, ANY MEMBER OF THE RESIDENT'S HOUSEHOLD, ANY GUEST, OR ANY OTHER PERSON UNDER THE RESIDENT'S CONTROL TO COMPLY WITH THE ABOVE PROVISIONS SHALL BE A MATERIAL NONCOMPLIANCE WITH THE LEASE/RENTAL AGREEMENT AND SHALL ENTITLE THE LANDLORD TO GIVE NOTICE TO COMPLY OR QUIT (IF REQUIRED BY LAW) AND TO PURSUE ALL REMEDIES AVAILABLE TO THE LANDLORD UNDER THE RESIDENTIAL LANDLORD-TENANT ACT OF 1973 (REVISED CODE OF WASHINGTON CHAPTER 59.18), AND ALL OTHER REMEDIES OTHERWISE PROVIDED BY LAW TO TERMINATE THE TENANCY AND EVICT THE RESIDENTS.

7. Unless otherwise required by law, proof of criminal activity shall not require criminal conviction, but shall be by a preponderance of the evidence.

8. Landlord, or his/her agent, upon notification in writing by Prosser Police, of any failure of a resident, any member of the resident's household, or a guest, or any other person under the resident's control, to comply with any provision of this addendum, will within thirty days of

receipt of such notice, serve notice on the residents to comply or quit (if required by law) and pursue all remedies against the residents available to the landlord under the Residential Landlord-Tenant Act of 1973, and all other remedies provided by law to terminate the tenancy and evict the residents.

9. In case of conflict between the provisions of this addendum and any other provisions of the lease/rental agreement, the provisions of the addendum shall govern; provided that in the event any provision of this addendum is prohibited by the Residential Landlord-Tenant Act of 1973, such prohibited provision shall be of no force or effect.

10. This LEASE/RENTAL AGREEMENT ADDENDUM is incorporated into the lease/rental agreement agreed upon, executed or renewed this date between Owner and Resident.

Resident's Signature:

Date: _____

Owner/Property Manager's Signature:

Date: _____

4. Pursuit of remedies for failure to comply with the crime-free lease/rental agreement addendum.

B. Each owner/licensee participating in the Prosser crime-free rental housing program, or the owner's/licensee's designee who actively manages the rental housing facility, will attend and complete, at least every two years, the city police department's crime-free rental housing workshop or shall provide evidence, satisfactory to the police chief, of successful completion of an equivalent program.

C. Upon successful completion of the crime-free rental housing workshop, the owner/licensee or designee shall receive a "certificate of completion" from the city police department attesting that the owner/licensee or designee has successfully completed the crime-free rental housing workshop.

D. Each owner/licensee participating in the Prosser crime-free rental housing program must provide proof of attendance at the workshop within six months of application for licensing or with any change in management responsibility of a rental property.

E. Each owner/licensee participating in the Prosser crime-free rental housing program shall require the execution of a crime-free lease/rental agreement addendum that applies to any and all residential rental/lease agreements of the owner/licensee as follows:

1. In the absence of a rental/lease agreement, the owner/licensee must require execution of a crime-free lease/rental agreement addendum within two months of the execution of the agreement to participate in the Prosser crime-free rental housing program.

2. If the existing rental/lease agreement is month to month, the owner/licensee must require execution of a crime-free lease/rental agreement addendum within two months of the execution of the agreement to participate in the Prosser crime-free rental housing program.

3. If a written residential rental/lease agreement for a specific term is in effect on the date of execution of the agreement to participate in the Prosser crime-free rental housing program, the owner/licensee must require execution of a crime-free lease/rental agreement addendum upon renewal or continuation not specifically provided for in such rental/lease agreement.

4. The owner/licensee shall require execution of a crime-free lease/rental agreement addendum in all written residential rental/lease agreements for a specific term executed after the execution of the agreement to participate in the Prosser crime-free rental housing program.

F. An owner/licensee participating in the Prosser crime-free rental housing program, or his/her agent, upon notification in writing by the Prosser police of any failure of a resident, any member of the resident's household, or a guest or any other person under the resident's control, to comply with the crime-free lease/rental agreement addendum will, within thirty calendar days of receipt of such notice, serve notice on the residents to comply or quit (if required by law) and pursue all remedies against the residents available to the owner/licensee under the Residential Landlord-Tenant Act of 1973, and all other remedies provided by law to terminate the tenancy and evict the residents. Such notice to the owner/licensee shall set forth the following:

1. The date and location of the noncompliance;
2. The nature of the noncompliance; and
3. The name of the person or persons engaged in the noncompliance.

