



*City of
Wenatchee*

*“Creating community through responsive leadership and services
for the citizens and visitors of the Apple Capital of the World”*

EMPLOYMENT AND PERSONNEL POLICIES MANUAL

Revised June 2015

RECEIPT OF EMPLOYMENT AND PERSONNEL POLICIES MANUAL

New Employees

After reviewing the following information, please sign this form, confirming that you have received the contents of the Employment and Personnel Policies Manual, and return the original signed form to Human Resources within seven (7) days of the start of your employment.

Current Employees Receiving an Updated Manual

After receiving this Employment and Personnel Policies Manual, please sign this form, confirming that you have received the manual and personnel policies, and return the original signed form to Human Resources within seven (7) days of receiving this revision. Please destroy all previous issues/revisions of this manual.

Future updates: You will receive electronic notifications of future updates. You may access copies/forms of all updates via the City Intranet – Human Resources Tab or contact HR for updated information. (Appendix C”)

I understand that it is my responsibility to read the Employment and Personnel Policies Manual, as it will acquaint me with my benefits, personnel practices and rules, and organizational philosophy.

I understand that the provisions contained in the Employment and Personnel Policies Manual do not create an employment contract between the City and me, nor do they guarantee specific treatment in specific situations or employment for any specific duration. I further understand that employment with the City is at-will (meaning that the employee or the City may end the employment relationship at any time, with or without cause), unless at-will status is modified by a written agreement.

I understand that the provisions contained in the Employment and Personnel Policies Manual are subject to modifications and exceptions at the City's discretion and without prior notice. I further understand that no supervisor, manager, director or representative of the City other than the Mayor has the authority to make any written or verbal commitments contrary or inconsistent with those in the Employment and Personnel Policies Manual. The City reserves the right to modify or rescind the provisions contained in this manual, as it deems appropriate, without advance notice. The City reserves the right to deviate from the guidelines contained in this manual in response to individual situations.

If you have any questions about these policies or procedures of the City, please feel free to ask your supervisor, department head, or Human Resources.

I have read the above statement. I understand that it is my responsibility to read, understand and follow the policies set forth in this manual.

Employee Signature

Employee Printed Name

Date

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WELCOME TO THE CITY OF WENATCHEE!

As an employee of the City of Wenatchee, you are joining other qualified employees with the mission to deliver excellent service to our customers – the citizens, businesses, and visitors of Wenatchee. It is our goal to attract and retain the best employees. We strive to provide competitive pay and benefits, and support to facilitate success of our organization and employees. We recognize that high employee morale and a positive work environment is essential to a culture of excellence and thus we invite every employee to do their part to make our organization and city better.

The City of Wenatchee strives to be a dynamic organization driven by clearly defined values, principles, and philosophies that officials and employees exemplify to both internal and external customers. In the pursuit of providing quality service to our citizens, our city organization is committed to the following core values. We will approach each task, each customer, and each day as an opportunity to serve our community, our team and our customer in a positive helpful way which upholds our values, principles, and philosophies.

Accountability – We are responsible for our own behavior and actions. The responsibility for providing service for both internal and external customers starts with each employee. Accountability means taking ownership individually for your own attitudes, behaviors and actions. It also means taking ownership of the organization as a team of employees, workgroups, and departments.

Customer Satisfaction – We believe that customers deserve service that is provided in a timely and thorough manner. We place a high value on following up and following through to completion with plans, projects, programs, and to inquiries and service requests from our citizens and fellow employees.

Communication – We value and expect the open and honest sharing of ideas, concerns, and problems at all levels of our organization. Quality customer service requires a free-flowing exchange of information and the clear and effective written and oral expression and presentation of ideas and factual information throughout the organization and with our customers.

Compassion – We believe that the concerns of our citizens and fellow employees are important. We believe it is important to listen carefully to others to fully understand their views before making decisions or conclusions, to appreciate and be sensitive to the feelings and needs of others, and to measure our own impacts on others. We will have respect and consideration for one another even if we dislike or disagree with each other.

Consistency – We strongly value fair and equal implementation of city services and policies to our customers of all ages, genders, cultural, and socioeconomic groups. We believe our policies and procedures should be implemented in a fair and equitable manner throughout our organization and community.

Creativity – We value new and improved ways to provide quality customer service. We applaud critical thinking and suggestions for improvement in programs and services from all people who are involved with providing and supporting city services – elected and appointed officials, employees, public, and associates. We believe that the best ideas surface when our employees, boards and commissions, and our citizens are encouraged to generate new ideas and create new opportunities in a risk-free environment.

Diversity – Wenatchee is a community where diversity is welcomed, valued and celebrated. Employees must advocate for the recognition, respect, inclusion and celebration of the greater Wenatchee area's diverse people.

Empowerment – We believe employees should be provided sufficient freedom to creatively and effectively make decisions necessary to resolve issues and improve customer services. However, as City employees we must make these decisions within our legal authority and within City policies. We value motivation, initiative, and taking action to provide the highest quality of customer service, in a risk-free environment. We also value employees who empower the people in our community, businesses, neighborhoods, and other organizations to maximize their potential in an effort to improve our city.

Governmental Responsibility – We are proud of what we do for the public. As a government, our work is guided by elected officials. While politics play an important role in choosing our leaders and charting our priorities, politics will play no role in choosing how we treat people.

Honesty – We value people who are honorable in principles, intentions, and actions, and who are ethical and fair. We value truthfulness and credibility.

Learning Organization – The City strives to be a learning organization, meaning that we value constant improvement and adaptation of the organization to keep up with a rapidly changing world. Value is placed on continuous learning as a team such that the organization is able to anticipate change and transform itself to meet current and future demands.

Personal Growth – We value employees who strive to grow and learn continuously making the team and themselves more effective. Employees are encouraged to seek skill development and personal growth outside of work in addition to any available or required training within the job.

Professionalism – We value education, training, and personal attitudes that support the development, maintenance, and advancement of a competent customer-friendly oriented work force.

Respect – We value treating fellow employees and all members of the public with respect and courtesy.

Responsiveness – We value being responsive to our customers both internally and externally, meaning that we will strive to return phone calls, emails, and inquiries generally within two business days. This doesn't mean that answers have to be provided, but the customer knows they haven't been ignored.

Self-Initiative – We value employees who take action to resolve issues and customer service problems in a proactive manner. We believe that all our employees, with their individual work styles and perspectives, are important resources for identifying and providing solutions, and performing and improving customer service.

Teamwork – We are all part of the same team with the same goals and objectives. We shall accept and work towards those goals as part of the team even though we may not personally agree with every aspect. We shall accept and collaborate with other members of a team regardless of our personal feelings toward them.

Vision – We have a responsibility to positively affect the future for our citizens by what we do today. We value planning for our tomorrows to make a better community for those who follow us.

CHAPTER 1 PURPOSE AND SCOPE

1.0 PURPOSE OF THE EMPLOYMENT AND PERSONNEL POLICIES MANUAL

This employment manual serves as an outline of the basic personnel policies, practices, and procedures for the City. We hope it will help you understand how the City generally operates and what is expected of you. This manual is not intended to be a contract, or to promise specific treatment in every situation; rather it is a general statement of City policy and procedures on various topics. The City may deviate from these policies & practices in particular situations or modify as it deems appropriate.

This manual is intended to apply to all City employees. The employee benefits listed in this manual, however, apply specifically to the non-represented management-administrative group. Employees who are members of a bargaining unit (union) should first consult their collective bargaining agreement or, if applicable, Civil Service rules.

1.1 RELATION OF MANUAL TO POLICIES OR DEPARTMENT RULES

In a situation where the provisions of this manual conflict with a City ordinance, Civil Service rule or regulation, the provisions of a collective bargaining agreement, or State or Federal law, the terms of that law or agreement prevail. In all other cases, the policies within this manual apply.

At the date of adoption, all conflicting personnel rules are replaced and repealed by these provisions. In the event any ordinance, on which this document is premised, is amended or repealed, these rules are deemed to have been amended or repealed to conform to such changes.

The policies contained in this manual do not restrict the authority of individual departments to establish departmental procedures that may be necessary to accommodate operational issues unique to that department. Department rules will be consistent with the intent, and not conflict with the language of these rules when addressing covered subjects.

1.2 CHANGES OR UPDATES TO THE MANUAL

The City reserves the right to modify these policies, including changes in compensation or benefit levels. The City may also deviate from these policies in individual situations, particularly in an emergency, in order to achieve the primary mission of serving Wenatchee citizens.

You will receive notice of updated information from time to time. Please retain your personal copy of these materials at your workstation, so you can easily update the manual. The manual can also be found on the intranet. Changes will generally be announced by Human Resources and updated on the intranet site. You will not receive an updated (hard) copy of the manual and/or updated page each time there is a change.

While the City will attempt to provide advance notice of any policy changes, it cannot guarantee that employees will receive updates before or after a change is implemented.

1.3 CITY ORGANIZATIONAL STRUCTURE

The City of Wenatchee has a Mayor-Council form of government. There are seven (7) elected City Council members who are responsible for setting policy, making laws, approving the annual budget and setting priorities. The Mayor serves as the chief executive of the City while directly supervising the Mayor's office and Department Directors.

There are eight (8) within the City organization. Each department provides services and administers programs on behalf of the Mayor and Council, and in service to Wenatchee citizens. Following are the Department names and their primary functions.

Administration - Office of the Mayor and City Council. Carries out the overall administration and management of the City. Maintains central records for official city documents. Serves as liaison between departments, public, local, state and federal Legislators.

Community and Economic Development – Conducts City long range planning and economic development programs and projects. Ensures growth management compliance. Administers housing programs and grants. Processes building, mechanical and plumbing permits. Completes building inspections and code enforcement.

Finance – Creates the City budget. Monitors expenses and revenues. Collects utility fees and prepares billings. Maintains fiscal control including conducting annual audits of City resources. Processes payroll.

Human Resources (HR) – Monitors employment functions; negotiates labor contracts; administers salaries, benefits and bargaining agreements; advises staff on employment law compliance and works together to achieve productive labor relations.

Information Technology (IS) - Proactively provides cost effective, reliable, standardized, and current information technology tools, systems and services including customer support to City of Wenatchee departments.

Parks, Recreation and Cultural Services – Completes long range parks, recreation and arts planning and development projects. Schedules use of park areas. Maintains the public art inventory. Coordinates and promotes recreation and public arts programs and events. Operates the City Pool. Secures alternative sources of funding and serves as liaison with community groups and appointed Boards and Commissions.

Police – Promotes a safe community and quality of life through protection and service to our citizens. The Department consists of the Patrol, Detectives, Support Services, Records Division, and is a partner in the Columbia River Drug Task Force. Delivers criminal justice services and assistance traditionally with community policing philosophy.

Public Works – Provides maintenance and operations of streets, traffic signals, street lights, facilities, vehicle fleet, water, wastewater, storm water, engineering and environmental services. Also provides maintenance of cemetery and parks.

1.4 CLASSIFICATION DEFINITIONS

Department Director: An employee who is responsible for directing one or more departments. Department Directors serve at the will of the Mayor. They have hiring and firing authority over the employees in their department in consultation with Human Resources and the Mayor.

Division Manager or Supervisor: An employee designated by the Department Director to act in a supervisory role for the day-to-day work performed by other employees. In that capacity, division managers and supervisors may administer corrective action to assist an employee and enforce City policies. They may also recommend transfers, promotions and other personnel actions.

Immediate Supervisor: All employees have an immediate supervisor to whom they are responsible and who is, in turn, responsible for oversight of the work habits and performance of those reporting to them. An immediate supervisor may not have a title as such and also may not work at the same location of employees they supervise. New employees or those that have recently transferred to a new department or division will be informed of who their immediate supervisor is and who to report to if their immediate supervisor is not available.

1.5 EMPLOYMENT CATEGORIES

All employees are classified under one of the following employment categories:

Regular Full-Time: An employee who has successfully completed a probation period, as defined in these policies, and who regularly works a minimum of forty (40) hours per week, or the hours designated within the Department as a "regular work period". Employees in this classification are eligible to participate in the City's employee benefit program.

Regular Part-Time: An employee who has successfully completed a probation period and who regularly works less than forty (40), but at least twenty (20), hours per week. Employees in this classification are eligible to participate in the employee benefit program on a prorated basis.

Probation Period of Regular Employees: An employee who has not yet completed the probation period and/or who has not been certified to a regular employment status pursuant to Civil Service or union provisions is in probation status. For Civil Service employees, the probation period shall last up to twelve (12) months. For other regular employees, the probation period will last six (6) months from the date of hire, unless other contractual agreements exist. The probation period gives employees the opportunity to demonstrate satisfactory performance of their position, and to determine if the City meets their expectations as an employer.

During the probation period employees may be terminated with or without cause. Before being promoted to regular status in the same or similar job the employee performed during the probation period, employees are subject to an evaluation by their immediate supervisor. If the initial evaluation is not successful, the City reserves the option of terminating the employee or extending the probation period for a limited time.

Satisfactory completion of the probation period does not create an employment contract, modify at-will status, or guarantee employment with the City for a specific period. If needed, employees may use any accrued sick leave from their time of hire. Use of accrued vacation is discouraged during the probationary period. Pre-arrangement of approved time off at the time of hire should be the standard of practice and included in the offer letter. Under certain limited conditions and with prior approval of the Department Director some paid and unpaid leave may be permitted during the probation period. Unpaid leave may have some benefit implications that should be discussed with HR or payroll before leave is granted.

Temporary or Seasonal: Temporary or seasonal employees are those that hold jobs of limited duration due to special projects, seasonal work, limited grant funding, temporary replacement of employees on leave or other circumstances, such as abnormal workloads or emergencies. Temporary employment will not extend beyond six (6) months except in limited circumstances and with approval of Human Resources.

