

# Town of Friday Harbor Guidelines for Non-Represented Employees

**ADOPTED**

this 5<sup>th</sup> day of November 2009 by  
Resolution No. 1750

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David F. Jones, Mayor

# Receipt of Personnel Guidelines

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All employees shall read the following; then sign, date and return this form to the Personnel Officer. The original completed form will be placed in the employee's personnel file.

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Enclosed are the Town of Friday Harbor's personnel guidelines for non-represented employees. It is the employee's responsibility to read these guidelines, as they will acquaint you with your employee benefits, the Town's personnel practices and rules, and some organizational philosophy.

It is important to understand that these guidelines do not create an employment contract or a guarantee of employment of any specific duration between the Town and its employees. Although we hope that your employment relationship with the Town will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

***Unless specific rights are granted to you in employment contracts, civil service rules, or elsewhere, all non-represented employees of the Town are considered at-will employees and may be terminated from Town employment at any time, with or without cause and with or without notice. In no way are these guidelines to be considered the final source of information to employees. All guidelines and practices may be changed as conditions warrant, as the Town must be able to respond flexibly to changing circumstances. Because of this, the Town's guidelines are guidelines for management, not promises of specific treatment in specific situations.***

As the Town grows and changes, personnel guidelines may change. The Town, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Personnel Officer.

Please also understand that no supervisor, manager or representative of the Town other than the Personnel Officer has the authority to make any written or verbal statements or representations which are inconsistent with these guidelines.

If you have any questions about these guidelines, please feel free to contact the Personnel Officer.

I have read and understand the statements above.	
I hereby consent to the deduction from my final paycheck of any amounts advanced to me that remain unearned when my employment with the Town ends, and/or any amounts I owe to the Town, such as, but not limited to, payment for cellular telephone services or the replacement cost of any unreturned Town equipment or property.	
_____	_____
Employee Signature	Employee Printed Name
_____	_____
Date	Encl. Revisions Dated 11/5/09

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# CHAPTER 1

## Purpose and Scope

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### 1.1 INTRODUCTION

The Town of Friday Harbor was incorporated in 1909. Friday Harbor is located midway along the eastern shore of San Juan Island, second largest in a chain of 172 islands in the northernmost stretch of Puget Sound, and situated between Canada's Vancouver Island and the Washington State mainland.

The Town is committed to achieving excellence and providing quality services. The attainment of these goals is dependent upon maintaining a high caliber of Town employees and a supportive environment for them.

This handbook is for the benefit of Town employees and is intended to provide summaries of guidelines concerning Town standards, policies, regulations, and rules of conduct. It applies to all employees who are not members of a collective bargaining unit.

Please read it carefully, and keep it handy for future reference. Please ask questions if something is unclear.

Although we hope that your employment relationship with the Town will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship. All non-represented employees of the Town are considered at-will employees and may be terminated from Town employment at any time, with or without cause and with or without notice. None of the standards or information in this employee handbook confers any rights or privileges to any employee to be or remain employed by the Town, or constitutes an employment contract between the Town and the employee.

In no way is it to be considered the final source of information to employees. Topics are described in summary form only. All guidelines and practices may be changed as conditions warrant, as the Town must be able to respond flexibly to changing circumstances. Because of this, the Town's guidelines are guidelines for management, not promises of specific treatment in specific situations.

Employees may suggest specific changes to these guidelines by submitting suggestions to the Personnel Officer. Please understand that no supervisor, manager or representative of the Town other than the Personnel Officer has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

## 1.2 DEFINITIONS

*Definitions as used in this policy, the following terms shall have the meanings indicated:*

- 1.2.1. Calendar year: A calendar year is January 1<sup>st</sup> to December 31<sup>st</sup>.
- 1.2.2. Department Head: An employee who is responsible for the leadership of their department within the Town organization. May supervise other supervisors and/or employees or may supervise neither.
- 1.2.3. Disciplinary Action: An action that is meant to notify an employee of improper conduct or action. Disciplinary action may be oral warnings or up to and including dismissal wherever listed. Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency of day to day operations in keeping with sound principles of human relations in the Town service.
- 1.2.4. Flex-time: the concept of allowing flexible employee work schedules on a departmental, divisional, or individual basis.
- 1.2.5. Immediate Family: Includes the employee's spouse, child, foster child, parent, parent-in-law, sibling, grandparent, grandchild, or other relative who lives in the employee's home.
- 1.2.6. Internet: is thousands of interconnected networks originally developed by the military and referred to as the Internet, the Information Super Highway, the Net or similar names.
- 1.2.7. Nepotism: the practice of giving a job to a relative.
- 1.2.8. Personnel Officer: The Town Administrator or his/her designee.
- 1.2.9. Regular Full-time Employee: An employee who has successfully completed a trial period as defined in this handbook and who regularly works a minimum of forty (40) hours a week.
- 1.2.10. Regular Part-Time Employee: An employee who has successfully completed a trial period as defined in this handbook and who regularly works a minimum of twenty (20) hours a week.
- 1.2.11. Supervisor: An employee who is responsible for employees in their department and under their direct supervision.
- 1.2.12. Temporary/Seasonal Employee: An employee who is employed not more than five (5) months in any calendar year; hours in the fifth month must be kept under seventy (70) hours total. The purpose of such positions might include special projects, seasonal demands abnormal work loads or emergencies. Temporary/Seasonal employees are not eligible for Town benefits except as specified.
- 1.2.13. Trial Employee: Employees who have not yet completed their trial period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these guidelines, they shall include trial employees.
- 1.2.14. Year of employment: A year of employment equals 2080 hours.

# **CHAPTER 2**

## **General Guidelines and Practices**

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### **2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Town is an equal employment opportunity employer. The Town employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These guidelines and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, or disability.

### **2.2 DISABILITY DISCRIMINATION PROHIBITED**

The Town does not discriminate against qualified applicants or employees with a sensory, physical or mental disability, unless the disability cannot be reasonably accommodated and prevents proper performance of an essential element of the job. The Town will reasonably accommodate qualified individuals with disabilities. If a disabled person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person is not qualified for the position.

### **2.3 SEXUAL HARASSMENT PROHIBITED**

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the Town.

Sexual harassment can be any behavior that is unwelcome. Examples of sexual harassment include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- It is part of a department head's or supervisor's recommendation to hire or fire;
- It is used to make other employment recommendations like pay, promotion, or job assignments;
- It creates an intimidating, hostile, or offensive work environment.

Sexual harassment by an employee toward another employee, by an employee toward a non-employee (while involved in the transaction of Town business) such as Town customers, Councilmembers, board members, volunteers or vendors while involved in a business transaction are covered by and subject to enforcement under this policy. An employee's conduct of a sexual nature that is observed by, and offensive to, another employee, may also constitute sexual harassment.

Sexual harassment toward an employee by a non-employee such as Town customers, Councilmembers, board members, volunteers or vendors should be reported to the supervisor or department head. The Town will take appropriate action to protect its employees from sexual harassment by non-employees.

## 2.4 EMPLOYEE PERSONNEL RECORDS

A personnel file for each employee is kept in the document vault, and access is limited to the Personnel Officer and the Payroll Officer. In general an employee's personnel file contains employment application, resume, offer letter, the employee's name, address, telephone number, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including recognition, discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

Employees or a designated representative with written authorization from the employee shall have the right to review their files while in the presence of the Personnel Officer or the Payroll Officer. An employee may request removal of irrelevant or erroneous information in their personnel file. If the Town denies an employee's request to remove the information, the employee may file a written rebuttal statement to be placed in their file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information.

It is the responsibility of the employee, including those on leave of absence, to notify the Personnel Officer or Payroll Officer if any of the following information changes:

Name, address, telephone number, marital status (for benefits and tax withholding purposes only), number of dependents, addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only), beneficiary designations for any of the Town's pension plans, and persons to be notified in case of an emergency.

## 2.5 EMPLOYMENT REFERENCES

Only the Personnel Officer or his designee will provide employment references on current or former Town employees. Other employees shall refer requests for references to the Personnel Officer. References will be limited to verification of employment and salary unless the employee has completed a written waiver and release.