4. Such notice shall also include copies of any public records of activities of noncompliance on or about the owner/licensee's property occupied by the residents. An owner/licensee may dispute the notice of noncompliance from the police department by requesting a hearing before the Prosser police chief or his designee within thirty calendar days of delivery of the notice. Such hearing shall be held within thirty calendar days of the request for a hearing. At the hearing, the police department shall present any and all public records of activities and testimony in support of the notice of noncompliance, and the owner/licensee shall have the opportunity to present testimony and evidence. The burden of proof at the hearing shall be on the city to prove that, more likely than not, there was an adequate factual basis to issue the notice of noncompliance. Within ten business days of such hearing, the chief of police, or his designee, shall issue a decision whether to confirm or withdraw the notice of noncompliance. If the notice of noncompliance is confirmed, the owner/licensee shall take action as required by this subsection. The failure of an owner/licensee to take such action within thirty calendar days of such confirmed notice shall be a violation of this chapter and shall be grounds for revocation of the owner's/licensee's residential rental housing license pursuant to the provisions of this chapter. An owner/licensee or tenant aggrieved by any decision of the chief of police or his designee may seek review within thirty calendar days of such decision by the Benton County superior court.

G. The city through its police department shall require an owner/licensee to participate in the Prosser crime-free rental housing program as provided herein, upon an owner/licensee receiving two or more notices of instances of criminal activity on the premises of one or more residential dwelling units for which the owner/licensee holds a license unless the owner/licensee can demonstrate to the police department that he has made a good faith effort to deter the criminal activity. A good faith effort may include, but is not limited to:

1. Service of notice on the tenant at such premises to comply or quit as allowed by law or the commencement of an unlawful detainer action against the tenant in occupancy; and
2. Attendance and completion of the police department's crime-free rental housing workshop or successful completion of an equivalent program as approved by the city's chief of police.

H. Notice of Criminal Activity. Upon the occurrence of criminal activity on the premises of a residential dwelling unit for which an owner/licensee holds a license, the city police department shall deliver a notice to such owner/licensee setting forth the following:

1. Date and location of the occurrence;
2. The nature of the occurrence;
3. The name of the person or persons who engaged in the occurrence.
4. Such notice shall also include copies of any public records of any such criminal activity. An owner/licensee may dispute the notice of criminal activity from the police department by requesting a hearing before the Prosser

police chief, or his designee, within thirty calendar days of delivery of the notice. Such hearing shall be held within thirty calendar days of the request for a hearing. At the hearing, the police department shall present any and all public records of activities and testimony in support of the notice, and the owner/licensee shall have the opportunity to present testimony and evidence. The burden of proof at the hearing shall be on the city to prove that, more likely than not, there was an adequate factual basis to issue the notice of criminal activity. Within ten business days of such hearing, the chief of police or his designee shall issue a decision whether to confirm or withdraw the notice. An owner/licensee or tenant aggrieved by any decision of the chief of police or his designee may seek review within thirty calendar days of such decision by the Benton County superior court.

I. Notice of Requirement to Participate in Prosser Crime-Free Rental Housing Program. Upon giving two or more notices of an instance of criminal activity to an owner/licensee, the police department shall also issue a notice to such owner/licensee of the requirement that the owner/licensee participate in the Prosser crime-free rental housing program. An owner/licensee may dispute the notice and requirement to participate in the Prosser crime-free rental housing program by requesting a hearing before the Prosser police chief or his designee within thirty calendar days of delivery of the notice. Such hearing shall be held within thirty calendar days of the request for a hearing. At the hearing, the police department shall present any and all public records of activities and testimony in support of the notice, and the owner/licensee shall have the opportunity to present testimony and evidence. The burden of proof at the hearing shall be on the city to prove that, more likely than not, there was an adequate factual basis to issue the notice of requirement to participate in the Prosser crime-free rental housing program. Within ten business days of such hearing, the chief of police or his designee shall issue a decision whether to confirm or withdraw the notice. An owner/licensee or tenant aggrieved by any decision of the chief of police or his designee may seek review within thirty calendar days of such decision by the Benton County superior court. Unless the notice is withdrawn or reversed by the Benton County superior court, the failure of an owner/licensee to participate in the Prosser crime-free rental housing program within thirty calendar days of receipt of the notice of required participation shall be a violation of this chapter and shall be grounds for revocation of the owner's/licensee's residential rental housing license pursuant to the provisions of this chapter. Once revoked, the owner/licensee may reapply for a residential rental housing license. Issuance of a residential rental housing license to such owner/licensee shall be conditioned upon the owner/licensee participating in the Prosser crime-free rental housing program. Revocation of a residential rental housing license shall not affect or impair the rights or obligations of an owner/licensee under any written residential rental/lease agreement for a specific term in effect on the date of such revocation. (Ord. 2785 § 2, 2012).