Temporary employees are eligible only for Federal or State mandated benefits, and as such do not receive vacation, sick leave, paid holidays or other non-mandated benefits. The State WAC defines a "seasonal appointment" as "an appointment made by government employers that is cyclical in nature, recurs at approximately the same time each year, and lasts for a minimum of five months but less than twelve months in duration during any consecutive twelve-month period."

Interns, Volunteers, Youth Engagement: The City encourages participating in intern programs as well as youth mentoring through apprenticeships, volunteering and participation in education work for credit programs. These programs contribute to building a better workforce in the community as well as provides exposure to potential future employees.

1.6 EXEMPT AND NON-EXEMPT CLASSIFICATIONS

All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA). The FLSA designation of non-exempt or exempt does not have anything to do with whether or not you are represented by a union or not.

An **exempt employee** is one whose duties are primarily executive, administrative, or professional. Such positions are not restricted to a specific number of hours in a workday or workweek. Exempt employees are paid to do the job. They are paid a salary and do not receive either overtime pay or compensatory paid time off. In addition, neither will pay deductions be made for partial day absences, that is, absences less than eight (8) full hours away from the job such as personal time off for errands or appointments.

While this classification allows some flexibility in work scheduling, such positions frequently require more than forty (40) hours per week of work and may include work on evenings and weekends. It is the responsibility of exempt staff to maintain good work habits while being accountable and available to their staff and supervisor. The Department Director may authorize paid absences or hours away from the job to perform personal errands and appointments on a case by case basis to help account for time provided by employees in well excess of forty (40) hours per week. Under conditions of excessive extra work due to emergencies or deadlines your supervisor may grant informal use of extra paid time off in consideration of your extraordinary effort. The

Director shall only authorize such absences when impact on public service can be minimized recognizing scheduled office hours and impacts to the team. This policy shall not be abused or become habitual. Work from home is to be discouraged as presence is important to a team environment. Work from home may be permitted only on rare and/or temporary occasions.

A **non-exempt employee** is “not exempt” from provisions of the Fair Labor Standards Act (FLSA). Non-exempt employees must be paid for every hour worked and must deduct vacation, sick leave, or comp time for any paid time away from their job. Such positions earn a regular wage and are assigned a regular work schedule of not more than forty (40) hours per week. Non-exempt employees are entitled to additional compensation, either in cash (overtime pay) or compensatory paid time off (comp time) at the 1.5 hourly rate when they work more than the maximum numbers of hours during a work period.

1.7 AT-WILL EMPLOYMENT

Unless modified by written agreement, all employment with the City of Wenatchee is “at will”, which means that either you or the City may terminate the employment relationship at any time with or without cause. Department directors, managers or supervisors do not have the authority to modify an employee’s at-will status, unless this modification is set forth in a written agreement signed by the Mayor.

1.8 JOB DESCRIPTIONS

Job descriptions are created prior to a job announcement or hire of a position, and are updated periodically to reflect actual job duties. Specific job duties included in the description are intended as illustrations of the types of work that may be performed. The omission of specific job duties does not exclude them from the position if the work is similar, related or a logical assignment to the position. The job description does not constitute an employment contract and is subject to change as the needs of the City and requirements of the job change.

1.9 PERSONNEL RECORDS

A central personnel file for each employee is maintained by Human Resources which contains the employee’s hiring materials, personnel action forms listing changes in job titles and compensation, any license or training certifications, performance evaluations and any commendations and disciplinary actions. In addition to the central personnel file we are required to maintain a separate confidential medical file, Labor & Industry files and a payroll file that includes W-4 forms and anything related to payroll deductions. Personnel files are kept confidential to the maximum extent permitted by law.

Temporary working files may reside within individual departments. Within those files a supervisor may have documentation/information regarding employee related conversations, actions and issues that may be used for follow up during future meetings and/or evaluations. Documentation in working files should be addressed with the employee in a timely fashion and then destroyed.

Employees have the right to review their central file by notifying Human Resources. An employee may request removal of irrelevant or erroneous information in their personnel file. If the City denies the employee’s request to remove the information the employee feels is incorrect, employees may submit a written rebuttal to be added to their file. Disciplinary records will remain a permanent part of an employee’s file.

1.10 PERFORMANCE EVALUATIONS

To achieve the City's goal to train, develop, promote and retain the best-qualified employee for every job, each department conducts performance evaluations for all positions. Employees are generally evaluated by their immediate supervisor prior to completion of their probation period and usually once every twelve (12) months thereafter. The evaluation is part of an employee's personnel record and may be a factor in determining the employee's conversion to regular status, promotion, transfer, demotion, lay off, or termination. Directors, managers and supervisors are encouraged to meet with employees more than annually for informal feedback and/or timely correction course. There should be "no surprises" when it comes to evaluation time if the supervisor has met with their employees on an on-going basis.

1.11 SEPARATION FROM EMPLOYMENT

Employees deciding to resign from employment with the City are to provide a letter of resignation to their immediate supervisor and a copy to Human Resources. Human Resources will contact you to assist in employee benefit questions and to offer an exit interview prior to your departure. The resignation letter should indicate the effective date of the resignation.

The City requests employees provide at least two weeks of notice prior to the effective date of the resignation with at least a one month notice for supervisors, managers or Department Directors. Failure to provide adequate notice without good reason may affect your eligibility for rehire by the City in the future. Once the City is in receipt of your notice of resignation it cannot be rescinded as time and resources have been invested to fill the position.

Whether the separation from City employment is voluntary or involuntary, the City will need to collect all City equipment, records and keys by the last day of work. All City property is to be returned to the immediate supervisor. Your final pay check will be processed by the next regular payroll date following the separation date.

Employees shall be aware and consent to allow a deduction from their final paycheck of any amounts advanced to them that remain unearned when employment with the City ends, including unearned personal leave.

1.12 EMPLOYMENT REFERENCE REQUESTS

References are only released through Directors, Supervisors or Human Resources. It is the City's policy to provide verbal or written employment references only upon receipt of a signed release from the employee. Employees wishing to obtain a written reference letter may submit a list of persons from whom they would like to receive references.

If the employee has not submitted a signed reference release, we will only provide a verification of employment, date of hire, salary and years of service to a potential employer.

No City employee should respond to a reference inquiry about a current or former City employee unless authorized in advance by Human Resources.

CHAPTER 2

GENERAL POLICIES AND PRACTICES

2.0 EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

The City of Wenatchee is an equal opportunity employer. We believe that every employee has the right to work in surroundings that are free from all forms of unlawful discrimination. It is our policy that all decisions involving any aspect of the employment relationship will be made without regard to race; color; creed; national origin; citizenship, gender, gender expression or gender identity; sexual orientation; religion; age; marital status; pregnancy; the presence of any sensory, cognitive, or physical disability; the use of a trained guide dog or service animal; honorably discharged veteran status or military status; or any other status or characteristic protected by local, state, or federal law. Discrimination and/or harassment based on any of those factors are totally inconsistent with our philosophy and will not be tolerated.

2.1 EMPLOYEES WITH DISABILITIES POLICY

The City of Wenatchee complies fully with its duty to provide a reasonable accommodation to allow an employee with physical, mental or sensory disabilities that is medically cognizable or diagnosable, exists as a record or history, or is perceived to exist, to allow them to perform the essential functions of their job, unless undue hardship to the City would result.

Employees who have a disability that limits their ability to perform their job should contact Human Resources to inform the City of their disability and request accommodation.

With the employee's written consent, the City may request information and/or medical certification from the employee's health care provider to assist the City in the determination of what, if any, reasonable accommodation may be appropriate.

The City will work with the employee and their medical providers to provide the employee with a reasonable accommodation so that the employee can continue to perform the job. This may include making changes to the employee's work schedule, changing some of the job duties or transferring the employee to another position that the employee is able to perform.

2.2 ACCOMMODATION FOR RELIGIOUS BELIEFS POLICY

The City of Wenatchee complies fully with its duty to provide a reasonable accommodation of any employee's sincerely held religious beliefs unless the City believes such an accommodation would create an undue hardship, interferes with the normal duties of the job or is contrary to the City's commitment to diversity. For example, if, as a result of their religious beliefs, an employee requires a certain work schedule or a particular day off for religious observance, or the ability to dress in attire that varies from any dress code adopted by the city, please inform Human Resources of your request for accommodation.

2.3 LIFE THREATENING AND COMMUNICABLE DISEASES POLICY

Employees with life threatening illness or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they are able to maintain an acceptable performance level and medical evidence shows they are not a threat to themselves or their co-workers. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or seek medical verification that any communicable disease does not pose a health risk to other employees or the public. The City reserves the right to take other action, including termination of employment, where appropriate, when a substantial safety risk to fellow employees or the public exists.

2.4 ANTI-HARASSMENT

General Harassment Policy

It is the City of Wenatchee's policy to foster and maintain a work environment that is free from discrimination and unlawful harassment. The City will not tolerate workplace harassment of any kind by employees toward co-workers or members of the public, or by any member of the public toward a City employee. Harassment encompasses verbal, nonverbal or physical conduct that demeans or shows hostility or aversion toward an employee or members of the public based on a discriminatory motive. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, age, sexual orientation or disability. Employees are expected to show respect for each other and the public at all times despite their individual differences. Employees will be expected to adhere to this policy whether on the job, or acting in a representative capacity on behalf of the City. Failure to adhere to this and the anti-discrimination policies may result in disciplinary action, up to and including termination. Individuals who engage in unlawful harassment may also be held personally liable in a civil lawsuit.

Sexual Harassment Policy

Sexual harassment is a specific form of prohibited discrimination and will not be tolerated. Sexual harassment includes, but is not limited to, unwelcome sexual advances; verbal behavior such as sexual comments, suggestions, offensive or demeaning jokes, pressure for sexual favors, or foul or crude language; non-verbal behavior such as suggestive looks or leering, or the display of sexually oriented or sexually explicit materials; and physical behavior such as pats or squeezes, obscene gestures, or repeatedly brushing against another person's body.

It is the responsibility of employees receiving or observing any inappropriate conduct as described by these policies to contact their supervisor or other management personnel to place the City on notice of the problem and the need for corrective action (see Section 2.7 for reporting procedures). The City is unable to address a problem of which it has not been made aware. On a regular basis, employees will be provided additional training on this and the City's other anti-discrimination policies. If you have questions, please contact Human Resources.

2.5 DIVERSITY POLICY

When people think about diversity, they usually think about race, ethnicity, gender, age, religion, and sexual orientation – those groups that the discrimination laws have deemed protected classes. However, differences are not just based on color of skin or gender.

The City's diversity strategy is for respect for diversity to become part of the fabric of the organization and provide meaning to, and recognition of, the value of individual differences. We understand that everyone views the world differently. Diversity is the uniqueness each individual brings to our organization and community based upon their background and identification with various groups, cultures and perspectives.

Respect for diversity is:

- Seeing differences as an opportunity to learn about others, about the larger world and about ourselves.
- Having consideration and appreciation for others.
- Creating a positive atmosphere for an open exchange of ideas.

Support for diversity is:

- Integrating respect for diversity into day-to-day business of the City and the programs that are developed.
- Enabling each employee to achieve his/her full potential.
- Creating a work environment that is inclusive, welcoming and comfortable – where employees feel that the ways in which they may be different are understood and accepted.
- Being a leader in addressing diversity issues that face our community.

Value for diversity is:

- Raising consciousness about and understanding of diversity issues within the community and within the workplace.
- Attaching importance to the diversity of ideas and styles within the working environment; and through collaboration, encouragement and assistance utilizing those ideas and styles to reach a common goal.
- Realizing that each individual's needs are different and unique; learning about and exploring the differences and similarities, and taking the differences into consideration in all business decisions and actions.

2.6 ANTI-BULLYING POLICY

The City of Wenatchee defines bullying in the workplace as “repeated, malicious, inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Psychological violence, cruel mix of verbal and strategic assaults that prevent the bullied employee from performing well on the job.”

Purpose

The purpose of this policy is to communicate to all employees that the City of Wenatchee will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Bullying may be intentional or unintentional. Only “intentional harm” is legally actionable – was it intentional, severe and persuasive. Where an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when disciplinary action is taken. As in sexual harassment, it is the effect of the behavior upon the individual which is important.

Bullying is:

- Conscious decision by the perpetrator
- Persuasive – goes on all the time
- All about control
- Intentional and repetitive
- Meant to be offensive, insulting & threatening, feel humiliated, upset and vulnerable.

Bullying is NOT:

- Legitimate efforts to address an employee's work performance or conduct.

The City considers the following types of behavior examples of bullying:

Verbal Bullying: Slandering, ridiculing or to make evil, harmful, and often untrue statements about a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.

Physical Bullying: Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault, damage to a person's work area or property.

Gesture Bullying: Non-verbal threatening gestures which can convey threatening messages.

Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

If you feel you are being bullied you may confront the one doing the bullying. Document incident(s) and have a witness who can substantiate what occurs. Keep your emotions in check when addressing the bully. If you report the incident(s) you may take your concerns above your supervisor or to Human Resources if you feel the supervisor is too close to the person or is the sources of the bullying behavior.

2.7 REPORTING DISCRIMINATION, HARASSMENT AND BULLYING POLICY

City employees are responsible for creating and maintaining an atmosphere free of discrimination and unlawful harassment, sexual or otherwise.

Use of this policy for improper purposes, such as false accusation of others, may result in disciplinary action up to and including termination.

Procedure for Reporting Harassment, Discrimination and Bullying

- (1) First, identify the objectionable behavior. If you are comfortable doing so, indicate to the person exhibiting the behavior that you believe the conduct in question violates the provisions of the City's policies. Request that the conduct stop, indicating if it does not, you intend to seek corrective action through these procedures.
- (2) If such informal and direct communication is either ineffective or you feel uncomfortable about a direct confrontation, you may discuss your concerns with a management member in your department, or Human Resources. If you believe

the conduct of your supervisor, manager or director is at issue, report your concern directly to Human Resources or the Mayor. To the extent possible, your complaints will remain confidential; however on occasion, it is necessary to interview other employees and witnesses. All employees involved in any complaint subject to investigation will be cautioned about the City's prohibition on retaliation.