## 2.6 CHANGING THE GUIDELINES

As the need arises, the Personnel Officer may modify these guidelines, except only the Town Council, by ordinance, may enact any changes in compensation or benefit levels. The Personnel Officer may deviate from these guidelines in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the Town's citizens. Employees may request specific changes to these guidelines by submitting suggestions to their department head or the Personnel Officer.

# CHAPTER 3

## Recruiting and Hiring

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### 3.1 RECRUITING

Recruiting practices are conducted solely on the basis of ability, merit, qualifications and competence, without regard to race, color, religion, national origin, sex, marital status, pregnancy, disability or age.

Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement, but not replace, the Town's official application.

Any applicant supplying false or misleading information is subject to immediate termination.

### 3.2 TEMPORARY / SEASONAL EMPLOYEES

Department heads may use temporary/seasonal employees to meet peak workload needs, or jobs of limited duration due to special projects, seasonal demands, abnormal work loads, temporarily fill a vacancy until a regular employee is hired or emergencies. Temporary/seasonal employees may be hired without examination, although all hiring processes must comply with state and federal laws.

3.2.1. Compensation/Benefits: Temporary/seasonal employees are eligible for overtime pay as required by law. Temporary/seasonal employees do not receive vacation, sick leave, health insurance, holidays or any other regular employee benefits during their employment.

Temporary/seasonal employees pay contributions to the social security system, as does the Town on their behalf. Temporary employees will normally not be enrolled in the State Retirement System, although there are a few exceptions depending on State Retirement System eligibility criteria.

### 3.3 HIRING EMPLOYEES

The Town may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the Town. The Town may contract with any agency or individual to prepare and/or administer examinations.

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years old and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving records of applicants may be checked. Applicants with poor driving records, as determined by the Town, may be disqualified for employment with the Town in positions requiring driving.

After an offer of employment has been made and prior to commencement of

employment, the Town may require persons selected for employment to successfully pass a medical examination. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure their physical condition will not endanger the health, safety or well being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

A candidate may be disqualified from consideration if: (1) found physically unable to perform the duties of the position (and the individual's condition cannot reasonably be accommodated in the workplace); or (2) the candidate refuses to submit to a medical examination or complete medical history forms.

### 3.4 EMPLOYMENT OF RELATIVES (NEPOTISM)

The immediate family of current Town employees or officials will not be employed by the Town where:

- (1) One of the parties would have authority (or practical power) to supervise, appoint, remove, or discipline the other;
- (2) One party would handle confidential material that creates improper or inappropriate access to that material by the other;
- (3) One party would be responsible for auditing the work of the other; or
- (4) Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the Town.

3.4.1 Change in Circumstances: If two (2) employees marry, become related or begin sharing living quarters with one (1) another, and in the Town's judgment, the potential problems noted above exist or reasonably could exist, only one (1) of the employees will be permitted to remain employed with the Town, unless reasonable accommodations, as determined by the Personnel Officer can be made to eliminate the potential problem. The decision as to which employee will remain with the Town must be made by the two (2) employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision is made during this time, the Town reserves the right to terminate either employee.

### 3.5 TRIAL SERVICE PERIOD

Upon hire or appointment, all employees enter a trial period that is considered an integral part of the selection and evaluation process. The trial period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

The normal trial period is six (6) months from the employee's date of hire, rehire or promotion. The Personnel Officer may authorize the department head to extend the trial period for up to an additional three (3) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance. The trial period will not be shortened for any reason. Medical benefits are contingent on the successful completion of a trial period and will not commence until that objective is attained.

At any time during the trial service period the department head may recommend discharge of an employee whose performance does not meet the required standards and he/she shall report said recommendation and the reasons for it in writing before the effective date of separation to the Personnel Officer and to the employee concerned. An employee discharged during the trial period may not use the complaint procedure.

Once the trial period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the trial period does not create an employment contract or guarantee employment with the Town for a specified duration.

#### 3.5.1 Use of Sick Leave/Vacation/Floating Holiday During Trial Period:

Trial employees shall accrue vacation and sick leave from the beginning of employment, but may not use their accrued sick, vacation leave, or floating holiday until they have successfully completed their trial period. Upon termination, of a trial service employee, accrued sick and vacation leave, and the floating holiday shall be forfeited.

# CHAPTER 4

## Hours and Attendance

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### 4.1 WORKING HOURS

The Town Administration Offices' standard workweek is Monday through Friday from 8:00 a.m. to 4:30 p.m. with a half-hour unpaid lunch period. The Town Maintenance Department's standard work week is Monday through Friday from 7:00 a.m. to 3:30 p.m. with a half-hour unpaid lunch period.

A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Due to the nature of the Town's operations, longer hours may be necessary in some instances. Different work schedules may be established by the Town to meet job assignments and provide necessary Town services. Each employee's supervisor will advise the employee regarding their specific working hours.

Part-time and temporary employees will work hours as specified by their supervisors.

### 4.2 BREAKS AND MEAL PERIODS

Employees may take one (1) fifteen-minute break for every four (4) hours worked. All breaks shall be arranged so that they do not interfere with Town business or service to the public. Individual supervisors may allow their employees to combine their breaks to the half-hour unpaid lunch period. In this instance, an employee should use vacation or compensatory time for additional breaks taken during the work day. If an employee leaves work mid-day, additional time should not be added to their reported work hours to accommodate for breaks or lunch not taken.

The employee's supervisor shall schedule meal periods. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one half hour in length.

### 4.3 HOURS OF WORK AND OVERTIME

All Town positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") and Washington Minimum Wage Act regulations. The Town will inform the employee of their status.

For purposes of the Wage and Hour Laws, the work week at the Town shall be from Sunday 12:01 a.m. through Saturday midnight. For most Town employees, the established work period is forty (40) hours within a seven (7) day workweek. All personnel are responsible for accurately reporting all hours worked on forms supplied by the Town. Employees failing to accurately record time worked are subject to disciplinary action.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than forty (40) hours per week. All

overtime must be authorized in advance by the employee's supervisor. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work period. Calculation of overtime is based on hours actually worked and includes holidays listed in Section 8.12, but does not include other paid time such as: vacation, sick leave or compensatory time taken.

Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.

#### 4.4 COMPENSATORY TIME

Non-exempt employees entitled to overtime pay may request compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's supervisor. The Town is not required to grant comp time instead of overtime pay. If the compensatory time option is exercised, the employee will be credited in the same manner as cash payment, i.e. hours in excess of forty (40) will be compensated at one and one-half times the hours worked. The maximum amount of compensatory time permitted to accrue is sixty (60) hours. After maximum accrual, overtime compensation shall be paid.

Employees should use accrued compensatory time within a reasonable time period. Compensatory time not taken by December 31<sup>st</sup> will be paid to the employee in the pay period inclusive of that date.

#### 4.5 CALL BACK

All non-exempt employees are subject to be called back to work in emergencies or as needed by the Town to provide necessary services to the public. Employees called back to duty will be paid their appropriate rate of pay for hours worked (the overtime rate for hours worked over the applicable overtime threshold). A minimum of two (2) hours will be paid to an employee who is called back to work.

#### 4.6 ALTERNATIVE/FLEXIBLE WORK SCHEDULES

Flextime is defined as the concept of allowing flexible employee work schedules on a departmental, divisional, or individual basis. Flex-time schedules are based around an established period of work hours, excluding lunch and break periods. Examples include, but are not limited to, four ten-hour work days a week, and four nine-hour days with one four hour day in a week.

Flexible work schedules may be implemented provided there is no appreciable disruption to department operations or service to the public during established hours when Town facilities are to be open to the public as determined by the Personnel Officer.

An employee who wishes to participate in flex-time must submit a written request for

approval to the Personnel Officer. Individual participation in flextime will be determined on a case-by-case basis subject to Supervisor and Personnel Officer approval. Flex-time shall be strictly voluntary and operate on an individual basis. No employee shall be forced to participate in the flex-time program by the Town or by fellow employees. Employees who are responsible for first contact with the public are not allowed the alternative/flextime option due to the nature of their work.

The Personnel Officer may terminate the overall flextime program by department, by division, or by an individual basis at any time.