15.30.050 Rental license fee.

A. There is levied upon and shall be collected from every person who makes available for rent, or rents, leases, or lets, to the public any residential dwelling unit an annual rental license fee for the privilege of making available for rent, or renting, leasing, or letting, to the public any residential dwelling unit within the city limits of the city of Prosser, in the amount as provided for in the city's fee schedule adopted by resolution or ordinance of the city council.

B. Dedicated Revenue. The revenue generated from residential rental housing license fees shall be dedicated to the prevention of criminal activity related to rental housing in the city, costs associated with the administration of this chapter, costs of inspections by the city, and periodic auditing and collection to assure accurate participation in the payment of the residential rental housing license fees. (Ord. 2785 § 3, 2012; Ord. 2692 § 6, 2010).

15.30.060 Exemptions.

The provision of this chapter shall not apply to the following:

- A. Any religious organization or church or other religious assemblage.
- B. Any person who is exempt from paying the registration fee by the laws of the United States of America or by the state of Washington.
- C. The city of Prosser, and any municipal corporation or political subdivision of the United States of America or the state of Washington.

D. Residential dwelling units that have two consecutive inspections showing compliance with this Chapter, shall be exempt from further inspections for ten years unless the City has reasonable cause to believe that such residential

dwelling unit violates this chapter. Reasonable cause shall include, but not be limited to, a complaint from a tenant or other person that the residential dwelling unit does not comply with the terms of this Chapter.

(Ord. 2692 § 7, 2010).

15.30.070 Violations.

A. Any person violating any of the provisions or failing to comply with any of the requirements of this chapter shall commit a Class 1 civil infraction in the amount of two hundred fifty dollars plus state assessments to be issued in accordance with the provision of Chapter 1.40. Each such person commits a separate code infraction for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, or permitted by such person and shall be punished as aforesaid. The city shall not be required to attempt voluntary compliance before issuing a citation under Chapter 1.40.

B. Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, shall, in addition to the penalties provided in subsection A of this section, be guilty of a gross misdemeanor and shall be punished by a fine of not more than five thousand dollars or by imprisonment for a period of not more than three hundred sixty-four days, or both such fine and imprisonment, for each separate offense for each and every day during any portion of which any violation of this subsection shall be committed.

C. In addition to the penalties provided above, any violation of this chapter may result in the revocation of the rental licenses provided in this title. Any violation of this chapter including the determination by the city, after an inspection of the dwelling unit, that a condition exists which substantially endangers or impairs the health or safety of a tenant may, in addition to the penalties provided above, result in the issuance of a Class 1 civil infraction in the amount of two hundred fifty dollars plus state assessments and be subject to the penalties as imposed under the provisions of this code. (Ord. 2785 § 4, 2012; Ord. 2692 § 8, 2010).

15.30.080 Procedures for revocation of business license.

A. The city administrator, or his or her designee, may revoke any license or permit issued under this title after it has been issued, when any one or more of the following grounds are found to exist:

1. Illegal issuance of the permit or license.
2. Issuance of the permit or license without authority or power.
3. Issuance in violation of an ordinance.
4. When the business license or permit was procured by fraud or false representation of facts.
5. When issued through mistake or inadvertence.
6. When the license or permit application contains false or misleading statements, evasions or suppression of material facts.

B. Other grounds for revocation in addition to those stated in subsection A of this section are as follows:

1. Substantial violations of the terms and conditions on which a license or permit is issued.
2. Violation of ordinances or laws authorizing or regulating the license or permit, or regulating the business activity or purpose for which the license or permit is issued.
3. Conviction of infractions of or offenses under such an ordinance or law.
4. Wrongful behavior of a substantial character and of a public concern in relation to the licensed activity.
5. When reasonably necessary in the interests of protection of the public health, safety, peace or welfare.

C. Before any such license or permit shall be canceled or revoked, the holder of such license or permit shall be given thirty days' notice of a hearing to be held by the city administrator, or his/her designee, at which time the holder of such license or permit must show cause why such license or permit should not be revoked. The notice to be given to the holder of such license or permit must state the grounds and the reasons for the forfeiture, cancellation and/or revocation, and must also state the date on which the hearing is set. Provided, however, the city administrator, or his/her designee, may immediately revoke the license or permit of any business or activity for any of the grounds set forth in subsection A of this section, when any such license or permit has been issued for a period of less than seventy-two hours, and any such determination by the city administrator, or his/her designee, shall be deemed conclusive unless the holder of the license or permit appeals to the Benton County superior court within thirty days of the notice of revocation. Pending any such appeal to the Benton County superior court, the license or permit shall remain revoked. (Ord. 2785 § 5, 2012).

