

CITY OF DES MOINES PERSONNEL MANUAL

TABLE OF CONTENTS

Page Number

SECTION 1. PURPOSE AND SCOPE

A. General Purpose 1-1

B. Scope 1-1

C. Adoption and Amendment 1-2

D. Inconsistencies with Other Documents..... 1-2

E. Accountability 1-2

SECTION 2. GENERAL POLICIES AND PRACTICES (Revised 8/2010)

A. Equal Employment Opportunity 2-1

 1. Employment Practices

 2. Cooperation with Human Rights Organizations

B. American with Disabilities 2-2

 1. Applicants for Employment

 2. Employees

 3. ADA Dispute Resolution

C. Anti-Harassment 2-4

D. Sexual Harassment..... 2-4

E. Discrimination and Harassment Compliant Procedure..... 2-6

F. Workplace Violence..... 2-7

 1. Workplace Violence Prohibition

 2. Reporting Violent Conduct

 3. Imminent Danger/Violence Incident Procedure

 4. Security Precautions

G. Employee Privacy 2-9

TABLE OF CONTENTS CONTINUED

H. Personnel Records..... 2-9

I. Employment References 2-10

J. Employment Rights 2-11

K. Reporting Improper Governmental Action and Protecting Employees
Against Retaliation (Whistleblower Act) 2-11

 1. Policy Statement

 2. Definitions

 3. Procedure for Reporting

 4. Protection Against Retaliatory Actions

 5. Responsibilities

L. Committees 2-15

SECTION 3. HIRING

A. Recruitment of Employees..... 3-1

 1. Recruitment

 2. Position Announcement

 3. Application

B. Selection 3-2

 1. Job Requisition

 2. Selection Criteria

 3. Interview

 4. Pre-Employment Testing

 5. Pre-Employment Physical Examination

 6. Recruitment and Moving Expenses

C. Hiring 3-4

 1. Appointing Authority

 2. Offer of Employment

 3. Orientation

 4. Bloodborne Pathogen Training and Hearing Test

D. Creating a New Position 3-7

 1. New Position Description

 2. Temporary Employee

E. Residency Requirement 3-7

TABLE OF CONTENTS CONTINUED

F. Citizenship or Legal Alien Status 3-8

G. Nepotism 3-8

 1. Ineligible Situations

 2. Definition of Immediate Family

 3. City Councilmembers

H. Age Requirements and Restrictions..... 3-9

 1. Retirement Age

 2. Employment of Minors

I. Veteran Preference..... 3-9

J. Trial Period 3-10

SECTION 4. HOURS OF WORK

A. Work Hours and Scheduling 4-1

B. Overtime 4 - 1

C. Standby Status..... 4-2

D. Compensatory Time..... 4-2

 1. Non-Exempt Employees

 2. Exempt Employees

E. Recordkeeping 4-3

F. Breaks 4-3

G. Meal Period..... 4-3

H. Attendance and Tardiness/Absenteeism 4-4

I. Time Reporting 4-4

J. Emergency Closure..... 4-5

K. Travel Policy 4-5

L. Light Duty 4-6

TABLE OF CONTENTS CONTINUED

SECTION 5. COMPENSATION

A. Pay Periods and Pay Days 5-1

B. Salary Administration 5-1

- 1. Creation and Coverage
- 2. New Employee
- 3. Pay Plan and Pay Schedule
- 4. Promotion and Demotion
- 5. Position Classification
- 6. Plan Maintenance
- 7. Payroll Deduction
- 8. Work at a Higher Classification
- 9. Garnishment
- 10. Compensation Upon Termination

SECTION 6. BENEFITS (Revised 6/2010)

A. Retirement 6-1

- 1. State Retirement System
- 2. Other Retirement

B. Health and Welfare Plans 6-2

C. Extended Health Benefit 6-2

D. Worker's Compensation 6-2

E. Deferred Compensation 6-3

F. Death and Disability Benefits 6-3

G. Training Policy 6-3

H. Educational Assistance and Professional Memberships 6-3

I. Alcoholism and Substance Use/Abuse 6-5

J. Drug Free Workplace 6-7

- 1. Substance Abuse
- 2. Reporting Requirements
- 3. Testing

K. Wellness Program 6-8

- 1. Wellness Committee
- 2. Wellness Activities

TABLE OF CONTENTS CONTINUED

SECTION 7. LEAVES

A. Sick Leave..... 7-1

B. Family and Medical Leave; also known as “FMLA-Qualified Leave” 7-3

- 1. Purpose
- 2. General Policy
- 3. Relationship to Other Leave
- 4. Intermittent or Reduced Leave
- 5. Continuation of Insurance
- 6. Employment Protection
- 7. Notice
- 8. Confirmation by Health Care Provider
- 9. Additional Leave
- 10. Periodic Reporting
- 11. Other Benefits
- 12. Definitions

C. Vacations 7-7

- 1. Accrual Schedule
- 2. Maximum Accrual
- 3. Eligibility
- 4. Approval
- 5. Upon Separation

D. Holidays 7-9

- 1. Observance of Holidays
- 2. Scheduled Holiday Work
- 3. Floating Holiday
- 4. Religious Holiday

E. Jury Duty 7-11

F. Bereavement 7-11

G. Leave of Absence - General..... 7-12

H. Military Duty 7-13

I. Medical Leave..... 7-14

J. Shared Leave..... 7-15

- 1. Intent
- 2. Request
- 3. Eligibility to Receive Shared Leave
- 4. Amount of Shared Leave
- 5. Donation of Shared Leave

TABLE OF CONTENTS CONTINUED

6. While on Shared Leave
7. Maximum Donation
8. Maximum Accrual
9. Recordkeeping
10. Monitoring Equivalent and Appropriate Use

K. Kelly Hours 7-18

L. Administrative Leave 7-18

SECTION 8. STANDARDS OF CONDUCT AND DISCIPLINE

A. Rules of Conduct 8-1
1. Immediate Discharge
2. Other Disciplinary Actions
3. Levels of Discipline

B. Grievance 8-8
1. Employee Communication
2. Grievance - Definition
3. Grievance Procedure Steps

C. Outside Employment 8-10

D. Political Activity 8-11

E. Personal Appearance and Dress 8-12
1. General Attire
2. Uniform

F. Conflicts of Interest 8-13

G. Smoking and Tobacco Products 8-14

H. City Equipment and Supplies 8-14

I. Vehicle Use for City Business 8-15

J. Electronic Records, E-mail, and the Internet 8-17

K. Software Code of Ethics 8-18

TABLE OF CONTENTS CONTINUED

L. Solicitation 8-19
1. Persons Not Employed by the City
2. City Employees

SECTION 9. SAFETY AND SECURITY

A. Identification 9-1
B. Safety 9-1
1. Seatbelts
2. Driver’s License
3. Substance Abuse Policy for Operators of Commercial Motor Vehicles
C. Accidents and Reports 9-3
1. On the Job Injury
2. Incidents
3. Potential Hazards
4. Legal Liability
5. Safety Committee

SECTION 10. PERSONNEL ACTIONS

A. Promotion 10-1
B. Transfer 10-2
C. Reclassification 10-3
D. Demotion 10-4
1. Voluntary Demotion
2. Involuntary Demotion
E. Resignation 10-4
F. Layoff 10-5
1. Notification When Layoff Is Anticipated
2. Temporary vs. Regular Employee
3. Options
4. Seniority
5. 12 Months After Layoff—Eligibility to Jobs and Information
6. Out Placement

TABLE OF CONTENTS CONTINUED

G. Retirement 10-6

- 1. Procedure—Public Employees’ Retirement System (PERS)
- 2. Procedure—Law Enforcement Officers’ and Fire Fighters’ Retirement System (LEOFF)
- 3. Comp and Vacation Time Upon Retirement

H. Discharge Procedure 10-6

I. Employee Recognition..... 10-7

SECTION 11. DEFINITIONS

A through VV 11 - 1

CITY OF DES MOINES PERSONNEL MANUAL

SECTION 1. PURPOSE AND SCOPE

A. GENERAL PURPOSE

This Manual contains general statements of policy for employees' information and direction. Employees should read it carefully, and keep it for future reference.

These policies are enacted by the City of Des Moines in order to further the following goals:

1. To provide a uniform system of personnel administration throughout the City.
2. To ensure that recruitment, selection, placement, promotion, retention, and separation decisions are based upon qualifications and abilities, and comply with federal and State laws.
3. To assist managers in the development of sound, consistent management practices and procedures, and to make effective use of human resources throughout the City.
4. To promote communication between supervisors and employees.
5. To ensure, protect and clarify the rights and responsibilities of employees and the employer.

B. SCOPE

These personnel rules shall apply to all City employees except elected officials and independent contractors.

In the event of specific written conflict between these rules and any collective bargaining agreements, personal services contracts, memorandum of understanding with the Employee Negotiation and Advisory Committee, city ordinances, Civil Service Commission rules, State or Federal laws, the terms and conditions of that contract, rule, or law shall prevail. In all other cases these rules shall apply.

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

THE CITY MANAGER SPECIFICALLY RESERVES THE RIGHT TO REPEAL, MODIFY OR AMEND THESE POLICIES AT ANY TIME. NONE OF THESE PROVISIONS SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE OR TO LIMIT THE POWER OF THE CITY COUNCIL OR CITY MANAGER TO REPEAL OR MODIFY THESE RULES.

C. ADOPTION AND AMENDMENT

Under the provisions of State law and Des Moines Municipal Code 2.12.100 the City Manager has the authority to adopt and administer personnel rules, regulations and policies. The adoption of these rules and any amendments is made by written Executive Order of the City Manager.

D. INCONSISTENCIES WITH OTHER DOCUMENTS

In the event of specific written conflict between these rules and any collective bargaining agreements, personal services contracts, memorandum of understanding with the General Employees, Exempt Employees or Employee Relations Committee, City Ordinances, Civil Service Commission rules, State or federal laws, the terms and conditions of that contract, rule, or law shall prevail; in all other cases these rules shall apply. When department manuals conflict with the City of Des Moines Personnel Manual, the city manager will determine which manual prevails.”

F. ACCOUNTABILITY

All department directors/managers are responsible for providing analysis and recommendation for policy documents.

All City personnel are responsible for keeping themselves informed of policies and procedures as they affect their job responsibilities and are to promptly implement all new or revised publications. During their hiring orientation employees are provided access to the Personnel Manual on the City Intranet and may print a copy if they wish. The manual and subsequent updates are only available on the City Intranet and may also be printed by the employee.

CITY OF DES MOINES PERSONNEL MANUAL

SECTION 2. GENERAL POLICIES AND PRACTICES

A. EQUAL EMPLOYMENT OPPORTUNITY

The City of Des Moines is an equal opportunity employer. Pursuant to DMMC 2.12.110 it is the policy of the City to treat all applicants and employees equally and without regard to race, religion, creed, color, national origin, sex, age, disability, marital or veteran status, pregnancy, HIV infection, use of family leave, utilization of worker's compensation, sexual orientation, or any other basis prohibited by local, state or federal law. This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, termination, reduction in force, transfer, leaves of absence, compensation, and training. It is also the policy of the City to foster and maintain a harmonious, nondiscriminatory working environment for all employees. Towards this end, the City will not tolerate racial, ethnic, religious or sexual slurs, or comments demeaning national origin or the disabled, by any employee. Violations of this policy will be cause for disciplinary action, including written warnings, suspension and termination.

Any employee who feels he or she has been the victim of discriminatory treatment in violation of this policy should bring this concern to his or her Department Director or to the Human Resources Coordinator for appropriate action.

All departments shall adhere to the following guidelines:

1. EMPLOYMENT PRACTICES

All activities relating to employment such as recruitment, selection, promotion, termination, and training shall be conducted in a nondiscriminatory manner. Personnel decisions shall be based on individual performance, staffing requirements, and in accord with governing Civil Service laws or rules. All employees are responsible for ensuring this policy is adhered to on a daily basis.

2. COOPERATION WITH HUMAN RIGHTS ORGANIZATIONS

The City will cooperate fully with all laws, organizations, and commissions created to promote fair practices and equal opportunity in employment, including Title VII of the Civil Rights Act of 1964.

B. AMERICANS WITH DISABILITIES

The City will comply with all requirements of the Americans with Disabilities Act (ADA). Discrimination on the basis of disability against any applicant or employee who is a qualified individual with a disability is not condoned and will not be tolerated. This policy applies to the job application process and all terms and conditions of employment including, but not limited to, recruitment, hiring, training, assignment, promotion, compensation, transfer, layoff, reinstatement, benefits, education, termination and also in the provisions of City programs and services.

1. APPLICANTS FOR EMPLOYMENT

Any applicant for employment who requires a reasonable accommodation in order to apply, interview or otherwise compete for a position with the City should inform the City at the earliest possible time of the need for an accommodation. The City will make all reasonable efforts to provide an accommodation to an applicant when the accommodation sought is reasonably necessary for the applicant to compete for the position on an equal basis with applicants who do not have disabilities. If the applicant requesting an accommodation has a disability that is not obvious, the City may require documentation of the applicant's disability. All applicants shall be considered and all hiring decisions shall be made on the basis of an applicant's qualifications, and not on the basis of an individual's actual or perceived disability or whether or not the applicant will require an accommodation if hired.

2. EMPLOYEES

Any employee who believes he or she needs a reasonable accommodation in order to perform the essential functions of his or her job must submit a written request for a reasonable accommodation to the employee's supervisor or the City's Human Resources Coordinator.

Unless the requesting employee's disability and need for reasonable accommodation are obvious, the employee may be requested to provide reasonable documentation from the employee's physician or health care provider about the nature of the disability and the functional limitations that require accommodation. If requested, this documentation must be provided before the request for an accommodation will be granted. Any medical documentation provided in response to a request for additional information will be maintained in a confidential medical file separate from the employee's personnel file, and will not be provided to anyone except in the following situations: (1) First aid and safety personnel may be informed when appropriate if the disability might require emergency

treatment; (2) Supervisors and managers may be informed regarding necessary restrictions in the work or duties of the employee and of any reasonable accommodations which are to be provided; and (3) Government officials investigating compliance with the Americans with Disabilities Act shall be provided relevant information upon request.

After any requested documentation is provided, the supervisor or the Human Resources Coordinator will provide the information to the City Manager who will determine whether the particular accommodation sought by the employee is reasonable, and/or whether there are other accommodations that the City can provide which will allow the employee to perform the essential functions of the job.

The supervisor or the Human Resources Coordinator shall notify the employee whether the particular accommodation will be provided, the nature of the accommodation, and (if appropriate) when the accommodation will be received.

3. ADA DISPUTE RESOLUTION

The following dispute resolution procedure is established to provide prompt and equitable resolution of complaints alleging any action prohibited by the United States Department of Justice regulations implementing the Americans with Disabilities Act:

A complaint alleging a violation of the Americans with Disabilities Act must be submitted in writing within ten (10) working days after the complainant becomes aware of the alleged violation. The complaint can be submitted to the employee's Supervisor or the Human Resources Coordinator.

A written determination of the validity of the complaint and a description of the resolution, if any, shall be issued by the ADA Compliance Coordinator and sent to the complainant no later than thirty (30) calendar days after its submittal.

The right of a person to a prompt and equitable resolution of the complaint filed here under shall not impair the person's pursuit of other remedies such as the filing of an ADA complaint with the responsible federal department or agency.

C. ANTI-HARASSMENT

It is the City's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City expects all employees to work in a manner that respects the feelings and dignity of their co-workers. It is the policy of the City that all employees have the right to work in an environment free from harassment based upon their race, color, religion, gender, national origin, age, marital status, veterans' status, sexual orientation, disability, or any other protected status or characteristic. The City will not tolerate discrimination or unlawful harassment by employees toward co-workers or members of the public.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or member of the public because of such individual's protected status or characteristics such as his/her race, color, religion, gender, national origin, age, marital status, sexual orientation or disability or other status protected by law, that has the purpose of creating an intimidating, hostile or offensive work environment; or has the effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

D. SEXUAL HARASSMENT

Sexual harassment is a form of harassment and sex discrimination, and is an "unlawful employment practice" under Title VII of the 1964 Civil Rights Act and the Washington State Law Against Discrimination, Chapter 49.60 RCW.

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

1. Unwelcome or unwanted flirtations, propositions or advances. This includes patting, pinching, brushing up against or hugging, cornering, kissing, fondling, putting ones arm around another, or any other similar physical contact considered unacceptable by another individual.
2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
3. Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or

any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing

4. Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

Sexual harassment is inappropriate, offensive and illegal and will not be tolerated by the City.

An employee believing that he or she is being sexually harassed should immediately identify the offensive behavior to the harasser and request that it stop. The employee should discuss his or her concern immediately with a supervisor, manager, Human Resources Coordinator, or other employee authorized to deal with discrimination complaints. No employee will suffer retaliation for reporting such concerns or for cooperating in an investigation.

When a supervisor or manager is notified of alleged harassment, he or she will promptly notify the Human Resources Coordinator and an investigation of the complaint will be conducted. The investigation may include interviews with the directly involved parties, and where necessary, with employees who may have observed the alleged harassment or who may be similarly situated with the complaining employee, and who may be able to testify to similar experiences with the accused employee.

All complaints will be kept confidential to the fullest extent possible, and will be disclosed only as necessary to allow an investigation and respond to the complaint.

Complaints in cases of sexual harassment will be dealt with promptly. An employee who sexually harasses another employee will be disciplined as in any other case of serious, illegal employee misconduct.

If the investigation shows the accused employee engaged in sexual harassment, appropriate action will be taken, including a warning that any continued harassment may result in disciplinary action, such as suspension or termination. Additional actions, which may be taken, include verbal and/or written reprimands, a letter to the employee's file or, where warranted, an employee transfer, suspension or termination. The City will take whatever action the City deems necessary to prevent an offense from being repeated.

If the employee alleging sexual harassment is not satisfied with the results of the investigation, the employee may file a grievance as provided in this manual or in accordance with employee contracts.

The City strongly urges employees to report all incidents of harassment, discrimination or other inappropriate behavior as soon as possible.

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

E. DISCRIMINATION AND HARASSMENT COMPLAINT PROCEDURE

Each supervisor and member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. 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 you believe you have experienced harassment or discrimination on the job.

An employee who feels harassed should immediately identify the offensive behavior to the offending individual, tell them how they feel and request the behavior stop. In the event such informal direct communication is either ineffective or impossible or if the employee is uncomfortable confronting the offending individual, the employee should report their incident promptly. A complaint can be made verbally or in writing to the employee's supervisor, the employee's Department Director or the Human Resources Coordinator.

If you are experiencing discrimination or being harassed or observe harassment or discrimination by another employee, your supervisor or manager, report it directly to the Human Resources Coordinator, any Department Director or the City Manager. Retaliation against an employee, who has filed a complaint or reported discrimination, is prohibited.