Benefits will continue to be based on an 8-hour workday. For example, an employee scheduled to work a ten-hour day would use ten (10) hours of sick leave when absent for an illness. When a paid holiday falls on an employee's regularly scheduled workday, the employee will be paid eight (8) hours of holiday pay. If the regularly scheduled work day is greater than eight (8) hours, the employee may use either vacation or compensatory time earned to make up for the additional time the employee was scheduled to work in excess of the eight (8) hours holiday pay. In lieu of using other accrued leave, the employee may have the option of working additional hours during the same workweek as the scheduled holiday. When a paid holiday falls on an employee's regularly scheduled day off, the employee will be credited with eight (8) hours of holiday leave, which must be used within thirty (30) days and within the same calendar year.

An employee may, by notifying their supervisor or department head voluntarily withdraw from participation in the flex-time program at any time, provided that immediate withdrawal does not create an undue hardship in the department, result in overtime compensation, or cause a disservice to the public. If so, the employee shall notify his department head and mutually negotiate an agreeable withdrawal date.

Employees with a documented performance problem may be denied their request for an alternative work schedule, depending on the nature of the performance problem.

Because the Town does not want to incur additional costs by allowing employees to choose alternative work schedules, non-exempt employees must select an alternative schedule which does not require more than forty (40) hours per week. This may require employees to also request a different work week designation (see examples).

The following are examples of alternative work schedules for non-exempt employees:

#### 4.6.1 EXAMPLE #1: Compressed Work Week 4/40

Work Week Start/End \_\_\_\_\_ Sunday Midnight – Saturday 11:59 PM \_\_\_\_\_

Day	S	M	T	W	TH	F	S	Total
Schedule		7-6	7-6	7-6	7-6			
# Hours		10	10	10	10			40

In this example, the employee has every Friday off. Once the employee has worked forty (40) hours within this workweek, each additional hour would be paid at the overtime rate as usual.

#### 4.6.2 EXAMPLE #2: Compressed Work Week 9/80

Work Week Start/End \_\_\_\_\_ Friday Noon – Friday 11:59 AM \_\_\_\_\_

WEEK ONE

Day	F	S	S	M	T	W	TH	F	Total
Schedule				7-5	7-5	7-5	7-5	7-11	
# Hours	0	0	0	9	9	9	9	4	40

WEEK TWO

Day	F	S	S	M	T	W	TH	F	Total
Schedule	12-4			7-5	7-5	7-5	7-5		
# Hours	4	0	0	9	9	9	9	0	40

In this example, the employee has every other Friday off. This can be done because the work week is defined as Friday noon to Friday at 11:59 a.m. In this example as well, once the employee has worked forty (40) hours in the defined work week, additional hours worked are paid at the overtime rate as usual.

### 4.7 ATTENDANCE

Punctual and consistent attendance is a condition of employment. Supervisors are responsible for maintaining an accurate attendance record of their employees.

Employees unable to work or unable to report to work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within thirty (30) minutes of the employee's usual starting time. If an absence continues beyond one (1) day, the employee is responsible for reporting in each day.

An employee who is habitually tardy or absent without authorization or notification is subject to disciplinary action.

#### 4.8 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

- (1) prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
- (2) is conducted during the employee's work hours;
- (3) utilizes Town telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) may reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

#### 4.9 UNUSUAL WEATHER CONDITIONS

During times of inclement weather or natural disaster, it is essential that the Town continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to: vacation, personal leave day (if entire day missed), compensatory time, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

# CHAPTER 5

## Compensation

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### 5.1 SALARY CLASSIFICATION AND RANGE

Each job title within the Town is classified into one of the Town's classifications for salary purposes. Each classification is designated a particular salary or wage schedule, which is approved annually by the Town Council.

### 5.2 EMPLOYEE PAY RATES

Employees shall be paid within the limits of the wage range to which their positions are assigned. Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training or proven capability warrant, or when prevailing market conditions require a starting rate greater than the minimum.

### 5.3 PAY INCREASES

A supervisor may recommend a merit pay increase contingent on exceptional employee performance at any time. A supervisor may recommend pay increases to those employees whose annual performance evaluation is above satisfactory. Granting of pay increases is contingent on approval of the Personnel Officer and the Mayor.

### 5.4 PAYDAYS

Town employees are paid monthly on the first day of each month. If a regularly scheduled payday falls on Saturday, paychecks will be distributed on Friday; if payday falls on Sunday, paychecks will be distributed on Monday, if payday falls on a holiday, paychecks will be distributed on the next regularly scheduled working day. Payment draws are not offered and will not be allowed.

### 5.5 DEDUCTIONS

The law requires some regular deductions from employee earnings; the employee shall specifically authorize other deductions. The Town will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee.

### 5.6 GARNISHMENTS

It is expected that each employee will meet their financial obligations without involving the Town. The Town is required by law to honor any wage execution served exactly as presented and the Town will not enter into modifying agreements of any kind unless specifically instructed to do so by the court.

If an employee has signed an official volunteer agreement for cellular phone services

through the Town of Friday Harbor and is negligent in the payment of such services, the employee understands that the full payment for such services will be taken from their paycheck at the next scheduled payday.

## 5.7 COMPENSATION UPON TERMINATION

When an employee's employment with the Town comes to an end, the employee will receive the following compensation on the next regularly scheduled payday:

- (1) Regular wages for all hours worked up to the time of termination that have not already been paid.
- (2) Any overtime or compensatory pay due.
- (3) A lump sum payment of any accrued but unused vacation within the limitations of accrual.
- (4) If retiring, accrued unused sick leave may be paid under special circumstances (See: Sick Leave portion of guidelines).

# **CHAPTER 6**

## **Performance Evaluations & Training**

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### **6.1 PERFORMANCE EVALUATIONS**

To achieve the Town's goal to train, promote and retain the best-qualified employee for every job, the Town conducts periodic performance evaluations for all positions. The supervisor shall give a performance evaluation yearly on the anniversary of the employee's date of employment or promotion. Merit pay increases are not given for duration on the job, but rather as additional compensation for exceptional performance. The Personnel Officer is responsible for developing and maintaining the Town's performance evaluation program.

Performance evaluations are part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, or terminated.

### **6.2 TRAINING POLICY**

The Town will pay for certain classes and courses taken by regular employees. Written request should be made to the supervisor for education assistance. The request should include specifics of the course and how the employee's completion of the course will benefit the Town.

Items that may be paid for are tuition, travel expenses, and required course materials. Payment will be conditioned on attending classes, completing the course work, and receiving a passing grade. Employees who do not satisfactorily complete the course will be required to reimburse the Town.

If education is required for continued employment, such as for a mandatory certification, then the time spent in class shall be treated the same as work hours.

Classes that may be paid for by the Town are:

1. Classes to maintain required certification.
2. Classes specifically recommended by an employee's supervisor to expand skills or keep up with changes in the demands of the job.
3. Education to improve an employee's general abilities related to job skills and requirements, including professional conferences.

### **6.3 TRAVEL AWAY FROM THE TOWN**

All travel away from the Town must be approved in advance by the supervisor.

Town employees, elected and appointed officials will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Town, including food, lodging and travel expenses while away. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable.

Town business includes normal Town, governmental and proprietary functions, seminars, and association meetings.

Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the Town Administrator. Reimbursement requests should be submitted within ten (10) days of return to work.

To qualify for reimbursement, such expenses must be reasonable and prudent under the circumstances. Unnecessary or excessive expenditures shall not be approved or reimbursed.

It shall be the responsibility of the Town Administrator to insure that these policies are adhered to. Exceptions to the rules set forth herein may be made only for unusual or extenuating circumstances upon the written directive of the Town Administrator.

It will be the responsibility of the Finance Department to provide the forms and a copy of the instructions necessary for their implementation.

If private automobiles are used, employees will be reimbursed for reasonable and customary mileage expenses at the rate specified by the Town's current "Mileage Allowance" resolution. Mileage between points shall be determined on the basis of the distances shown on a current Internet mileage calculator or highway map. Expenses shall be reimbursed for travel within a three hundred (300) mile radius of the Town. Trips beyond this limit may be reimbursed in an amount equal to the appropriate round trip coach airfare to the destination if air service is available. Whenever it is feasible for two or more employees to travel on official business in one car, they shall do so.

Miscellaneous travel costs such as bus, tax, bridge or other tolls, parking, ferry, and the like will be reimbursed based upon the actual expense incurred.

Incidental educational materials that are required for specific authorized schools will be reimbursed. These supplies are and will remain the property of the Town.