15.30.990 Severability.

If any section, subsection, sentence, clause, paragraph, phrase, or word of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, paragraph, phrase or word of this chapter. (Ord. 2692 § 9, 2010).

[S:\ORD\Rental License Changes 2015.docx](#)~~S:\ORD\Rental License Changes 2015.rtf~~

CITY OF PROSSER, WASHINGTON
RESOLUTION NO. 15-

**A RESOLUTION OF THE PROSSER, WASHINGTON CITY COUNCIL TO
ESTABLISH FEES FOR RENTAL LICENSES AND INSPECTIONS
PURSUANT TO THE AUTHORITY OF PMC CHAPTER 15.30.**

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WHEREAS, the City Council of the City of Prosser has determined that it is in the best interest of the City of Prosser to move toward providing a single, efficient, and convenient listing of all fees and charges for permits, licenses, services, applications and filing fees; and

WHEREAS, such a listing will better facilitate the updating and uniform review of all such fees and charges, and

WHEREAS, the City Council has provided for rental license fees and inspections fees to be set by Resolution, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PROSSER, WASHINGTON THAT THE FOLLOWING FEES AND CHARGES ARE ESTABLISHED FOR RENTAL LICENSES AND RENTAL INSPECTIONS AS PROVIDED FOR IN PROSSER MUNICIPAL CODE CHAPTER 15.30:

LICENSE FEE: For new rental licenses ~~\$30.00~~\$50.00 for the first rental unit owned by a person, as defined under PMC Chapter 15.30, and \$5.00 for each additional rental unit owned by such person (this applies even if all rental units are not at the same location).

RENEWAL OF LICENSE: \$10.00 for the first rental unit owned by a person, as defined under PMC Chapter 15.30 and \$5.00 for each additional rental unit owned by such person (this applies even if all rental units are not at the same location).

INSPECTION FEE: \$35.00 for each rental unit that is inspected (this applies even if there are multiple units to be inspected at one location, for example if an apartment building has 10 rental units and the City inspect each of them, then the fee would be \$350.00).

BE IT FURTHER RESOLVED THAT THE CITY CLERK SHALL ADD THE ABOVE FEES TO THE CITY'S EXISTING FEE SCHEDULE.

BE IT FURTHER RESOLVED THAT THE FEES ESTABLISHED IN THIS RESOLUTION REPLACE THE FEES ESTABLISHED BY RESOLUTION NUMBER 12-1395.

ADOPTED by the City Council of the City of Prosser and **APPROVED** by the Mayor of the City of Prosser this ____ day of _____, 20152.

MAYOR PAUL WARDEN

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ATTEST/AUTHENTICATED:

RACHEL SHAW, CITY CLERK

APPROVED AS TO FORM:

HOWARD SAXTON, CITY ATTORNEY

Rental Housing Licensing and Inspection Fee Analysis

Landlord Y, Owns 5 rental units, Fees over 4 years

	# of Units	Inspection Fees 4 Years	License fees 4 Years	Cost over 4 years	Per unit monthly cost based on 4 year cost (48 mo)
Current Program	5	5 units x \$35 = \$175 x 2 (every 2 years) = \$350	\$30 for first unit plus \$5 each per four additional unit = \$50/yr x 4yrs=\$200	Inspection \$350 + License \$200 = \$550	\$550 ÷ 48 = \$11.46 ÷ 5 units = \$2.29 per month per unit.
Proposed Program	5	5 units x \$35 = \$175 (one inspection every 5 years)	1 st Unit \$50 for first year then \$10 each year after. Each additional unit = \$10 per year 5 units = \$90 (1st year) 5 units = \$50 (each year after)	Inspection \$175 + License \$90 (year 1) License \$50 (year 2) License \$50 (year 3) License \$50 (year 4) <hr/> = \$240 Total = \$415.00	\$415 ÷ 48 = \$8.65 ÷ 5 units = \$1.73 per month per unit

Landlord Z, Owns 1 rental unit, Fees over 4 years

	# of Units	Inspection Fees 4 Years	License fees 4 Years	Cost over 4 years	One unit monthly cost based on 4 year cost (48 mo)
Current Program	1	1 unit x \$35 x 2 = \$70 (there will be 2 inspections required in 4 year period)	1 unit \$30 each year for four years \$30/yr x 4yrs=\$120	Inspection \$70 + <u>License \$120</u> Total \$190	\$190 ÷ 48 = \$3.96 per month.
Proposed Program	1	1 units x \$35 = \$35 (Since only one inspection is required every 5 years)	1 unit \$50 for first year then \$10 each year after. \$50 + (3 x \$10) = \$80	Inspection \$35 <u>License \$80</u> Total \$115	\$115 ÷ 48 = \$2.39 per month.

RCW 59.18.125

Inspections by local municipalities — Frequency — Number of rental properties inspected — Notice — Appeals — Penalties.