If you are experiencing discrimination or being harassed or observe harassment or discrimination by the City Manager, report it to the Mayor or any member of the City Council.

If you are experiencing discrimination or being harassed or observe harassment or discrimination by the Mayor or any member of the City Council, report it to the City Manager.

Every complaint is to be reported promptly to the Human Resources Coordinator or City Manager by the person receiving the complaint. All complaints will be investigated promptly by the Human Resources Coordinator or designee. Upon receiving a complaint from the employee, the supervisor or the Department Director, the Human Resources Coordinator shall initiate an investigation and upon completion of the investigation recommend to the City Manager whether further action should be taken. If the investigation shows the accused employee did engage in harassment, appropriate disciplinary action will be taken, up to and including termination, in accordance with employee contracts and Civil Service rules as deemed necessary to stop any further harassment and to return to a professional work environment.

Confidentiality will be maintained through out the investigatory process to the extent practical and consistent with the City's need to undertake a full investigation.

There shall be no retaliation by the City, its officers, elected officials, supervisors or other employees toward any employee or member of the public bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any employee who retaliates or provides false information regarding a complaint may be subject to disciplinary action up to and including termination.

Both the employee filing the complaint and the alleged offender shall receive either a verbal or written response to the complaint. Where the investigation confirms the allegations, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, or other appropriate action, up to and including termination in accordance with employee contracts and Civil Service rules. The affected individuals will be informed of the outcome of the investigation.

All employees, supervisors and managers are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action if they witness inappropriate behavior or receive a complaint. A supervisor's failure to carry out these responsibilities may result in disciplinary action up to and including discharge.

F. WORKPLACE VIOLENCE

The City of Des Moines is committed to providing a safe workplace for its employees, guests, contractors, vendors and the public. Therefore, in an effort to help prevent or reduce the possibility of violence here in our workplace, the City of Des Moines has implemented this policy on workplace violence for our employees.

1. WORKPLACE VIOLENCE PROHIBITION

The City strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace or otherwise related to employment:

- a. Threatening injury or damage against a person or property
- b. Fighting or threatening to fight with another person
- c. Threatening to use or the possession, custody, storage, or control of a weapon on City premises unless the person is engaged in official law enforcement business. (Weapon is defined as any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or bodily harm)
- d. Abusing or injuring another person
- e. Abusing or damaging property
- f. Using obscene or abusive language or gestures in a threatening manner
- g. Raising voices in a threatening manner

2. REPORTING VIOLENT CONDUCT

Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the supervisor (and/or Department Director) as soon as possible. If the City determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including discharge in accordance with employee contracts and Civil Service rules.

Employees are encouraged to report the existence of restraining orders and protection orders.

3. IMMINENT DANGER/VIOLENCE INCIDENT PROCEDURE

Any employee who reasonably believes that a situation with an aggressive employee, resident, guest, contractor, vendor or other party may immediately become violent, putting the employee or others in imminent danger, should promptly call 9-1-1, leave the work area and report to his/her supervisor (and/or the City Manager). No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The supervisor should take

immediate action and contact the City Manager as soon as possible for immediate action. The timing and circumstances of possible return by the employee to the area should be coordinated by the employee with department management. The employee, supervisor and/or Department Director will follow City procedures in response to such events, including incident reporting and appropriate action deemed necessary by department management.

4. SECURITY PRECAUTIONS

All City of Des Moines security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g. doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge, in accordance with employee contracts and Civil Service rules.

G. EMPLOYEE PRIVACY

The City furnishes desks, closets, and other facilities for employees to store personal possessions. The City does not, however, assume responsibility for any theft or damage to the personal property of employees, and reserves the right to search employee desks and personal belongings brought onto City premises, if necessary.

The City also furnishes computers for use in conducting City business. Because the computers are for city business, the City reserves the right to review the contents of any files or documents on the computer, including contents of any electronic mail. See section 8-I for information that is more detailed.

H. PERSONNEL RECORDS

Personnel records are maintained for all City employees and are the property of the City. These records include, among other things, an employee's application, any examination materials, reports of the results of any employment reference checks, a list of positions held and pay rates received, performance evaluations, notes regarding any disciplinary action(s) or other counseling sessions, and records related to fringe benefits. Employee medical records are maintained in a separate confidential file.

An employee's personnel records are confidential. Only the employee, the employee's immediate supervisor and Department Director, and the City Manager or other appropriate personnel authorized by the City Manager may examine employee personnel records. Generally, confidential personnel records shall not

be released to any unauthorized individuals except with the written consent of the employee or in response to a valid court or a legally valid government request directing the provision of information from personnel records or as required by law.

Employees are entitled to review their own personnel file annually, or upon request to the Human Resources Coordinator. The file will be reviewed during regular business hours and cannot be removed from the personnel office.

Personnel records, which are not confidential, shall be maintained and destroyed in accordance with established policy regarding public records. Confidential personnel records and payroll records may be destroyed in keeping with the Washington State retention schedule, or at an earlier date as determined by the City Manager. After the end of the Washington State retention schedule, former employees' names, social security numbers, dates of employment and job classification will be listed on the City's employee history index and the contents of their personnel file may be destroyed.

I. EMPLOYMENT REFERENCES

Unless otherwise required by a valid court order or authorized in writing by the employee, the City will furnish only the following information about past or present city employees to persons outside city government:

- (1) Dates of employment.
- (2) Current job title or job title at date of termination.
- (3) Verification of salary information.

All requests for information regarding past or present City employees shall be directed immediately to the applicable Department Director or the Human Resources Coordinator. Because of the potential for liability to the City, supervisors shall not respond directly to such requests for information, but will first consult with the Department Director and Human Resources Coordinator.

All employees are required to keep their current telephone number and address in their personnel records.

J. EMPLOYMENT RIGHTS

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. Although the City is hopeful that your employment relationship will be long-term, it is recognized that at times, things do not always work out as hoped, and either party may decide to terminate the employment relationship. Unless specific rights are granted to employees in employment contracts, civil service rules, collective bargaining agreement or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.

K. REPORTING IMPROPER GOVERNMENTAL ACTION AND PROTECTING EMPLOYEES AGAINST RETALIATION (WHISTLEBLOWER ACT)

1. POLICY STATEMENT

It is the policy of the City of Des Moines to encourage reporting by its employees of improper governmental action taken by City officers or employees and to protect City employees who have reported improper governmental actions in accordance with the City's policies and procedures.

2. DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated:

- a. ***Improper governmental action*** means any action by a City officer or employee,
 - (1) that is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
 - (2) that (a) is in violation of any federal, state, or local law or rule, (b) is an abuse of authority, (c) creates a substantial and specific danger to the public health or safety, or (d) is a gross waste of public funds.

“Improper governmental action” does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-

employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violation of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands.

- b. ***Retaliatory action*** means any adverse change in the terms and conditions of a City employee's employment.
- c. ***Emergency*** means a circumstance that if not immediately changed may cause damage to persons or property.

3. **PROCEDURE FOR REPORTING**

Before providing information of an improper action to anyone who is not a public official or with the Office of the Washington Attorney General, the Office of the Washington State Auditor, or the Office of the King County Prosecutor, an employee must first raise his or her concern with the City and fully exhaust the reporting and reconsideration procedures set out in this policy. Because most concerns can most effectively be addressed internally, the City strongly suggests that employees report any concerns about improper actions to the City, and allow the City to complete a review before an employee provides information to other governmental agencies.

Employees who become aware of improper governmental actions should raise the issue, following the chain of command. The employee should first raise the issue with their supervisor. 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 governmental action has occurred. Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue with that employee's supervisor or someone higher, including the City Manager or such other person as may be designated by the City Manager to receive reports of improper governmental action. If the action involves the City Manager, the employee may contact the City Attorney or the Washington State Attorney General's Office.

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 Washington State Attorney General's Office.

The supervisor, the City Manager, or the City Manager's designee, as the case may be, shall take prompt action to assist the City in properly

investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent 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 advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

Employees may report information about improper governmental action directly to the Washington Attorney General's Office if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action has been taken by the City to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.

Employees who fail to make a good-faith attempt to follow the City of Des Moines' procedures in reporting improper governmental action shall not receive the protections provided in these procedures.

4. PROTECTION AGAINST RETALIATORY ACTIONS

City officials and employees are prohibited from taking retaliatory action against an employee because he or she has in good faith reported 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 City Manager, or the City Manager's designee. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If the employee's supervisor, the City Manager, or the City Manager'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 City Manager that:

- a. Specifies the alleged retaliatory action and
- b. Specifies the relief requested.

Employees shall provide their written charge to the City Manager no later than thirty (30) days after the occurrence of the alleged retaliatory action.

The City shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the City or thirty (30) days after the delivery of the charge to the City of Des Moines, 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 in writing to the City Manager within the earlier of either fifteen (15) days of delivery of the City's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City for response.

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

Office of Administrative Hearings
One Union Square
600 University Street, Suite 1500
Mailstop TS-07, TS-02, TE-05
Seattle, WA 98101-3103
206-389-3400

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

5. RESPONSIBILITIES

The Human Resources Coordinator is responsible for implementing these policies and procedures: (1) reporting improper governmental action, and (2) protecting employees against retaliatory actions. 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.

L. COMMITTEES

From time to time, the City Manager may create committees on which employees may be asked, delegated, or elected to participate. The scope and responsibilities of the committee shall be determined by the appropriate committee manual. The committees may include the following: safety, emergency response, wellness, and employee negotiation. This list is not necessarily all-inclusive of the committees that exist or will be created within the City.

CITY OF DES MOINES PERSONNEL MANUAL

SECTION 3. HIRING

A. RECRUITMENT OF EMPLOYEES

1. RECRUITMENT

The City will use whatever means are appropriate to recruit qualified applicants for job vacancies. All recruitment efforts shall be conducted in the spirit of equal employment opportunity. Appropriate means may include, but will not necessarily be limited to, internal job posting, help wanted advertisements or public and private employment agencies. When appropriate, openings will be posted internally first.

2. POSITION ANNOUNCEMENT

Any announcements of position vacancies should include the title of the open position, a brief description of the position's minimum and/or preferred qualifications, the position's principal duties, the dates, and times applications will be accepted for the position, that the City will only hire non-smokers (exceptions may be made by the City Manager for the benefit and necessity of the City), and the place and manner of filing applications. In most cases the position will have an open and close date. Department Directors or designees may request an open, continuous recruitment period for a position. Such requests will be limited to four (4) months and can be renewed through a request from the Department Director or designee. All applications should state that the City is an "Equal Opportunity Employer". All job advertisements shall be reviewed prior to posting or publication by the Human Resources Coordinator, which may add any additional information believed advisable to the announcement.

3. APPLICATION

All applications for open positions should be in a form or in the manner required by the Human Resources Coordinator. Any information submitted on the form or any other required documents should be verified prior to hiring to the extent necessary to determine the applicant's qualifications for employment. Any false or misleading information supplied as part of an application for employment is grounds for rejecting the applicant or dismissing an employee.

B. SELECTION

1. JOB REQUISITION

Where there is or will be an open City position, a job requisition request must be approved by the Department Director and submitted to the City Manager for approval. A current job description and current or proposed salary range should be attached to the requisition request.

2. SELECTION CRITERIA

The Department Director or designee, in consultation with the Human Resources Coordinator, will establish procedures for selecting the best-qualified candidate from a pool of internal and/or external applicants for an open position. Selection criteria will be designed to measure each applicant's qualifications, experience and ability to perform the duties and responsibilities for the open position against the job requirements for that position. Those positions covered by Civil Service will be subject to current Civil Service regulations and the Civil Service Examiner will be responsible for the process.

3. INTERVIEW

The Department Director or designee is responsible for pre-screening applicants, conducting preliminary interviews, background investigations and telephone reference checks, and scheduling any appropriate pre-employment examinations or tests.

4. PRE-EMPLOYMENT TESTING

Selection procedures may include written, oral and/or performance examinations which measure the applicant or employee's job-related ability, knowledge and skills. The Department Director or designee will determine the appropriate form of each examination, with input from the Human Resources Coordinator.

If a drug test is required for the position, a test will be scheduled through the Human Resources Coordinator.

When applicable, a criminal record check will be run. A Record of Driving Abstract may be requested from the applicant.

5. **PRE-EMPLOYMENT BACKGROUND CHECK POLICY**

a. **PURPOSE**

The purpose of the pre-employment background check policy is to establish City of Des Moines policy guidelines that emphasize security and safety, reduce the threat of liability against false job applications and/or resumes, allow better informed evaluations about an employment candidate, and confirm information found on an employment application.

b. **POLICY**

The Human Resources Coordinator shall ensure a complete and thorough background check, including criminal convictions is completed, prior to making an offer of employment to verify the applicant's ability to perform to the expectations and performance standards of the City of Des Moines. Conviction of a crime does not automatically disqualify an applicant from employment with the City of Des Moines. As part of the background check process, applicants will be required to sign a release authorizing the City of Des Moines to collect all relevant information.

c. **RESPONSIBILITIES**

The hiring authority for each department will inform the potential employee that a background check will be performed and employment is contingent on a successful background investigation. The candidate will also be advised employment is further contingent on complete and truthful information on the background questionnaire.

The hiring manager will administer the background check form to the candidate and submit it to the Human Resources Coordinator for processing. The Human Resources Coordinator will submit the request to the Police Department Office Manager for warrant and DOL checks. Upon completion of the Police Department checks, the information will be forwarded to the Court Administrator for a DISCIS check. Upon completion of the DISCIS check, the information will be forwarded to the Human Resources Coordinator for a WSP WATCH check. The entire packet will then be forwarded to the hiring authority.

6. **PRE-EMPLOYMENT PHYSICAL EXAMINATION**

The City may establish minimum medical and physical standards for a position, which reasonably relate to the essential job functions of that position. The standards may differ based on the duties and responsibilities

of each position. Failure to meet the required standards for a position will result in disqualification for appointment or promotion to the position.

Any physical examination utilized as a selection procedure should be completed by a qualified health practitioner retained by the City to examine applicants or current employees. When appropriate, the City may agree to accept an examination by another qualified physician. Any medical records relating to physical examinations or other medical records involving employees shall be kept confidential and separate from an employee's general personnel records.

The Department Director or designee normally notifies selected applicants and makes arrangements for City-paid pre-employment physical examinations.

Physical examinations utilized as part of selection procedures are to be completed before an applicant is appointed or an employee is promoted to an open position.

When an employee is rehired within a short period of time after a period of previous employment with the City, the City may require another physical or may have the employee sign a waiver.

7. RECRUITMENT AND MOVING EXPENSES

The City Manager has the discretion to pay moving expenses plus mileage for new employees. Reimbursement to candidates for their expenses incurred in the selection process for management level positions may include either mileage or airline expenses, depending on the distance of travel involved, and allowance for lodging and meals.

C. HIRING

1. APPOINTING AUTHORITY

The City Manager is the appointing authority with power of appointment or removal of all employees. All appointments to positions in the City of Des Moines shall be by letter of appointment setting forth the conditions of employment, specifying whether employment is considered temporary or regular and stating that employment can be terminated at any time without cause.

The employment relationship is at the will of the parties and may be terminated at any time in accordance with appropriate personnel rules, contracts or Civil Service rules and regulations.

2. OFFER OF EMPLOYMENT

After a candidate has been selected for employment or promotion, the Department Director, or designee, will contact the successful candidate to officially extend an offer of employment or promotion and establish a starting date.

The candidate must be made aware that his or her employment and compensation can be terminated at any time with notice provisions as outlined in these policies. No City representative has authority to enter into any agreement for employment for a specific period of time or make any agreement contrary to the foregoing. Generally, all offers of employment should be made in writing. All such offer letters must be reviewed and approved by the Human Resources Coordinator before being sent.

When the candidate has accepted initial employment, the original signed Hire Letter and the completed Personnel Form should be forwarded immediately to the Human Resources Coordinator, which will prepare any necessary paperwork for the orientation procedure. Once hired, the new employee should be scheduled for "sign-in" with the Human Resources Coordinator and payroll by the hiring supervisor or Department Director, or designee.

3. ORIENTATION

The Department Director or designee is responsible for providing orientation for new employees. It is essential that the new employee be advised of work standards and regulations and welcomed to the work group. In addition, the employee's immediate supervisor shall provide the following minimum orientation:

- a. Hours of work, timecards if applicable, leave requests.
- b. Duties of the position.
- c. Safety rules and procedures, location of safety or protective equipment.
- d. Locker room facilities if applicable.
- e. Tour of the work area, including location of equipment, supplies, etc.
- f. Introduction to fellow workers.

- g. Lunch and coffee break policies.
- h. When and where to report absence from work.
- i. Trial period requirements and evaluation procedures.
- j. Importance of good service and relations with the public.
- k. Where to locate the City of Des Moines Personnel Manual on the intranet (and provide a hard copy upon request) and any departmental policies, and advised to familiarize him/herself with these policies.

4. IDENTIFICATION

Within one week of employment, all employees will be issued photo identification cards. The card identifies the employee by department and is to be carried at all times when an employee is acting in an official capacity. The card should be used as identification, if requested by a member of the public or another employee. Unauthorized or inappropriate use of the employee identification card is prohibited and will result in disciplinary action in accordance with current collective bargaining agreements.

The Human Resources Coordinator is responsible for preparation of the identification card and coordinates the employee's photograph. If a card is lost, damaged or destroyed, it should be immediately reported to the Human Resources Coordinator or department director. Identification cards must be returned to the Human Resources Coordinator when an employee terminates his or her employment.

5. BLOODBORNE PATHOGEN TRAINING AND HEARING TEST

If an employee is in an affected area (see City of Des Moines Safety Plan and Policies manual), blood borne pathogen training and/or hearing test will be scheduled for the employee through the Human Resources Coordinator.

D. CREATING A NEW POSITION

1. NEW POSITION DESCRIPTION

If a Department Director wishes to create a new position, he or she should prepare a job description of the duties and qualifications for the new position to be reviewed and approved by the City Manager.

Newly created positions will be incorporated into the appropriate job posting books for future vacancies and will be filled according to the policies on recruitment and selection of employees. Newly created positions will be posted for internal applicants before being posted externally where appropriate.

2. TEMPORARY EMPLOYEE

The City may use temporary employees to fill in for regular employees who are on leave, to meet peak workload needs or to fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination, although all hiring processes must comply with state and federal laws.

Temporary employees are eligible for overtime pay as required by law. Temporary employees normally do not receive retirement, vacation, sick leave, health insurance, holidays or any other benefits during their employment. Temporary employees pay contributions to the Social Security system, as does the City on their behalf. Should regular employment be offered at a future date, this will not be applied retroactively to seniority, compensation, benefits, or any other employment terms.

Temporary employees will be subject to the same pre-employment background check as regular employees in that division. Temporary employees are at will and may be terminated at any time without recourse.