One (1) brief personal telephone to advise the employee's family of arrival and one (1) brief personal telephone call to advise the employee's family of a change in returning travel plans will be reimbursed. A listing of the call must be made on the official lodging receipt.

Copies of conference/training session brochures must be attached to submitted expense reports.

Certain travel expenses are considered personal and not essential to the transaction of official Town business. Such non-reimbursable expenses include, but are not limited to:

- Alcoholic beverages
- Personal entertainment and transportation
- Theft, loss or damage to personal property
- Expenses of spouse, family or other persons not authorized to receive reimbursement
- Barber or beauty parlor expenses
- Airline and other trip insurance
- Medical or hospital expenses
- Personal toilet articles
- Postage
- Reading material
- Personal telephone calls

No expense report for reimbursement shall be paid unless it is accompanied by the required bona fide vendor's receipt. Such receipts should show the date, a description of the purchase, vendor identification and amount paid. Receipts are required for all expenses. An exception may be allowed for expenditures under \$2.00.

No direct billing is allowed unless approved by the Finance Officer. Invoices to the Town for unauthorized travel expenses will be turned over to the offending employee to be paid personally.

# CHAPTER 7

## Benefits

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### 7.1 RETIREMENT BENEFITS

The Town makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.

All regular full-time and eligible part-time employees are covered under the Public Employees Retirement System (PERS) or Law Enforcement Officers and Fire Fighters Retirement System (LEOFF). The State of Washington determines eligibility, benefit levels and contribution rates.

Employees eligible to retire under the eligibility requirements of their retirement system and intending to retire should notify the Personnel Officer of their intent to retire at least three (3) months prior to the date of retirement.

### 7.2 DISABILITY BENEFITS (WORKERS COMPENSATION)

All employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor.

When an employee is absent for one or more days due to an on-the-job accident, they are required to file a claim for Workers' Compensation. If the employee files a claim, the Town will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.

7.2.1 Coordination of Benefits: When the employee receives Workers' Compensation benefits, they are required to repay the Town the amount covered by Workers' Compensation and previously advanced by the Town. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than they would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate prorated amount of sick leave shall be restored to the employee's account.

The Town 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 duties of the position.

### 7.3 HEALTH INSURANCE BENEFITS

Regular full-time employees and their dependents are eligible to participate in the Town's insurance programs on the first day of the month following the completion of their six-month trial period. In the event, an employee's trial period is extended, insurance coverage will be delayed until the successful completion of the extended trial period. Part-time employees are eligible to participate as individuals (dependents are eligible to participate at the part-time employees' expense through payroll deduction) in the Town's insurance programs under the same trial period conditions outlined above. The Town contributes toward the cost of insurance premiums as authorized by the Town Council. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction. The Town reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees.

Temporary employees are not eligible for insurance coverage.

### 7.4 CONTINUATION OF INSURANCE COVERAGE

7.4.1 Workers Compensation Leave: An employee receiving Workers Compensation benefits continues to accrue vacation leave and sick leave, but not holidays or personal leave day credit, for up to six (6) months. The Town also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the Personnel Officer makes an exception. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time they receive Workers Compensation benefits.

7.4.2 COBRA Rights: Upon an employee's termination from Town employment or upon an unpaid leave of absence the employee may be eligible to continue Town health insurance benefits to the extent provided under the federal COBRA regulations. A small administrative handling fee over and above the cost of the insurance premium may be charged the employee or their dependents that elect to exercise their COBRA continuation rights.

7.4.3 Separation, Retirement, Leave of Absence: For eligible employees who separate from employment, retire or are on an approved leave of absence, the Town will pay the premium for the first month the employee is leaving, provided the employee is on paid status for the first five (5) days of the month.

# CHAPTER 8

## Leaves

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### 8.1 VACATION LEAVE

All employees should have time off for rest and relaxation. Each regular full-time employee is entitled to vacation leave as follows:

<u>Years of Employment</u> <u>Beginning - to - end</u>	<u>Monthly</u> <u>Vacation Hours Earned</u>	<u>Equals</u> <u>Days per Year</u>
0-2 years	8 hours/month	12
3 years	8.67 hours/month	13
4 years	9.33 hours/month	14
5-10 years	10 hours/month	15
11-15 years	12 hours/month	18
16-20 years	14 hours/month	21
21 + years	16.67 hours/month	25

All new employees must satisfactorily complete their trial period to be entitled to the use of vacation leave. New full-time employees who begin their first day of work on or before the 15<sup>th</sup> of the month will be credited with eight (8) hours of vacation leave at the end of their first month. New full-time employees who begin after the 16<sup>th</sup> of the month will be credited with four (4) hours of vacation leave at the end of their first month. Thereafter accruals will be as specified for a full-time regular employee. Regular part-time employees will receive vacation on a pro-rata basis according to hours budgeted. Temporary employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay. Employees accrue but may not use vacation leave during their trial periods. Employees who do not successfully complete their trial period forfeit all vacation leave.

Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests should be submitted to the department supervisor for prior approval. Leave requests longer than three (3) days should be submitted at least two (2) weeks prior to taking vacation leave. Sick leave may not be used during vacation leave.

The maximum number of vacation hours that may be carried over from one calendar year (January – December) to the next is two hundred forty (240) hours. In cases where Town operations have made it impractical for an employee to use vacation time,

the Personnel Officer may on rare occasions give written authorization for additional carryover. Employees will be paid for unused vacation time upon termination of employment within accrual limitations. On January 1<sup>st</sup> of each year all employees should have two hundred forty (240) hours or less, except as noted above. Employees will forfeit any vacation hours in excess of two hundred forty (240) hours as of January 1<sup>st</sup>.

## 8.2 SICK LEAVE

Sick leave provides eligible employees with a measure of financial protection by allowing time off with pay when a personal illness, accident, disability, or illness of an immediate family member occurs. Sick leave is solely intended as a form of income protection. It is not to be considered as paid time off owed to an employee, nor will unused sick leave be paid at termination, except as defined below.

All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. New full-time employees who begin their first day of work on or before the 15<sup>th</sup> of the month will be credited with eight (8) hours of sick leave at the end of their first month. New full-time employees who begin after the 16<sup>th</sup> of the month will be credited with four (4) hours of sick leave at the end of their first month. Regular part-time employees accrue sick leave benefits on a pro-rata basis according to hours budgeted. Employees accrue but may not use sick leave during their trial periods. Part-time employees are not allowed to use sick leave on days they are not scheduled to work. Temporary employees are not eligible for sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.

8.2.1 Allowable Uses of Sick Leave: Sick leave covers those situations in which an employee is absent from work due to:

- (1) Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);
- (2) The need to care for the employee's immediate family;
- (3) Medical or dental appointments for the employee, children, spouse, or parent;
- (4) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- (5) Use of a prescription drug, which impairs job performance or safety.

A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The Town may also request the opinion of a second doctor at the Town's expense to determine whether the employee suffers from a chronic physical or mental condition that impairs their 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 Town.

In the case where "time off for recovery" is called for, a physician's report is required. The physician's report shall be signed by the employee's physician, returned to the Town, and attached to the employee's monthly time sheet.

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with the Personnel Officer's prior approval, request a leave without pay. (See: Leave Without Pay)

Maximum accumulated sick leave is eight hundred and twenty (820) hours.

Upon separation from employment any unused sick leave shall be forfeited and will not be paid to the employee, except upon retirement as defined by the Washington State Retirement System of the participating retiring employee.

Subject to the following maximums, an employee with ten (10) or more years of service with the Town shall be paid for any unused sick leave upon his or her death or retirement. Payment shall be made at regular payroll intervals.

The maximums are:

Years of Service	Maximum Credit (in working days)
10 through 14	20
15 through 19	30
20 or more	60

### 8.3 FAMILY CARE LEAVE

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, sibling, parent, parent-in-law, domestic partner, grandchild or grandparent, as described below.

8.3.1 An employee may use available paid time off to care for his/her child where the child has a health condition requiring treatment or supervision, or where the child needs preventive care such as medical, dental, optical or immunization services.

8.3.2 An employee may use available paid time off when a spouse, sibling, domestic partner, parent, parent-in-law, grandchild or grandparent has a "serious or emergency health condition; which are conditions:

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in a period of incapacity or treatment or recovery following inpatient care;
- Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e., demanding immediate action).