- (3) After an investigation of a harassment, discrimination or bullying complaint, the City will take corrective action as may be appropriate to the circumstances. It will be the ongoing responsibility of the employee to report any further problems, or suspected acts of retaliation, after the investigation is complete. This is needed to notify the City of any further violations of policies and may indicate more severe disciplinary action. Complaints of harassment will be handled in an attempt to protect the rights and privacy of both the complaining party and the alleged harasser.
- (4) Union and Civil Service employees may have rights or grievance procedures set forth in their contracts or rules. Please refer to those rules applicable to your employment. The complaint procedure described above is available to all employees, including probationary status and temporary employees.

2.8 RETALIATION POLICY

The City of Wenatchee prohibits retaliation against an employee for utilizing the discrimination and harassment reporting procedure, or for cooperating with the City's investigation of discrimination or harassment. Retaliation can include, but is not limited to less favorable job assignments, poor employment evaluations, and/or significantly ostracizing the employee in the workplace. Employees engaged in or participating in retaliatory conduct will be subject to disciplinary action, up to and including termination.

2.9 WHISTLEBLOWER PROTECTION/ REPORTING IMPROPER GOVERNMENTAL ACTION POLICY

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

Key Definitions

Improper Governmental Action: Any action by a City officer or employee that is:

- (1) Undertaken in the performance of the official or employee's official duties, and whether or not the action is within their scope of employment.
- (2) In violation of any federal, state, local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

"Improper governmental action" does not include personnel actions (e.g., hiring, firing, complaints, promotions, reassignment, performance evaluations,

reductions in pay, dismissals, suspensions, demotions, alleged violations of collective bargaining or Civil Service laws, or alleged violations of labor agreements), reprimands, or any action that may be taken under labor agreements and Civil Service.

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

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

Procedure for Reporting Improper Government Action

City of Wenatchee employees who become aware of improper governmental action should follow this procedure:

- (1) If the supervisor is believed not to be involved in the improper action; bring the matter to the attention of the supervisor. State in written detail the basis for the employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.
- (2) Where the employee believes the improper action involves the supervisor, the employee shall raise the issue directly with the chain of command by reporting it to the Department Director, Human Resources, or the Mayor.
- (3) Human Resources shall promptly investigate the report of improper government action. After the investigation is completed (which will usually occur within thirty (30) days of the employee's report), the employee shall be advised of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

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 bypass the above procedure and report the improper action directly to the appropriate government agency responsible for investigating the improper action.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper government action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur. Such reports may be directed, for example, to the Chelan County Prosecuting Attorney's Office, the Washington Attorney General's Office, or the U.S. Attorney for the Eastern District of Washington.

Protection against Retaliation

It is unlawful for the City to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow the procedures given below.

Procedure for Seeking Relief against Retaliation

- (1) Employees must provide a written complaint to the supervisor within thirty (30) days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to Human Resources. The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) Human Resources shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- (3) After receiving the City's response (or 30 days after submitting the complaint to the City in the event the City has not provided a response), the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of delivery to the City of the employee's complaint.
- (4) Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The administrative law judge will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted.

Policy Implementation: Directors, 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 disciplinary action, up to and including termination.

2.10 DRUG & ALCOHOL POLICY

The City of Wenatchee is committed to providing a safe and positive work environment for its employees, free from the effects of drugs and alcohol. The City regards any misuse of drugs and/or alcohol to be a problem if it results in unacceptable work performance. We encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation.

The purpose of this policy is to ensure employee fitness for duty and to protect them and the public from the risks associated with the abuse of alcohol and/or drugs. All City of Wenatchee employees/volunteers are subject to the policies stated in this policy (See Appendix A for entire policy). Employees of the City of Wenatchee who are required to have and maintain a Commercial Driver's License (CDL) in order to perform the duties of their job are also subject to Federal Motor Carrier Safety Administration regulations as stated in this policy (see Appendix B).

2.11 EMPLOYMENT OF FAMILY MEMBERS (NEPOTISM) POLICY

To avoid the reality or appearance of improper influence, favoritism or conflict of interest, the immediate family of current employees, the Mayor and/or City Council members will not be employed by the City where the following circumstances exist:

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

If two employees marry, become related or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above exist or reasonably could exist, and cannot be eliminated through reasonable means, only one of the employees will be permitted to remain employed by the City.

CHAPTER 3 PAY PRACTICES

3.0 PAY PRACTICES

The City of Wenatchee pays compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City's overall financial condition and competitive position.

New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved before implementation by the appropriate department head, Human Resources and the Mayor.

The City of Wenatchee uses an organized and systematic method of classifying jobs, establishing pay ranges, and administering compensation to ensure that employees are compensated fairly and that pay levels are competitive and internally equitable.

3.1 WORK SCHEDULE

The City of Wenatchee establishes the time and duration of working hours as required by workload and workflow, customer service needs, interdepartmental coordination, program management, emergent needs, and any applicable law or bargaining agreement.

A normal work schedule for regular, full-time employees consists of forty (40) hours each workweek. A workweek is defined as 12:00 a.m. Sunday through 11:59 p.m. Saturday.

Different work schedules may be established by the City to meet job assignments and provide necessary services. Rest or coffee breaks are considered as time worked.

Each employee's scheduled work hours will be determined by his/her department head or supervisor. The department head, or supervisor will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable.

Part-time and temporary employees will be scheduled as specified by their immediate supervisor.

Alternative work schedules may be approved by immediate supervisor and/or director. Human Resources should be consulted to make sure the schedule meets contractual and/or legal provisions.

3.2 REPORTING YOUR HOURS

All employees are required to record hours worked. This includes recording time taken off and how that time is charged to leave banks (i.e. vacation, sick leave, compensatory time). Reporting requirements differ depending on job classifications, please see Section

1.6. Your signature on your time sheet is the verification of accuracy for time worked or time taken off.

Your supervisor will counter-sign your time sheet. This will serve as a cross check that they are aware of the work hours reported and that it is consistent with their understanding of the actual hours worked and in accordance with City policy for your exempt or non-exempt status.

The Finance Department processes payroll for the City. Finance has the obligation to correct a time sheet should they discover that it is out of compliance with usual interpretation of labor contracts or City policy. In both instances, at the supervisor level or payroll, you will be notified of any changes and given an opportunity to discuss why any changes were made.

Falsification of timesheets will be subject to disciplinary action, up to and including termination.

3.3 OVERTIME AND COMPENSATORY TIME

In accordance with State and Federal laws the City will pay non-exempt employees one and one-half times the employee's rate of pay for hours worked over forty (40) hours per week. Under those laws, vacation, sick leave, holidays or compensatory time use is not counted as 'hours worked' and therefore is not included in overtime calculations. Members of a bargaining unit need to consult their collective bargaining agreement for specific rules. See Section 1.6 regarding definitions of exempt and non-exempt status.

Public employers may allow compensatory paid time off in lieu of paid overtime. Employees entitled to overtime pay may request compensatory time off instead of cash payment. If the compensatory time option is exercised the employee is credited at a rate of one and one half times the overtime hours worked. Once earned, an employee may schedule compensatory time off unless doing so would unduly disrupt City operations. Per City policy, maximum accrual of compensatory time shall never exceed forty-eight (48) hours.

Civil Service or collective bargaining agreements may have other rules or agreements. Please refer to the rules applicable to your position.

Employees are required to get authorization from their supervisor in advance for any overtime and/or compensatory time work.

3.4 PAY PERIODS

The City pays its employees on a monthly basis with a mid-month draw approximately equal to one half of net base pay. The numbers of hours worked are reported on time sheets. Pay days are on the 5th (the actual pay day) and the 20th (the mid-month draw) of each month. If these days fall on regular days off, paychecks are available on the last working day prior to the payday. Questions about paychecks should be addressed to Payroll.

3.5 AUTOMATIC PAYROLL DEPOSIT

The City makes available to regular status employees an automatic payroll deposit into a designated bank account or credit union. This service is provided to employees for their convenience.

CHAPTER 4 EMPLOYEE BENEFITS

The City of Wenatchee provides its employees with various health and welfare benefits. Information and summaries intended to explain these benefit plans will be furnished to all plan participants and beneficiaries on a timely and continuing basis. The City reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility and to interpret the plan's terms.

Benefit programs are one way the City recognizes your value as a regular status employee. The programs listed below are for the protection, security and well-being of employees and their dependents. Along with a salary, employee benefits add a significant dollar value to the total compensation package, representing a 'second' or 'hidden' paycheck.

4.0 HOLIDAYS

Eligible employees receive ten (10) national holidays and one (1) personal leave day or floating holiday for a total of eleven (11) paid holidays.

Holiday pay is based on an eight (8) hour day. Employees working a flexible schedule, for example four (4) 10-hour days, are required to supplement the eight (8) hour holiday pay with vacation leave or compensatory time. Another option is for work groups to simply revert back to five (5) 8-hour days during a holiday week. Regular part-time employees receive holiday pay on a pro-rated basis.

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

Absent labor contract language to the contrary, holidays are intended for use on the assigned date for a particular year and do not carry forward if unused. Likewise, the Floating Holiday may be used only in the year it is earned. It does not carry forward and has no cash-out value. The floating holiday must be used in no less than two (2) hour increments. New hires starting on or after July 1st will receive a four (4) hour floating holiday.

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

From time to time the Mayor may grant an early closure on the day preceding a holiday. It is recognized that while some employees may benefit, others may need to remain on the job. During an early closure, only the people at work receive the gift. That is, some working employees may be released early with no deduction to their time. However, others on scheduled shifts work their scheduled shift and the closure does not apply. Likewise, employees who are on any type of paid leave (sick, compensatory time, or vacation) must record a full day off on their timesheet. An early closure has no impact to an employee on paid leave; he/she is absent from work by choice and would be required to record a full day off, as in any other absence.

4.1 RELIGIOUS UNPAID LEAVE/HOLIDAY (SSB 5173)

Employees shall be granted two (2) days of **unpaid holidays (leave)** per calendar year for "a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization." Such leave is defined as:

- (a) Holy days, Sabbath days, or religious holidays when the employee is supposed to refrain from work, or
- (b) Holy days, Sabbath days, or religious holidays when there is a service, mass, or other religious event to attend, or
- (c) Any day when the employee's church or religious organization is conducting an organized activity. This could include attending a child's baptism or a couple's church wedding.

An employee must submit a written request to their immediate supervisor to take the day off. Upon approval by the supervisor, the employee may take the day off using vacation, compensatory time, or leave without pay. Use of sick leave is not allowed.

The following are grounds for denying a leave request:

- If the employee does not follow the policy for requesting leave, either because the request is untimely or the employee does not provide sufficient information to assess whether the request should be granted. If the denial is for insufficient information, the employer may request additional information or clarification.
- If the employee has already exhausted his/her allotment of days off under the law.
- If the employee's leave request does not qualify for leave under the terms of the law.
- If the employee occupies a public safety position (i.e. police, fire or police records) and granting the leave request would require his/her shift to fall below minimum staffing levels.
- If granting the request would impose an "undue hardship".

4.2 VACATION LEAVE

The City's general vacation policy is set forth below. Employees covered by a collective bargaining unit may have additional requirements, benefits or limitations. Employees should consult their applicable contract. Regular full-time employees accrue vacation as follows:

<u>Years of Service</u>	<u>Monthly Accrual</u>	<u>Annual Accrual</u>
1 - 4 years	10 hours	15 days
5 - 9 years	12 hours	18 days
10 - 14 years	14 hours	21 days
15 - 19 years	15 hours	22.5 days
20+ years	17 hours	25.5 days

Eligible employees accrue vacation leave from the time of hire and may begin using it upon successful completion of their probation period. Regular part-time employees accrue vacation leave benefits on a pro-rated basis. Vacation accruals increase to the next higher level at the beginning of the employee's 5th, 10th, 15th and 20th year of employment.

Each department is responsible for scheduling employee vacations without undue disruption to department operations. Leave requests shall be submitted to your immediate supervisor for advance approval prior to taking vacation.

The maximum number of vacation hours that may be carried over from one calendar year to the next is 400 hours. Upon termination of employment, employees will be cashed out for unused vacation time; provided, however that the maximum cash out amount is 240 hours (30 days) unless specified otherwise per collective bargaining agreements.

4.3 MEDICAL, DENTAL, VISION INSURANCE BENEFITS

Employees and their dependents are eligible to participate in this program on the first of the month following date of hire. The City and Employee share the cost of premiums for full-time employees and dependents through a payroll deduction. Part-time employees are entitled to coverage on a pro-rated basis. Under the Affordable Health Care Act, temporary employees may be eligible to receive health benefits after meeting certain requirements outlined in Section 1.5. The City reserves the right to make changes in the carriers, cost-sharing and provisions of these programs when deemed necessary or advisable, without notice to affected employees except as provided by collective bargaining agreements.

4.4 DOMESTIC PARTNER BENEFITS

Benefits for Registered Domestic Partners are available through the successful completion of an Affidavit of Marriage/Domestic Partnership. For further information or a copy of the affidavit, please contact Human Resources.

4.5 CONTINUATION OF HEALTH INSURANCE COVERAGE (COBRA)

Upon separation from City employment, employees may be eligible to continue City health insurance benefits, at their own expense, to the extent provided under the federal COBRA regulations. An administrative handling fee over and above the cost of the insurance premium will be charged the employee or their dependents that elect to exercise their COBRA continuation rights.

4.6 RETIREE MEDICAL, DENTAL AND VISION INSURANCE

Employees who meet the retirement criteria set by the Department of Retirement Systems (age **and** years of service) are eligible to purchase retiree healthcare benefits on a self-pay basis for as long as our current vendor offers this program and subject to vendor provisions. Under these conditions no break in insurance coverage is permitted. Utilizing the COBRA benefit continuation option counts in fulfilling the coverage obligation. Employees are also required to meet the five (5) year vesting period in the Association of Washington Cities insurance program.