E. RESIDENCY REQUIREMENT

Residency within the City shall not be a condition of initial appointment or continued employment, except as otherwise required by state law; provided, however, that an employee's selection of residence shall not interfere with the daily performance of his or her duties and responsibilities, including emergency call back and standby requirements.

F. CITIZENSHIP OR DOCUMENTED ALIEN STATUS

Under Title 8, United States Code, the City may only employ individuals who are citizens of the United States or documented aliens. All new employees are required to provide appropriate proof and certification of their authorization to work in the United States on forms provided and approved by the Immigration and Naturalization Service.

G. NEPOTISM

1. INELIGIBLE SITUATIONS

As determined by the City Manager or designee, members of the immediate family of City employees will not be hired if:

- a. One member would have the authority or practical power to supervise, hire, remove or discipline the other;
- b. One member would be responsible for financially auditing the work of another;
- c. One member would handle confidential material that might create the appearance of improper or inappropriate access to that material by the other.
- d. Other circumstances which would place relatives in a situation of actual or reasonable foreseeable conflict between the City's interest and their own.
- e. The City Manager will make the final determination.

2. DEFINITION OF IMMEDIATE FAMILY

For purposes of this section, an employee's "immediate family" is defined as the employee's parents, grandparents, spouse or registered domestic partner, children, adopted children, foster children, grandchildren, sisters, brothers, first cousins, nieces, nephews, aunts, uncles, and/or corresponding in-laws and "step" relations, and no other person.

If two employees in such positions become so related to one another, one must be transferred to another department where the reporting, auditing or supervisory relationship does not exist or where the employees are not reporting directly to the same supervisor. The employees involved will make the decision as to which employee will transfer or resign. If a transfer cannot be accomplished due to the unavailability of an open

position, one of the employees must resign. If the employees do not decide which employee will transfer or resign within thirty (30) days after becoming related to one another, the City Manager shall determine which employee will transfer or resign based on the best interests of the City.

3. CITY COUNCIL MEMBERS

A City Councilmember may not hold any other city office or city employment as outlined in RCW 35A.12.030.

H. AGE REQUIREMENTS AND RESTRICTIONS

1. RETIREMENT AGE

There is no mandatory retirement age for City employees. All employees must continue to meet performance requirements for their positions to retain their employment.

2. EMPLOYMENT OF MINORS

Individuals between 16 and 18 years of age may be considered for regular full-time employment and individuals between 14 and 16 years of age may be considered for temporary and/or seasonal positions, all subject to state and federal regulations relating to employment and working conditions of minors. The candidate must provide a copy of a legal document proving age. Minors between 14 and 16 years old will work outside school hours for no more than three (3) hours each day and eighteen (18) hours each week; not before 7 a.m. nor after 7 p.m. during the school year; not after 9 p.m. from June through Labor Day. No minor shall be employed more than eight (8) hours per day nor more than five (5) days in a week; on consecutive nights, both of which precede a school day, unless working no later than 9 p.m.; employed more than five (5) hours without a meal period of at least 30 minutes; employed more than four (4) hours without a rest period of at least 15 minutes. Minors employed past 8 p.m. in service occupations must be supervised by a responsible adult who is required to be on the premises.

I. VETERAN PREFERENCE

All applicants for employment with the City, who are a veteran as defined in RCW 41.04.005, shall be given a preference as required in RCW 41.04.010 and 73.16.010.

J. TRIAL PERIOD

The trial period is an integral part of the selection process for new employees. If the position is covered by Civil Service, Civil Service rules shall apply. During this period a Department Director or designee will determine the employee's capability to do the work, and will observe the employee's adjustment to the department. Any employee beginning a new job, whether it be through a first job with the City, promotion, transfer, demotion, or any employee returning to employment after any severance in City service except lay-off, will serve a trial period and may be terminated without prior notice during the trial period and without recourse to the grievance procedure. Employees may not be terminated during their trial period for any reason that violates a statute, law, or ordinance. Employees who have received a promotion or transfer and fail their trial periods may, at the discretion of the City Manager, be transferred back to their original position or an equivalent position if one is open and available. The length of the trial period for each position will be twelve (12) months. A trial period may be extended up to six (6) additional months if, in the opinion of the employee's supervisor, the employee is not performing to expectations or additional time is needed for trial period performance evaluation. Requests for extension of the trial period shall be submitted by the supervisor in writing to the City Manager. Each trial employee will be evaluated by his or her supervisor at a minimum of: at the end of the first three (3) months, at the end of the first six (6) months and at the end of the first eleven (11) months. The Department Director or designee may utilize the annual format or any other format he or she feels is appropriate for the 3 and 6-month evaluations. The 11-month evaluation should be completed using the annual format.

Employees terminated during or at the conclusion of the trial period have no rights of appeal. It is important, therefore, that new employees and supervisors discuss performance expectations early in this period.

SECTION 4. HOURS OF WORK

A. WORK HOURS AND SCHEDULING

Full-time city employees shall work 40 hours per week, except designated Department Directors and other exempt personnel who are expected to complete their job duties regardless of the number of hours worked; but, on average exempt employees are expected to work at least 40 hours per week. The workweek shall normally consist of 5 consecutive days. Standard work hours are eight hours per workday. Employees are expected to work all the hours and days scheduled. Due to the essential public services provided by the City some positions may be required to be on standby or on call, or to work different work schedules or a different workweek. The Department Director, or designee, has the responsibility to determine the employee's regular work schedule.

The City may consider flexible schedules when it is to the benefit of the City or it supports the commute trip reduction ordinance. A request for an alternative work schedule must be made in writing and approved by the Department Director and the City Manager per the guidelines developed by the City Manager.

B. OVERTIME

Any city employee may be required as a condition of employment to work overtime when necessary as determined by their supervisor. For non-exempt employees, excluding employees of the Police Department who are covered under the CBA and recreation employees, overtime is defined as work in excess of an employee's scheduled work week or work day. Overtime for non-exempt recreation employees is defined as work in excess of 12 hours per day or work in excess of 40 hours per 7-day work period. All overtime worked by employees classified as non-exempt must be specifically authorized in advance by departmental supervisors. Authorized overtime worked in excess of regular hours shall be compensated by payment at one and one-half times the individual's regular rate of pay and will be paid in 15 minute increments. Sick leave does not count toward hours worked for the purpose of computing overtime hours. Vacation and holiday hours taken or paid for but not worked will count toward hours worked for the purpose of computing overtime hours.

Employees classified as exempt are not entitled to payment for overtime worked.

C. STANDBY STATUS

Employees may be placed on "Standby" status when it is anticipated that they may be called back to duty after going off shift. When placed on standby status employees will remain near a telephone (unless equipped with a pager, in which case the employee shall remain within paging distance and within 1½ hours (90 minutes) travel time to the City) and will leave a number where they can be reached. It is the intent that standby status shall not preclude an employee from using the time for personal pursuits. While on standby duty, it is the employee's responsibility to be ready and able to work if called (for example: be able to get to work and not be impaired, on drugs or alcohol).

For exempt employees, standby time is considered non-compensable. All non-exempt employees receive an amount per non-working hour of standby time per the prevailing compensation agreement between the City and general employees and overtime pay for the number of hours worked. For non-exempt employees, standby duty shall not be counted as hours worked for the purposes of computing overtime or eligibility to receive fringe benefits.

Stand-by status for activity in the emergency response team is determined by the emergency response plan guidelines.

D. COMPENSATORY TIME

1. NON-EXEMPT EMPLOYEES

In accordance with Departmental policies, non-exempt employees may request compensatory time ("comp time") off in lieu of overtime payment. Comp time must be requested by the employee and authorized by the appropriate supervisor. Comp time is accrued at the rate of one and one-half hour for each hour of overtime work. Comp time must be used within 60 days of the time it was earned and authorized.

The maximum amount of comp time that may be accumulated is 40 hours. When the maximum accrual of comp time is earned, any subsequent overtime hours worked will be paid for in cash.

Any accrued comp time not used prior to an employee's termination from service will be paid with the last pay check, except upon retirement. All comp time must be utilized prior to retirement. See the Retirement section, 6-A for more details.

2. EXEMPT EMPLOYEES

Department Directors and other exempt employees do not accumulate any comp time based on hours worked.

E. RECORDKEEPING

Careful records of overtime and comp time must be maintained by each Department Director, or designee, as required by the Fair Labor Standards Act. These records should show the date the overtime was earned if the overtime was not paid in wages; the date the comp time was taken and the number of hours that were used. The records are subject to periodic review by the Finance Director, or his designee.

F. BREAKS

With the exception of employees of the Police Department who are covered under the CBA, all employees are entitled to a 15 minutes break for each four (4) hours of working time. Breaks shall be arranged so as not to interfere with city business, provided that employees are not required to work more than three hours without a rest period.

1. Breaks should be taken in a manner specified by the Department Director, or designee.
2. Employees are entitled to one fifteen-minute break in the morning and one fifteen-minute break in the afternoon.
3. Breaks for Police Department employees shall be as specified in Departmental Rules and Regulations.

G. MEAL PERIOD

With the exception of Police Department employees and exempt employees, employees working more than five (5) consecutive hours in a work day are required to take an unpaid meal period of at least thirty minutes. This meal period may be scheduled by the employee's supervisor and in any event will occur no earlier than two (2) hours nor no later than five (5) hours into the employee's regular work day. Employees who work more than three (3) hours longer than their normal work day will receive an additional thirty (30) minute unpaid meal period before or during their overtime period. Exceptions can be made with the approval of the City Manager.

Meal periods for Police Department employees shall be as specified in Departmental Rules and Regulations.

H. ATTENDANCE AND TARDINESS/ABSENTEEISM

Employees are expected, as a condition of employment, to be at work during their regular scheduled workdays. Supervisors are expected, therefore, to make sure that every employee reports to work regularly and on time.

Employees of the Police Department shall follow the guidelines of the department manuals.

Employees who are unable to report for work on time are to notify an appropriate supervisor as soon as they know they will be absent or tardy, but in no case later than the start of the employee's regular shift. If an employee is scheduled to begin work before any other employee, he or she may report absences or tardiness as soon as someone else is available to receive the call. If an appropriate supervisor is unavailable, employees may leave a message with the Personnel Director, stating their reasons for being late or for not being able to report to work.

If the absence continues beyond the first day, the employee shall notify the supervisor on a daily basis. An employee who is absent without notification on a scheduled work day or shift shall be subject to disciplinary action.

An employee who is absent without notification for 3 consecutive days/shifts shall be considered as having abandoned his or her job and will be terminated. Employees may be disciplined up to and including discharge for failing to report to work without notice or with insufficient notice, for excessive absenteeism or tardiness, or for other attendance and tardiness problems.

I. TIME REPORTING

Maintaining accurate time records is essential in computing employee pay, ensuring compliance with laws and regulations, and providing accurate cost information for the City. Each employee is responsible for completing his or her own time sheet as required; the Department Director, or designee, is responsible for ensuring that the time sheets are maintained. Falsification of time cards will be grounds for disciplinary action, up to and including discharge.

J. EMERGENCY CLOSURE

It is the policy of the City that all city offices and activities shall be open and in operation during established working hours. Because many city services are of primary importance during emergency conditions, all employees should make every effort to report for work on a timely basis. Should conditions prevail which would prevent city employees from reporting to work, it will be the responsibility of the employee to contact his or her supervisor or Department Director, or designee, by telephone to indicate anticipated absence from work or late arrival to work and the reasons for such absence or lateness.

Any employee unable to report to work under emergency conditions may be given the option of having pay deducted for the time lost or for applying for vacation credits or comp time (if such has been accrued) to offset any loss of pay, subject to the approval of the employee's Department Director.

Should conditions prevail that require the City Manager to announce curtailment of city operations for the safety of and welfare of city employees, he or she may determine that no pay shall be deducted for time lost and that no vacation or comp time shall be affected.

K. TRAVEL POLICY

Please refer to the financial policy manual for current guidelines.

L. LIGHT DUTY

When an employee is unable to perform his or her regular job duties, the employee may be considered for light duty work under the following conditions:

1. The employee must provide documentation from a qualified physician stating that the employee is not capable of performing the essential job functions of his or her regular position.
2. A job assignment must be vacant or a special assignment must be needed at the time the light duty is requested.
3. The employee must be able to physically and psychologically handle the position or light duty assignment. This must be verified by a qualified physician's review and authorization.
4. If the light duty is at a lower pay rate than the employee is at currently, he or she will be paid at the rate set for the light duty job assignment the employee is covering.
5. When the light duty assignment is completed, the employee is removed from light duty unless another light duty assignment that meets these conditions is available.
6. The employee must be qualified to perform the light duty tasks.
7. The Personnel Director and City Manager must approve light duty assignments.

This section does not apply to employees of the Police Department who are covered under the CBA.

SECTION 5. COMPENSATION

A. PAY PERIODS AND PAY DAYS

For all employees the City has two pay periods each month: the first (1st) through the fifteenth (15th), and the sixteenth (16th) through the last day of the month. Pay shall be on the 20th of each month for salary earned from the 1st through the 15th, and the 5th of each month for salary earned from the 16th through the last day of the month. If a normal payday falls on Saturday, checks will be distributed the proceeding Friday. If normal payday falls on Sunday, checks will be distributed on the following Monday, unless the normal Sunday payday is immediately followed by a Monday holiday. In that case, or if a normal payday falls on a Monday that is a holiday, checks will be distributed the previous Friday at 3:00 p.m.

The City will not issue paychecks early except in emergency and vacation situations. The City Manager or the Department Director will determine if an employee's request for an early paycheck falls into the "emergency" category. Requests for early paychecks must be made by a Department Director in writing to the Finance Director in order to make arrangements for issuance. Early paychecks may be issued to employees who are leaving the City's employment so that they may receive their final paycheck on their day of separation.

B. SALARY ADMINISTRATION

1. CREATION AND COVERAGE

The Personnel Director shall develop and maintain a pay plan establishing a pay range for each class in the classification plan. This pay plan and any subsequent changes in the pay plan shall be approved by the City Manager and the Council.

The pay range for each class shall be coordinated with the classification plan based upon the range of pay for other classes, the requisite duties, responsibilities and entry level qualifications of the positions allocated in the class, the rates of pay for similar work in the public and private sectors, cost of living data, the financial policies and position of the City, and other relevant consideration.

Nothing contained in these personnel policies, the pay plan or the City's past practices or customs shall prevent the City Manager from reducing the work force, laying off, promoting, demoting, reclassifying or removing employees, modifying the pay plan or fringe benefits or otherwise managing and directing the operation of

the city government and its work force as deemed necessary; provided such actions are not in violation of city ordinances, state law, Civil Service regulations and any employment agreement.

2. NEW EMPLOYEE

At the time of hire, each employee shall be advised of his or her position title and initial rate of pay, and shall be given a copy of the job description for his or her position. The employee's initial rate of pay is based upon the position's pay range and the employee's relevant occupation, training and experience. New employees usually receive a salary assigned to the lower end of the range for their position when they possess the minimum required skills, knowledge and abilities. Should the new employee possess more than the minimum skills, knowledge and abilities required for the position, the employee may be assigned to a pay scale between the minimum and the mid-range of the salary assigned to the position, with the approval of the City Manager and Department Director.

The Department Director, or designee, is responsible for the development and maintenance of job descriptions for each position within the Department. The job descriptions and applicable salary ranges are approved by the City Manager.

3. PAY PLAN AND PAY SCHEDULE

The monthly salary rates are established on the basis of full-time service in full-time positions. Positions that are less than full-time are paid at an hourly rate based upon the annual pay schedule.

The basic pay plan is set forth in Ordinance No. 822 (or herein after amended). Adjustments to the basic pay plan are made annually and are designated as the "annual pay schedule". The pay plan, annual pay schedule, and benefit schedule may be modified by resolution of the City Council, generally after employee relations committee meetings and negotiations. Any resulting non-union employee agreement may vary in duration from one to three years. The City Council may increase salaries more than the terms of the agreement, but may not decrease salaries unless approved by a majority vote of the affected non-union employees. (Ordinance No. 822)

The pay plan consists of 40 or more salary ranges. Within each range there are five steps A through E, consisting of five percent incremental increases between each step. The differential between step A in each range is four percent. The hourly wage for seasonal, temporary, minors may not follow the regular pay plan. The wage may be determined by the minimum amount that the market will bear provided that the hourly wage is not less than minimum wage, and that the Personnel Director approves it.

Regular, full-time employees, progress through the pay steps requires 12 months of service at each step level and satisfactory work performance. Part-time and temporary employees must work the equivalent of 2080 hours before they are eligible for

advancement to the next pay step in their pay ranges. Satisfactory performance means that the employee is performing adequately at an expected rate of improvement. The City Manager may authorize an advance in steps prior to twelve months upon the recommendation of the Department Director.

The employee must be informed by the Department Director, or designee, of the reasons for unsatisfactory performance or deficiencies and the steps that must be taken for the employee's performance to become satisfactory.

4. PROMOTION AND DEMOTION

Upon promotion to a position with a higher pay grade, the employee's new pay step normally should be the lowest step that is not less than the employee's pay prior to receiving the promotion.

Upon demotion to a position with a lower pay grade, the employee shall be assigned the same or a lower pay step held prior to demotion, except as provided below.

Demotion, from a position to which the employee had been promoted, back to the position the employee previously held within the last 18 months, shall be without penalty or prejudice. The demoted employee shall be assigned the same pay step as held prior to promotion. Such demotion shall not affect eligibility for step or merit increase.

5. POSITION CLASSIFICATION

Reclassification of certain positions may become necessary in order to a) recognize major changes in functions or responsibilities; b) meet the prevailing rate for similar positions; or c) align salaries within the total organization in order to correct obvious inconsistencies.

Upon upward reclassification the employee shall not be placed in a step with a lower salary than earned prior to the reclassification. If an incumbent employee fills the job which has been downgraded, he or she shall not be paid less than his or her salary, but that salary will not be increased until the reassigned salary range at the new level has met or exceeded his or her present salary.

6. PLAN MAINTENANCE

The Personnel Director is responsible for assuring that department directors develop job descriptions for all positions in their respective departments and keep up-to-date.

Excluding trial period evaluations, the employee shall receive an evaluation, at a minimum, on the first anniversary of date of hire and annually thereafter, or annually after promotion or demotion. Performance appraisals for regular employees are related to the position that the employee holds at that time. The purpose of the appraisal is to commend strengths, address weaknesses, suggest ways to improve, and discuss new challenges, career goals and objectives. Performance evaluations are designed to provide the employee with a record of his/her performance and to encourage professional growth. The evaluation is prepared by the immediate supervisor on the standard appraisal form(s). The evaluation will be discussed with the employee, who will have an opportunity to comment on it in writing. The evaluation will then be forwarded to the City Manager for review and filing. A full written evaluation will be completed at least once a year for each employee, except as specified for employees in a trial period. An informal verbal evaluation will also be completed once a year, six months after the annual full written evaluation. A short written summary will be completed with copies distributed to the employee, City Manager and personnel file.