8.3.3 Where the need for family care leave is unexpected, the Town understands that advanced approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The Town reserves the right to require verification or documentation confirming that a family member has or has had a "serious or emergency" health condition when available leave is used to care for that family member.

## 8.4 LEAVE OF ABSENCE WITHOUT PAY

8.4.1 The Personnel Officer 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 a prolonged illness, parenting, caring for an ill relative, or pursuing an education.

8.4.2 Upon written request of the employee, and recommendation of the Department Head, the Town may grant a regular employee a leave of absence without pay. The request and the Department Head's written recommendation of such leave shall be entered in the employee's personnel file. No vacation, retirement or sick leave benefits shall accrue while an employee is on leave of absence without pay; moreover, the employee's employment anniversary date will be adjusted by the length of that portion of granted leave which is in excess of thirty (30) days. Such leaves shall not be granted for periods in excess of six (6) months, provided, however, an additional six (6) months may be granted if the purpose of the leave is for education or training which the Town believes will be beneficial to the Town as well as to the employee.

8.4.3 During an approved leave of absence without pay, the employee shall continue membership in the health insurance program by paying each month's full premium costs in advance.

8.4.4 Upon returning from leave for a prolonged illness, an employee shall resume the same job or a similar job with at least the same pay if the employee can perform the full scope of duties.

## 8.5 JURY AND WITNESS LEAVE

8.5.1 Jury Duty: The Town provides all employees leave for jury duty service. The employee must provide his/her supervisor with a copy of the jury duty summons as soon as possible after receiving it. Regular full-time and part-time employees who have completed their trial period receive paid jury duty leave of up to two weeks each time they are called for jury service. In general, if jury duty extends beyond two weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two (2) weeks should contact the Personnel Officer to discuss whether further paid leave will be provided. Upon completion of jury duty, the employee is required to provide their supervisor with proof of jury service.

8.5.2 Witness Duty: All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless the employee is a witness in a case involving the Town. For exempt salaried employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit.

## 8.6 ADMINISTRATIVE LEAVE

On a case-by-case basis, the Town may place an employee on administrative leave with pay for an indefinite period of time. Administrative leave may be used in the best interests of the Town (as determined by the Personnel Officer) during the pendency of an investigation or other administrative proceeding.

## 8.7 MILITARY LEAVE

The Town provides all employees leave while performing military service in accordance with federal and state law. Regular full-time and part-time employees receive paid military leave of up to twenty one (21) working days per year for military service. In general, if military service extends beyond twenty one (21) working days, the additional leave will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave. All employees who are not eligible for paid military leave are provided unpaid leave for the period of their military service. Military service includes active military duty and Reserve or National Guard training. The employee must provide his/her supervisor with copies of their military orders as soon as possible after they are received. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.

## 8.8 LEAVE FOR SPOUSES OF MILITARY PERSONNEL

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to fifteen (15) days of unpaid leave while his/her spouse is on leave from deployment, or before and up to deployment. The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of twenty (20) hours per week to be eligible for this family military leave.

8.8.1 An employee who seeks to take family military leave must provide the Town with notice of his/her intent to take leave within five (5) business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave.

## 8.9 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a "reasonable" amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g., vacation, sick leave, compensatory time) in connection with such leave.

8.9.1 Domestic violence/sexual assault leave may be taken for the following purposes:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such health care treatment for a family member;
- To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

8.9.2 When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The Town may require verification to support the need for the leave.

Depending on the situation, verification can take the form of police reports, court documents, or the employee's own written statement of the need for the leave. Except where disclosure is authorized or required by law, the Town will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

## 8.10 BEREAVEMENT LEAVE

The Town provides regular, full-time and part-time (on a pro-rated basis) employees with paid leave for up to three (3) days in the event of the death of an immediate family member. An additional two (2) days may be granted by the Personnel Officer in the event the employee must travel over six hundred (600) miles. Verifying information may be required. In order to be granted bereavement leave with pay, an eligible employee must notify and receive approval from his or her department head. Department head approval is required before taking additional leave.

## 8.11 SHARED LEAVE PROGRAM

The Personnel Officer may authorize employees to donate their accrued vacation leave to another Town employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate their employment. The following conditions apply:

8.11.1 Qualified Recipients shall 1) Have completed their initial trial period and are regular status employees; 2) Have exhausted all their accumulated vacation leave, sick leave, personal leave day, and compensatory time; and, 3) Not be eligible for worker's compensation benefits.

8.11.2 Qualified Donors. To be eligible to donate vacation leave, the employee who donates leave must have at least ten (10) days of accrued vacation leave. In no event shall a leave transfer result in the donor employee reducing their vacation leave balance to less than ten (10) days. Transfer of leave will be in increments of one (1) day of leave. All donations of leave are strictly voluntary.

8.11.3 Parameters.

Total shared leave is available for a maximum of six weeks (240 hours) per twelve (12) month period. An appropriate pro-rata for part-time employees is available.

Once leave has been donated and forwarded to the Payroll Clerk, it cannot be returned to the donor. Donated vacation leave is credited as sick leave to the recipient employee. Shared leave will be donated on an hour for hour basis. For example: an employee donates eight (8) hours of vacation leave, the recipient employee receives eight (8) hours of sick leave.

Donated leave to a qualified recipient may be terminated under any of the following conditions/circumstances:

- After use of 240, or pro-rata, hours of leave.
- Upon the physician's release to work whether regular or light duty.
- Upon eligibility for disability insurance benefits or retirement.

Requests for contributions of leave shall be submitted in writing to the Personnel Officer or designee with a copy provided to the Department Head. The request for approval must be accompanied by acceptable medical verification from a licensed physician, submitted by the employee or designee. This must include the diagnosis by the physician(s), a description of the reasons the employee is unable to perform the duties of their position, and the physician's prognosis and expectation of return to work.

Employees who are on approved shared leave and whose medical condition improves sufficiently to return to work, whether regular or light duty shall immediately notify their supervisor.

If an employee has abused, falsified information, or was otherwise not eligible for the leave, the employee shall be subject to disciplinary action. Employees who fail to advise the department of the physician's release to return to work in a timely manner shall be not be credited monthly sick leave accrual until excess leave is reimbursed and shall be subject to disciplinary action.

Posting of the Shared Leave request is allowed, solicitation is not.

The Personnel Officer, whose decision shall be final, will review any dispute arising over the Shared Leave Program.

## 8.12 HOLIDAYS

The following are recognized as paid holidays for all regular full-time and part-time employees:

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

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

Holidays occurring while on vacation, sick leave or while on other paid leave status shall not be charged against such leave during the first thirty (30) calendar days of such leave.

For flextime employees, holidays are considered eight (8) hour days.

Non-exempt part-time employees will be paid holiday pay based on their budgeted hours. (For example: If budgeted to work 20 hours per week the employee will receive 4 hours holiday pay.)

Non-exempt regular full-time employees who are required by his or her supervisor to work on a recognized holiday shall be paid at an amount equal to two (2) times his or her regular rate of pay for the time worked on such holiday. Such time must be pre-authorized by the supervisor. (For example: If a full-time employee works 3 hours on a holiday and their regular rate of pay is \$10 per hour they would receive 3 x \$10 pay, plus their holiday pay at 8 x \$10.)

Temporary employees are not eligible for holiday pay and will be paid at their regular straight-time rate for hours worked on a holiday.

## 8.13 PERSONAL LEAVE DAY

In addition to the holidays listed in Section 8.12, regular full-time and part-time employees are eligible for one personal leave day per year. The personal leave day must be taken before December 31<sup>st</sup> in the calendar year in which it is earned and must be taken in one eight (8) hour shift (or as pro-rated for regular part-time employees). If not used within the calendar year, the personal leave day may not be carried over into the next year. Department head/supervisor approval is needed prior to taking a personal leave day.

## 8.14 PANDEMIC EVENT LEAVE

8.14.1 The purpose of this policy is to protect the general public health, safety and welfare and to recognize the broad authority granted by the State Legislature in RCW Chapter 70.05 to the Health Officer and Board of Health in combating infectious disease outbreaks. It grants the Town Administrator authority to take steps to prevent the transmission of infectious viruses or bacteria that are the causative agents of a pandemic through the tools of social isolation. It is the intention of the Town to rely on the determinations of the Health Officer in the implementation of these personnel rules.