(1) Local municipalities may require that landlords provide a certificate of inspection as a business license condition. A local municipality does not need to have a business license or registration program in order to require that landlords provide a certificate of inspection. A certificate of inspection does not preclude or limit inspections conducted pursuant to the tenant remedy as provided for in RCW 59.18.115, at the request or consent of the tenant, or pursuant to a warrant.

(2) A qualified inspector who is conducting an inspection under this section may only investigate a rental property as needed to provide a certificate of inspection.

(3) A local municipality may only require a certificate of inspection on a rental property once every three years.

(4)(a) A rental property that has received a certificate of occupancy within the last four years and has had no code violations reported on the property during that period is exempt from inspection under this section.

(b) A rental property inspected by a government agency or other qualified inspector within the previous twenty-four months may provide proof of that inspection which the local municipality may accept in lieu of a certificate of inspection. If any additional inspections of the rental property are conducted, a copy of the findings of these inspections may also be required by the local municipality.

(5) A rental property owner may choose to inspect one hundred percent of the units on the rental property and provide only the certificate of inspection for all units to the local municipality. However, if a rental property owner chooses to inspect only a sampling of the units, the owner must send written notice of the inspection to all units at the property. The notice must advise tenants that some of the units at the property will be inspected and that the tenants whose units need repairs or maintenance should send written notification to the landlord as provided in RCW 59.18.070. The notice must also advise tenants that if the landlord fails to adequately respond to the request for repairs or maintenance, the tenants may contact local municipality officials. A copy of the notice must be provided to the inspector upon request on the day of inspection.

(6)(a) If a rental property has twenty or fewer dwelling units, no more than four dwelling units at the rental property may be selected by the local municipality to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

(b) If a rental property has twenty-one or more units, no more than twenty percent of the units, rounded up to the next whole number, on the rental property, and up to a maximum of fifty units at any one property, may be selected by the local municipality to provide a certificate of inspection as long as the initial inspection reveals that no conditions exist that endanger or impair the health or safety of a tenant.

(c) If a rental property is asked to provide a certificate of inspection for a sample of units on the property and a selected unit fails the initial inspection, the local municipality may require up to one

hundred percent of the units on the rental property to provide a certificate of inspection.

(d) If a rental property has had conditions that endanger or impair the health or safety of a tenant reported since the last required inspection, the local municipality may require one hundred percent of the units on the rental property to provide a certificate of inspection.

(e) If a rental property owner chooses to hire a qualified inspector other than a municipal housing code enforcement officer, and a selected unit of the rental property fails the initial inspection, both the results of the initial inspection and any certificate of inspection must be provided to the local municipality.

(7)(a) The landlord shall provide written notification of his or her intent to enter an individual unit for the purposes of providing a local municipality with a certificate of inspection in accordance with RCW 59.18.150(6). The written notice must indicate the date and approximate time of the inspection and the company or person performing the inspection, and that the tenant has the right to see the inspector's identification before the inspector enters the individual unit. A copy of this notice must be provided to the inspector upon request on the day of inspection.

(b) A tenant who continues to deny access to his or her unit is subject to RCW 59.18.150(8).

(8) If a rental property owner does not agree with the findings of an inspection performed by a local municipality under this section, the local municipality shall offer an appeals process.

(9) A penalty for noncompliance under this section may be assessed by a local municipality. A local municipality may also notify the landlord that until a certificate of inspection is provided, it is unlawful to rent or to allow a tenant to continue to occupy the dwelling unit.

(10) Any person who knowingly submits or assists in the submission of a falsified certificate of inspection, or knowingly submits falsified information upon which a certificate of inspection is issued, is, in addition to the penalties provided for in subsection (9) of this section, guilty of a gross misdemeanor and must be punished by a fine of not more than five thousand dollars.

(11) As of June 10, 2010, a local municipality may not enact an ordinance requiring a certificate of inspection unless the ordinance complies with this section. This prohibition does not preclude any amendments made to ordinances adopted before June 10, 2010.

[2010 c 148 § 2.]