4.7 STATE DEPARTMENT OF RETIREMENT SYSTEMS (DRS)

The State of Washington provides the retirement plans to which the City and its employees contribute. Employees are vested into the retirement systems after five (5) years of service. The operation rules under the retirement program for which you are eligible will be provided at your initial job orientation.

Regular status full and part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). The Law Enforcement Officers and Firefighters Retirement System (LEOFF) covers regular status uniformed employees in the Police and Fire Departments. Benefit levels and contribution rates are set by the State of Washington.

Both the employee and the City must contribute to either the LEOFF or PERS program. Employee contributions are placed in each employee's own account by the state where it earns interest. When an employee resigns or leaves employment with the City, they may withdraw their portion of the contributions, including accrued interest. If vested (after five (5) years of service), the money may remain within the DRS system to be paid out when the eligible retirement age is met.

To insure that the earned benefits are available when needed, employees intending to retire should notify the Washington State Department of Retirement Systems (DRS), their Department Director and Human Resources six (6) months prior to the date of retirement.

4.8 DEFERRED COMPENSATION PLAN (DCP)

In addition to the two mandatory retirement plans (LEOFF & PERS), the City offers employees the option to participate in a Deferred Compensation Plan. A Deferred Compensation plan is a tax advantaged IRS 457 savings plan that allows employees to save pre-tax dollars to help supplement their state retirement. Employees do not pay taxes until they begin receiving the funds at retirement, termination of employment, or

withdrawal by reason of an applicable financial hardship. Employees enrolled in this plan may choose options on how their deferred contributions are invested.

The City provides participating employees with up to a 2% match on their base pay (or according to union contract), meaning that the City will match the employee's contribution up to a maximum contribution of 2% of the employee's base pay.

4.9 FLEXIBLE SPENDING ACCOUNT (FSA)

Employees enrolled in this plan may pay for certain out-of-pocket health and dependent care expenses with pre-tax dollars. The Flexible Spending Account (FSA) is an IRS Section 125 Plan that enables participants to pay for:

1. Out-of-pocket medical insurance premiums before taxes,
2. Out-of-pocket medical, dental, vision and prescription expenses before taxes, or
3. Defer taxes by setting aside money through a payroll deduction to pay for employment related daycare expenses.

Per IRS regulations yearly elections are irrevocable and funds non-refundable if not used.

4.10 TERM LIFE AND AD&D INSURANCE

The City purchases a \$25,000 Term Life/\$25,000 Accidental Death and Dismemberment policy for regular status employees. The policy is paid to your designated beneficiaries in the event of your death. The policy provides an additional \$10,000 in coverage in the event the fatality occurred in a vehicle collision and a seatbelt was being worn. The particulars of coverage are set forth in the applicable insurance policy, available through Human Resources. Term Life insurance is only in effect as long as you work for the City. You can convert it to a personal policy through the provider.

4.11 WHOLE LIFE INSURANCE

Employees can enroll in a Group Life Insurance policy through self-pay/payroll deduction. You can only enroll during open enrollment each year. The group term insurance is permanent and portable coverage meaning it goes with you when you leave employment with the City and the premium never goes up. This policy is offered to all employees and their spouses and children regardless of health. This policy builds cash value that can be accessed tax free.

4.12 EMPLOYEE ASSISTANCE PROGRAM (EAP)

The City of Wenatchee Employee Assistance Program (EAP) provides professional and confidential assistance to employees whose job performance, health, or well-being is adversely affected by personal problems. The City recognizes that problems such as emotional or mental stress, marital, legal or financial difficulty, drug or alcohol dependency, can affect employee quality of life, job performance and safety. Employees or their dependents struggling with these issues may be able to overcome them with the help of a professional counselor. EAP information is available from Department Directors or Human Resources.

4.13 EMPLOYEE HEALTH PROMOTION PROGRAM (WELLNESS)

The City recognizes that the benefits of helping the workforce stay healthy are substantial as it enhances the lives of employees and their families as well as reducing the number of workdays lost to illness thereby lowering health care costs. A variety of health promotion programs are organized to foster awareness; improve physical, mental, and social well-being; support employees in developing and maintaining healthy lifestyles; and creating efficiencies and cost savings in City government through improved health and productivity. Participation in the programs is on a voluntary basis.

4.14 STATE INDUSTRIAL INSURANCE (WORKER COMPENSATION/L&I)

All employees are covered by and contribute to, the Labor & Industries (L&I) Worker Compensation program. The City and each employee share the cost for industrial insurance. The amount of the deduction from your pay will vary depending on the type of work performed and the number and type of claims filed by City employees. This insurance covers employees in case of on-the-job injury or illness. For qualifying claims, Worker Compensation will pay the employee for workdays lost and medical costs.

Employees experiencing an on-the-job injury or illness are required to file an accident report and complete a claim for Workers Compensation. Claim forms are available from your doctor or other care provider. Through use of unused accrued leave, the City will pay your regular salary pending approval of your claim.

Coordination of Benefits: When the employee receives Worker Compensation benefits, they are required to repay the City the amount covered by Worker Compensation that was previously advanced by the City and charged to the employee's accrued leave bank. This is completed by submitting the L & I check to the Finance Department. This ensures that employees will receive prompt and regular payment during periods of disability as long as accrued leave is available and that the employee does not receive more than they would have had the disability not occurred. Upon the repayment of funds, the appropriate amount of leave shall be restored to the employee's account.

The City may require an examination, at its expense, performed by a physician of its choice, to determine when an employee can return to work and if they will be capable of performing the duties of their position.

Although the City strives for a safe work environment, occasionally employees do get injured at work. To help the employee recover faster, and reduce worker's compensation costs for the City, employees will be encouraged to participate in the City's stay at work program, which provides alternative short term work assignments. We will work with your medical provider to assign tasks which are compatible with your reduced physical work abilities.

4.15 ADDITIONAL BENEFITS PROVIDED

Eligibility for employee benefits beyond those mandated by State and Federal laws are based on maintaining job status as a regular status employee. Benefits for regular part-time employees are provided on a prorated basis. Different terms and conditions apply to these benefits, including the portion paid by the City and employee. The City reserves the right to make changes in the carriers and provisions of these programs when necessary or advisable, and according to applicable collective bargaining agreements, Civil Service rules, State and Federal laws.

4.16 STATE UNEMPLOYMENT INSURANCE

Employees may qualify for State Unemployment Compensation after termination from City employment, dependent upon the reason for termination and after meeting certain qualifications. This program pays a portion of the employee's wage for a temporary period to assist them in the event of job loss.

4.17 STATE/FEDERAL MANDATED PAYROLL DEDUCTIONS

All City employees are eligible for State and Federal mandated benefits. Other than these items, no other deductions will be withheld from paychecks unless authorized by the employee or by court order, unless specified in City policy or a collective bargaining agreement.

If you believe that an improper deduction was made to your paycheck, you should promptly report it to Human Resources. The City will review the matter and take corrective action as necessary. There will be no adverse consequences for raising a concern about a payroll calculation.

4.18 FEDERAL SOCIAL SECURITY

Both the City and eligible employees contribute to the Social Security system. The amounts will vary from year-to-year and can be obtained from the Finance Department. Certain emergency services workers are exempt from these deductions.

4.19 FEDERAL TAX WITHHOLDING

This is the federal income tax that each employer is required to withhold and remit to the federal government based on employee withholding status and the amount of the check. The withholding status is determined on the W-4 form and includes items such as marital status and number of dependents. Withholding status may be changed by contacting the Finance Department. The amount of this deduction is strictly controlled by regulations from the IRS. The City has no authority to adjust the deduction amounts without your authorization.

4.20 HEALTH CLUB MEMBERSHIP

The City currently secures group memberships from selected health clubs. Through payroll deduction employees may pay for their own participation, and that of their family members, at a group membership rate. Contact payroll for enrollment information.

4.21 UNITED WAY CONTRIBUTIONS

Employees may authorize a set monthly amount to be deducted for a contribution to the United Way. Contact the payroll for enrollment information.

4.22 UNION DUES

Each union representing City employees has a union dues check-off clause in the collective bargaining agreement (union contract). After joining the union, payroll will deduct the appropriate union dues from represented employees and remit it to the appropriate union.

CHAPTER 5

ATTENDANCE AND PUNCTUALITY

Union represented employees should consult their collective bargaining agreement for the specific terms and conditions which apply.

The City of Wenatchee requires employees to report for work punctually and to work all scheduled hours as required by business necessity. Employees must take care of themselves as attendance means presence both physically and mentally. Employees shall come to work well rested and mentally prepared prior to the start of their day. Employees must arrive early enough to be prepared to start at the official starting time. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

5.0 ATTENDANCE AND PUNCTUALITY

Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. Supervisors should record all absences and, for nonexempt employees (those subject to Fair Labor Standards Act overtime compensation), any tardiness or early departure exceeding ten minutes.

Punctual, regular and consistent attendance is a condition of continued employment.

Employees should notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management. However, first attempt should be to notify your supervisor.

Employees will be compensated during authorized absences in accordance with the appropriate leave bank.

Absences without notification or authorization are subject to disciplinary action. Being absent three or more days without notification or permission may constitute determination that you have voluntary quit or abandoned your job.

If unforeseen circumstances occur that keeps you from reporting to work at your scheduled time (i.e. blocking accident on the bridge, inclement weather conditions, etc.) you will be required to charge the time missed to vacation, floating holiday, compensatory time, or leave without pay. With the approval of your supervisor you may be able to make the time up.

Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved.

Non-exempt employees will not receive compensation for time missed because of tardiness or early departure. Failure to notify management properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.

During extended sick leave or time loss due to worker's comp you will be advised about requirements for periodic reports to your supervisor until your return to work.

Supervisors are responsible for maintaining an accurate attendance record of the employees they supervise.

CHAPTER 6 LEAVES OF ABSENCE

The City of Wenatchee permits employees to be absent from work on an authorized basis for a variety of reasons, including sickness for yourself and/or immediate family member(s) or injury. To help employees maintain their income during certain authorized absences, the City provides compensation according to the guidelines below.

6.1 SICK LEAVE

Sick leave is a conditional benefit for which an employee must qualify. Employees are expected to manage sick leave balances in order to cover paid leave for absences in case of their own personal illness or injury, or the illness or injury of their dependents per State and Federal law. Sick leave provides many of the same protections as that of a short-term disability insurance program. It is not intended that every hour in an employee's sick leave account will be used, but that it will accumulate in order to provide paid protection for the employee and their family in the event of a serious illness or injury. There is no entitlement to sick leave outside of the allowable uses given below. Sick leave must be available in the employee's sick leave bank before it can be used. Therefore, hours accrued in a pay period cannot be used in the same pay period.

Regular full-time employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. Regular part-time employees accrue sick leave benefits on a pro-rated basis. Accrual begins at the time of hire and may be used at any time. Employees do not need to satisfy the probation period before utilizing sick leave.

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

- (1) Employees own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth). Or to care for an immediate family member with a health condition, (illness, injury, physical or mental disability).
- (2) Leave for the care of child after birth or placement for adoption.
- (3) Care for employee's dependent children under the age of 18 who are ill.
- (4) Medical or dental appointments for the employee or dependent child, provided that the employee must make a reasonable effort to schedule such appointments at times which have the least interference with the work day.
- (5) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others.
- (6) Use of a prescription drug, which impairs job performance or safety.
- (7) Bereavement/funeral leave for the death of an immediate family member – See 6.11.

Immediate family is defined as: Persons related by blood, marriage or legal adoption (i.e., spouse, parent, grandparent, sibling, child, grandchild of the employee, or a registered domestic partner, but not aunt, uncle, cousin, niece or nephew, unless living in the employee's household.)

Employees unable to work due to these eligible sick leave uses must notify their supervisor as soon as possible, but always before their work shift. Upon their return to work, they must submit a Leave Request form to their immediate supervisor to sign. The time is recorded on the next timesheet. Depending on the length of sick time and the circumstances, employees may be required to provide a doctor's certificate when absent in excess of three (3) consecutive days or where the City has reason to question the basis for the leave. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a physical or mental condition, which impairs their ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.

If an employee is out on sick leave that coincides with a "scheduled" vacation the employee would convert the vacation time to sick leave only if they are unable to continue with their vacation plans (stayed home). If they go on their vacation then it would be recorded as vacation leave.

Cash-Out upon Separation of Employment: Upon separation from employment as a result of voluntary resignation or retirement, the City allows a maximum cash-out of 25% of unused sick leave up to a maximum of 240 hours (30 days) as an incentive for good attendance. There will be no cash-out if discharge is for disciplinary reasons or employed under five (5) years of continuous service. In the case of an employee's death, payment will be made to the employee's estate.

Sick leave benefits for employees covered by a collective bargaining agreement shall be determined exclusively by terms and conditions of that agreement. \

6.2 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The following is a summary of the City's Family and Medical Leave Policy, per the Family and Medical Leave Act of 1993 (FMLA) and subsequent amendments, as well as the Washington State Family Leave Act (WFLA) and Washington Maternity Regulation (WMR). Please address any questions to Human Resources.

Eligibility: The City is required to provide up to 12 weeks of unpaid leave to eligible employees for reasons relating to family and medical care. Available accrued leave must be used as part of this leave entitlement.

Covered Employees: To be eligible for family medical leave under the FMLA or WFLA, an employee must:

- Have worked for the City at least 12 months.
- Have worked at least 1,250 hours during the 12 months preceding the start of the leave.
- Not have already used their allotment of family medical leave for the current 12-month period (by the City's choice, the current 12-month period means the 12-month period measured forward from the date an employee's first leave begins).