8.14.2 The steps taken by the Town Administrator will be based on written determinations of the Health Officer as set forth below. These policies will not take effect except in the event of a Pandemic or Threatened Pandemic Event.

8.14.3 Definitions.

8.14.3.1 "Health Officer" means the San Juan County Health Officer or his/her designee.

8.14.3.2 "Pandemic event" means that the World Health Organization has established a pandemic alert phase 5 with active cases confirmed in the United States, Canada or Mexico; or an alert phase 6 whether or not there are cases in the United States, Canada or Mexico.

8.14.3.3 "Pandemic infection" means an infection in a human being caused by a microbe that is the subject of a pandemic event.

8.14.3.4 "Probable or suspected pandemic case" means a case that meets the clinical and epidemiologic criteria for a diagnosis of infection caused by the pandemic microbe strain, whether or not a final laboratory diagnosis has been completed.

8.14.3.5 "Severity level" means the level of risk of mortality, as determined by the Health Officer, resulting from a novel strain of infectious disease agent associated with a pandemic or threatened pandemic.

8.14.3.6 "Symptoms of infection" means a list of clinical and epidemiologic criteria prepared by the Health Officer for the purpose of identifying probable or suspected pandemic cases in the workplace without the use of laboratory tests.

8.14.3.7 "Threatened pandemic event" means that the World Health Organization has established a pandemic alert phase 4, with active cases confirmed in the United States, Canada or Mexico.

8.14.4 Authority of Health Officer and Town Administrator.

8.14.4.1 The Health Officer has the authority under State and local laws to take appropriate action to protect the public health. In the event of a pandemic or

threatened pandemic event, the Town will rely on the written determinations of the Health Officer including the following:

- A. A written list of the symptoms of the pandemic infection; and
- B. A determination of the severity level of the pandemic infection.

8.14.4.2 The Town Administrator shall base his/her decisions under this policy on the existence of a pandemic or threatened pandemic event as determined by the World Health Organization and the Health Officer's determination of the severity level and the need for a declaration of emergency.

8.14.5 Threatened Pandemic Event. Steps the Town Administrator may take in response to a Threatened Pandemic Event or Pandemic Event are as follows:

8.14.5.1 The Town Administrator or his/her designee may take the following steps to protect the health of Town employees, in response to a pandemic event or a threatened pandemic event. The Town Administrator shall base his/her actions on symptoms of infection and the severity level as determined in writing by the Health Officer. These steps are listed in order of increasing severity, based upon a determination of the Health Officer, but do not have to be instituted in that order, depending on the threat level as determined by the Health Officer:

- A. Severity Level 1. No additional precautions.
- B. Severity Level 2. Minor precaution. The Town Administrator may require heightened respiratory hygiene and hand washing/hand sanitizing precautions. All coughs and sneezes must be covered, hand sanitizer and hand washing must be used throughout the day and before eating or as directed by the Health Officer.
- C. Severity Level 3. Moderate precaution. The Town Administrator may take the following steps regarding employees who come to the work place with suspected symptoms of infection.
  - 1. The Town Administrator may direct the employee to leave the workplace and seek medical attention by a physician for a medical diagnosis of the suspected symptoms of infection.
  - 2. Depending on the diagnosis and if the Town Administrator or his/her designee determines that the employee is essential to the work force, the employee may return to work, at the employee's discretion, but will be required to wear a mask or other appropriate health related protective items.
  - 3. Depending on the diagnosis and if the Town Administrator or his/her designee determines that the employee is not essential to the work force, the employee shall be sent home.

D. Severity Level 4. Major precaution.

1. Employees who have sick family members with symptoms of infection shall not be allowed on Town premises. The employee has an obligation to report sick family members to their supervisor.

2. Employees will be screened by the employee's immediate supervisor upon reporting for work. In the event the employee displays symptoms of infection, the employee shall be sent home.

E. Severity Level 5. Emergency. In the event that the Health Officer determines that a health emergency exists due to a pandemic event, the following may be required by the Town Administrator.

1. All employees, except those who are essential to perform vital Town services or emergency operation management, will be sent home and not allowed to return to work until directed by the Town Administrator, with the approval of the Health Officer.

2. Failure to comply with directives given by the Town Administrator in the event of a health emergency will be subject to discipline under the Town's personnel rules.

8.14.6 RETURN TO WORK.

8.14.6.1 Employees with symptoms of infection will not be allowed to return to the workplace until after resolution of the symptoms.

8.14.6.2 Employees with confirmed medical diagnosis of infection will not be allowed to return to the workplace until released to do so by written permission of a physician.

#### 8.14.7 USE OF LEAVE ACCURAL

8.14.7.1 Employees on pandemic leave may elect to use accrued sick, vacation, compensatory time or other available paid time off during the period of required leave. Once leave balances have been expended, the employee will be placed on unpaid leave.

#### 8.14.8 HEALTH INSURANCE BENEFITS

8.14.8.1 For regular full-time employees, the Town will continue to pay its portion of the employees and their dependents health insurance premium for a period not to exceed sixty (60) days if regular full-time employee status is reduced to part-time employee status due to insufficient available paid leave.

8.14.8.2 For regular part-time employees, the Town will continue to pay its portion of the employees health insurance premiums for a period not to exceed sixty (60) days if regular part-time employee status can not be achieved due to insufficient available paid leave.

#### 8.15 BENEFITS FOR PART-TIME EMPLOYEES

Unless noted otherwise in these guidelines, benefits for regular part time employees are as follows:

Regular part-time Employees: All leaves are based on budgeted hours including holidays, vacation, and sick leave.

#### 8.16 BENEFITS FOR TEMPORARY/SEASONAL EMPLOYEES

Unless noted otherwise in these guidelines, leave benefits for temporary/seasonal employees are as follows:

Temporary/Seasonal Employees: Temporary employees are not eligible to receive leave benefits.

# CHAPTER 9

## Employee Responsibilities and Conduct

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### 9.1 GENERAL CODE OF CONDUCT

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

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

The Town is a relatively small organization. To function as efficiently as possible employees may be asked to perform seemingly "menial" duties outside their regular assignments. It is no reflection on ones worth to the Town, but a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the Town also reserves the right to change work conditions and the duties originally assigned. If these arrangements become necessary, we expect the employee's best cooperation.

Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency of day to day operations in keeping with sound principles of human relations in the Town's service.

### 9.2 GIFTS AND GRATUITIES

No Town employee may directly or indirectly give or receive or agree to receive any compensation, gift, reward, or gratuity from any source except the State of Washington or the Town of Friday Harbor for any matter connected with or related to services as an employee.

### 9.3 CHILDREN / ANIMALS AT WORK

Childcare is the responsibility of each individual employee. The Town of Friday Harbor does not provide for childcare, and outside of the normal daily contact, employees are not allowed to conduct childcare while on Town business.

Animals, including pets, are prohibited at work inclusive of Town facilities, vehicles, and equipment.

## 9.4 SOLICITATIONS

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of Town or employee property. The following limitations apply:

- (1) Persons not employed by the Town may not solicit, survey, petition, or distribute literature on our premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. [Exceptions to this rule may be made in special circumstances where the Town determines that an exception would serve the best interests of the organization and our employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.]
- (2) Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time, such as before or after work or during meal or break periods. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas. Employee lunchroom areas are considered a non-work area under this policy.

## 9.5 REPORTING IMPROPER GOVERNMENTAL ACTION

### 9.5.1 General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by Town officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the Town, with a process provided for speedy dispute resolution.

9.5.2 Improper Governmental Action: any action by a Town officer or employee that is:

- (1) undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, and
- (2) in violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.
- (3) "improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, and reassignment, for example). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

9.5.3 Retaliatory Action: any material adverse change in the terms and conditions of an employee's employment.

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

9.5.5. Employee: any person appointed to any position with the Town under any provision of the personnel ordinance of the Town whether part-time or full-time, temporary or contract hire.