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Ordinance No. 10-_____ Establishing PMC Chapter 15.30 which provides that beginning January 1, 2012, no Person shall make Available for Rent, or Lease, or Let, to the Public any Residential Dwelling Unit without a Current Rental License and Providing for Inspections to Comply with the Standards of the Uniform Housing Code; Ordinance 10-_____ amending Section 8 of Ordinance Number 2609 and amending PMC 5.04.050 to provide notice to Lessors that they may need to obtain a rental license even though they are exempt from registering as a business.		Meeting Date: May 25, 2010 Regular Meeting	
Department: Building	Director: Barry Morrow	Contact Person: Barry Morrow Nick Alsbury	Phone Number: 509-786-2332
Cost of Proposal: \$0.00		Account Number: 524	
Amount Budgeted: \$0.00		Name and Fund#:	
Attachments to Agenda Packet Item:			
<ol style="list-style-type: none"> 1. Ordinance No. 10-_____ 2. Ordinance No. 10-_____ 3. Copy of Pasco Ordinance. 4. Copy of <u>City of Pasco v. Shaw</u>, 161 Wn.2d 450 (2007) which held that the Pasco Ordinance was constitutional and not vague. 5. Substitute Senate Bill 6459 			
Summary Statement:			
<p>The attached Rental License Ordinance is based largely upon Pasco's Ordinance. The attached ordinances would require a Lessor of a residential rental unit to obtain a rental license before the Lessor would advertise for rent or rent such unit. The ordinance requires an inspection of the unit before a rental license could be issued by the City. For the first two years, the City would issue provisional licenses to Lessors who would be required to conduct the inspections over a phased-two-year period. In order for staff to prepare policies and procedures to enact the provisions of the ordinance, and to provide adequate notice to affected Lessors, the requirement to obtain a rental license is delayed until January 1, 2012.</p> <p>Normally staff would recommend waiting to enact such an Ordinance until fully discussing the same with the City Council, however, the State Legislature by passage of Senate Bill 6459 has forced staff to expedite enactment/presentation of the Ordinance. The Bill was</p>			

signed by Christine Gregoire on March 19, 2010, and will become effective on June 10, 2010. Section 2 of the Bill places numerous restrictions on municipalities which may want to follow Pasco's lead and enact a business license ordinance which makes such licensed contingent upon obtaining a rental inspection. Residential tenants in the City will benefit by passage of this ordinance because it will help ensure that all City citizens are living in conditions which do not endanger or impair the health or safety of those citizens, many of whom lack the resources or ability to address such issues with their landlord.

Section two of the Bill provides in subsection 11 that "As of the effective date of this section, a local municipality may not enact an ordinance requiring a certificate of inspection unless the ordinance complies with this section. This prohibition does not preclude any amendments made to ordinances adopted before the effective date of this section." Because of this language the City can enact an ordinance which is contrary to the provisions of the Bill as long as it does so prior to June 10, 2010, the effective date of the Bill. The language will also allow the City to later amend the Rental License Ordinance in the future in a manner inconsistent with the Bill.

Therefore, the proposed Ordinance is a "placeholder" so that the City has a requirement to obtain a certificate of inspection before a Lessor is issued a rental license. Council may later determine to make modifications to the Ordinance.

The proposed Ordinance requires Lessors of residential dwelling units to obtain a rental license before renting or advertising for rent such units. Before the City can issue the license the Lessor would have to provide the inspection certificate. The inspection can be conducted by a number of inspectors, including the City itself. The Lessor determines which inspector to use in accordance with the Ordinance. Licenses will be effective for two years. During the first two years, Lessors will be provided for a provisional license and then inspections will be phased in over two years, so that all Lessors will have completed an inspection before the two-year phase in period ends. Thereafter, Lessors will have to conduct an inspection and submit an inspection certificate to the City before a rental license is issued. The inspection must have been done not less than 90 days before the renewal of the license.

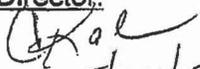
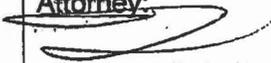
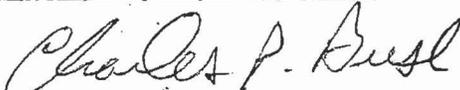
The Ordinance exempts government, religious organizations, and any other person who may be exempt by State or Federal Law from obtaining a rental license.

The second Ordinance amends PMC Section 5.04.050 so that a Lessor will not be misled by the exemption from registration as a business.

Consistent with or Comparison to: Protecting the health and safety of all Prosser citizens.

Recommended City Council Action/Suggested Motion:

Move to adopt Ordinance No. 10-_____ Establishing PMC Chapter 15.30. Move to adopt Ordinance No. 10-_____ amending Section 8 of Ordinance 2609 and amending PMC 5.04.050.