Should a regular employee be on leave-without-pay status during the scheduled time for his or her evaluation, the appraisal will be postponed until the employee has returned to work and completed as many days of continuous employment as the length of the leave without pay.

7. PAYROLL DEDUCTION

Each employee must sign a written authorization for any deductions other than retirement contributions and those required by law, collective bargaining agreement, or statute. Examples of such deductions include deductions for the employee's portion of any insurance premiums or payroll savings, and contributions to the United Way or similar organizations.

8. WORK AT A HIGHER CLASSIFICATION

Employees who are not supervisors or Department Directors, or designee, temporarily assigned by the Department Director, or designee, to a position with a higher pay range for a period of 5 days or more and who perform all the job duties of such a position, shall be paid at the first step of the higher pay range or may receive a one-step pay increase, whichever is higher, for the full period worked in the temporary assignment.

Employees of the police department who are covered by the CBA shall follow the guidelines determined in the agreement.

9. GARNISHMENT

A garnishment is a legal stoppage of a specified amount from wages to satisfy a creditor. Payroll will make the necessary changes to the employee's wages, and a check for the garnished amount will be forwarded to the creditor as directed.

The Personnel Director will notify the employee and respective Department Director, or designee, in writing, that the garnishment is being processed and will direct the employee to seek debt counseling.

The employee will also be notified that if three garnishments are received within a period of twelve consecutive months, the employee may be terminated.

10. COMPENSATION UPON TERMINATION

When an employee's employment with the City is terminated, the employee will receive the following compensation on the next regularly scheduled payday:

- a) Regular wages for all hours worked up to the time of termination that have not already been paid.
- b) Any overtime or holiday pay due.
- c) A lump sum payment of any accrued but unused vacation and comp time. (Applicable to any employee who terminates for any reason other than retirement; see section 10-G for vacation and comp time payments upon retirement.)
- d) Deductions for any amounts advanced to the employee that remain unearned when employment ends, including unearned vacation leave.

CITY OF DES MOINES PERSONNEL MANUAL

SECTION 6. BENEFITS

This manual generally describes our current benefits package. The City does not promise that any particular kind or level of benefits will continue in the future. The City reserves the right to terminate or modify the benefits provided at any time at the City's discretion, with or without advance notice. Any changes in benefits, however, will not affect rights that have vested under the terms of any written benefit plan.

Summary descriptions of the City's employee benefit plans are available from the Human Resources Coordinator. The exact terms and conditions of the City's benefit plans are governed by the plan documents themselves. The plan documents prevail over any inconsistent statements or descriptions, written or oral.

A. RETIREMENT

1. STATE RETIREMENT SYSTEM

City employees are required to participate in either the State of Washington's Public Employees' Retirement System (PERS) or the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) as long as their compensated hours continue to qualify them for service credit under the appropriate plan. Under terms of State law, the City Manager has the option of participating in PERS or withdrawing and establishing his or her own retirement plan.

The employee's contribution shall be made by means of a payroll deduction in accordance with State law. For further details or possible changes or questions, consult www.drs.wa.gov.

2. OTHER RETIREMENT

In lieu of Social Security, all regular employees are covered under a qualified retirement plan chosen by the City and its employees (401A). The City and the employee both contribute to this fund in accordance with State law and the CBA if applicable. To qualify for this program an employee must be a regular employee whose position is budgeted for thirty-two (32) hours or more per week. All part time, temporary, seasonal or intermittent employees receive L& I benefits.

B. HEALTH AND WELFARE PLANS

Regular employees whose positions are budgeted for thirty-two (32) hours or more per week are eligible to participate in the City's health insurance programs. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, when such changes are not in violation of an employee agreement.

For eligible employees who are terminating, retiring, or on an approved leave of absence, the City will pay the appropriate health plan premium for the month the employee is leaving, provided the employee is on paid status for the first ten working days of the month.

C. EXTENDED HEALTH BENEFIT

In compliance with COBRA (the Consolidated Omnibus Budget Reconciliation Act), the City will offer continuing health care coverage on a self-pay basis to employees and their dependents following termination (for reasons other than gross misconduct), a reduction in hours, retirement, death or divorce from a covered spouse, legal separation, or a child losing dependent status. It is the responsibility of the employee to notify the City's Human Resources Coordinator of a change with one of these events within 60 days.

For terminated or reduced-hour employees, the coverage may last up to 18 months or until they become eligible for other health insurance coverage, whichever is earlier. In the event of the employee's retirement, divorce, separation or death, the coverage may last up to 36 months for the employee and/or qualified beneficiary. The full policy monthly premium plus a 2% administration fee will be paid by the employee or the beneficiary to the City. The employee or beneficiary may waive all rights to continuation coverage, notification procedures and time limits outlined in the continuation coverage "Notification of Rights" letter.

D. WORKER'S COMPENSATION

All employees of the City are insured in a State insurance program which is designed to protect them against medical costs from on-the-job accidents and injuries and for work time lost as a result of such accidents or injuries.

All accidents and on-the-job injuries must be reported immediately to a supervisor. That supervisor shall direct the injured employee to seek immediate medical treatment if necessary, and be responsible for reporting the injury to the Human Resources Coordinator. The supervisor shall also be responsible for

ensuring, as soon as physically possible, that the injured employee completes the Washington State Labor and Industries form for reporting the accident.

For employees on leave and receiving State Labor and Industries payments, the employee may supplement the L & I payments up to an amount equivalent to the employee's regular salary. However, such supplements shall only be paid from the employee's regular accumulated sick leave, vacation, Kelly, and holiday balances. Employees must immediately repay to the City any amounts that are in excess of their regular salary.

It is the responsibility of the employee to keep his/her supervisor and/or the Human Resource Coordinator informed on his/her claim and injury status.

E. DEFERRED COMPENSATION

The City is a member of the International City Management Association Deferred Compensation Plan (457). This plan allows employees to make tax deferred deposits up to the maximum government allowed amount.

F. DEATH AND DISABILITY BENEFITS

The City offers Group Term Life and Accidental Death and Long-Term Disability benefits through a third party provider in lieu of Social Security benefits of the same nature.

G. TRAINING POLICY

The City seeks, within the limits of available resources, to offer training to increase an employee's skill, knowledge, and abilities directly related to his or her position, to obtain or maintain required licenses and certifications, and to develop a career path within the City organization. Opportunities may include, but are not limited to on-the-job training, in-house workshops and seminars sponsored by other agencies or organizations.

The department may authorize employees to attend training. Training programs required by the City will be paid by the City, including the employee's wages, travel, registration, and, if needed, out of area expenses directly related to the training. Training programs, which are initiated by the employee and not required by the City, are considered voluntary programs and need not be paid by the City.

H. EDUCATIONAL ASSISTANCE AND PROFESSIONAL MEMBERSHIPS

It is the City's policy to encourage employees to obtain additional training and education and to be members of professional associations that will facilitate their

advancement in City employment and will be consistent with the best interests of the City.

The City may provide educational assistance for regular full-time employees to improve their current and future job-related skills, knowledge and abilities. The City Manager shall have the discretion to determine whether the training or course work for which the employee requests educational assistance is related to the employee's position or a position to which an employee may reasonably be promoted. All training must be directly job related and within budget allocations.

1. Training courses, which are ordered by a Department Director, or designee, or which are required to maintain city, state or federally mandated job certifications, will be paid wholly by the City.
2. The City may pay for training courses authorized at the request of the employee that are reimbursable through a grant or other non-city funding provided that:
 - a. The City is reimbursed directly by the funding agency.
 - b. The employee signs an agreement to reimburse the City for the course costs if he or she fails to meet the reimbursement eligibility requirements of the funding agency.
3. Training courses other than those indicated in 2a. may be paid entirely by the City or shared with the employee depending on the nature of the training and the job related need. Prior to beginning a training course, an employee shall be required to enter into an agreement to reimburse the City in the event he or she leaves City employment before a specified length of service following the training.
4. Under the provisions of the Fair Labor Standards Act, training time outside of regular working hours is non-compensable under the following circumstances:
 - a. Where the training is not required by the City.
 - b. Where the training or follow-up training is required for certification of employees by state, county or federal law.
 - c. Where a City law requires certification of both private and public sector employees within the City of Des Moines. An example might be certification of ambulance drivers.

- d. Police Officers in attendance at a police academy or other training facility, when not in class or at a training session, if they are free to use such time for personal pursuits.
5. The City will compensate employees for mandatory training held outside regular working hours that does not fall within the exemptions listed above.
6. Training sessions may be held during regular working hours at the discretion of the Department Director, or designee. Employees shall be compensated for any time spent in such training sessions during regular working hours.
7. The City may pay directly or reimburse employees for dues to professional associations and subscriptions to professional periodicals if doing so is in the best interests of the City.

I. ALCOHOLISM AND SUBSTANCE USE/ABUSE

It is the policy, intent and a high priority of the City of Des Moines to maintain a safe and healthy working environment for all employees, to ensure efficient and safe public services, to maintain the trust of the public in the services provided by the City, and to comply with all applicable laws and regulations governing substance abuse, including the abuse of alcohol and drugs.

The City is committed to a workplace free of substance abuse and has an obligation to ensure public safety and trust with regard to its services and programs. Accordingly, the manufacture, distribution, dispensation, possession or use of a controlled substance in the work place is strictly prohibited. Reporting to work or being at work under the influence of alcohol or any substance that would impair job performance or pose a hazard to the safety and welfare of the employee, the public or other employees is a violation of this policy. The misuse of illegal or prescription or over-the-counter drugs is also prohibited. Alcohol use is prohibited on City property. Alcohol consumption off City property during working hours (including unpaid meal breaks) is prohibited. Employees who violate the provisions of this policy are subject to severe disciplinary action, up to and including termination.

It is imperative that employees who abuse alcohol or drugs as defined in this policy are aware of the seriousness of such misconduct and the potential penalties. In addition to possible criminal penalties, employees who engage in conduct in violation of this policy expose themselves to the potential for discipline because of the serious safety, health and service risks that they create. Consequently, it is imperative that all employees abide by this policy and use rehabilitation services when necessary if drug or alcohol abuse becomes a

personal problem. All employees who abuse alcohol or drugs are encouraged to receive help and treatment.

Using, selling, possessing or being under the influence of any illegal narcotics, drugs, or controlled substances during work hours and/or on city property is prohibited. Using, selling, possessing or being under the influence of any legal narcotic, controlled substance, or drug (whether prescribed or non prescribed) during work hours and/or while on City property which impairs any employee's mental or physical capacity, causes behavior that reflects unfavorable upon the City, and/or adversely affects city operations, safety, or job performance, is prohibited. No employee may report to work, remain on duty, or perform any City business while impaired by or under the influence of any drug or alcohol. Conviction or other finding adverse to the employee by a court of competent jurisdiction may also lead to disciplinary action.

The City recognizes alcoholism and substance abuse as treatable illnesses and encourages employees who suspect they may have an alcoholism/substance abuse problem to take advantage of diagnostic, counseling and other treatment services.

Supervisors, co-workers, or the employee concerned may confidentially request initial assistance from their Department Director, or designee, or the Human Resources Coordinator in finding appropriate agencies to deal with the problems of alcohol/substance abuse. An employee's decision to seek assistance will not be used as a basis for corrective action. Employees having an alcoholism or substance abuse problem are expected to seek appropriate treatment for their illness. In some instances, insurance benefits are available for treatment programs. Employees may be placed on an unpaid medical or personal leave of absence, after available vacation and sick leave benefits are exhausted, for time off needed in order to obtain professional treatment for alcohol or substance abuse, at the discretion of the Department Director.

The City is concerned with alcoholism/substance abuse because of its affect on an employee's performance on the job. The policy of treating alcoholism or substance abuse like other illnesses, however, does not relieve an affected employee from the employment conduct or job performance standards applicable to all other employees. Affected individuals will be held to these same standards and participation in or successful completion of a treatment program may be required as a condition of continuing employment.

J. DRUG FREE WORKPLACE

The City of Des Moines is committed to maintaining a drug free workplace. As a condition of employment, all employees must notify their Department Director, or designee, of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such a conviction.

Failure to comply with the City's policies on alcohol, substance abuse, and a drug free workplace will result in disciplinary action up to and including possible termination.

1. SUBSTANCE ABUSE

No employee may report to work, remain on duty, or perform any City business while impaired by or under the influence of any drug or alcohol.

No employee may use city property or the employee's position within the City to make or engage in the selling, dispensing, transporting, distributing, manufacturing, compounding, or promoting of drugs.

The use of prescribed or over-the-counter drugs or possession incident to such use is not prohibited by this policy if the drug has been legally obtained and is being used for the purpose for which it was prescribed or manufactured; and the drug is being used by the person for whom it was prescribed at the dosage prescribed or authorized; and the use of the drug is not inconsistent with the safe and efficient performance of the employee's duties. It is the employee's responsibility to determine from his/her licensed practitioner, physician or dentist whether the prescribed drug would impair their ability to perform the essential functions of their position.

2. REPORTING REQUIREMENTS

In accordance with the Drug Free Workplace Act of 1988, an employee who is convicted of any federal or state criminal drug statute for a violation occurring in the workplace shall notify their director or the Human Resources Coordinator of the conviction no later than five (5) days after such conviction. Failure to comply with the City's policies on alcohol, substance abuse, and a drug free workplace may result in disciplinary action up to and including termination.

The employee is required to notify his or her supervisor of the use of any prescription medication that may affect the ability to perform duties safely and/or efficiently. It is the responsibility of the employee to advise his/her

treatment provider of the duties he/she is required to perform to determine the best form of treatment for the employee and any available alternatives.

3. TESTING

A. PRE-EMPLOYMENT TESTING

Applicants who have been offered employment in safety sensitive positions with the City may be required to pass a drug and/or alcohol test prior to probational appointment.

K. WELLNESS PROGRAM

The City of Des Moines recognizes its employees are critical to the quality and efficiency of local government services and that the health of its employees directly affects the City's ability to provide services to its citizens. The City recognizes its need to contribute in a positive way to the health and well being of its employees and wishes to create a healthy environment that supports healthy lifestyles and offers opportunities for employees to optimize their health and well-being.

1. WELLNESS COMMITTEE

A voluntary employee Wellness Committee will assist with the planning, oversight, management, promotion and execution of Wellness program activities. The committee will operate in accordance with the Wellness Committee Structure and Operating Procedures.

The Committee will be comprised of two permanent members and no more than ten rotating members and include a broad range of employee groups. The members will be divided as evenly as possible among the city departments. Rotating members will serve two year staggered terms and will be allowed 1-2 hours per month to attend meetings and facilitate the program.

The Human Resources/City Administration will provide one permanent member of the Committee and the Parks, Recreation and Senior Services will provide the other. The permanent members will be responsible for the administrative support for the committee as described in the Wellness Committee Structure and operating procedures.

2. WELLNESS ACTIVITIES

Although highly encouraged, participation in Wellness Program activities is voluntary. All benefited employees may participate and qualify for incentives of AWC sponsored Wellness Program events. Non-AWC benefited employees are encouraged and allowed to participate in Wellness events but may not receive AWC funded incentive awards.

All city employees may participate in City sponsored Wellness Program events. If the events are scheduled during normal working hours and workloads permit, employees may participate in the event on City time with the appropriate supervisor/director approval.

CITY OF DES MOINES PERSONNEL MANUAL

SECTION 7. LEAVES

A. SICK LEAVE

All full-time employees shall accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Part-time employees shall accrue sick leave benefits on a pro rata basis according to hours worked. Temporary employees do not accrue sick leave.

Sick leave benefits are earned from the date of employment, and may be utilized from date of employment. Temporary employees do not earn sick leave benefits. Employees do not earn sick leave benefits during a leave without pay. Employees do not earn sick leave benefits, and may not use any earned but unused sick leave benefits, during a suspension without pay. Employees continue to earn sick leave and vacation time while on paid sick leave.

Sick leave benefits not used during the calendar year in which they are earned may be carried over and used during succeeding calendar years. LEOFF I employees may accumulate a maximum of 180 days of sick leave. Disability provisions for LEOFF I employees shall be as set forth in RCW 41.26. Such benefits may be carried over into successive calendar years so long as the employee remains employed by the City. Employees who transfer to another department retain any accumulated sick leave benefits after transfer to their new position.

Sick leave benefits may be used by eligible employees for any absence due to personal injury, bereavement, illness or temporary disability which keeps the employee from performing the employee's regular duties, paternity leave for ten days after the birth or adoption of a child under the age of six, medical and dental appointments, absences of reasonable duration occasioned by the illness or injury of a minor child or spouse, or the need to accompany a minor child to a medical or dental appointment, exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others, or use of prescription drug which impairs job performance or safety.

Sick leave benefits may not be used for any absences when the employee is entitled to receive compensation benefits under the Workers' Compensation Act, except that sick leave may be used in making up the difference between the worker's compensation payment and the employee's monthly salary. Sick leave benefits may be used for actual periods of temporary disability associated with pregnancy or childbirth during which the employee is physically unable to perform her duties as certified by a licensed physician.

Payment of sick leave benefits is further conditioned upon the employee notifying the supervisor or Department Director, or designee, of the employee's absence(s) as outlined in the Attendance and Tardiness/Absenteeism" section. Failure to give the required notice may result in no payment of sick leave benefits or other compensation for such absence(s).

The employee shall be required to provide certification of illness from a qualified health care provider whenever requested by the employee's immediate supervisor or the Department Director, or designee. The employee shall be required to provide a written release to return to work from a qualified health care provider whenever requested by the employee's immediate supervisor or the Department Director, or designee; the City may require any employee returning after an absence to be examined by a second qualified health care provider of the City's choice.

Any employee found to have abused sick leave privileges by falsification or misrepresentation shall be subject to corrective action, including but not limited to reduction or elimination of sick leave benefits, repayment to the City of any amounts paid to such employee for such periods of absence, or discharge.

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

Employees who utilize 24 hours or less of sick leave in any calendar year shall receive 10 hours of vacation time. This is calculated per calendar year and is not available for people who work less than a full year. The employees who qualify for this additional compensatory time, and the respective Department Director, shall receive a notice of the qualification in January immediately following the completion of the applicable calendar year. The time is immediately available upon notification and the use of this time follows the same guidelines as noted in Section 7-C of this manual.

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may submit a request to the City Manager for a leave of absence as specified by section 7-I, or shared leave benefits as specified by section 7-J.

B. FAMILY AND MEDICAL LEAVE; ALSO KNOWN AS “FMLA - QUALIFIED LEAVE”

All contents of section 7-B refer to FMLA - qualified leave only.