9.5.6. Procedures for Report: Town employees who become aware of improper governmental action should follow this procedure:

- (1) Raise the issue first with their supervisor, if non-involved. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the Town Administrator or such other person as may be designated by the Mayor to receive reports of improper governmental action.
- (2) In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.
- (3) The supervisor, the Town Administrator, or the Mayor's designee, as the case may be, shall take prompt action to assist the Town in properly investigating the report of improper governmental action. Town officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent reasonably possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be given a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.
- (4) Town employees may report information about improper governmental action directly to the appropriate government agency responsible for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the Town to determine whether an improper governmental action occurred, or that insufficient action has been taken by the Town to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.
- (5) Town employees who fail to make a good-faith attempt to follow the Town of Friday Harbor's procedures in reporting improper governmental action shall not receive the retaliation protections provided by the Town in these procedures and pursuant to RCW 42.41.030.

9.5.7 Protection Against Retaliation: Town officials and employees are prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their supervisor, the Town Administrator, or the Mayor's designee. Town officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the Town Administrator, or the Mayor's designee, as the case may be, does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Town council that:

- A. Specifies the alleged retaliatory action; and
- B. Specifies the relief requested.

Town employees shall provide a copy of their written charge to the Town Administrator no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Town shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the Town or thirty (30) days after the delivery of the charge to the Town, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Town Administrator within the earlier fifteen (15) days of delivery of the Town's response to the charge of retaliator action, or forty five (45) days of delivery of the charge of retaliation to the Town for response.

Upon receipt of request for hearing, the Town shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge or make arrangements for appointment of a private professional quasi-judicial hearings officer. The Town will consider any recommendation provided by the hearings officer that the retaliatory individual be suspended with or without pay, or dismissed.

9.5.8 Responsibilities The Town Administrator is responsible for implementing the Town of Friday Harbor's policies and procedures:

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

This includes ensuring that this policy and these procedures:

- (1) Are permanently posted where all employees will have reasonable access to them;
- (2) Are made available to any employee upon request; and
- (3) Are provided to all newly-hired employees.

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

**9.5.9 Policy Implementation:** The Personnel Officer (or designee) is responsible for implementing these guidelines and procedures. This includes posting the policy on the Town bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

## 9.6 POLITICAL ACTIVITIES

Town employees may participate in political or partisan activities of their choosing provided that Town 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 Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

Any Town employee, who meets with or may be observed by the public or otherwise represents the Town to the public, while performing their 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 Town property or Town time, for a contribution for a partisan political cause.

Except as noted in this policy, Town employees are otherwise free to fully exercise their constitutional First Amendment rights.

## 9.7 NO SMOKING POLICY

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

## 9.8 PERSONAL POSSESSIONS

In some cases, the Town has furnished desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. The Town does not, however, assume responsibility for any theft or damage to the personal belongings of employees.

## 9.9 COMPUTER AND INTERNET USE

It is the policy of Town of Friday Harbor to encourage effective and efficient use of all Town equipment for completion of Town business. This includes use of the Computer and Internet for Town employees: to provide information to Town residents, businesses and other governmental agencies; to search for information; and, for information exchange.

While the Town furnishes computers for use in conducting Town business, Town computers and internet access are not for personal use. All electronic messages must be appropriate to the Town's professional environment and be consistent with the Town's policies prohibiting discrimination and harassment.

All documents, files, communications, and messages are the property of the Town. As a result, these documents, files, communications, and messages are not private or confidential. The Town reserves the right to review the contents of any document, file, or communication, stored on, or accessed from an employee's computer.

Employees are not to use their personal Internet accounts during work hours or use Town equipment to reach personal sites. Internet access is limited to business purposes only. The Personnel Officer may suspend or remove Internet access for any employee for violation of this policy after contacting the Department Head or supervisor.

### 9.9.1 Access Reporting

It is the responsibility of the Department Head to monitor and audit use of the Internet within the department. Much like the Town telephone system, there is the potential for employee abuse of the system. System Administration may monitor and record user access to the Internet and provide the Department Head with information that can be used to track access to all Internet sites on a regular basis.

### 9.9.2 Downloading Files

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 Town. Files downloaded from the Internet, or any other outside service, must be scanned by a virus checking software prior to being used on a Town computer. Elected Officials or Department Heads can contact System Administration for options available for virus checking of downloaded files.

### 9.9.3 Uploading Files

Files are not to be uploaded to the Internet without express consent by the employee's Department Head. Files uploaded to the Internet have the possibility of being intercepted by others and used against the Town's interest.

### 9.9.4 Privacy

An employee's rights while accessing the Internet by use of Town property does not include the right to privacy. The Town reserves the express right to monitor, in any way, the activities of the employee while accessing the Internet. Violation of Town policy regarding Internet use may result in disciplinary action up to and including dismissal. Court cases have upheld a business' right to monitor and discipline employees based upon electronic activities which are prohibited by a company's policy.

As with all Town policies, employees will be disciplined for violation of the Internet Use Policy. However, employees will not be disciplined for "deminimis" personal use of the electronic mail system or the Internet. The deminimis (too minor to warrant concern) standard would mean that some personal communications, while not sanctioned, are not prohibited by the policy. Generally, this would include such uses as adding a personal comment to an official e-mail, sending a short personal note to a colleague or other personal interactions that are routinely a part of day to day business interaction. Reasonable judgment should be applied to individual circumstances. The Town retains sole discretion to determine what use is deminimis and to discipline for all other use.

## 9.10 USE OF TOWN VEHICLES AND EQUIPMENT

Town equipment, including vehicles, should be used by employees for Town business only. An employees' misuse of Town services, telephones, vehicles, equipment or supplies can result in disciplinary action. Use of Town phones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited, unless the long distance call can be charged to the employee's personal account and the length of the call is kept to a minimum.

## 9.11 CONTACT WITH THE NEWS MEDIA

The Town Administrator or designated department heads shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Town Administrator or department head may designate specific employees to give out procedural, factual or historical information on particular subjects.

## 9.12 SEAT BELT POLICY

Anyone operating or riding in Town owned vehicles must wear a seat belt at all times.

## 9.13 DRIVER'S LICENSE REQUIREMENTS

As part of the requirement for certain specific Town positions, an employee may be required to hold a valid Washington State Driver's license. 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 their supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to their supervisor. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including dismissal.

## 9.14 SAFETY

Every employee is responsible for maintaining a safe work environment and following the Town's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to their supervisor. The Town will make every effort to remedy problems as quickly as possible.

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor or the Town Administrator.

Since being exposed to a bloodborne pathogen may lead to sicknesses such as hepatitis, AIDS, or malaria, and since the Town wants to assure its employees of a safe and healthy work environment, it is the policy of the Town to comply with all statutory obligations for the prevention of exposure to bloodborne pathogens.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons.

An employee who, in the course of Town business, is operating machinery (with exposed moving parts) or motor vehicle(s) and who must use a prescription drug that causes adverse side effects (e.g., drowsiness or impaired reflexes or reaction time), shall inform their supervisor that they are taking such medication according to the advice of a physician. Such employees are responsible for informing their supervisor of the possible effects of the drug on their performance and the expected duration of its use. If the prescription drug could cause production of safety problems, a supervisor may grant the employee sick leave or temporarily assign the employee to different duties, if available.

## 9.15 SUBSTANCE ABUSE

The Town's policy on substance abuse has two focuses: (1) a concern for the well being of the employee and (2) a concern for the safety of other employees and members of the public.

### 9.15.1 When Job Performance is Affected:

Although the Town is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired

because he/she is under the influence of drugs and/or alcohol on the job. The Town may discipline or terminate an employee possessing, consuming, selling or using alcohol, or controlled substances during work hours. The Town may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. An employee may be required to submit to alcohol or controlled substance testing when the Town has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination. Employees must notify the Personnel Officer within five (5) days of any conviction for a drug violation in the workplace.

#### 9.15.2 Operators of Commercial Motor Vehicles:

Town employees who hold commercial driver's licenses (CDLs) and who operate commercial motor vehicles while employed by the Town are subject to additional rules and regulations imposed by the federal government. These regulations require urine drug testing and alcohol breath testing in the following circumstances:

- (1) reasonable suspicion;
- (2) post-accident;
- (3) return to duty testing;
- (4) random testing.

CDL holders who test positive must be removed from service and are subject to disciplinary action.

9.15.3 Drug-Free Workplace: Based on the federal Drug-Free Workplace Act, the manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on Town premises or during work hours by Town employees is strictly prohibited. Employees also must notify the Town within five (5) days of any conviction for a drug violation in the workplace. Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete a rehabilitation program is also grounds for termination.