<u>Reviewed by Finance Director:</u>  Date: 5/20/2010	<u>Reviewed by City Attorney:</u>  Date: 5/20/10	<u>Approved by City Administrator:</u>  Date: 5/20/10
<u>Today's Date:</u>	<u>Revision Number/Date:</u>	<u>File Name and Path:</u>

CITY OF PROSSER, WASHINGTON

AGENDA BILL

Agenda Title: Review and Discuss Proposed Changes to the Personnel Policy Manual.		Meeting Date: March 3, 2015 Work Session	
Department: Administration	Director: Paul Warden	Contact Person: Toni Yost	Phone Number: (509) 786-8215
Cost of Proposal: \$0		Account Number: Various	
Amount Budgeted: \$0		Name and Fund# Various	
Reviewed by Finance Department: 			
Attachments to Agenda Packet Item: 1. Personnel Policy Update Power Point 2. Personnel Policy Pages 51 - 95			
Summary Statement: At the February 24, 2015 Regular City Council meeting, Council reviewed and discussed the staff recommended changes to the Personnel Policy Manual. Council directed staff to prepare a summary of the changes and bring it back to the Work Session for further discussion and consideration. The attached power point concludes the proposed revisions of the remaining fifty pages of the Personnel Policy Manual per Council's previous direction. Based on Council's discussion and direction staff will draft an ordinance to formally adopt these Policy changes section by section. As changes occur in the future, staff and Council will be able to adjust individual sections without having to re-adopt the entire policy by reference or as an addendum (similarly to how code sections are amended).			
Consistent with or Comparison to: EXISTING ADOPTED OR PREVIOUS PLANS, POLICIES OR ACTIONS TAKEN BY THE COUNCIL			
Recommended City Council Action/Suggested Motion: Review and discuss proposed changes to the Personnel Policy Manual. Provide staff direction regarding the preparation of an Ordinance to implement these polices.			

<u>Reviewed by Department Director:</u>  Date: 2/27/15	<u>Reviewed by City Attorney:</u>  Date: 2/28/15	<u>Approved by Mayor:</u>  Date: 2-27-15
<u>Today's Date:</u> February 25, 2015	<u>Revision Number/Date:</u> 	<u>File Name and Path:</u>

Personnel Policy Update

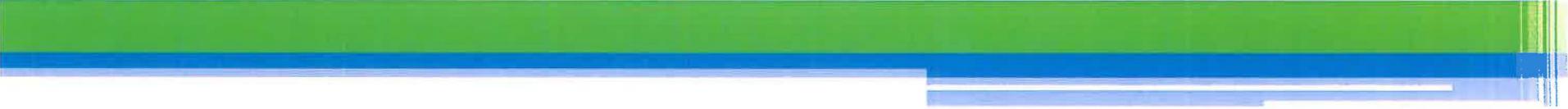
Pages 51-95

March 3, 2015

Personnel Policy Update

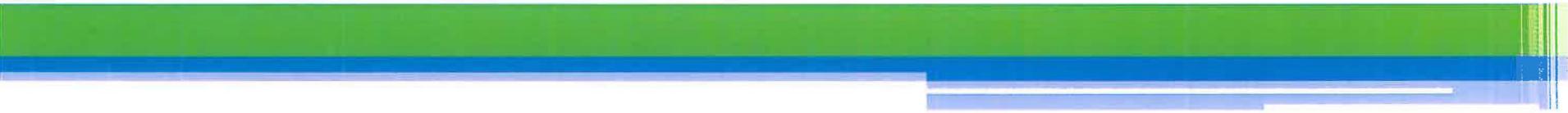
- The City of Prosser's Personnel Policy consists of 95 pages and contains 10 policy categories that act as an informational guide to our City's current employment policies. This PowerPoint covers the first 50 pages and changes, if any, to the following policy categories.

Policy Numbers	Category
101-109	General Responsibilities
201-205	Hours of Work and Attendance
301-305	Recruitment and Hiring
401-408	Compensation and Awards
501	Business Travel Expense
601-602	Performance Evaluations and Training
701-704	Benefits
801-814	Leaves of Absence and Time Off
901-915	Employee Responsibility and Conduct
1001-1002	Layoff and Resignation



NO Changes

- The following presentation only represents recommended changes.
- Several section have no recommended modifications, and therefore, are not summarized in the slideshow.



Policy 703: Insurance Benefits

Page 53

- Removed language regarding the double coverage of dependents.
- This changes was made in 2010 when the City transitioned to Washington Teamsters Welfare Trust and the language conflicted with the carriers underwriting rules.



Policy 802: Vacation

Page 56

- Updated language to incorporate 2008 amendments.



Policy 809: Religious Holiday

Page 67

- Adjustments made per RCW 1.16.050.
- Employee are entitled to two unpaid holidays per calendar year for a reason of faith or conscience.



Policy 904: Use of City Vehicles

Page 80-82

- Add language regarding use of seat belts
- Add language regarding use of tobacco in vehicles
- Change driving record abstract from annually to every 3 years.



Policy 905: Use of City Owned Cell Phones

Page 83

- Small amendments refer to administrative policy regarding use of electronic devices.



Policy 906: Computer, Email, Internet, and Technology Use

Page 84

- Amended to broadly describe expectations.
- Administrative policy is being prepared to detail how these expectations will be implemented.