Eligible Uses: Eligible employees can take up to 12 work weeks of FMLA unpaid leave during a 12-month period for/to:

- The employee's own serious health condition that makes an employee unable to perform the essential functions of his/her job.
- Care for a newborn, newly-adopted child or newly-placed foster child—additional considerations may apply in this case, as follows:
 - Both FMLA and WFLA provide leave for bonding with a new child following birth or placement. However, under SFLA, the 12-week entitlement does not begin to run until after the period of disability following childbirth has concluded (see 6.3 below for pregnancy disability leave). Thus, while FMLA and WFLA usually run concurrently, this is one situation where they do not.
 - Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.
 - Spouses employed by the city are jointly entitled to a combined total of 12 weeks of leave under the FMLA and WFLA for the birth or placement of a child for adoption or foster care.
- Care for a spouse, registered domestic partner, child, or parent with a serious health condition; or
- Any “qualifying exigency” arising when the spouse, child (employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age), or parent (identified in the same way a child is identified, above) of the employee is called to active duty or is on active duty.
- Eligible employees can take up to 26 work weeks of unpaid leave during a single 12-month period to care for a service member who is a spouse, child, parent, or “next of kin” and who has suffered a serious injury or illness while on active duty.

FMLA Leave Advance Notice Requirements: Employees seeking to use FMLA leave are required to provide 30 days advance notice of the need to take leave when the need is foreseeable. The City may require delay of any leave if the need was foreseeable and proper notice was not given. For leaves that were not foreseeable, the employee is obligated to provide notice, as soon as practicable (which is generally the same day or next business day after the need for leave becomes known).

Periodic Reporting: Employees taking leave for more than two (2) weeks are required to report to their immediate supervisor at least every two (2) weeks on their status and intent to return to work.

Medical Certification: The City may require the employee to document the need for the leave by providing a certification issued by a health care provider. The City will allow the employee 15 days to obtain the medical certification. The City may request recertification

at intervals of 30 calendar days or when the previous certification expires. A second medical certification may be performed by a different doctor at the City's expense. If the second certification differs from the first, the employee and the City may mutually select a third health care provider, paid for by the City, whose opinion will control.

Intermittent/Reduced Leave Schedule: Employees may take leave intermittently for a single qualifying event. Intermittent leave means alternating leave time with work time, or by reducing the employee's normal weekly or daily work schedule. Leave may be taken intermittently whenever medically necessary to care for a seriously ill family member or because the employee is seriously ill and unable to work. Intermittent leave may also be used for qualifying exigencies. If the leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to the City's approval.

Substitution of Paid Leave and Leave Accruals While on FMLA: The City requires employees to use the balance of their accrued vacation leave, sick leave, compensatory time and floating holiday hours from the start of the FMLA leave of absence before the leave reverts to an unpaid status. The employee continues to accrue vacation or sick leave only during those periods of leave for which the employee is receiving compensation.

Maintenance of Health Benefits While on FMLA: While an employee is on FMLA leave, the City must maintain the employee's health insurance coverage, including family coverage, if applicable, and continue to pay the City's share of the coverage as if the employee were still at work. The employee must pay their share of the insurance premium. The City may cancel coverage if the employee's premium payment is more than 30 days late and the City has given the employee written notice at least 15 days in advance, advising that coverage will be cancelled if the premium is not received.

Although employees in Washington State on maternity leave may receive additional leave for the period of any sickness or temporary disability associated with the pregnancy and childbirth, the City is only obligated to maintain its portion of medical insurance coverage for a maximum of 12 weeks.

If the employee fails to return from leave, the City may recover the premiums it paid for any coverage unless the failure to return to work is due to a "serious health condition" that prevents return, or other circumstances beyond the employee's control.

Other Insurance: Employees taking FMLA leave are responsible for continuing to self-pay any other deductions they have approved, such as credit union payments, health club membership, union dues, etc. on the same basis as during their regular employment. The employee is responsible for the premiums they normally pay plus the premiums the City would normally pay for the employee if unpaid leave is taken.

6.3 WASHINGTON PREGNANCY DISABILITY LEAVE

The City provides leave in compliance with the Washington State law that provides job protections for an employee who requires time off work while disabled due to pregnancy, childbirth and pregnancy-related conditions. Any pregnant employee is eligible for this leave, without regard to whether she meets FMLA and WFLA eligibility requirements.

If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave);

however, accrued leave may be used and the employee may continue insurance coverages at her expense.

As stated above, Pregnancy Disability leave does not run concurrently with WFLA leave. Thus, an employee eligible for WFLA may take up to 12 weeks of additional time off following the disability phase of pregnancy and childbirth to bond with the new child. Such bonding time under the WFLA is unpaid (although accrued leave may be used and the employee may continue benefits as her expense during unpaid leave).

6.4 WASHINGTON FAMILY CARE ACT

Consistent with the Washington Family Care Act, employees may use their choice of any accrued leave (e.g., vacation, sick leave, compensatory time, floating holiday hours) that they have available for their own use in order to care for their child, spouse, registered domestic partner, parent-in-law or grandparent.

An employee may use available paid time off to care for his/her child where the child has a health condition requiring treatment or supervision, or where the child needs preventive care (such as medical, dental, optical or immunization services). An employee may use available paid time off when a spouse, registered domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition", which are conditions:

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

Employees are required to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City may, require verification or documentation confirming a family member's health condition when available leave is used to care for that family member.

6.5 MILITARY LEAVE

It is the policy of the City to comply with Washington State and Federal laws regarding leave for military service. Military service includes active military duty and reserve or National Guard training. An employee must provide their supervisor with copies of their military orders as soon as possible after they receive those orders. Reinstatement upon return from military service is determined in accordance with applicable Federal and State law.

Leave for up to 21 days per year for military duty is paid by the City (the employee is not required or allowed to use any part of their accrued leave bank in order to receive compensation during this leave). The City will continue the employee's health insurance coverage the same as it would through an FMLA leave.

Family-Related Military Leave Under FMLA: As described above, FMLA-eligible employees may take 12 weeks of FMLA leave for any qualifying exigency arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. The following type of exigencies qualify:

- Making arrangements for childcare;
- Making financial and legal arrangements to address the service member's absence;
- Attending counseling related to the active duty of a service member;
- Attending official ceremonies or programs where the participation of the family member is requested by the military;
- Attending farewell or arrival arrangements for a service member;
- Attending to affairs caused by the missing status or death of a service member; and/or
- Any other event that the employer and employee agree is a qualifying exigency.

FMLA-eligible employees may also take up to 26 weeks of FMLA leave to care for an injured servicemember who is the employee's spouse, parent, child or next of kin. A covered servicemember is a current member of the Armed Forces, including a National Guard or Reserves member, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his/her duties, and, for which the servicemember is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list.

Notice and certification requirements for FMLA leave apply to these family-related military leaves.

Spousal Leave: The State of Washington's Family Military Leave Act provides that during a period of military conflict, an employee (one that works at least 20 hours per week) who is the spouse of a member of the Armed Forces, National Guard, or Reserves who has been called to active duty or who has been deployed is entitled to 15 days of unpaid leave per deployment. An employee who seeks to take family military leave must

provide the employer with notice of his/her intent to take leave within five (5) business days of receiving official notice of an impending call, order to active duty, or notice of a leave from deployment. It is the employee's option to use any accrued leave as part of this military-related leave.

6.6 DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING LEAVE

RCW 49.76 allows for employees to take reasonable leave from work, intermittent leave, or leave on a reduced schedule, with or without pay (using paid leave bank first before requesting unpaid leave is not required), to:

- Seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or employee's family members including, but not limited to, preparing for, or participating in, any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault, or stalking;
- Seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault, or stalking, or to attend to health care treatment for a victim who is the employee's family member;
- Obtain, or assist a family member in obtaining, services from a domestic violence shelter, rape crises center, or other social services program for relief from domestic violence, sexual assault, or stalking;
- Obtain, or assist a family member in obtaining, mental health counseling related to an incident of domestic violence, sexual assault, or stalking, in which the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking;
- Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future domestic violence, sexual assault, or stalking.

The City will continue the employee's health insurance coverage the same as it would through an FMLA leave.

The City may request verification that the employee or family member is a victim of abuse and that the leave is for one of the covered remedial activities. Verification is satisfied by one or more of the following:

- (1) A police report indicating the employee or family member was a victim of abuse;
- (2) A court order protecting the employee or family member;
- (3) Documentation from an attorney, clergy member, medical provider, or other professional from whom assistance was sought;
- (4) The employee's own written statement that they or a family member is a victim and needs the leave to seek assistance. The City will maintain the employee's provided information as confidential and will not require the employee to disclose information beyond the verification material listed above.

The employee will be restored to the position they held before the leave commenced, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

6.7 SHARED LEAVE

The City recognizes that under severe catastrophic circumstances employees may need additional paid leave days to assist them in the period of time they are off from work. Other City employees may voluntarily donate these additional leave days.

Donated leave days may be used by an employee who is suffering from, or who has an immediate family member suffering from a catastrophic or extraordinary health condition that will likely require the employee's absence from work for a prolonged period of time and will result in a loss of income to the employee because of the unavailability of paid leave. All donations of leave are strictly voluntary. Human Resources shall determine the extent and need of the transfer of such leave. Transfer of leave shall be in full-day increments. Please contact Human Resources regarding eligibility requirements and options for use of this policy. **Shared Leave is not available for employees receiving Workers' Compensation, or employees with a pattern of sick leave abuse.**

Short-term disabilities resulting from minor surgery and recovery, and similar routine health conditions are not usually eligible for leave sharing because employees are expected to maintain sufficient accrued leave to cover these routine needs.

6.8 JURY DUTY

The City recognizes the civic responsibility of its employees to act as a juror when called to do so. The City grants up to two (2) weeks of paid time off to respond to a summons for jury duty; if an employee's jury service continues beyond two (2) work weeks, the remaining leave will be unpaid, or vacation and/or comp time may be utilized. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from jury service. It is considered paid work time when employees provide testimony in court or other legal proceeding as required by the City.

6.9 CONTINUANCE OF BENEFITS DURING LEAVE

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies and/or labor contracts, benefits that accrue according to length of service such as paid vacation, holiday, and sick days do not accrue during the periods of unpaid leave or during periods in which the employee receives workers' compensation. In certain cases, self-payment of insurance premiums may apply.

6.10 LEAVE OF ABSENCE WITHOUT PAY

At the sole discretion of the City, an unpaid leave of absence may be granted for time away from work not covered by any other type of leave, or if other leave balances are exhausted. Requests for leave without pay will be evaluated on a case-by-case basis, involving consideration of factors such as the reason for and duration of the leave. Such leave may be granted for no longer than six (6) months and only if the City believes such leave will not unduly disadvantage or disrupt operations. In addition, the City may place an employee on administrative leave (with or without pay) where the City determined that

such leave is consistent with the City's best interests (i.e., during a personnel investigation). While on leave without pay employees do not accrue leave time, the deferred compensation match is suspended, holidays are prorated and depending on situation the employee may be responsible for the full medical insurance premiums (City's portion).

6.11 BEREAVEMENT LEAVE

In the event of the death of an employee's immediate family member, time off with pay for employee's regular schedule workday will be granted to regular full-time employees. The phrase "immediate family" for the purposes of the bereavement policy includes the employee's spouse, domestic partner, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law. Leave does not cover aunt, uncle, cousin, niece or nephew unless living in the employee's household.

Leave for such reason shall be limited to five (5) consecutive workdays with "leave bank" pay per instance – see section 6.1.7

CHAPTER 7

EMPLOYEE SAFETY

The City of Wenatchee places a high value on the safety of employees. The City is committed to providing a safe work environment for all employees and a safe community for citizens and visitors. Employees are required to comply with all safety rules and follow the City's and Division Safety Programs. Your supervisor will discuss with you the specific safety requirements of your position and provide any necessary training and required personal protective equipment (PPE). Employee(s) who become aware of unsafe or potentially hazardous conditions shall report it to immediate supervisor or safety representative promptly. As part of the Safety Program, each division shall conduct regular safety meetings and keep attendance record. Employees are expected to attend and participate in the meetings to assist the City in providing a safe work environment.

7.0 SAFE WORK ENVIRONMENT

Employees are required to comply with all safety rules. These responsibilities include, but are not limited to, the following:

- Coordinate and cooperate with other employees in an attempt to eliminate accidents.
- Encourage co-workers, by behavior, words and example to use safe work practices on the job.
- Study and observe all safe practices governing the work place.
- Offer safety suggestions for changes that may contribute to a safer work area.
- Apply the principles of accident prevention in daily work, use proper safety devices and personal protective equipment as required by task.
- Properly care for and store all personal protective equipment.
- Attending required safety training and safety meetings.
- Report all work related (personal, equipment or vehicle) near misses, injury, or accident/incident to immediate supervisor, HR or a safety representative immediately; regardless of severity and whether or not medical attention is needed.

7.1 REPORTING ACCIDENTS

If an on-the-job accident results in personal injury, vehicle or property damage, the employee shall immediately notify their supervisor and complete the "City Incident / Accident Report". A copy of the accident report must be sent to Human Resources immediately by supervisor. An employee should not provide opinions as to negligence on behalf of the City or offer compensation to others on behalf of the City for injuries to persons or property. If your injuries require medical attention, the medical facility should be advised that this is an "on-the-job injury" so that the proper Worker Compensation form is completed. Employees with "on-the-job injuries" or illnesses are encouraged to use the services of the Confluence Health/Occupational Health Department.

*City Incident/Accident Report can be found on the City-Intranet Safety/Risk Management Tab.

7.2 VIOLENCE IN THE WORKPLACE

In an effort to promote a safe and secure workplace, the City has adopted a zero tolerance policy with respect to threats of violence or violent acts in the workplace. Incidents of violence include any use of weapons in the workplace against another person or other violent contact such as pushing, striking or grabbing.

In order to ensure a safe work environment, employees shall not bring dangerous weapons to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of a weapon.