The City of Des Moines complies with the federal Family and Medical Leave Act of 1993 (FMLA) and all applicable state laws related to family and medical leave. This means that, in cases where the law grants an employee greater FMLA - qualified leave than the City leave policies provide, the City will grant the FMLA - qualified leave required by law.

1. PURPOSE

The purpose of this policy is to provide employees family leave upon the birth or adoption of a child; care for a spouse, child, or parent who has a serious health condition; and care for the employee if he or she has a serious health condition that makes the employee unable to perform the functions of the position.

2. GENERAL POLICY

Regular covered employees who have worked at least an average of 25 hours a week for one year or more are entitled to twelve work weeks of unpaid FMLA - qualified leave every twelve months for:

- a. A serious health condition that makes the employee unable to perform the functions of his or her job;
- b. Care of an immediate family member with a serious illness; or
- c. Care of a newborn, foster' or adopted child under the age of six.

If both parents are employed by the City, they together are entitled to twelve work weeks of unpaid FMLA - qualified leave in a twelve month period for the care of a newborn or adopted child or seriously ill parent and leave will be granted to only one parent at a time. Each parent can take the full twelve workweeks for his or her own illness. Parental FMLA - qualified leave taken for the care of a newborn or a newly adopted child must be completed within twelve months of the child's birth or placement for adoption.

Pregnancy related disability leave is considered separately from and in addition to this family leave policy. An employee may receive a medical leave of absence for the actual period of disability related to the pregnancy. Sick leave is available for usage with pregnancy related disabilities. (See Section 7-I for more details)

3. RELATIONSHIP TO OTHER LEAVE

The City requires employees to first use the total accumulation of paid leave, not to exceed twelve weeks during the twelve month period, as follows: All accumulated sick leave, vacation leave, compensatory time, floating holiday, Kelly time, and regular holiday (if holiday occurs during the FMLA - qualified leave time), when applicable and in this order. If the City provides paid FMLA - qualified leave for fewer than twelve work weeks, then the additional weeks of FMLA - qualified leave added to attain the total will be unpaid. For example, if the employee has six weeks of sick leave and only three weeks of vacation or other paid leave time accumulated, a total of nine weeks may be taken as paid FMLA - qualified leave and three weeks as non-paid.

4. INTERMITTENT OR REDUCED LEAVE

An employee is entitled to take the twelve week FMLA - qualified leave period on an intermittent or reduced leave basis only if it is medically necessary as certified by a physician. In all other cases the City Manager may consider special requests for intermittent or reduced FMLA - qualified leave on a case by case basis. Except where required by law, the City is under no obligation to approve an employee's request for leaves or reduced work schedule.

5. CONTINUATION OF INSURANCE

During the period of unpaid FMLA - qualified leave the City will continue medical, vision, and dental coverage on the same basis as during regular employment for the duration of the unpaid FMLA - qualified leave. However, if the employee fails to return from FMLA - qualified leave not due to illness or circumstances beyond the employees control, the employee shall reimburse the City for the medical and dental costs paid by the City during the period of unpaid FMLA - qualified leave.

If an employee is covered by other insurance plans through the City, such as life or disability insurance, those coverage will continue during paid FMLA - qualified leave on the same basis as during regular employment. If an employee takes unpaid FMLA - qualified leave, he or she will be responsible during the FMLA - qualified leave for the premiums the employee normally pays plus the premiums the City normally pays for the employee.

6. EMPLOYMENT PROTECTION

Upon return from an FMLA - qualified leave the employee is entitled to his or her former position or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. If due to a change in circumstances neither of these options is possible, the employee will be reinstated to any other vacant position for which he or she is qualified.

However, if an employee takes more than 12 weeks of FMLA - qualified leave in any 12 month period, the City reserves the discretion not to return an employee to work after such leave unless otherwise required by law.

7. NOTICE

Employees desiring to take FMLA - qualified leave must provide written notice to the Personnel Director at least thirty days in advance of the anticipated date of delivery or placement for adoption or foster care, or planned medical treatment stating the dates during which the employee intends to take FMLA - qualified leave. If it is not possible to provide sufficient notice to the City the employee shall provide notice as soon as practical. If the employee does not give the City 30 days' advance notice, and if the need for the FMLA - qualified leave and the approximate date of the FMLA - qualified leave were clearly foreseeable by the employee, the City may deny the request for leave until at least 30 days after the date the employee gives the City notice.

8. CONFIRMATION BY HEALTH CARE PROVIDER

The City may require confirmation by a qualified health care provider of the need for or dates of a requested FMLA - qualified leave, particularly for a leave that is expected to extend beyond five consecutive working days or those involving intermittent or part-time leave. The City may, at its expense, obtain an opinion from a second or third health care provider of the City's choosing, regarding this information.

9. ADDITIONAL LEAVE

If an employee needs additional leave beyond the twelve week period for a serious health condition that makes him or her unable to perform the essential functions of his job he or she may request a medical leave of absence under the appropriate section of this Personnel Manual.

10. PERIODIC REPORTING

If an employee takes FMLA - qualified leave for more than two weeks, the City requires that the employee report to the City's designated representative at least every week on his or her status and intent to return to work.

11. OTHER BENEFITS

The taking of FMLA - qualified leave shall not result in loss of any benefits, including seniority or pension rights, accrued before the date on which the FMLA - qualified leave commenced. However, the City shall not grant benefits, including vacation, sick leave or pension rights, during any unpaid period of FMLA - qualified leave.

12. DEFINITIONS

For purposes of this policy, the following definitions shall apply:

- a. **Immediate Family** - An employee's spouse, child, or parent.
- b. **Child** - Son or daughter including biological, adopted, foster or stepchild living with the employee and under 18 years of age; or 18 or older if incapable of self care because of a mental or physical disability.
- c. **Serious Health Condition** - An illness, injury, impairment, or physical or mental condition that involves:
 - 1) Any period of incapacity of treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility;
 - 2) Any period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
 - 3) Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three calendar days, and for prenatal care.

- d. **Covered Employee** - A regular employee who has worked for the City for at least twelve months and has worked at least 1,250 hours over the prior twelve months.
- e. **Twelve Month Period** - The twelve month period during which an employee is entitled to twelve weeks of FMLA - qualified leave is a "rolling" twelve month period measured backwards from the date an employee uses any FMLA - qualified leave. Each time an employee takes FMLA - qualified leave, the remaining FMLA - qualified leave entitlement would be any balance of the twelve weeks not used during the immediately preceding twelve months. For example, if an employee has taken eight weeks of FMLA - qualified leave during the past twelve months, an additional four weeks of FMLA - qualified leave could be taken. If an employee used four weeks beginning February 1, 1994, four weeks beginning June 1, 1994, and four weeks beginning December 1, 1994, the employee would not be entitled to any additional FMLA - qualified leave until February 1, 1995. However, on February 1, 1995, the employee would be entitled to four weeks of FMLA - qualified leave, on June 1, the employee would be entitled to an additional four weeks, etc.

C. VACATIONS

1. ACCRUAL SCHEDULE

Annual paid vacations shall be granted to all full-time employees and, on a pro rata basis, to part-time employees. Paid vacation will be granted according to the following schedule:

0-3 years	8 hours/month
4-6 years	10 hours/month
7-10 years	12 hours/month
11-20+ years	14 hours/month

Exempt employees are granted an added 8 hours of vacation time per quarter year. For purposes of vacation taken, a week shall consist of 40 hours for exempt employees.

2. MAXIMUM ACCRUAL

The maximum number of vacation hours that may be carried over from December 31 of one year to January 1 of the next year is 240 hours. In cases where city operations have made it impossible for an employee to use vacation time, the City Manager may authorize additional accruals. The employee must submit a request to authorize such accruals that includes a plan to use the vacation time in order to avoid needing additional accruals the next year by December 1.

3. ELIGIBILITY

Paid vacation may be taken only after the eligible employee has worked continuously for the City for at least 6 months unless waived by the Department Director. Requests for vacation shall be submitted at least two weeks in advance unless waived by the Department Director.

4. APPROVAL

All vacations must be approved in advance by the appropriate Department Director, or designee. Department Director vacations shall be approved by the City Manager. City Manager vacations shall be approved by the City Council which may, at its discretion, delegate such authority to the Mayor.

5. UPON SEPARATION

Upon separation, employees shall be paid for all accrued but unused vacation time as part of their final paycheck. Employees who retire shall take unused vacation time prior to the effective date of their retirement, except retiring employees may be paid for that portion of unused vacation time that does not create a retirement financial liability or obligation for the City. See section 10-G for more information regarding retirement and vacation leave payout.

D. HOLIDAYS

An employee is eligible for a paid holiday if he or she is on paid status during the work day before and the workday after the holiday.

The City observes the following holidays: New Year's Day, Martin Luther King, Jr.'s Birthday, Presidents' Day (third Monday in February), Memorial Day (last Monday in May), Independence Day, Labor Day (first Monday in September), Veterans' Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Day, and one floating holiday.

Employees in the Police Department covered by the CBA shall receive holidays as determined by the agreement.

1. OBSERVANCE OF HOLIDAYS

The City will post a notice on the bulletin board or hand out individual notices of the exact day each holiday will be observed. When a holiday occurs on Monday through Friday, the City observes the date of the occurrence as the holiday. If a holiday falls on a Sunday, the following Monday shall be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday shall be observed as a holiday. For employees whose regular days off do not fall on Saturday and Sunday, their first regular day off shall be considered a "Saturday" and their second regular day off shall be considered a "Sunday" for purposes of determining when their holiday shall be observed if a holiday falls on their regular day off.

2. SCHEDULED HOLIDAY WORK

Whenever the City's operational needs require employees to work on a holiday, insofar as practical, holiday work shall be divided equally among the eligible employees. Full-time employees who are scheduled or required to work on the day a holiday is observed, will receive eight hours regular pay at the straight time rate and will also be paid for all hours actually worked on the holiday at the straight time rate, provided that the total hourly rate shall not exceed two times the straight time rate.

3. FLOATING HOLIDAY

Employees are granted one floating or personal holiday during each calendar year. The City Manager shall have the discretion to designate a particular day during the year as the floating holiday for all eligible employees. The City Manager may take an advisory ballot of all the eligible employees to determine for that year whether the employees wish to leave the floating holiday to individual discretion or to consolidate the floating holiday for one particular citywide day off.

If the individual selection option is approved by the City Manager, an employee may request one floating or personal holiday, upon approval of the Department Director, during each calendar year provided that the number of employees selecting a particular day off does not prevent the City from providing continued public service.

A floating holiday does not carry over from one calendar year to the next. It must be taken during the calendar year earned or it is forfeited. To be eligible to receive the floating holiday, an employee must have been employed by the City for six continuous months prior to the designated or requested floating holiday. Employees hired after June 30, therefore, shall not earn a floating holiday for that calendar year.

Upon separation, employees will not be paid for any floating holiday that has not been used.

4. RELIGIOUS HOLIDAY

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his or her Department Director's approval, observe the holiday by using vacation time, compensatory time, or leave without pay on the condition that the time does not disrupt City operations.

E. JURY DUTY

Employees who are called to serve on a jury or appear as a subpoenaed witness (if city-related) in any established court will be released from work to do so. During the period of such absence, full-time and regular part-time employees will receive their regular wages minus the amount received as jury duty or witness fees (excluding any amount for mileage reimbursement). The employee must provide his or her supervisor with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, the employee is required to provide his or her supervisor with proof of jury service.

Employees who are absent from work because of jury duty will retain seniority and all benefits. The time away will not affect vacation or sick leave accruals, except employees who appear in court as the plaintiff or defendant (except in a lawsuit against the City) in any action shall not be paid for time away from work unless that time is taken as accrued vacation leave. On any day that an employee is released from jury duty or as a witness by the court and four or more hours of the employee's scheduled work day remain, the employee is to immediately inform an appropriate supervisor and report to work on that day if requested to do so.

F. BEREAVEMENT

When a death occurs in a regular or regular part-time employee's immediate family, the employee may take up to 2 days of paid bereavement leave which is not counted against any other leave, including sick or vacation leave. In addition to the 2 days of bereavement leave, employees may use up to 8 hours of sick leave for deaths that are in-state; for deaths that are out-of-state, employees may add up to 24 hours of sick leave. Timing of bereavement leave will be by mutual agreement between the employee and the Department Director, or designee. An employee is not paid for any days off if the employee would not otherwise have been entitled to compensation for that day. Bereavement leave pay shall be that amount the regular employee would have earned had the employee worked his or her regular work schedule during the leave. An employee may be granted a bereavement leave prior to completion of the trial period.

"Immediate family" as used in this policy is defined as an employee's spouse, spousal equivalent in a cohabitation relationship, parents, grandparents, children, adopted children, foster children, grandchildren, brothers, sisters, first cousins, nephews, nieces, aunts, or uncles, and/or corresponding in-laws and "step" relations.

G. LEAVE OF ABSENCE - GENERAL

A personal leave of absence is a privilege the City may extend to qualified employees for specific periods of time under certain circumstances. It allows an employee to take up to six months time off from work for personal reasons. All such leaves are taken without pay or benefits.

A leave of absence must be requested in writing and submitted to the employee's immediate supervisor as soon as the need for such a leave is known. The Department Director and City Manager must approve all such leaves. The City reserves the right to grant or deny any leave requested. No benefits such as vacation or sick leave are earned while on leave. Employees on leave may return early from leave if they notify the supervisor at least 7 workdays in advance. Failure to return from leave on or before the agreed upon date, however, may result in termination.

A leave of more than 30 days will affect an employee's performance and salary review dates. These dates will be adjusted forward until the employee has completed as many days of continuous employment as the length of the leave of absence.

Upon expiration of an approved leave of absence, the employee will be reinstated in the position held at the time the leave was granted or an equivalent position.

H. MILITARY DUTY

Any employee who is a member of the Washington National Guard or a Federal military unit is entitled to leave from his or her duties for up to 120 working hours each calendar year for official military duty in accordance with RCW 38.40.060. Such leaves are in addition to any other leave or vacation benefits. During the period of military leave, the employee shall continue to receive his or her normal rate of pay. In general, if military service extends beyond 120 working hours, the additional leave will be unpaid. The employee is required to provide his or her supervisor with a copy of the military orders as soon as possible after it is received.

An employee who is called to or volunteers for active service with the armed forces of the United States or the Washington National Guard is entitled to reinstatement in his or her position upon completion of service, providing that the period of service is four years or less. Eligibility for and terms of reinstatement are administered in accordance with RCW 73.16.

An employee promoted or hired to fill a vacancy created by a person on military leave is appointed to the position temporarily subject to the return of the absent employee. Upon such return, a promoted employee is restored to his or her original position or an equivalent position subject to the provisions of RCW 73.16.033. A replacement employee is subject to layoff if no other position is available.

I. MEDICAL LEAVE

Medical leaves of absence may be granted to employees who are recovering from illness or an accident. This medical leave of absence requires a doctor's certification and cannot exceed 4 months. During medical leave, the employee may receive previously earned sick pay and earned but unused vacation benefits. A written request for a medical leave of absence must be returned to a supervisor or Department Director along with a doctor's certification indicating the nature of the medical problem and the anticipated length of absence. A medical leave of absence may be extended, upon written request, when accompanied by an explanation from the employee's doctor of the need for an extension period. Even with an extension, however, a medical leave cannot exceed 6 months. Sick leave and vacation time continue to accrue only for that portion of medical leave paid by vacation or sick time.

Medical leaves may also be used for periods of actual disability associated with pregnancy or childbirth. Employees are entitled to unpaid leave for the full period of physical disability resulting from pregnancy and childbirth, even if the disability is for more than 12 weeks, and even if the employee does not qualify for leave under the federal law. Also, the Washington Family Leave law may allow an employee to take up to 12 weeks of unpaid leave for child care after the employee is physically able to return to work.

Employees returning from a medical leave of absence must provide a doctor's written certification of their ability to return to work. Employees returning from medical leaves are entitled to return to the same position or a similar position of like pay and status if the leave of absence is only for the actual period of disability. Upon return, the City may require an examination by a qualified medical care provider selected by the City.

During the medical leave of absence, the City will pay its portion of the employee's group insurance premiums for the 12 week period covered under FMLA and/or paid time covered by sick and vacation time. The City does not pay its share of any employee group insurance premiums during any unpaid time of a medical leave after 12 weeks. The City's obligation for LEOFF I employees shall be as specified in RCW 41.26. The employee may continue his or her group insurance coverage after the City discontinues paying its portion of the premium by prepaying the entire premium during any affected period of the leave. Employees must arrange for a continuation of such coverage with the City prior to the commencement of the medical leave extension period.

In the case of disabilities that qualify for protection under federal, state or local disability laws, however, the City will provide greater periods of leave if the City concludes that doing so is required in order to provide reasonable accommodation, unless the City concludes the additional leave would impose an undue hardship on the City's business.

J. SHARED LEAVE

1. INTENT

The purpose of shared leave is to permit city employees, at no additional cost to the City other than the administrative costs of the program, to come to the aid of a fellow city employee who is suffering from, or who is caring for an immediate family member suffering from a *serious health condition*, as defined under FMLA, which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. Examples of serious health condition to immediate family members might include a terminally ill child or spouse requiring home care by the employee or similar circumstances. However, under these circumstances the employee should make good faith efforts to share these burdens with other family members. *Immediate family members* for this shared leave policy shall mean the employee's spouse, child, adopted child, foster child, or stepchild living with the employee or parent (whether living with the employee or not). Exceptions may be granted for other household members for which the employee is the primary caregiver.

2. REQUEST

Requests for shared leave shall be submitted by the requesting employee to his or her Department Director for review and recommendation. The Department Director shall refer the request to the employee relations committee for review and recommendation to the City Manager. The City Manager shall have final approval authority for granting shared leave. The Department Director, committee or City Manager may require the employee to submit medical or other appropriate documentation to support requests for shared leave.

3. ELIGIBILITY TO RECEIVE SHARED LEAVE

The City Manager may permit an employee to receive shared leave under the following circumstances:

- a. The employee suffers from or is caring for an immediate family member, as defined in J-1 above, who is suffering from a serious health condition, as defined by FMLA, which has caused or is likely to cause the employee to go on leave without pay status or terminate city employment.
- b. The employee's absence and the use of shared leave are justified.
- c. In order to be eligible for shared leave, an employee shall have utilized a minimum of 80 hours of their own vacation, sick leave, Kelly time, compensatory time, holiday leave, or unpaid time toward the particular illness or circumstance for which the employee is requesting shared leave. In addition, the employee shall have exhausted all accumulated vacation, sick, Kelly, comp, and holiday time.
- d. The employee has abided by city rules regarding sick leave use both prior to and during shared leave.
- e. The employee has diligently pursued and been found to be ineligible for benefits under state industrial insurance.
- f. To be eligible for receiving shared leave an employee must have contributed a minimum of 8 hours to the shared leave program over the past year; however, this requirement may be waived for employees employed for less than one year with the City.