# CHAPTER 10

## Discipline and Terminations

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### 10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

The Town's success in providing excellent service to its citizens and maintaining good relationships with the community depends on its employees. The Town has therefore provided for your guidance certain conduct which, if engaged in, would be detrimental to our objective and could lead to disciplinary action including discharge. The following specified conduct is illustrative and not comprehensive:

- Misrepresentation or withholding of pertinent facts in securing employment;
- Unauthorized use or possession of the Town facilities/property. Unauthorized use of position for personal gain or advantage. Accepting unlawful gratuities or bribes. Lying;
- Smoking in any unauthorized area or creating of fire hazards in any area;
- Violation of the Town's telephone and internet use policy;
- Failure to report an occurrence causing damages to Town, customer, or public property. Failure to properly secure the Town facilities or property;
- Unauthorized operation or using machines, tools, or equipment to which the employee has not been specifically assigned;
- Habitual lateness for work. Absence without proper notification to immediate supervisor, excessive absenteeism, or insufficient reasons for absenteeism. Loitering, goofing off, failing to assist others in a work situation;
- Disorderly conduct, including fighting on the premises. Rudeness, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees. Immoral conducts while on duty;
- Intentional falsification of records/paperwork required in the transaction of the Town business;
- Inability, inefficiency, negligence, or insubordination, including a refusal or failure to perform assigned work. Concealing defective work;
- Failure to observe safety practices, rules, regulations, and instructions. Negligence that results in injury to others. Failure to wear required safety clothing and equipment;
- Failure to promptly report to your immediate supervisor an on-the-job injury or accident involving an employee, equipment, property, or visitor;
- Dishonesty or theft, including deliberate destruction, damage, or removal of the Town's or other's property from the premises, or any job site;
- Possession, use, sale, or being under the influence of alcohol and controlled substances while on Town business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance

prescribed by a doctor if such employee has given their supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance;

- Violation of sexual harassment policies
- Possession of explosives or weapons on Town premises or at any Town job site;
- Conviction of a gross misdemeanor or felony;
- Insubordination;
- Misconduct

## 10.2 POSSIBLE DISCIPLINARY ACTIONS

The choice of what discipline to apply in any particular case is solely the Town's. In the event that discipline is necessary, the following are some examples of types of disciplinary actions that may be used, depending on the particular situation:

### Oral Warning

- a. This type of discipline should be applied for infractions of a relatively minor degree. Supervisors should inform the employee that he or she is administering an oral warning and that the employee is being given an opportunity to correct the condition. If the condition is not corrected, the person will be subject to more severe disciplinary measures.
- b. A notation that an oral warning was given should be made for the employee's personnel file.

### Written Warning

- a. This notice will be issued by the supervisor in the event the employee continues to disregard an oral warning, or if the infraction is severe enough to warrant a written record in the employee's personnel file.
- b. The supervisor will set forth in the warning notice the nature of the infraction in detail and will sign the notice. He/she will discuss the warning notice with their immediate supervisor, then with the employee, to be certain that the employee understands the reasons for the disciplinary action.
- c. A copy of the warning notice is to be handed to the employee at the time of the discussion of the discipline. The employee must sign, acknowledging that he/she received the written warning. The original acknowledgement is to be placed in the employee's personnel file.

### Suspension With or Without Pay

- a. This form of discipline is administered as a result of a severe infraction of rules, standards or for excessive violations after the employee has received a written warning and not improved their performance. This is the most severe form of discipline given short of termination.
- b. The supervisor shall set forth all facts leading to the reason for the disciplinary

suspension, and the duration of the suspension on a disciplinary action form. He/she shall then inform the employee of the disciplinary action, making certain that the employee is fully aware of the reasons for such action. The original of the disciplinary action form is to be placed in the employee's personnel file with a copy given to the employee.

#### Demotion

- a. Demotion is to be used in rare instances where employees have been promoted to a position to which they are unable to perform the responsibilities of that position. It should be applied only after a thorough evaluation by the supervisor and only after adequate written warning.

#### Discharge/Termination.

- a. In cases where the Town contemplates termination of an employee, other than trail employees, the Town will conduct a pre-termination hearing. The pre-termination hearing serves as an opportunity for the employee to furnish additional facts before a termination decision is finalized.
- b. The employee shall be provided with a notice of the pre-termination hearing which includes the time and date of the hearing and an explanation of the charges on which the termination recommendation is based. If the employee fails or refuses to appear, the termination may proceed.
- c. Pre-termination hearings will be presided over by the Mayor. The hearings are intended to be informal. The employee may show cause as to why they should not be terminated.
- d. Generally within 3 working days after the pre-termination hearing, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support termination.

### 10.3 GRIEVANCES

An employee may file a grievance with respect to a claim or dispute arising from the interpretation, meaning, or application of the provisions of these guidelines.

Employees who are exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full work week, unless the infraction involves violation of safety rules of major significance.

### 10.4 TERMINATION / DISMISSAL

It is understood that employment with the Town is for no specific period of time. Employment can be terminated at will by the employee or by the Town at any time with or without cause.

Employees whose behavior or performance is unacceptable will be discharged. Supervisors have the authority to recommend that an employee be discharged. All discharge recommendations will be reviewed with and approved by the Personnel Officer before final action is taken.

## 10.5 REDUCTION IN FORCE

The Personnel Officer may lay off employees for lack of work, budgetary restrictions, reorganization, or other changes that have taken place.

## 10.6 EXIT INTERVIEWS

Exit interviews are to be scheduled with the Town Administrator normally after a supervisor receives a notice of resignation or retirement. The purpose of the interview is to provide the employee with the opportunity to discuss the reasons for their decision to resign from the Town and/or to discuss their job-related experiences. In addition, this is a time to review any eligibility for benefit continuation and or conversion, to ensure that all necessary forms are completed, and to ensure that all Town property is collected.

# CHAPTER 11

## Complaint Procedures

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### 11.1 DISCRIMINATION COMPLAINT PROCEDURES

Each member of management is responsible for creating an atmosphere free of discrimination and harassment. Further, employees are responsible for respecting the rights of their co-workers and others, including the citizens they serve. The following procedure outlines the steps to follow if the employee believes they have experienced harassment or discrimination on the job.

Should the employee believe that they have been harassed or are the victim of discrimination, the employee should try, if possible, to identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is either ineffective or impossible, the employee should discuss their concern with the immediate non-involved supervisor or the Personnel Officer. A non-involved supervisor is defined as the first person in an employee's chain of command that is not the object of the complaint of harassment. Include the specific allegation, the date(s) the incident occurred, the individuals involved, and any witnesses. No employee will suffer retaliation for reporting such concern. To the extent possible, complaints will be handled confidentially.

If an investigation shows the accused employee did engage in harassment or discrimination, appropriate action will be taken, as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file or, an employee transfer, demotion, suspension or termination.

Nothing in this policy shall prevent an employee from informally discussing any problem regarding harassment or any other discriminatory activity with any supervisor in their chain of command, or with the Personnel Officer. These management personnel may take appropriate action commensurate with their role and authority to resolve this matter.

It is the right of all employees to seek at any time redress by the Washington State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law. It is encouraged that the administrative remedies outlined in this policy be exhausted before outside agencies are consulted.

### 11.2 COMPLAINT PROCEDURES

The Town recognizes that sometimes situations arise in which employees feel that they have not been treated fairly or in accordance with Town guidelines. For this reason the Town provides its employees with procedures for resolving complaints.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor.

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of Town guidelines and procedures, the employee should attempt to resolve the problem with their department head. The department head will usually respond to the employee in writing within five (5) working days after meeting with him/her, if possible.

Step 3: If the employee is not satisfied with the response from the department head, the employee may submit the problem, in writing, to the Town Administrator. The written complaint must contain at a minimum:

- (1) A description of the problem;
- (2) A specific guideline or procedure, which the employee believes, has been violated or misapplied;
- (3) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- (4) The remedy sought by the employee to resolve the complaint.

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

The Personnel Officer may meet with the parties, either individually or together, and will usually respond in writing to the aggrieved employee within fifteen (15) working days of the meeting. The Town Administrator's response and decision shall be final and binding.