Any threats or acts of violence received or witnessed are to be reported to your supervisor or Human Resources immediately. All reports will be investigated. Failure to comply with this policy may result in disciplinary action up to and including termination.

If you are threatened or become aware of actual violence at work, you are encourage to take immediate steps to protect yourself. If possible, removed yourself from the area and call 9-911 if using a City phone, or 911 if using your cell. Once your immediate safety is secured, contact your supervisor or another City manager to report the situation.

7.3 SEAT BELT POLICY

Per Washington law, anyone operating or riding in City vehicles, or using their personal vehicle for City business, without exception, must wear a seat belt at all times.

7.4 USE OF CITY EQUIPMENT, VEHICLES & FACILITIES

City vehicles, equipment, and facilities, may be used for authorized City business only. Misuse of City facilities, services, vehicles, equipment or supplies is prohibited. People, who are not employed by the City, or not on official City business, are prohibited from riding in City vehicles.

If an employee receives a citation while driving a city vehicle it is the employee's responsibility to pay the citation. Repeated citations may include disciplinary actions up to and including termination.

7.5 DRIVER'S LICENSE REQUIREMENTS

An employee may be required to hold a valid Washington State Driver's license for certain City positions. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify their immediate supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to Human Resources. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination. See Appendix B for additional requirements for employees with CDL certifications.

CHAPTER 8

PERSONAL CONDUCT/ETHICS

We expect that employees will represent the City in a professional manner, demonstrating the established standards of personal conduct presented in this manual. Employees represent the City both while on the job and outside of work. Employees are expected to exhibit professional behavior in the community as well as at the job. Other expectations include: basic tact and courtesy toward the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to citizens. Employees are encouraged to demonstrate honesty, caring, respect and responsibility in their interactions with each other and the public. Our team performance is enhanced by a work environment, in which all employees participate in celebrations of success, give and receive open and constructive communication and are affirmed by one another.

8.0 GENERAL CODE OF CONDUCT/ETHICS

TEAMWORK PERFORMANCE STANDARDS

- Be consistently friendly and courteous with all members of the work group.
- Remain open to change and willing to adapt to new work methods, policies and procedures.
- Respond to problem situations without undue complaint while offering diligence and creativity in problem-solving.
- Do not engage in destructive gossip and criticism.
- Consistently provide co-workers with complete, accurate and timely verbal and written information. Willingly share job knowledge with co-workers who can benefit from it. Voluntarily assist co-workers when in need. Respond in a positive manner to co-worker requests.
- Do not allow social interaction with co-workers to interfere with your own or co-worker productivity. Willingly increase your own work pace during peak work periods and remain productive during slack times.

ETHICS IN PUBLIC SERVICE

Essential ethical principles for employees in public service requires adherence to the Revised Code of Washington regarding:

- **Objectivity** – Public employees must place the public's interest before any private interest or outside obligation.
- **Selflessness** – Public employees should not make decisions in order to gain financial or other benefits for themselves, their family, or their friends.

- **Stewardship** – Public employees have a duty to conserve public resources and funds against misuse and abuse.
- **Transparency** – Public employees must practice open and accountable government. They should be as open as possible about their decisions and actions, and also protect confidential information.
- **Integrity** – Public employees and officials should not allow any financial or other obligation to outside individuals or organizations that could appear to influence their official duties.

8.1 PERSONAL FINANCES OF EMPLOYEES

The City of Wenatchee expects employees to meet their financial obligations in a timely manner.

Employees should manage their personal finances so that they do not adversely affect job performance or the City of Wenatchee's image in the community. The failure of employees to meet financial obligations may impose an administrative and financial burden on the City through extra bookkeeping and the need to respond to legal notices and court orders.

The City will not disclose employee financial information to outside parties without express written permission from the employee, except as required by law.

The Finance Department or Human Resources are the only departments authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation. The employee will be notified of receipt of the order and then deduct the required amount from the employee's earnings, up to the limit permitted by law.

Multiple garnishments (three or more) may result in discipline, up to and including termination, depending on the circumstances of the case and any legal restrictions.

8.2 OUTSIDE EMPLOYMENT AND CONFLICT OF INTEREST

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

1. Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job; or, creates other unnecessary absences due to the demands of the second job. Employees may not use paid sick leave or request a leave without pay for an absence due to work on an outside job. Employees may, however, use their approved vacation leave or compensatory time in these situations.
2. Is conducted during the employee's work hours. For example, employees should not make phone calls, engage in electronic communications or conduct meetings relating

to any outside employment or business venture during their regular work hours, even if the employee is using their personal cell phone, computer or e-mail account.

3. Utilizes City telephones, copy machines, computers, including e-mail, supplies, facilities, vehicles, equipment or any other resources.

Additionally, an employee may not be related to, or in a domestic partnership with, an individual who owns or is employed by a firm that has contracts with or does business with the City. The City also reserves the right to address other situations that are; or may reasonably be perceived by members of the public as a conflict of interest, or otherwise discredits public service.

8.3 POLITICAL ACTIVITIES

City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities, equipment or funds for political activities.

Any City employee, who meets with or may be observed by the public or otherwise represents the City to the public, while performing their regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.

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

8.4 CONTACT WITH THE NEWS MEDIA

The Mayor or designated Department Directors shall be responsible on behalf of the City for official contacts with the news media including answering of questions from the media. The Mayor shall be made aware of potentially controversial matters prior to distribution or discussion with the media. The positions named above may designate specific employees to give out procedural, factual or historical information on particular subjects.

8.5 NO SMOKING

Pursuant to the Washington Clean Indoor Air Act, and for health and safety considerations, the City prohibits smoking in all City facilities, including City-owned buildings, vehicles, and grounds owned by the City, including individual employee offices. Smoking is prohibited within 25 feet of all entrances, exits, windows that open and ventilation intakes of the foregoing locations. Smoking is also prohibited on any worksite.

8.6 PERSONAL APPEARANCE AND DRESS STANDARDS

Personal appearance is an important factor in the success of employees. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and immediate supervisor. Personal hygiene and cleanliness are required. Attire should be business-like and appropriate for the requirements of the job. Overall appearance should reflect positively on the City, including use of apparel, jewelry, grooming, logos, artwork, or wording. The City reserves the right to set dress standards.

8.7 GENERAL APPEARANCE OF PROPERTY

The general appearance of City property results from a total team effort. Each employee's participation is expected and appreciated. It is your responsibility to keep your work area organized, to clean up after meals and yourself and assist in maintaining cleanliness of other public areas. Any situations requiring special maintenance or repairs should be reported to your immediate supervisor.

8.8 USE OF COMMUNICATIONS SYSTEMS

The City's communications systems, and all communication and information transmitted by, received from, or stored in these systems, are the property of the City. This includes the City's computers and computer systems, including e-mail and internet, facsimile machines, telephone and voicemail systems and other communication devices or systems. **Employees should have no expectation of privacy when using any of these systems.** Employees should be cognizant of the fact that the City may access, use, and review or monitor any of its systems or communications over those systems at any time and that communications may be subject to public disclosure. Excessive personal calls during work hours are prohibited whether using City equipment or the employee's personal cell phone.

The City's communications systems are to be used primarily for job-related purposes. Use of these systems other than for business purposes should be kept to a minimum and must not interfere with job responsibilities. In the event you make a long-distance telephone call, you are responsible for all charges associated with that call.

All users are personally accountable for messages that they create or forward using the City's communications systems. All written documents, regardless of format or media used are potentially subject to disclosure and Public Records requests. Misrepresenting, obscuring, suppressing, or replacing a user's identity on a communication is prohibited. Violation of this policy will result in disciplinary action, up to and including termination of employment as well as other legal remedies available to the City.

8.9 TECHNOLOGY RESOURCE USAGE POLICY (TRUP) AND WORK RULES

With the ever-changing technology world we live in today the Technology Resource Usage Policy and work rules are subject to frequent change. Please refer to your current policy (latest version acknowledged by your signature of receipt). Please contact IS or HR if you need a current copy, or the policy can also be found on the Intranet/Department/Information Systems.

Wireless Communication Devices is also covered in this policy along with the Mobile Phone Policy.

8.10 SOCIAL MEDIA

The City uses various tools to share information and communicate with the public, stakeholders, partners, and the media. Social media platforms offer a way to deliver public information and customer service to constituents. The addition of social media tools gives citizens another means to interact with their government. The City encourages the use of social media to further the goals of the City and the missions of its departments when appropriate.

Social media platforms must comply with applicable Federal, State, and local laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, public records, records retention, First Amendment rights, privacy laws, and security and conduct policies established by the City.

The best, most appropriate uses of social media platforms for the City fall into two general categories: as channels for disseminating time-sensitive information as quickly as possible (i.e., emergency information); and as marketing or promotional channels which increase the city's ability to deliver its messages to the widest possible audience.

This section establishes guidelines for the use of social media in the performance of City business. It also provides guidelines for conduct by city employees who use social media to engage with customers on behalf of the City. This policy is not intended to address employee's personal use of social media sites.

If your department would like to setup a Twitter or Facebook account you are required to follow the Twitter and Facebook Standards established by the City. The Standards can be found on the City's Intranet site under Departments\Information Systems\Policies and Forms. For further questions please contact the Information Systems Director.

8.11 PUBLIC RECORDS ACT

A "Public Record" is any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(2)).

Employees should be aware that work-related emails, social media or web posts, texts and voice messages on wireless devices, whether city-owned or personal, are public records subject to the Public Records Act. Employees have a duty to maintain such records in accordance with the Washington Local Government Record Retention Schedules and with the city's public records retention policies and procedures. Please consult the City Clerk for additional direction in this regard. Detailed phone call billing statements and records are also subject to public records requests.

8.12 PERSONAL PROPERTY

The City provides desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. It does not, however, assume responsibility for any theft or damage to the personal belongings of employees, and reserves the right to search employee desks, lockers, and personal belongings brought onto City premises, if necessary.

The City retains the right to appropriate, inspect, or destroy any unidentifiable package left on the premises.

8.13 RECEIPT OF GIFTS

To avoid the appearance of a conflict of interest/undue influence, employees may not accept anything of value as a gift or favor from someone who does business with the City, if it can be expected that the gift or favor will reasonably influence the actions or judgment of the employee. Receipt of money in any form, or gifts valued at more than \$50.00 is strictly prohibited. This rule does not apply to unsolicited items of nominal intrinsic value such as coffee mugs, baseball hats, pens, and water bottles.

8.14 SOLICITATIONS

Most forms of selling and solicitation 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 City or employee property.

Persons not employed by the City may not solicit, survey, petition, or distribute literature on our premises. 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 our employees. An example of an exception might be the United Way campaign or a similar, community-based fundraising effort.

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 for the purposes of this policy.

8.15 LOST AND FOUND

It is the policy of the City of Wenatchee to handle Lost and found items in accordance with the standards and practices established in the Revised Code of Washington, Chapter 63.21.

8.16 ACTIONS SUBJECT TO DISCIPLINARY ACTION

We want you to be successful in your employment with the City. While the vast majority of employees consistently meet a standard of excellence, we want to make you aware of the issues that could put your employment or the City at risk.

In addition to those items previously contained in this Manual, the following are illustrative examples of conduct that is subject to disciplinary action. This list is not intended to be all-inclusive, and other conduct may also result in disciplinary measures up to and including termination.

- 1) Misrepresentation or withholding of pertinent facts in securing employment or falsification of a job application.
- 2) Unauthorized use of your position for personal gain or advantage. Accepting unlawful gratuities or bribes.
- 3) Smoking in any unauthorized area or creating a fire hazard.
- 4) Violation of dress standards.
- 5) Violation of the City's technology resource usage, mobile phone, telephone or Facebook use policies.
- 6) Unauthorized use, operation or possession of City facilities, property, or equipment to which the employee has not been specifically assigned, or for personal use.
- 7) Failure to report an occurrence causing damage to the City, customer, or public property. Failure to properly secure City facilities or property.
- 8) Loitering after completing work that results in the disruption of City business or the work effort of other employees.
- 9) Soliciting contributions on the premises for any purpose during work time.
- 10) Unauthorized recording of another employee's timesheet. Both employees can be subject to disciplinary action.
- 11) Falsification of records, paperwork required in the transaction of City business, including timesheets or expense accounts.
- 12) Malicious gossip, making malicious or false and derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City or City employees, whether made on or off City premises or via electronic means.
- 13) Disorderly conduct including: Fighting on the premises, rudeness, discrimination, harassment, intimidation, bullying, hazing, coercion, use of obscene language or gestures, a lack of courtesy to the public or fellow employees or immoral conduct while on duty.

- 14) Inability, inefficiency, negligence, or insubordination. Insubordination can be unwillingness to carry out a legal directive from a manager or supervisor or disrespectful behavior toward a manager or supervisor, including a refusal to perform assigned work or concealing of defective work.
- 15) Failure to follow safety practices, rules, regulations, and instructions. Failure to wear required safety clothing and equipment, or to use seat belts. Negligence that results in injury to others.
- 16) Failure to promptly report to your immediate supervisor an on-the-job injury or accident involving an employee, equipment, property, or visitor.
- 17) Dishonesty or theft, including deliberate destruction, damage, or removal of the City's or other's property from the premises, or any job site.
- 18) Possession, use, sale, or being under the influence of alcohol and controlled substances (including medical marijuana) while on city business (including standby duty). The only exception to this rule shall be for an employee using or possessing a controlled substance prescribed by a doctor if such employee has given their supervisor prior notice of such use and/or possession and such use does not impair safe and/or efficient work performance.
- 19) Possession of explosives or weapons on the premises or at any job site even if you have a permit to carry a weapon. Commissioned law enforcement officers are permitted to carry weapons at work as long as they are current certified in the use of the weapon.
- 20) Violent or aggressive action toward others.
- 21) Conviction of a gross misdemeanor or felony.
- 22) Failure to comply with any other guidance, rule, responsibility or policy outlined in this manual.