Policy 910: Seat Belt Policy

Page 88

- The policy was deleted and incorporated into Policy 904 (Use of City Vehicles)



Policy 910: Driver's License Requirements

- Renumbered to Policy 910
- Updated to 36 month requirement

Policy and Title	Summary of Changes
Policy 703: Insurance Benefits Page 53	Updated language to be consistent with 2010 change.
Policy 802: Vacation Page 56	Updated language to be consistent with 2008 change.
Policy 809: Religious Holiday Page 67	Provides 2 unpaid holidays per calendar year for reason of faith or conscience (RCW 1.16.050)
Policy 904: Use of City Vehicles Page 80-82	Addition of seatbelt and tobacco use. Modify driving record history requirements.
Policy 905: Use of City Cell Phones Page 83	Reference to Administrative Policy
Policy 906: Computers, Email, Internet, and Technology Page 84	Amended to broadly describe expectations.
Policy 910: Seat Belt Policy	Deleted and incorporated into Policy 904.
Policy 910: Driver's License Requirements Page 89	Modify driving record history requirements.

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.

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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.

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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. 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.

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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, an 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.

703.7 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.

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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. ¶
¶
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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POLICY 704: UNEMPLOYMENT COMPENSATION

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

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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

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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 <u>22</u> hours per month)

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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 <u>22</u> hours per month)

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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~~ (33) days or 22 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).

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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.

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

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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 1st 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.

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

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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.

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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.

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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.

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

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.

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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.

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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.

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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.

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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

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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.

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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.

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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.

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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.

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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 use of 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 refrain from using tobacco in City vehicles, including the use of electronic cigeretts or e-cigarettes.

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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.

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

904.13 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.

904.14 A driving record abstract is required at least once every 36 months, all drivers who drive City vehicles and by employees operating personal vehicles for business travel. The City of Prosser will reimburse employees for the cost of the driving record abstract upon submittal of a receipt and the correct 3-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).

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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.

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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.

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

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POLICY 905: USE OF CITY-OWNED CELL PHONES

- 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.
- 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.

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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. The policy will cover at a minimum the following aspects and goals:

- Acceptable Use: To ensure that use of computers and networks by employees is consistent with City policies, all applicable laws, and the individual job responsibilities.
- Email: To create awareness that the City's email system is not an appropriate forum for any discussion of confidential or personal issues because such emails may become subject to public disclosure for various reasons. To ensure that City employees have no expectation of privacy in such emails to the extent they are housed in the City's email system or relate to city business.
- Internet Policy: To ensure that use of the Internet by employees of the City of Prosser is consistent with City policies, all applicable laws, and the individual's job responsibilities.
- Computer Network Policy: Defines standards for using the City of Prosser's network system. These standards and best practices minimize the exposure to damage which may result from unauthorized use of the City of Prosser resources.
- Remote Access and Mobile Computing: Outlines acceptable use and access to City issued IT resources and data.
- Storage Device Policy: To ensure that viruses and other harmful software are not placed on the City of Prosser network infrastructure.

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- Procurement Policy: Outlines acquisition, installation and maintenance of appropriate, cost-effective, technology and services.
- Passwords: To prevent unauthorized access to sensitive data by establishing a standard for the creation of strong passwords and the protection of those passwords.
- Personal Owned Devices: To ensure that employees' personal devices don't introduce viruses or malware, or become a platform of attacks directed toward City resources.

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.

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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. ... [1]

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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.

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POLICY 908: BULLETIN BOARDS

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

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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.

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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 910: DRIVER'S LICENSE REQUIREMENTS

910.1 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.

910.2 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.

910.3 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.

910.5 A driving record abstract is required every thirty-six (36) months by all drivers who drive City vehicles and by employees operating personal vehicles for business travel. The City of Prosser will reimburse employees for the cost of the driving record abstract upon submittal of a receipt and the correct 3-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 terminate

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POLICY 911: SAFETY

911.1 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.

911.2 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.

911.3 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.

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POLICY 912: DRUG AND ALCOHOL FREE WORKPLACE

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

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POLICY 913: COMPLAINT PROCEDURES

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913.1 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:

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913.1.1 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.

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

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913.1.3 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.

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913.1.4 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:

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913.1.4.1 A description of the problem;

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

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

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

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913.2 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.

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913.3 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.

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POLICY 914: ENROLLMENT IN SERVICE ORGANIZATIONS

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914.1 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:

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

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

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914.1.3 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

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

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914.2 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 914.3 unless such additional costs have been reviewed and approved by the Mayor or City Administrator under the direction of the Mayor.

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914.3 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.

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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.

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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.

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.

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
- 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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."

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.

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.