4. AMOUNT OF SHARED LEAVE

The City Manager shall determine the amount of leave, if any, which an employee may receive under this section. The City Manager may grant an initial shared leave of up to 320 hours. Upon expiration of the initial authorization, an employee may request additional shared leave in increments of 160 hours. The Employee Relations Committee and City Manager shall review each request. No employee shall receive more than a maximum of 1440 hours in any 5-year period. Under exceptional circumstances the Committee may recommend exceptions to this limit.

5. DONATION OF SHARED LEAVE

An employee may request his or her Department Director to transfer a specified amount of annual sick leave to the shared leave bank.

6. WHILE ON SHARED LEAVE

While an employee is on leave under this program, he or she shall continue to be classified as a city employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued sick leave. However, an employee shall not accrue vacation or sick leave while on shared leave. If an employee is able to work part-time under this program, he shall receive pro-rated vacation and sick benefits, which must be utilized prior to sick bank drawdowns.

- a. All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.
- b. The employee's salary rate shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's salary and other benefits, including but not limited to state industrial insurance or any other benefit received as a result of payment by the City to an insurer, health care provider, or pension system, exceed the total of salary and benefits which the employee would have received had he or she been in a regular pay status.

7. MAXIMUM DONATION

No employee may transfer more than 40 hours to the shared leave bank in any 12 month period.

8. MAXIMUM ACCRUAL

The shared leave bank shall be limited to a maximum accrual of 50 hours times the number of full-time city employees.

9. RECORDKEEPING

The personnel department shall be responsible for accounting for the values of donated and shared leave and the finance department shall be responsible for adjusting the accrued leave balances to show the transferred leave.

10. MONITORING EQUIVALENT AND APPROPRIATE USE

The personnel department shall monitor the use of shared leave to ensure equivalent treatment for all employees of the City. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave. In no event shall any unused shared leave be paid to the employee in the event of leaving city service.

K. KELLY HOURS

Employees in the Police Department covered by the CBA shall receive Kelly time as determined by the agreement.

L. ADMINISTRATIVE LEAVE

On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the City (as determined by the City Manager) during the investigation or other administrative proceeding.

SECTION 8. STANDARDS OF CONDUCT AND DISCIPLINE

It is the responsibility of all employees to represent the City to the public in a courteous, efficient, helpful and friendly manner. Public employees are often judged by the public they serve on first impressions and surface appearances. How the public perceives city employees influences its willingness to understand and support the needs of the City. Employees are expected to be cheerful, respectful and positive in attitude even when dealing with citizens under difficult circumstances.

Employees also should use basic tact, respect and courtesy toward their fellow employees; adhere to City policies, procedures, safety rules and safe work practices; comply with directions from supervisors; and preserve and protect the City's equipment, grounds, facilities and resources.

A. RULES OF CONDUCT

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

It is the City's policy to place as few restraints on employee personal conduct as possible. The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities. However, for the protection of the City's business interests and other employees, certain rules of conduct have been established. The rules are formalized for each employee's information and to minimize the likelihood of any employee, through misunderstanding or otherwise, becoming subject to disciplinary action.

The occurrence of any of the actions set forth in the general rules of conduct section is deemed a sufficient justification for the imposition of the disciplinary procedures set forth in this section. It is the goal of the City to apply fair and equitable disciplinary action. However, the City reserves the right to decide disciplinary actions applicable for the actions noted below. The City may skip steps in this sequence whenever, in its judgment, circumstances require an abbreviated disciplinary procedure. An administrative leave may be used, with or without pay, pending the results of an investigation. Employment with the City is at will. This means that just as employees are free to resign at any time, the City reserves the right to discharge employees at any time, with or without cause or advance notice, and without compensation except for time actually worked.

1. IMMEDIATE DISCHARGE

There are certain kinds of actions that cannot be permitted to occur because of their impact on other employees and the City. Such offenses may result in discharge on the first occurrence. The following list contains examples of such offenses. This list of examples is not all-inclusive. Before a final decision is made regarding a discharge, the City will convene a pre-termination meeting as provided for in the section on discharge.

The occurrence of any of the following is deemed a sufficient justification for immediate discharge:

- a. Theft, misappropriation or removal of city property or the property of employees, clients or customers.
- b. Knowing, intentional or repeated falsification of any application for employment or any report, record, time sheet or city records.
- c. Soliciting and/or accepting payment, gifts or any item of value for service performed during the regular workday, whether or not the services are performed on behalf of the City and whether or not city vehicles or equipment are used.
- d. Willful alteration, destruction or waste of city property, facilities, records or equipment, wherever located, or the destruction of another employee's property.
- e. Bringing alcohol (except for authorized city festivals such as Waterland), narcotics or other controlled substances onto city property or into city vehicles; the use of alcohol, narcotics or other controlled substances on city property or in city vehicles; reporting to work or being under the influence of alcohol, narcotics or other controlled substances while on working time, or while on city property or in city vehicles.
- f. Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position.
- g. Serious or repeated disorderly conduct, or insubordination. Insubordination includes, but is not limited to: neglect of duty, or refusal or failure to obey orders or instructions in the line of duty; public disrespect displayed toward a supervisor or the City while performing work for the City; and abusive language to any supervisor.
- h. Threatening, intimidating, coercing or interfering with supervisors or other employees.

- i. Deliberate attempts to injure another employee or fighting on city property.
- j. Sleeping during working hours.
- k. Unauthorized possession of firearms, explosives or any dangerous weapons while performing city work.
- l. Participating in an unauthorized work stoppage or slowdown.
- m. Recklessness resulting in a serious accident while on duty, whether on city property or while driving a city vehicle.
- n. Repeated, unwelcome racial or sexual harassment directed toward another employee, including but not limited to demands for sexual favors in exchange for employment, retention of job, promotion or other employment benefits. Repeated use of racial epithets, slurs, insults or jokes.
- o. Conviction of a gross misdemeanor or felony.
- p. Being untruthful about one's actions when questioned.

If immediate discharge is warranted the employee's supervisor may relieve the employee from duty on the spot and suspend the employee without pay pending a final decision on discharge as provided in these policies.

2. OTHER DISCIPLINARY ACTIONS

There are certain types of actions that should not occur, but normally, it is the reoccurrence of the action rather than the first occurrence of the action which results in discharge. For such actions, a regular employee will normally receive a written or verbal warning, be suspended without pay or placed on disciplinary probation prior to discharge, depending upon all the facts and circumstances presented in each instance. The following section contains examples of such offenses. This list of such offenses is not all-inclusive.

The occurrence of any of the following is deemed sufficient justification for the imposition of lesser discipline such as a warning, suspension without pay or probation as set forth in the succeeding section, although under appropriate circumstances, the City may immediately discharge the offender:

- a. Ignoring safety rules or common safety practices.
- b. Engaging in disorderly conduct, horseplay, immoral conduct or insubordination; using uncivil, insulting, vile or obscene language.

- c. Failure to report occupational injuries or accidents, including motor vehicle accidents, promptly to the employees' supervisor.
- d. Engaging in activities other than assigned work during working hours and/or while operating city equipment, without approval in advance by an employee supervisor.
- e. Acting in an insulting, disrespectful, rude, insolent or uncivil manner toward any customer or other person while working for the City, or while operating city equipment or on city premises.
- f. Failure to exercise the care and attention to one's work as required by the circumstances resulting in unsafe or potentially unsafe conditions.
- g. Smoking in restricted or prohibited areas, whether on city property or otherwise.
- h. Accepting secondary employment with another employer without written authorization from the City.
- i. Acting in any manner inconsistent with general rules of conduct necessary to the welfare of the City or its employees.
- j. Unexcused or excessive absences or tardiness.
- k. Leaving work before the end of the shift or not being ready to begin work at the start of the shift or working overtime without permission of a supervisor.
- l. Spending unnecessary time away from work.
- m. Unauthorized possession or use of any city property, equipment or materials.
- n. Carrying an unauthorized passenger in a city vehicle.
- o. Contributing to unsanitary conditions or poor housekeeping.
- p. Use of city property, time or confidential information for personal financial gain.
- q. Sexual or racial harassment or other unlawful discrimination toward another employee.
- r. Having wages or salary subject to a writ of garnishment for three or more separate indebtedness in a continuous 12-month period.

- s. Unsatisfactory work performance.

3. LEVELS OF DISCIPLINE

a. ORAL WARNING

Oral warnings may be given for minor offenses or to bring to the attention of an employee potential work performance problems. Oral warnings may include an explanation of the violation or problem and requests for corrective action on the part of the employee. A notation of each oral warning should be placed in a file and maintained by the supervisor for future reference. In addition, the offending employee may be handed a warning slip.

b. WRITTEN WARNING

A written warning may be given for a more serious offense or when the employee, who has been orally warned for minor offenses or problems in his or her work performance, repeats them or fails to take corrective action. Written warnings may contain: a statement of the facts; a statement of the discipline being given, if any; if appropriate, the employee's explanation and reason for the violation; the required corrective action on the part of the employee, if appropriate; a written and definite period of disciplinary probation during which the employee must clearly demonstrate improvement; and a statement indicating further disciplinary action may follow if correction is not achieved. The employee and any other person who may be present at the discussion may sign the warning. The warning should be signed by the employee's direct supervisor and the city Department Director involved. Copies of written warnings are to be forwarded to the City Manager and the Personnel Director. After review with the employee, a copy of the written warning is to be given to the employee and a copy is to be entered into the employee's personnel file.

c. SUSPENSION/FINAL WARNING

A suspension may be given for serious infractions of employee rules of conduct which are not deemed sufficient justification for immediate discharge, or for repeated offenses, or for failure to correct an action for which a written warning was previously given. A suspension is time off without pay for disciplinary reasons, and will be for as long as the City determines is reasonable and necessary for a specific violation. In each case of disciplinary suspension, a written memo should be prepared and may indicate: the event or events which led to the suspension; the duration of suspension; a statement indicating required corrective action on the part of the employee; if appropriate, the employee's explanation or comment; and a statement indicating that it is a "final warning" and further indicating that the employee may be discharged upon the occurrence of another infraction or failure to correct the action within the stated time.

The employee and any other person who may be present at the discussion may sign the memo. The memo must be signed by the employee's direct supervisor and the Department Director involved, with copies forwarded to the City Manager and the Personnel Director. After review with the employee, a copy of this memo is to be given to the employee and a copy is to be entered into the employee's personnel file.

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

d. DISCIPLINARY PROBATION

An employee may be placed on disciplinary probation for any violation of rules as listed above.

Such an employee will be given a written statement of the action taken, the reasons for the action and the consequences of repeating or engaging in further or other unacceptable behavior. This written statement shall be given to the employee at the time the employee is placed on disciplinary probation or within two (2) days thereafter. A copy of this written statement shall be placed in the employee's personnel file.

Disciplinary probation may be for any period not to exceed twelve months. During the disciplinary probationary period, the regular employee must show the required improvement necessary to remain in the job. If the regular employee fails to correct his or her performance or repeats the

unacceptable conduct during the disciplinary probation period, the employee may be discharged. All discharges shall be in accordance with the City's policy on pre-discharge meetings.

e. **DISCHARGE**

When the supervisor feels that the nature of a violation warrants discharge, or if the discharge is a result of the disciplinary procedure where the desired corrective action was not achieved by one or all of the steps above (written warning, suspension, etc.), the supervisor will prepare a written report to his or her Department Director and the Personnel Director. The written report may include the reason(s) for the discharge; information on any previous warnings or disciplinary actions which may be relevant; a brief summary of the regular employee's past work record and length of employment with the City; and any other relevant information. The Department Director, the Personnel Director, the City Attorney and the employee's direct supervisor will process the case together and present their findings and recommendation to the City Manager. Before the final decision is made regarding a discharge, a meeting shall be convened as follows:

No regular employee shall be terminated without a pre-discharge meeting. The employee shall be provided with a written notice of the charge or grounds for termination and a summary of the City's evidence. The employee shall be given an opportunity to respond to these charges, either orally or in writing, and to explain why the City should not go ahead with the discharge. Although the Department Director's explanation of the City's evidence should be sufficient to inform the employee of the basis for discharge, this procedure shall not be construed to limit the City at any subsequent hearing or proceeding from presenting a more detailed and complete case, including the presentation of witnesses and/or documents not introduced at the discharge meeting. Should the City Manager or Department Director determine to proceed with the discharge, or some alternative disciplinary action, the City will give the employee written notice of discipline without undue delay.

B. GRIEVANCE

It is recognized that communication of constructive suggestions and of problems can contribute significantly to improving the overall quality of work and conditions of employment. It is the City's policy to provide appropriate avenues of communication to meet a variety of needs. It is also the desire of the City to resolve problems and pursue suggestions through an informal process where such a process is in the best interest of the City and its employees. Formal procedures are provided for those situations when the informal process is not appropriate.

1. EMPLOYEE COMMUNICATION

Any time an employee has a question, problem or complaint, the employee should do the following:

- a. Consult with the employee's immediate supervisor. Generally, the employee and supervisor will be able to resolve the problem. If the problem is not solved at this level;
- b. The employee may request a meeting with his or her Department Director to resolve the problem. If the employee receives no satisfaction at this level;
- c. The employee may request a meeting with the City Manager and/or Personnel Director to resolve the problem. The final determination will be made by the City Manager.

2. GRIEVANCE -- DEFINITION

A grievance is a complaint by a regular, full or part-time employee or group of regular employees alleging a violation of a specific section(s) of the City's ordinances, personnel regulations or department rules and regulations which pertain to the terms and conditions of such employment by the City. Temporary employees and employees who have not completed their trial period are not eligible to receive benefit of the grievance procedure. The city Personnel Director shall maintain a copy of all documents related to employee grievances, in compliance with applicable public document retention schedules.

3. GRIEVANCE PROCEDURE STEPS

A grievance shall be handled in the following manner:

a. STEP 1

The aggrieved employee or group of employees shall present the grievance orally to the immediate supervisor within five working days of its occurrence (or discovery of occurrence), not including the day of the occurrence. The supervisor shall give an oral reply within five working days of the date of presentation of the grievance, not including the date of the presentation. If the grievance is resolved at Step 1, the supervisor shall prepare a memorandum to the grievant(s) setting forth the terms of the resolution. A copy of this memorandum should be sent to the Department Director and Personnel Director at the time it is sent to the grievant(s).

b. STEP 2

If the grievance is not settled at Step 1 it shall: (1) be reduced to writing, specifying the alleged wrongful act and resultant harm, describing the remedy, adjustment, or other corrective action sought; (2) dated; (3) signed by the aggrieved employee or group of employees, presented to the Department Director within five working days after the supervisor's oral reply is given, not including the day the answer is given. The Department Director shall reply in writing to the grievant(s) within five working days of the date of the presentation of the written grievance, not including the day of the presentation. If the grievance is resolved at Step 2, the Department Director shall prepare a memorandum to the grievant(s) setting forth the terms of this resolution. The Personnel Director should be provided with a copy of this memorandum at the time it is sent to the grievant(s).

c. Step 3

If the grievance is not settled at Step 2, the written grievance shall be presented, along with all pertinent correspondence and information to the City Manager within five working days after the Department Director's response is given, with a copy going to the Department Director. The City Manager may meet with the aggrieved employee or group of employees, the immediate supervisory personnel and the Department Director. The City Manager shall reply to the grievant(s) in writing within ten working days of the date of presentation of the written grievance, not including the day of presentation. The decision of the City Manager shall be final and binding.

C. OUTSIDE EMPLOYMENT

The City does not encourage employees to hold second jobs, or have an active interest in outside business enterprises, though it does not object to employees doing so provided the following conditions are met. Outside employment must:

1. In no way detract from the efficiency of the employee while performing city duties;
2. Present no conflict of interest with city affairs;
3. Not take preference over extra duty required by city employment;
4. In no way involve the use of any city resources such as copiers, telephones, supplies, other equipment, or time.

Engaging in employment or business enterprises that interfere with or reduce the efficiency of city employment may be grounds for disciplinary action.

Prior to accepting any outside employment or outside business enterprise employees must report it to the Department Director and receive written authorization from their Department Director. Authorization will not be unreasonably withheld. Authorization will be for up to a one year period of time and must be renewed in January of each year.

D. POLITICAL ACTIVITY

Employees shall have the right to vote and to express their opinions on all political subjects and candidates; to hold any political office or participate in the management of a partisan or nonpartisan political campaign; participate fully in campaigns relating to Constitutional amendments, referendums, initiatives, and issues of a similar character; or to contribute financially to any such candidate or campaign

City employees shall not engage in activities of a political nature while on city property, during working hours, or with the use of any city equipment or supplies. Activities of a political nature including soliciting for funds, campaigning, soliciting signatures for initiatives or referendums, posting campaign material, etc. No person shall solicit city employees for funds, signatures, etc. while they are on city property or during working hours. Officers of employee associations, however, shall not be prohibited from soliciting dues or contributions from members of their associations.

An employee shall not hold a part-time public office of the City when the holding of such office is incompatible with or substantially interferes with the discharge of official duties of the job or is otherwise prohibited by law.

For persons employed by the City in positions that are financed primarily by federal grant-in-aid funds, the rules and regulations of the United States Office of Personnel Management will regulate political activity.

No city employee, who as part of his or her daily assigned duties meets with and represents the City to the public, shall wear or display any button, badge or sticker relating to any candidate or ballot issue during working hours, nor shall such employee use a uniform or vehicle provided by the City during any campaign activities. The display of stickers or other campaign material on city owned vehicles, and the use of any city facility or equipment such as copy machines, stamps, envelopes or other resources funded with public tax monies to promote or oppose any bond issue, political issue or candidate is prohibited.

E. PERSONAL APPEARANCE AND DRESS

1. GENERAL ATTIRE

Employees shall wear appropriate attire for their position and department. All employees shall be neat and clean in dress and personal appearance. The City Manager may issue rules regarding what is considered necessary, required or appropriate attire for each department or for particular positions. Should uniforms be required for a particular position, they will be provided at city expense.

2. UNIFORM

It is the policy of the City that all employees be visible and identifiable to the public while on duty. City furnished uniforms or work clothing will be maintained in a presentable manner by the employee as determined by the Department Director. City furnished uniforms remain the property of the City at all times. Their use is limited to wearing on duty or during additional approved volunteer activities that are identical to those performed while on duty. Wearing of uniform items while commuting between home and work location may be permitted providing that the wearer does not participate in any interim activity where the image and good name of the City might be negatively affected. For example, it is forbidden to wear a city uniform into a bar to consume alcoholic beverages.

The outer garment of each uniform furnished by the City shall bear the official insignia of the City and name of the employee in addition to other such markings or emblems as each Department Director may specify, except that rain gear may be identified otherwise. The Department Director shall determine proper location of such insignia and names on the uniform.