The choice of what discipline to apply in any particular case is solely within the discretion of the City.

“APPENDIX A”
DRUG AND ALCOHOL POLICY FOR
CITY OF WENATCHEE EMPLOYEES AND VOLUNTEERS

The City of Wenatchee believes that we have a responsibility to our employees and to the general public to ensure safe operating and working conditions. To satisfy these responsibilities, we must establish a work environment where employees are free from the effects of drugs, alcohol or other impairing substances.

All City employees and volunteers are covered under this policy.

Prohibited Conduct

To comply with the requirements of the Federal Drug-Free Workplace Act, the City of Wenatchee prohibits the following conduct by employees:

- a. Reporting to work under the influence of alcohol or illegal drugs, including over-the counter medications and recreational and/or medical marijuana, as indicated by:
 1. A positive test for drugs; or
 2. A breath alcohol test resulting in an alcohol level of 0.04 or higher; or
 3. Observed physical evidence of impairment.
- b. The unlawful (under state and/or federal law) use, possession, manufacture, distribution, dispensing, transfer or trafficking of alcohol or illegal drugs (controlled substances, including marijuana), and/or drug paraphernalia in any amount or any manner, on City premises or in City vehicles at any time (whether or not conducting City business) anywhere (including off City property). Controlled substances are defined as those substances whose distribution is regulated by state and/or federal law, including but not limited to narcotics, depressants, stimulants, hallucinogens, cannabis and alcohol. The definition of illegal drugs includes controlled substances as defined in RCW 69.50.101.
- c. Employees/volunteers must notify the City of Wenatchee in writing within five (5) five calendar days of any conviction for a drug violation that occurred in the workplace.
- d. Violation of this policy can result in disciplinary action, up to and including termination. Continued poor performance or failure to successfully complete a rehabilitation program is grounds for termination.
- e. Any other use, possession or trafficking of alcohol or illegal drugs in a manner which is detrimental to the interest of the City, creates a safety concern, or unduly interferes with job performance.
- f. **Prescription and Over-the-Counter Drug Use:** The City permits employees to use prescription and over-the-counter drugs in the workplace. However, the City prohibits use of, or being under the influence of any prescription drug (whether or not the employee has a current valid prescription) or over-the-counter drug which impairs the employee's job performance and/or safety. Where an employee is taking prescription medication that impairs performance and/or safety, the employee may use accrued sick leave. Alternatively, the City will confer with the employee and his/her health care provider about whether the City can provide reasonable accommodation that would allow the employee to work safely and effectively while taking the medication.

Prescription drugs must have been obtained in the employee's name from a physician or other health care provider legally authorized to issue prescriptions. An employee using prescription or over-the-counter drugs that may impact the employee's ability to safely operate a vehicle or other equipment must advise her/his supervisor immediately, or before the beginning of work, that he/she is taking a prescription or over-the-counter drug that may impact his/her ability to work. The supervisor may ask the employee the type of drug being taken and what the warning label says about operating a vehicle or equipment.

The supervisor may also ask the employee using a prescription drug to provide a note from his/her physician regarding the impact of the prescription drug on the employee's ability to safely operate a vehicle or equipment. If such a request is made by the supervisor, the employee will not be allowed to operate a vehicle or equipment until the physician provides a note stating that the prescribed substance does not adversely affect the employee's ability to safely operate a vehicle or equipment. If the note is not provided, the employee may be removed from duty. If an employee advises the supervisor they are taking a prescription drug that may impact his/her ability to operate a vehicle or equipment, the supervisor must immediately advise the Department Director of such use. The City reserves the right to request a second opinion, at its expense, from a qualified physician if the City reasonably concludes that the employee's physician has not fully and competently addressed the issue of the impact of the use of the prescription drug(s) on performance and safety.

- g. **Marijuana Use (Medical or Recreational):** The unlawful (under state and/or federal law) use, possession, manufacture, distribution, dispensing, transfer or trafficking of marijuana and/or marijuana paraphernalia in any amount or any manner, on City premises or in City vehicles at any time (whether or not conducting City business) and anywhere (including off City property) is prohibited.

The City does not allow employees to use, distribute, or possess marijuana during their working hours for the City, or to report to work under the influence of marijuana, even if the employee may lawfully use marijuana for recreational purposes under Washington State law.

The City of Wenatchee recognizes that the State of Washington has authorized the use of medical marijuana, but the Federal authorities still consider the use of marijuana illegal. An employee/volunteer who has been prescribed or uses marijuana in compliance with prescription and Washington State Law shall notify his/her immediate supervisor or Human Resources within twenty-four (24) hours of receipt of the prescription. If the City of Wenatchee determines that the individual will be impaired and cannot safely accomplish their job while under the influence of marijuana, the City may remove or preclude the employee from work for the period of medication. However, employees of the City who are required to have and maintain a Commercial Driver's License in order to perform the duties must comply with the Federal Highway Administration regulations and the City of Wenatchee "Drug & Alcohol Policy, DOT Regulated".

Testing – Purpose and Intent

The City of Wenatchee recognizes that drug and alcohol abuse may be considered treatable illnesses and to the extent possible the response to these illnesses may be treatment and rehabilitation.

It is recognized that the consumption of alcohol or drugs to the point that employees are unable to perform their jobs safely and effectively cannot be tolerated.

It is recognized that when employees have placed themselves in a situation where their ability to perform their jobs is impaired by drugs or alcohol that it is the responsibility of the City to remove such employees from the work environment to prevent the endangerment of the employee, fellow employees and/or the public.

The City of Wenatchee recognizes employee concerns of personal privacy and that drug or alcohol testing shall be used only in cases where questions of impaired job performance are involved and reasonable suspicion exists of an alcohol or drug problem. Adverse action against an employee for off duty conduct shall not be taken unless such conduct negatively represents the City (i.e. training, conventions), or directly impairs the employee's on-the-job performance.

Informing Employees about Drug and Alcohol Testing

All employees shall be fully informed of the drug and alcohol testing policy, including how the tests are conducted, what the tests can determine and the consequences of testing positive for drug and alcohol use. All newly hired employees will be provided with this information on their initial date of hire or as part of their initial orientation period.

Reasonable suspicion testing

1. In the event there is reasonable cause to believe than an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee with regard to the behavior. The supervisor shall directly observe the employee's behavior and document the behavior. Indications of impaired behavior include, but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought process, poor judgment, or unusual or abnormal behavior. A reasonable suspicion may also be based on the following:
 - **Observations:** Reasonable suspicion could include a combination of various factors such as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness on feet, smell of alcohol or marijuana emanating from the body, inability to carry on a rational conversation, increased carelessness, erratic behavior, inability to perform the job, repeated unexplained workplace accidents or near misses, attendance concerns, or other unexplained behavioral changes.
 - **Documentation:** Reasonable suspicion shall exist before requesting the employee take a drug screening test, blood alcohol test, and/or physical examination. Behavioral observation will be documented in writing. A copy of this document will be provided to the employee upon request.
 - **Removal from Duty:** The supervisor will remove an employee from duty where reasonable suspicion of influence or impairment is observed and until they are cleared to return to work. A supervisor will not allow an employee believed to be under the influence of alcohol or drugs to operate equipment or drive a vehicle until the employee has been determined to be able to do so safely.
 - **On the Job Injury:** Employees who are injured on the job and require immediate medical attention by a medical professional, even if a vehicle or equipment was not involved, may be required to test for alcohol or drugs if the supervisor believes that reasonable suspicion exists that the employee may be under the influence of alcohol or drugs.

2. When reasonably possible, a second managerial employee shall also observe the employee to verify that there is reasonable cause to believe that drug or alcohol consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his/her duties effectively and safely. The employee shall be relieved of his/her duties and placed on a leave of absence with pay status until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol. A preliminary statement as to the reason for the suspicion shall be given to the employee immediately upon notification of testing and written correspondence shall be provided within two business days outlining the circumstances and conditions of such determination.
3. If it is concluded that there reasonable cause to believe that drug or alcohol consumption is involved, the supervisor or appropriate manager shall have a drug or alcohol test administered. Failure of an employee to take the test(s) may be cause for disciplinary action, up to termination. The test(s) should be conducted immediately after the observation of the problem behavior.

Employees subject to this policy shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy (except prohibitions only against possession, transfer or sale of alcohol) may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulable observations (*"Contemporaneous" means that the driver's suspicious behaviors happening as you observe it. "Articulable" means you must be able to describe your observations clearly. You cannot require a test based on hearsay or your intuition*). Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use. The employee will be escorted to the testing center by their supervisor or Human Resources.

Alcohol testing for reasonable suspicion may only be conducted just before, during or after an employee's work schedule. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

1. An alcohol test is administered and the employee's breath alcohol concentration measures less than .02; or
2. 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

Post-Accident Testing

Employees may be required to submit to a test for alcohol or drugs if they are involved in an accident while driving a City vehicle, using City equipment or use of personal vehicle while conducting City business if there is reasonable suspicion of alcohol or drugs use.

If an employee is involved in a motor vehicle accident, as defined above, he/she must call their supervisor and the police for an investigation. If the police officer has probable cause to believe that the employee is under the influence of drugs or alcohol, the police officer shall follow protocols for dealing with intoxicated drivers.

If the police officer does not have probable cause to believe the employee is under the influence, and any of the circumstances outlined above are met, the employee will be taken by his/her supervisor for post-accident drug testing as soon as possible. An employee who is subject to post-accident testing shall remain readily available for such testing and will not take any action to interfere with testing or the results of testing. Additionally, an employee required to take a post-accident test will not use alcohol or drugs (except those drugs prescribed for the employee, but not including marijuana) for

eight hours following the accident, or until a post-accident test is given, whichever comes first.

Any employee who is tested for drugs because of being involved in an injury accident will be placed on paid leave pending the results of the drug test.

Employees who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to discipline, up to termination for refusal to test.

Nothing in this section will be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a driver from leaving the scene of an accident for the purpose of obtaining emergency assistance or to obtain necessary emergency medical care.

Drug Testing

The City of Wenatchee may require an employee to undergo testing when it has reasonable cause or suspicion to believe an employee may be in violation of this policy.

Any employee who tests positive for drugs (other than employer approved prescription drugs) while on duty will be immediately removed from the workplace pending an investigation into the misconduct.

Any employee who is tested for drugs based on the reasonable suspicion of a supervisor will be placed on paid leave pending the results of the drug test.

If tests determine the employee is under the influence of illegal drugs as indicated by a positive test for drugs, the supervisor, the Department Director and Human Resources will discuss the appropriate resolution of this issue.

Alcohol Test

Any employee who tests positive for alcohol while on duty (in the work place or attending or being at any event as a representative of the City in his/her official capacity) will be immediately removed from the workplace pending an investigation into the misconduct.

If a test based on reasonable suspicion determines the employee is under the influence of alcohol as indicated by a breath alcohol test resulting in an alcohol level of 0.04 or higher, observed physical evidence of impairment, or the determination that the employee has engaged in any prohibited conduct, the supervisor, the Department Director and Human Resources will discuss the appropriate resolution of the issue.

Alcohol test results are usually immediately available to the City.

Negative Results: If tests determine the employee is not under the influence of alcohol or illegal drugs on the job, the employee will be returned to work without loss of pay or benefits. Where appropriate, due to reasons of sickness, a signed physician's release may be required before turning the employee to work. If further time loss due to illness results, time-off should be charged to sick leave in the normal manner. If the behavior which led to the initial investigation is not due to substance abuse but continues to hinder performance, the supervisor may require the employee to undergo further medical evaluation.

Return to Duty Testing: An employee who has been tested under this policy and who receives a positive result for alcohol or illegal drugs or who refuses to take a substance test when asked to do so, will be removed from duty. If they are allowed to retain their job, they will be required to pass a drug and/or breath alcohol test prior to returning to duty.

Follow-Up Testing: An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a Substance Abuse Professional (SAP). The number and frequency of follow-up testing will be determined by the Substance Abuse Professional, but will not be less than six tests in the first twelve (12) months following the employee's return to duty.

Re-test

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer. An immediate re-test will be required if the result is found to be inconclusive or invalid by the laboratory.

Refusal to Test

No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include, but is not limited to:

- A. A failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with the procedural manual;
- B. Failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing in accordance with the procedures manual.
- C. Engaging in conduct that obstructs the testing process.
- D. Refusal to submit to a test shall be considered the same as a positive test result.
- E. Refusal to test or sign the release of information may result in disciplinary action up to and including termination.

Confidentiality and Record Retention: The City recognizes employee concerns about personal privacy. Confidentiality is an essential element of any testing program. If an alcohol or drug testing procedure is required, it will be performed in a manner which protects the privacy of the individual to the extent possible. Any employee violating this confidentiality will be subject to disciplinary action.

All records related to drug and alcohol testing will be maintained in the employee's secure medical file with controlled access by Human Resources.

Employee Assistance Program (EAP)

- a. **Voluntary Referral:** The City of Wenatchee supports employees who volunteer for treatment of alcohol or drug abuse. Supervisors at every level should encourage employees to use the EAP when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions, or when a specific on-the-job incident is cause for concern.

Any employee who comes forth and notifies the City of Wenatchee of alcohol or drug abuse problems will be given the assistance extended to employees with any other

illness. However, any such program may not interfere with the tests required by these rules. For example, an employee may not identify himself/herself as unfit to drive after having been in an accident or asked to take a reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other policies of the City of Wenatchee.

Sick leave, vacation leave or leave of absence without pay may be granted for treatment. Confidentiality of information will be maintained as much as possible at all times.

- b. **Mandatory Referrals:** If an employee who tests positive for alcohol or drugs is allowed to continue employment with the City, he/she will be required, as a condition of continuing employment, to seek assistance from the EAP and to carry out any treatment plan resulting from this referral. Employees required to seek such assistance will be required to sign a written release of information in order for the City to be appropriately informed of the employee's compliance and progress in any recommended treatment plan. The employee may use the EAP on city time (up to three visits per year) with supervisor's prior approval.