F. CONFLICTS OF INTEREST

City employees shall not sell or barter anything to the City or to a contractor supplying the City, or make any contract with the City or purchase anything from the City other than those things that the City offers generally to the public. Those services or items offered generally to the public, such as utility services, can only be obtained on the same terms and conditions offered to the public.

Employees shall not accept or seek for others, any service, information, or thing of value on more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City.

Employees shall not accept, directly or indirectly, any gift, favor, loan, retainer, entertainment or other thing of monetary value from any persons, firm or corporation having dealings with the City when such acceptance would conflict, or create the appearance of conflict, with the performance of the employee's duties. A conflict or appearance of conflict shall be deemed to exist where a reasonable and prudent person would believe that such was given for the purpose of obtaining special consideration or influence. If an employee is given or offered any gift, favor, loan, retainer, entertainment or other thing of monetary value under circumstances which could reasonably be construed to create a conflict of interest or the appearance of a conflict of interest, the employee shall immediately report such activity to his or her supervisor. The supervisor shall in turn inform the Department Director and the City Manager. In recognition of the public responsibility to maintain good relations between the City and its suppliers and others with whom the City has business dealings, the City permits acceptance of an occasional lunch.

Any violation of this section with the express or implied knowledge of the person or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

City employees shall not use any confidential information not available to the public for personal gain. Nor shall employees release any such confidential information for the benefit of others. Examples of such information would include potential rezone applications, proposed developments or utility extensions where release of such information might increase nearby property values. City employees shall use information only as needed for their job duties and not in any ways that are not associated with their job duties.

Violation of this policy will result in disciplinary action up to and including discharge.

G. SMOKING AND TOBACCO PRODUCTS

Smoking is prohibited in all city vehicles, enclosed work and common areas with the exception that smoking is permitted in outdoor areas unless smoke would be drawn into the work or common areas. The citywide smoking policy shall apply in all enclosed work and common areas, whether in enclosed individual or shared office spaces, and shall apply to all persons who visit in closed work and common areas, including all officers, employees, contractors, or visitors during all hours and days of the year.

The use of chewing tobacco, snuff, or other tobacco product is also prohibited during working hours and/or on city property.

H. CITY EQUIPMENT AND SUPPLIES

City employees shall not utilize City equipment, supplies or services for personal benefit, use or gain. Some examples are:

1. City vehicles may not be used for any non-city related business.
2. Employees may not use city tools or equipment for personal projects.
3. City employees may not use city office supplies, stamps, postage meters, etc., with the exception that employees may use copy machines upon appropriate payment per copy and City telephones for personal long distance calls as long as they reimburse the City for such calls.
4. Employees may use city computers for personal projects after duty hours upon the approval of the Department Director.

I. VEHICLE USE FOR CITY BUSINESS

The term “vehicle” as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft. City vehicles will be permanently assigned to those departments that have demonstrated a continued need for them. Employees who need transportation in the course of their normal work may be assigned a city vehicle for their use. All other employees needing transportation for city business may use vehicles assigned to their department or those made available, as needed. As a last alternative, when no city vehicles are available, employees may use their own vehicles for business purposes, with the approval of the Department Director, or designee.

Employees holding jobs designated as requiring regular driving for business must, as a condition of employment, be able to meet the driver approval standards of this manual at all times. For all other jobs, driving is considered a non-essential function of the position.

Employees may not drive any vehicle for city business without prior approval of their supervisor. Before approving a driver, each supervisor should check the employee’s driving record, verify the existence of a valid Washington State driver’s license, and make sure the employee is eligible for coverage under any applicable city insurance. The employee is responsible for being aware of, understanding, and complying with the federal, state, and local laws applying to the operation of vehicles on city business. The employee must maintain in his or her possession the appropriate driver’s license at all times while driving on city business.

The employee is responsible for making known any reason that he or she is ineligible to drive a city vehicle when asked to do so.

All policies noted in section 9 of this manual must be followed; please refer to section 9 before using any vehicle for city business. In addition, any employee who drives a vehicle on city business must exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are not permitted, under any circumstances, to operate any vehicle for city business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication. The City has a zero tolerance policy prohibiting operators of vehicles from drinking alcohol or consuming illegal drugs and driving. Please refer to the City’s drug and alcohol policy. Drivers are responsible for notifying their supervisors of any mechanical problem with a vehicle they have driven, for example, malfunctioning headlight or taillight or unusual noises. Employees are responsible for any driving infractions or fines as a result of their driving.

With the approval of their department director, employees may take a city vehicle home for emergency response. This vehicle is to be used for city business only.

Employees who use their personal vehicle for approved business purposes will, upon submittal of an expense reimbursement claim, receive a mileage payment equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Therefore, employees who operate personal vehicles for city business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary as determined by representing insurance agent. The employee's auto insurance will be primary and the City's auto liability insurance is excess. In addition, employees driving on city business may claim reimbursement for parking fees, tolls and other expenses directly incurred for business purposes. Mileage and expenses reimbursement claims must be approved by the employee's supervisor and submitted to the Accounting Department for payment. It is the responsibility of the department director or designee to approve any use of personal vehicles for City business and to assure that the employee maintains insurance coverages as required in this section and by law.

J. ELECTRONIC RECORDS, E-MAIL, AND THE INTERNET

Electronic mail (e-mail) is a fast and efficient way to communicate within an organization using an internal e-mail system and externally using the Internet. The Internet is also a powerful research tool that can greatly expand the amount of information gathered on a subject and reduce the amount of time it takes to conduct research activities. It is the policy of the City of Des Moines to encourage the use of e-mail and the Internet to communicate inside and outside our organization. Furthermore, it is the City's policy to encourage using the Internet as a research tool. Employees should use good judgment and common sense when using e-mail and the Internet and be aware of the following:

1. The Internet is to be used to access web sites for city business only unless specifically authorized by the Department Director.
2. The City's e-mail may be used for personal use in a similar manner as the use of city telephones for personal local phone calls. In addition, personal e-mail messages are not to be composed or sent on city time. If an employee sends an e-mail message that incurs an additional cost than what the basic rate that the City pays for access, the employee is responsible for the additional cost.
3. All e-mail messages, files down-loaded from outside sources, and other electronic files (e.g. memos, reports, etc. in computer files) are considered official city business records and are subject to Washington State's Public Disclosure Act and the laws governing the retention and destruction of public records. Informational messages such as meeting notices, reminders, informal notes and telephone messages should be deleted once the administrative purpose of the message is served. Significant messages and electronic files should be retained in accordance with the record retention schedule for the category of public record into which the message or file falls. As provided under traditional rules of legal discovery and the Public Disclosure Act, certain e-mail messages and files are exempt from public disclosure, including privileged work product and attorney-client communications.
4. Caution should be used when downloading files due to computer viruses. A virus checking software should scan any files downloaded from the Internet.
5. All uses of e-mail and the Internet must conform to all city policies and guidelines regarding standards of conduct, discrimination, equal employment, sexual harassment, unlawful activities, and interpersonal interactions. E-mail and the Internet should not be used to solicit others for commercial ventures, religions or political causes. Use of electronic media for jokes, gambling, games or derogatory remarks is prohibited.

6. E-mail messages and all electronic records are not considered the private property of employees. The City may monitor or audit such records at any time without prior notice to ensure compliance with applicable laws and city policies.
7. Employees also should be aware that e-mail is not private because the sender or recipient might inadvertently send it to the wrong person or save it to a public part of the disk, someone may see it on the screen, or print it, and it is stored with all the other material when backups are completed.
8. Violations of this policy may result in disciplinary action, up to and including termination.

K. SOFTWARE CODE OF ETHICS

Unauthorized duplication of copyrighted computer software violates the law and is contrary to the City's standards of conduct and policies. The City disapproves of such copying and recognizes the following principles as a basis for preventing its occurrence:

1. The City will neither engage in nor tolerate the making or using of unauthorized software copies under any circumstances.
2. The City will provide legally acquired software to meet all legitimate software needs in a timely fashion and in sufficient quantities for all our computers.
3. The City will comply with all license or purchase terms regulating the use of any software acquired or used by the City.
4. The City will enforce internal controls to prevent the making or using of unauthorized software copies, including effective measures to verify compliance with these standards and appropriate disciplinary measure up to and including termination for violation of these standards.

L. SOLICITATION

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 the City or employee property. The following limitations apply:

1. PERSONS NOT EMPLOYED BY THE CITY

Persons not employed by the City may not solicit, survey, petition, or distribute literature on city 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 City determines that an exception would serve the best interests of the organization and the City's employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.

2. CITY EMPLOYEES

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. The employee lunchroom is considered a non-work area under this policy.

SECTION 9. SAFETY AND SECURITY

A. IDENTIFICATION

Within one week of employment, all employees will be issued identification cards. The card identifies the employee by position, department, and physical description. The card is to be carried at all times when an employee is acting in an official capacity. The card should be used as identification, if requested by a member of the public or another employee. Unauthorized or inappropriate use of the employee identification card is prohibited and will result in disciplinary action.

The Personnel Director is responsible for preparation of the identification card and coordinates with the Police Department for the employee's photograph. If a card is lost, damaged or destroyed, it should be immediately reported to the Personnel Director. Identification cards must be returned to the Personnel Director when an employee terminates his or her employment.

B. SAFETY

It is the City's policy to prevent accidents and to ensure that employees are provided safe and healthful working conditions, free from recognized hazards.

Department Directors, supervisors and employees should guard the safety of themselves, their fellow employees and the public. Employees shall observe all safety practices governing their work. Employees may offer safety suggestions and contribute to a safer working environment. It is the employee's responsibility to learn the safety regulations applicable to his or her job. He or she is also responsible to use safety equipment and/or personal protective equipment as set forth by regulations. New employees may receive a list of applicable safety rules and procedures as part of their orientation to the department. In order to facilitate a safe work environment, employees may not bring dangerous weapons onto City property. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule is law enforcement positions for which the job requires possession of dangerous weapons.

Department Directors and supervisors are responsible for promoting safe working conditions and compliance with safety standards for each work site. Failure to comply with the responsibilities set forth above shall be grounds for disciplinary action up to and including termination.

1. **SEATBELTS**

When operating a city vehicle, the employee must use the seatbelt/safety restraint device and require any passengers to do the same. Any employee who does not use the seatbelt/safety restraint shall be subject to disciplinary action.

2. DRIVER'S LICENSE

Any employee whose work requires he or she to drive city vehicles must hold a valid Washington State driver's license. All new employees being hired into a driving position, or any current employee being promoted into or transferring to a driving position from a non-driving position, must provide a driver's license abstract from the Washington State Department of Licensing. Any employee who does not hold a valid driver's license will not be allowed to operate a city vehicle until such time as he or she obtains a valid license.

An annual driver's abstract will be obtained for every employee whose job description requires operation of a city vehicle.

Any employee who uses city vehicles and receives a citation for Driving Under the Influence (DUI) must notify the City immediately. Any employee whose work requires the operation of a city vehicle and whose license is expired, suspended, or revoked, is subject to disciplinary action including demotion or termination, unless that employee is able to obtain an occupational permit from the State Department of Licensing. Should the employee fail to immediately report such a revocation or suspension of his or her license to the appropriate supervisor and instead continue to operate a city vehicle under such circumstances, that employee may be subject to termination.

3. SUBSTANCE ABUSE POLICY FOR OPERATORS OF COMMERCIAL MOTOR VEHICLES

City employees who hold commercial driver's licenses ("CDLs") and who operate commercial motor vehicles while employed by the City 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) Pre-employment;
- (2) Reasonable suspicion;
- (3) Post-accident;
- (4) Return to duty testing;
- (5) Random testing;

CDL holders who test positive must be removed from service and are subject to discipline, up to and including termination. CDL holders should consult the City's CDL policy for the additional details concerning these rules.

C. ACCIDENTS AND REPORTS

1. ON THE JOB INJURY

It is the City's intent to provide safe working conditions for its employees. However, occasional on the job injuries may occur. When they do, employees are to make a prompt report to their immediate supervisor of each injury or illness regardless of the degree of severity, as provided in the City's Safety Policies and Procedure Manual.

As soon as possible after an accident or occupational illness is discovered, the employee and the supervisor must complete an accident report form and submit it to the City Manager. Should the injury require attention beyond first aid, the employee's treating physician is to complete the State Industrial Medical Claim Form. All injured employees are to promptly seek a second medical opinion regarding their condition when requested to do so by the City. It is recommended that all injured employees who are absent from work for more than seven days contact the City once a week to keep the City informed of the condition and progress.

2. INCIDENTS

Employees shall report any incidents causing injury to any member of the public or damage to public or private property or equipment occurring before, during or after working hours and involving city employees, equipment or property, to their immediate supervisor. Such report shall be made as soon as possible, but in no case later than twenty-four (24) hours following such accident.

Employees shall compile any incident reports requested by their supervisors. In case of a motor vehicle accident, the Police Department shall also be notified immediately. The City Manager shall be notified of all accidents involving city employees and city equipment as soon as possible and not later than the next work day on which the accident occurred.

3. POTENTIAL HAZARDS

All employees have a positive duty to correct hazardous situations that might result in injury or accident to the public or city employees. If the situation cannot be corrected immediately, the employee shall report the situation to the appropriate supervisor as soon as possible.

4. LEGAL LIABILITY

Employees shall abide by all laws and regulations that govern the performance of their duties and shall perform their duties as reasonable, prudent persons. Defense of legal claims against an employee relating to an official status within the City shall be the responsibility of the City. However, should an employee be grossly and willfully negligent in the performance of his or her duties and such negligence causes injury or damages to another, and if a court of law finds the employee to be grossly and willfully negligent, the City may refuse all claims made against the employee.

5. SAFETY COMMITTEE

It is considered a required job responsibility to serve on any safety committee for which an employee might be elected or appointed.

Department Directors and the City Manager may use the following disciplinary matrix to help determine the appropriate level of discipline for a safety-related issue. It is to be used as an advisory tool only, not as a strict limitation on the discipline action to be taken.

DISCIPLINARY MATRIX

Incident	Type	Behavior / Disciplinary Action				
		C	+/-	GN	+/-	R
<u>Non-Injury:</u>						
	* Unsafe Practice	V	W	S1	S2	S3, S5, S10
	* Non-Veh. Damage to City or Private Prop.	W	S1	S2	S3	S5, S10, T
<u>Injury:</u>						
	* Self	V	W	S1	S2	S3, S5
	* Other Person	W	S1	S2	S3	S5, T
<u>Vehicle:</u>						
	* Damage to City or Private Prop.	W	S1	S2	S3	S5, T
	* With Injury to Employee or Public	S2	S3	S5	S10	T

Matrix Codes / Action

- C** Carelessness: Inattention to, or failure to act in accordance with, established department or city safety policies and procedures; or failing to act as a reasonably prudent person under similar circumstances. [Simple negligence; not intentional behavior.]
- GN** Gross negligence: Action, or inaction, which endangers, or is likely to endanger, the safety of persons or property. [More than simple negligence, but less than intentional disregard for safety.]
- R** Recklessness: Action, or inaction, which reflects a willful or wanton disregard for the safety of persons or property. [Intentional disregard for city policies, or local, state, or federal law.]
- +/-** Intermediate: Behavior greater than or less than adjacent category.
- V** Verbal: Notation to department safety file, on personnel action form with acknowledgment by employee. Requires one-on-one counseling with Department Director discussion incident and ways to avoid future occurrences.
- W** Written: Same as verbal and letter to employee's personnel file. If vehicle incident then complete defensive driving review.

- S Suspension: Same as written and review by City Manager with Department Director. If vehicle incident then completion of NTSI driver improvement school required as condition of return to work. [Number following code represents days off without pay.]
- T Termination: Same as suspension and pre-termination meeting with City Manager.

SECTION 10. PERSONNEL ACTIONS

A. PROMOTION

Notices of open city positions are posted on the City's bulletin boards, with the exceptions of certain top management positions. Any employee who is qualified for an open position and is currently satisfactorily performing his or her present job may apply for a posted opening by notifying his or her supervisor in writing of this interest.

It is the policy of the City to generally promote from within the City based on current performance appraisals and qualifications, if there are qualified applicants who are interested in the position. The decision as to whom to promote will be made by the Department Director who has the opening, in consultation with the Human Resources Coordinator and, when appropriate, the City Manager. If the performance levels and qualifications of employees competing for an opening are equal, seniority may be a factor. Promotions from within do not require approval of an applicant's current supervisor. No offer of promotion may be made to any employee prior to completion of the recruitment and selection process.

Temporary appointments may be made by the Department Director for a specified time or assignment as necessary. Such appointments are made on an "acting" basis. Upon completion of the assignment, the "acting" employee returns to his or her regular position. Employees who are assigned to a higher paying position in an acting capacity are paid according to the policy on work at a higher rated position. The actual salary is set by the Department Director in consultation with the Human Resources Coordinator.

All employees who are promoted to a new position will undergo a trial period as outlined in the policy on trial periods. In addition, the employee's annual anniversary date for performance review and merit pay consideration will change to the effective date of the promotion. If a promoted employee fails to satisfactorily complete the trial period, he or she may be transferred back to his or her prior position, provided a vacancy exists. If a vacancy does not exist in the prior position, the employee may be separated from employment and shall retain the right to be re-employed in the next available opening in the pre-promotion position occurring during the six (6) months following his or her separation from employment.

B. TRANSFER

A regular employee may request a transfer to another position in the same or a similar class or to another department, upon approval of the receiving Department Director, and notification of the current Department Director involved. An employee may be transferred from one position to another position in the same or a different class with the same or a lower pay range without a break in service.

If a transferred employee fails to satisfactorily complete the trial period, he or she may be transferred back to his or her prior position, provided a vacancy exists. If a vacancy does not exist in the prior position, the employee may be

separated from employment and shall retain the right to be re-employed in the next available opening in the pre-transfer position occurring during the six (6) months following his or her separation from employment.

C. RECLASSIFICATION

Reclassification of certain positions may become necessary in order to a) recognize major changes in functions or responsibilities; b) meet the prevailing rate for similar positions; or c) align salaries within the total organization in order to correct obvious inconsistencies. Changing service demands, requirements, and job responsibilities require periodic review and adjustment of city jobs. Reclassification is the result of an increase in the level of responsibilities, tasks and duties of a position, which changes areas of emphasis and the level of skill required in the current position. These changes must be reflected in higher qualification requirements.

A reclassification is not to be used as a merit raise; nor is it to be used to reflect an increased volume of work at the same level of responsibility that the incumbent is currently performing.

As a result of reclassification, and due to an overall increase/decrease in the responsibilities of a position, the monetary compensation (pay ranges) established for the position may increase/decrease. The reclassification of a job involves an analysis of the critical elements of the position against a pre-determined formula for measuring the relative worth of a position and placement in the City's classification/pay scale.

Whenever a new position is created or the duties of an existing position materially change, the appropriate Department Director shall provide to the Human Resources Coordinator a written, comprehensive job description, describing in detail the duties, responsibilities and qualifications of the affected positions. Employees who consider their position improperly classified may also submit a request for consideration for reclassification, in writing, to their immediate supervisor. The immediate supervisor shall review the request with the Department Director. If the Department Director finds that the duties, responsibilities or qualifications of the position have changed materially so that the allocation of the position to its current class is inappropriate, the Department Director shall make a recommendation as to reclassification to the Human Resources Coordinator. If the Department Director finds reclassification is not appropriate, he or she shall inform the employee in writing of this decision and the reasons for this decision.

In those cases where the Department Director recommended reclassification, the Human Resources Coordinator shall review this recommendation and make a recommendation to the City Manager who shall make the final decision regarding granting or denying the reclassification request.

Any reclassification is subject to budgetary appropriations by the City Council.

D. DEMOTION

1. VOLUNTARY DEMOTION

A regular employee may request a demotion to a position in a lower classification, or when a restructuring of his or her job duties results in a lower classification. Managers are encouraged to explore ways to

accommodate the employee if it is possible to do so without jeopardizing the efficiency of the work unit, or placing an unfair burden on other employees. If a vacancy occurs for which the employee is qualified, and the Department Directors involved agree, the employee may be interviewed and considered for the position on the same basis as other city applicants.

2. INVOLUNTARY DEMOTION

A Department Director, after review with the Human Resources Coordinator, may demote an employee whose ability to perform the required duties for the position falls below minimum performance requirements as established by the immediate supervisor, or for disciplinary purposes. No employee shall be demoted to a position for which he or she does not possess the minimum qualifications.

E. RESIGNATION

A regular employee may resign by giving his or her supervisor written notice of the effective date of resignation as far in advance as possible. In order to resign in good standing an employee must provide written notice 14 calendar days before his/her planned resignation date; however, a resignation can be accepted immediately upon receipt. The fourteen days notice requirement may be waived in writing by the City Manager where adequate provisions can be made for a successor in that period of time (if one is needed right away) as well as under extenuating circumstances.

A resignation without the notice required by these rules may be grounds for denying re-employment with the City. Upon approval of the City Manager, an employee may withdraw his or her resignation at any time prior to its effective date, provided the position has not already been filled.

Employees who are absent from work for a period of three consecutive days without authorization may be considered by the City to have abandoned their position, and may be discharged. Such employees will nevertheless be invited to participate in a pre-discharge meeting if they have attained regular status, by sending a letter to such employee's last known address.

F. LAYOFF

The City may layoff employees where there are changes in duties or a reorganization of positions, a position or service is abolished, there is lack of work or shortage of funds, or other appropriate reasons. Efforts will be made to integrate affected employees into other available positions. The procedures are generally as follows:

1. NOTIFICATION WHEN LAYOFF IS ANTICIPATED

Whenever a layoff is anticipated, employees whose jobs may be affected will be notified of the situation, and what options may be made available to them.

2. TEMPORARY VS. REGULAR EMPLOYEE

Temporary employees performing similar work in the same department or division will be laid off before regular employees are affected.

3. OPTIONS

Options such as part-time work schedules, job sharing and voluntary time and/or pay reductions may also be explored, if, in the opinion of the Department Director, such options are feasible.

4. SENIORITY

Regular employees will be retained based on seniority when job performance and qualifications are equal. Relative job performance will be determined by the Department Director based on relative qualifications, experience, past job performance evaluations and current job evaluations. Qualifications will be determined by the knowledge, abilities and skills required for an affected position as stated in the class specification, and for employee's ability to perform the remaining work without further training.

5. 12 MONTHS ELIGIBILITY TO JOBS AND INFORMATION

For a period of twelve months from the date of layoff, regular employees who were laid off may be offered the first opportunity to fill comparable vacant positions, which become available. These employees may be placed on the City's job announcement mailing list for twelve months from the effective date of the layoff to assist them in applying for other job vacancies with the City for which they are qualified.

6. OUT PLACEMENT

The Human Resources Coordinator will provide limited out placement services to regular employees who have been laid off, such as assistance in locating contacts and resources, which may lead to other suitable employment.

G. RETIREMENT

1. PROCEDURE—PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)

Employees covered by PERS who are eligible to retire should contact the Department of Retirement Systems in Olympia, notify it of his or her intent to retire and receive an estimate of benefits Olympia at least ninety (90) days in advance of the anticipated date of retirement.

An employee will provide written notice of retirement to his or her Department Director thirty (30) days prior to retirement date. The employee's Department Director is responsible for sending the notice of retirement letter to the Human Resources Coordinator and Finance Department for processing; the Finance Department is responsible for sending documentation of the employee's separation and authorization for pension payments to the Department of Retirement Systems.

2. PROCEDURE - LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (LEOFF)

Employees covered by LEOFF should contact the Department of Retirement Systems in Olympia, notify it of his or her intent to retire and receive an estimate of benefits. The employee must also notify his or her Department Director, in writing, at least 30 days prior to the intended retirement date. The Department Director should forward the employee's letter of intent to retire to the LEOFF Board, Civil Service Commission, Personnel Director and Finance Department for processing.

3. COMP AND VACATION TIME UPON RETIREMENT

Retirees will only be paid for compensatory time that brings his or her total accrued vacation and compensatory time to 240 hours. Any compensatory time in excess must be utilized prior to retirement.

H. DISCHARGE PROCEDURE

A regular employee shall be discharged by the City Manager, Human Resources Coordinator, or Department Director. A part-time or seasonal employee may be discharged by his or her supervisor. The Human Resources Coordinator will notify the Finance Department of the employee's separation date for payroll purposes. A final paycheck will be issued to the employee after completion of the following: exit interview, return of city keys, city car, ID card, city tools and equipment, printed material belonging to the City, and resolution of status as to and/or loans, retirement contributions, insurance conversions, and deferred compensation.

Regular employees shall receive full pay for unused accrued vacation, and all discharged non-exempt employees shall receive full pay for authorized and accrued but unused compensatory time.

1. EXIT INTERVIEW

When any regular-status employee leaves City employment, an exit interview will be offered by the Human Resources Coordinator or his/her designee. The purpose of this interview is to allow both employee and employer an opportunity to identify any problems that might exist within the department and/or the City.

I. EMPLOYEE RECOGNITION

Any employee or citizen may recognize the work or extra contributions of another by completing the recognition form on the City website and/or CityNet. The names of all recognized will be listed in the City Manager's monthly report, listed on the City website and entered into a drawing for a gift card or recognition item.

Each quarter, one employee recognized in the above manner will be selected by the Executive Staff as the employee of the quarter. The selected employees shall be recognized at the next all employee event and receive 8 hours holiday leave added to their leave bank. These 8 hours must be used during the calendar year they are credited and may not be carried over or cashed out.

The Personnel Director will provide limited out placement services to regular employees who have been laid off, such as job counseling, assistance in development of resumes, and assistance in locating contacts and resources which may lead to other suitable employment.

G. RETIREMENT

1. PROCEDURE—PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS)

Employees covered by PERS who are eligible to retire should obtain a "Request for Estimate of Benefits" from the Personnel Director, complete it (with the assistance of the Finance Department, if necessary), and send it to the Department of Retirement Systems in Olympia at least ninety (90) days in advance of the anticipated date of retirement.

An employee will provide written notice of retirement to his or her Department Director thirty (30) days prior to retirement date. The employee's Department Director is responsible for sending the notice of retirement letter to the Personnel Director and Finance Department for processing; the Finance Department is responsible for sending documentation of the employee's separation and authorization for pension payments to the Department of Retirement Systems.

2. PROCEDURE - LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM (LEOFF)

Employees covered by LEOFF should contact the Department of Retirement Systems in Olympia, notify it of his or her intent to retire and receive an estimate of benefits. The employee must also notify his or her Department Director, in writing, at least 30 days prior to the intended retirement date. The Department Director should forward the employee's letter of intent to retire to: the LEOFF Board, Civil Service Commission, Personnel Director and Finance Department for processing.

3. COMP AND VACATION TIME UPON RETIREMENT

Retirees will only be paid for compensatory time that brings his or her total accrued vacation and compensatory time to 240 hours. Any compensatory time in excess must be utilized prior to retirement.

H. DISCHARGE PROCEDURE

A regular employee shall be discharged by the City Manager, Personnel Director, or Department Director. A part-time or seasonal employee may be discharged by his or her supervisor. The Personnel Director will notify the Finance Department of the employee's separation date for payroll purposes. A final paycheck will be issued to the employee after completion of the following: exit interview, return of city keys, city car, ID card, city tools and equipment, printed material belonging to the City, and resolution of status as to credit union savings and/or loans, retirement contributions, insurance conversions, and deferred compensation.

Regular employees shall receive full pay for unused accrued vacation, and all discharged non-exempt employees shall receive full pay for authorized and accrued but unused compensatory time.

I. EMPLOYEE RECOGNITION

The City of Des Moines agrees to provide and pay the total cost of a watch bearing the City of Des Moines logo and to credit 8 hours of vacation time to each employee who is selected as "Employee of the Quarter", and a desk clock bearing the City of Des Moines logo and 8 hours of vacation time to each employee who is selected as "Employee of the Year". These honors are awarded to employees who best exemplify the "Sails With Pride" qualities: positive, resourceful, integrity, dedication and excellence. At the City's option, coffee cups or other small tokens of appreciation bearing the "Sails With Pride" motto may be awarded.

SECTION 11. DEFINITIONS

A. ANNIVERSARY DATE

The anniversary date is the date on which an employee begins full-time employment with the City in a budgeted position, and which is used in calculating sick leave, vacation, and years of service. For years of service, employment must be continuous or broken only by approved leave of absence. In cases of leave of absence, the anniversary date will be adjusted by the length of leave granted. In the case of a change of employee due to promotion, reclass, or demotion, the anniversary date for only the annual performance review and merit pay consideration will change to the effective date of the change of employment.

B. ANNUAL PAY SCHEDULE

The actual dollar amounts contained in the basic pay plan are designated as the annual pay schedule.

C. APPOINTING AUTHORITY

The City Manager is the appointing authority with power of appointment and removal of all employees. The City Manager has authorized Department Directors to appoint and remove employees in that Director's department.

D. APPOINTMENT - REGULAR

A regular appointment is the assignment of a person to a budgeted position upon successful completion of a trial period, when applicable, which signifies satisfactory performance in the regular position to which the employee has been assigned.

E. APPOINTMENT - OUT OF CLASS

A temporary appointment is an assignment for a limited period of a person to a position in a higher pay grade occupied by a person on suspension, furlough, vacation, or authorized leave of absence, or to a position for which a vacancy exists. All temporary appointments are for a definite term unless otherwise specified in the appointment letter or contract. Benefits are as set forth in the appointment letter.

F. APPOINTMENT - TRIAL PERIOD

A trial period is the initial assignment of a person to a budgeted position. All trial period appointments are for twelve months or as set forth in the appointment letter or contract.

G. BASIC PAY PLAN

The basic pay plan consists of 40 or more salary ranges. Within each range there are pay steps.

H. CITY

The City is the municipal corporation of the State of Washington known as the City of Des Moines.

I. CITY COUNCIL

The City Council is the elected legislative body of the City, composed of seven members.

J. CITY MANAGER

The City Manager is the Chief Executive Officer and Appointing Authority of the City. The City Manager is appointed by the City Council.

K. DEMOTION

A demotion is the movement of an employee from a position in one pay grade to a position with a lower pay grade; or the movement of an employee from one pay step within a pay grade to a lower pay step within the same pay grade.

L. DEPARTMENT DIRECTOR

A Department Director is an employee of the City who, for the purpose of this Personnel Manual, serves as a department supervisor. Department Directors are designated by the City Manager.

M. EMPLOYEE

An employee is any individual appointed to a position of service with the City.

N. EMPLOYEE - EXEMPT

An exempt employee is an employee who holds an administrative, professional or executive position which is defined as exempt under the wage/hour laws of the Fair Labor Standards Act and which is so designated by direction of the City Manager.

The following positions are classified as exempt under the provisions of the Fair Labor Standards Act:

Chief of Police	Community Development Director
City Attorney	Finance Director
City Manager	Assistant City Manager
Public Works Director	Senior Services Manager
Park Manager	Park & Recreation Director
Police Lieutenants	Public Works Superintendent
Harbormaster	A.C.C. Executive Director

O. EMPLOYEE - REGULAR FULL-TIME

A regular full-time employee is an employee who has received an appointment to a budgeted position on a full workweek, year-round basis. Normally such an employee receives a monthly salary.

P. EMPLOYEE - REGULAR PART-TIME

A regular part-time employee is an employee who has been appointed to a year-round budgeted position for less than forty hours per week.

Q. EMPLOYEE - REGULAR PART-TIME FLEXIBLE

A regular part-time flexible employee is an employee who has been appointed to a year-round budgeted position for less than 1664 hours per year. The employee's weekly schedule can vary between 0-40 hours from week to week.

R. EMPLOYEE - TEMPORARY/SEASONAL

A temporary employee is an employee who has received a temporary appointment to either a budgeted or non-budgeted position. For purposes of this Personnel Manual, a seasonal employee shall be considered a temporary employee. Temporary employees are eligible for overtime, but shall receive no holiday pay, floating holiday, vacation, sick leave, or any other benefits of the City. A temporary employee is eligible for the Washington State Public Employees' Retirement System (PERS) if the employee works over 70 hours per month for 5 consecutive months.

S. FAMILY - IMMEDIATE

An employee's immediate family may include the following: An employee's spouse, spousal equivalent in a cohabitation relationship, parents, grandparents, children, adopted children, foster children, grandchildren, great-grandchildren, brothers, sisters, first cousins, nephews, nieces, aunts, or uncles, and/or corresponding in-laws and "step" relations.

T. FURLOUGH

A furlough is a temporary lay-off to provide temporary relief from personnel budget expenses without permanent termination of the employee.

U. GRIEVANCE

A grievance is a complaint by a regular, full or part-time, employee or group of employees alleging a violation of a specific section or sections of the City's ordinances, personnel regulations, a labor contract, or department rules and regulations which pertain to the terms and conditions of employment by the City.

V. HOLIDAY

A holiday is a designated day off during which the employee would otherwise be scheduled to work.

W. JOB DESCRIPTION

See "Position Description."

X. LAYOFF

A layoff is a non-disciplinary permanent termination of an employee due to financial circumstances or a change in the need for which the position held was created.

Y. LEAVE

An authorized absence from regularly scheduled work hours that has been approved by the proper authority is called a leave.

Z. LETTER OF APPOINTMENT

A letter of appointment is the document officially assigning a person to a position with the City. May also be a two party agreement or contract if signed by the employee.

AA. NON-EXEMPT EMPLOYEE

An employee who is not employed in an exempt administrative, professional or executive position as defined under the Fair Labor Standards Act is a non-exempt employee.

BB. OVERTIME

Overtime is time an employee is directed or authorized to work in excess of the regular workday or week.

CC. PAY GRADE

A pay grade is a specified salary range within the Basic Pay Plan.

DD. PAY STEP

A pay step is a single rate of pay within a pay range. Pay Steps consist of "A", "B", "C", "D", and "E" step in the basic pay plan.

EE. PERFORMANCE EVALUATION - EMPLOYEE

A performance evaluation is a written appraisal of work performance of an employee designed to inform management and the employee of the manner in which the employee is meeting established work standards and to offer constructive suggestions or requirements for improvement.

FF. POSITION

A position is a combination of duties and responsibilities assigned to and performed by an individual. A position may be occupied or vacant, full-time, part-time, or temporary, budgeted or non-budgeted.

GG. PERSONNEL DIRECTOR

The Personnel Director is an individual designated by the City Manager responsible for the personnel functions outlined in this manual.

HH. POSITION CLASSIFICATION

The assignment of a position to a pay grade in the Basic Pay Plan is a position classification.

II. POSITION DESCRIPTION

A written statement setting forth the general duties and responsibilities of a position is the position description. Also called "Job Description".

JJ. PROMOTION

A promotion is the movement of an employee from a position in one pay grade to a position imposing higher duties and responsibilities requiring higher qualifications and a higher pay grade.

KK. RECLASSIFICATION

A reclassification is the movement of a position from one pay grade to another pay grade found to be more appropriate as a result of an analysis of the position and position description.

LL. RESIGNATION

A voluntary separation from service initiated by or submitted by an employee is a resignation.

MM. SALARY RANGE

A salary range is a set of salaries consisting of an established minimum, intermediate, and maximum rates of pay.

NN. SEXUAL HARASSMENT

Sexual harassment is a form of sex discrimination that is an unlawful employment practice. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- 1) Submission to or rejection of such conduct is made an implicit or explicit condition of employment; or
- 2) Submission to or rejection of such conduct affects employment opportunities; or
- 3) The conduct interferes with the employee's work or creates an intimidating, hostile, or offensive work environment.

OO. SUPERVISOR

A supervisor is an employee having the authority to recommend or initiate the hiring, transfer, suspension, layoff, promotion, dismissal, assignment, reward, or discipline of another employee, and the responsibility to direct another employee or adjust the employee's grievances, or effectively to recommend such actions.

PP. SUSPENSION

A suspension is a temporary removal from duty with or without pay of an employee for disciplinary purposes or for the purpose of investigating accusations brought against an employee.

QQ. TERMINATION

Termination is the involuntary separation of any employee from employment with the City.

RR. TRANSFER

A transfer is a temporary or regular reassignment of an employee from a position in one department to a position in another department.

SS. TRIAL PERIOD

A working test period in which an employee is required to demonstrate fitness by actual performance of the duties of the position is called a trial period. Newly appointed and promoted employees must serve this test period for 12 months unless waived or reduced in the letter of appointment.

TT. UNIFORMED EMPLOYEE

A uniformed employee is an employee serving as a full-time, commissioned law enforcement officer on a fully compensated basis having been appointed to offices, positions, or ranks in the police department which have been specifically created or otherwise provided for through city ordinance in accordance with the provisions set forth in the rules and regulations of the Civil Service Commission and which personnel would fall under the definitions of a Law Enforcement officer as provided for in the L.E.O.F.F. I or L.E.O.F.F. II retirement system under RCW Chapter 41.26.

UU. WORK DAY

The workday is defined as a consecutive twenty-four hour period. For all employees, except those providing law enforcement services, the standard workday consists of the period from midnight (2400 hours) to 11:59 PM (2359 hours).

VV. WORKWEEK

The workweek is a fixed and regularly recurring period of one hundred and sixty-eight (168) hours; i.e., seven consecutive twenty-four hour periods. The standard workweek consists of the period from midnight (2400 hours) Sunday to 11:59 PM (2359 hours) the following Sunday.