If an employee requests leave time for substance abuse treatment, the supervisor should contact Human Resources for help in determining if the leave qualifies for FMLA or use of sick leave.

Health Insurance coverage applies to substance abuse treatment within the terms of individual policies. The employee assumes financial responsibility for all services not covered by insurance.

Discipline

Although the City of Wenatchee's emphasis is on rehabilitation, it must be understood disciplinary action may be taken when an employee continues to demonstrate problems in job performance or is involved with, or under the influence of, drugs or alcohol on the job. The City of Wenatchee may discipline and/or immediately terminate an employee possessing, consuming, controlling, selling, or using alcohol, drugs or other controlled substances during work hours.

Depending on the circumstances an employee may be immediately terminated where the employee's impairment resulted in loss of life, injury to self or others, the loss or damage of property, determination is at the discretion of the immediate supervisor and/or director.

The City of Wenatchee may also discipline and/or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which impairs the employee's work performance, poses a safety risk, or negatively affects public confidence.

An employee will be subject to appropriate disciplinary action up to and including termination from employment if:

1. The employee tests positive for a drug or drugs;
2. Results from an alcohol test indicate a breath alcohol level of 0.04 or greater; and/or,
3. The employee has engaged in prohibited conduct.

All employees regardless of disciplinary action taken will be advised of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

The following provisions apply to those employees who are not terminated for their violations:

A. Positive Test Results and/or Engaging in Prohibited Conduct

If an employee tests positive for drugs or has an alcohol test that indicates a breath alcohol level of 0.04 or greater from a reasonable suspicion or post-accident test, or engages in prohibited conduct, the employee will be immediately removed from duties. The employee will not be permitted to return to work unless he/she:

1. Has been evaluated by a qualified Substance Abuse Professional; and,
2. Has properly followed any rehabilitation prescribed if recommended by a Substance Abuse Professional; and,
3. Has a verified negative result on a return-to-duty alcohol (<0.04) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty (60) months as recommended by the Substance Abuse Professional and the City of Wenatchee, with a minimum of six such unscheduled tests within the first twelve (12) months of returning to duty.

B. Alcohol Concentration of 0.02 but less than 0.04

Employees having a breath alcohol concentration of at least 0.02 but less than 0.04 shall be removed from duty requiring the driving of a City or Commercial vehicle for at least 24 hours.

Prohibited Substances

1. Drugs shall be defined as those substances whose dissemination is regulated by law including but not limited to narcotics, depressants, simulants, hallucinogens, cannabis, and alcohol. This definition shall include over-the-counter drugs and/or drugs that require a prescription or other written approval from a licensed physician, dentist, RN, or PA for their use.

The presence of trace amounts of alcohol, or over the counter drugs as evidenced by a drug or alcohol test, shall not be grounds for disciplinary action to the extent that job performance and/or the ability to perform safely is not lessened to any appreciable degree; except where the presence of these substances is in violation of an agreed upon treatment and/or return to work agreement.

2. Procedure: Sample Collection

The collection and testing of the samples shall be performed only by the laboratory and by physician or health care professional qualified and authorized to administer and determine the meaning of any test results. The laboratory performing the test shall be one that is certified by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA).

Collection of Blood or urine samples shall be conducted in a manner that provides security for the sample and freedom from adulteration. Proper chain of custody procedures must be followed for all samples as set by SAMHSA. Blood or urine samples will be submitted as per SAMHSA Standards. A split sample shall be reserved in all cases for an independent analysis in the event of a positive test result. All samples must be stored in a scientific acceptable preserved manner as established by SAMHSA. All positive confirmed samples related paperwork must be retained by the laboratory for at least six (6) months or for the duration of any grievance, disciplinary action, or legal proceedings, whichever is longer. Tests shall be conducted in a manner to ensure that an employee's legal drug use and diet does not affect the test results.

Under normal circumstances, the employee will be afforded complete privacy in the restroom for providing the urine sample. Certain situations do require the urine sample be provided under same-gender direct observation. Those situations include:

- The temperature on the original specimen was out of range; or
- The original specimen appeared to have been tampered with (i.e. unusual color, odor, foam, etc.); or
- The laboratory reported that a specimen is invalid to the employer and there was not an adequate medical explanation for the result; or
- The laboratory reported that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
- The laboratory reported that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5mg/dL, and reported the specimen to the employer as negative-dilute and a second collection must take place under direct observation; or
- All return-to-duty or follow-up drug tests.

When that occurs, the donor will be required to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.

Refusing to permit an observed collection, or possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, are considered a refusal to test and will constitute a verified positive drug test result.

Laboratory Results

The laboratory will advise the employer and the employee of any positive results. The employer will be required to keep the results confidential to the extent provided by law.

Testing Program Costs

The employer shall pay for all costs involving drug and alcohol testing. Return to work and follow up testing is at the employee's expense.

Physician's Release

Where appropriate, a signed physician's release may be required by the employer before the employee is returned to work. Time lost due to an illness may be charged to accrued leave. If the behavior that led to the initial investigation is not due to substance abuse but continues to hinder job performance, the City of Wenatchee may require that employee to undergo further medical evaluation.

Union Representation

An employee who is subject to an investigation related to substance abuse may have a Union representative present during the investigative procedures, outlined above. Disciplinary actions taken by the City of Wenatchee under this procedure shall be subject to the grievance procedure of labor agreements.

Union Held Harmless

This drug and alcohol testing program was initiated at the request of the employer. The Union shall be held harmless for the violation of any worker rights arising from the administration of the drug and alcohol-testing program.

The City of Wenatchee, the employee and the Union, where applicable, shall work cooperatively to facilitate the resolution of problems that arise under the administration of this policy. When appropriate, the employee and the City of Wenatchee shall enter into joint agreements that establish the form of treatment and the conditions that will be imposed for the return of an employee to the work place.

Changes in Testing Procedures

The City of Wenatchee recognizes that there may be improvements in technology that provide more accurate testing. In that event, the City of Wenatchee will notify and collect input from the various City of Wenatchee work groups in order to maintain a practical policy.

Conflict with Other Laws

This policy is in no way intended to supersede or waive any constitutional or other rights that the employee may be entitled to under federal, state or local statutes.

APPENDIX B” DRUG AND ALCOHOL POLICY FOR COMMERCIAL DRIVERS LICENSE (CDL) HOLDERS

DOT-Regulated Drivers (CDL)

Federal regulations require that employers conduct alcohol and controlled substances testing of drivers who operate commercial motor vehicles, mechanics, and supervisors with a commercial driver's license who fill in. For the purpose of this policy, the employee will be referred to as "driver" and the employer will be referred to as "Employer." This policy provides guidelines for circumstances under which the Federal Motor Carrier Safety Administration (FMCSA) and the United States Department of Transportation (DOT) mandated testing must be conducted. Of course, all the details of every possible situation cannot be anticipated, so the Employer reserves the right to determine the appropriate application of this policy and general employment policies to any particular case.

Drivers covered by this policy have been provided a copy of these FMCSA/DOT provisions and by signature verify that they have read and understand the policy. **Drivers should note that in addition to the required DOT regulations, they are also subject to the Employer's drug and alcohol policy and all other policies and procedures applicable to all drivers.**

The Employer expects all drivers to work drug and alcohol-free at all times. If you have any questions about this policy, contact your immediate Supervisor or the Human Resources Department at ext. 3603 or 3608.

The following conditions and activities are expressly prohibited:

The manufacture, or sale, or use or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances which impair job performance or pose a hazard, when use or possession occurs on Employer premises or property, or during work time, or while representing the Employer in any work-related fashion.

Reporting for work having consumed alcohol or used illegal drugs or controlled substances at a time, or in such quantities, or in a manner that may impair work performance. For purposes of this policy, having any detectable level of an illegal or controlled drug, or alcohol with an alcohol concentration of .02 or greater, in one's system while covered by this policy will be considered to be a violation.

Alcohol and drug problems

In some cases alcohol and drug abuse can be a result of chemical dependency that can be successfully treated with professional help. Drivers who are having problems with alcohol or drug use are encouraged to seek voluntary counseling and treatment. It is **the driver's** responsibility to seek help when needed, and to do so **before** substance abuse causes problems on the job or results in disciplinary action.

Drivers who admit to alcohol misuse or controlled substances use are not subject to the referral, evaluation, and treatment requirements of 49 CFR Part 382 and 40, provided that:

- The admission is in accordance with the Employer's written established voluntary self-identification policy;
- The driver does not self-identify in order to avoid testing;

- The driver makes the admission of alcohol misuse or controlled substances use before performing a safety-sensitive function;
- The driver does not perform a safety-sensitive function until the Employer is satisfied that the driver has successfully completed education or treatment requirements in accordance with the self-identification program guidelines.

The Employer will:

1. Not take adverse action against a driver for making a voluntary admission of alcohol misuse or controlled substances use provided that the admission occurs **before** the driver has been subject to disciplinary action or the use/misuse has affected job performance;
2. Allow the driver sufficient opportunity to seek an evaluation, education or treatment to establish control over the driver's drug or alcohol problem;
3. Permit the driver to return to safety sensitive duties **only** upon successful completion of an educational or treatment program, as determined by a substance abuse professional.

Definitions:

Alcohol - the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol concentration (or content), BAC - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382.

Alcohol use - the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Commercial motor-vehicle - a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
- Has a gross vehicle weight rating of 26,001 or more pounds; or
Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

Controlled substances - substances identified in 49 CFR Part 40.85, as amended: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

DOT Agency - an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with 49 CFR Part 40.

Driver - any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly

employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

Drug - any controlled substances, prescription, or over-the-counter medication.

EBT (or evidential breath testing device) - approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming to the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

Employer - an entity employing one or more drivers (including an individual who is self-employed) that is subject to DOT agency regulations requiring compliance with 49 CFR Part 382. The term refers to the entity responsible for overall implementation of DOT drug and alcohol program requirements, as well as those individuals employed by the entity who take personnel actions resulting from violations of 49 CFR Part 382 and any applicable DOT agency regulations. Service agents are not employers.

Licensed medical practitioner - a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical Review Officer (MRO) - a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing (a safety-sensitive function) - a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Refuse to submit (to an alcohol or controlled substances test) - a covered driver:

- Fails to show up for any test (except a pre-employment test) within a reasonable time after being directed to do so by the Employer. This includes the failure of a driver to appear for a test when called by a Consortium/Third Party Administrator);
- Fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test. The testing process commences once the applicant has been provided the specimen collection cup.
- Fails to provide a urine specimen for any drug test or breath or saliva sample for an alcohol test required by 49 CFR Part 382, if the driver leaves after the testing process has commenced;
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen;
- Fails to provide a sufficient amount of urine, breath or saliva when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure to provide.
- Fails or declines to take a second test the employer has directed following a negative dilute result as required by 40.197(b);
- Fails to undergo an additional medical examination, as directed by the MRO as part of the verification process, or as directed by the Designated Employer Representative

(DER) concerning the evaluation as part of the "shy bladder" procedures in 49 CFR Part 40, subpart I; or fails to undergo a medical examination or evaluation as directed by the employer as part of the insufficient breath procedures outlined in 40.265(c).

- Fails to cooperate (e.g. refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector) or otherwise interferes with any part of the testing process.
- Fails to sign the certification at Step 2 of the alcohol testing form (ATF).
- Is reported by the MRO as having a verified adulterated or substituted test result.
- For an observed collection, fails to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO to having adulterated or substituted the specimen.

Safety-sensitive function - all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
2. All time inspecting equipment as required by 49 CFR 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);
5. All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
6. All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

Prohibited conduct

The following is considered prohibited conduct under this policy:

1. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
2. No driver shall use alcohol while performing safety-sensitive functions.
3. No driver shall perform safety-sensitive functions within four hours after using alcohol.
4. No driver required to take a post-accident alcohol test under 49 CFR 382.303 shall use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. No driver shall refuse to submit to a post-accident, random, reasonable suspicion, or follow-up controlled substance and/or alcohol test required by 49 CFR Part 382.
6. No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised

the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

7. No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for controlled substances.
8. ***No driver may possess any prescription medication or report to work while using any prescription, except when he/she is under a doctor's care and the doctor has advised the driver that the substance does not affect his/her ability to safely operate a commercial motor vehicle. The use of medication that could affect a driver's safe job performance is prohibited while working. The driver shall report to immediate Supervisor or Human Resources Department at ext. 3603 or 3608, the use of any prescribed medication and, without identifying the medication, shall provide a certificate from the driver's doctor that the use of the medication will not impair the ability to safely perform his/her duties. If, as a result of testing under this policy, the driver is found to have the presence of controlled substances in the body which is a result of the use of his/her legally prescribed medication that has not been reported, the driver shall be removed from service without pay until it is determined that the use of medication will not impair his/her ability to safely perform assigned duties. ***
Employer requirement, not a DOT mandated requirement

The Employer shall not permit a driver to continue to perform safety sensitive functions if the Employer has actual knowledge of a driver violating any of the aforementioned prohibitions.

The Employer can obtain actual knowledge based on the employer's direct observation of the driver, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or a driver's admission of alcohol or controlled substances use, except as discussed in the Employer's voluntary self-identification program.

Other related alcohol conduct

A driver tested under the requirements of this policy who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall be removed immediately from performing safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following the test administration. ***In addition, the driver may be subject to discipline up to termination. *****Employer requirement, not a DOT mandated requirement.**

Controlled substances and alcohol testing

The driver may be tested for controlled substances at any time during his/her work day, except for pre-employment testing, and alcohol testing will be conducted just before, during or after performing safety-sensitive functions. Submission to the controlled substance and alcohol testing described in this policy is a condition of employment with the Employer for those drivers covered by DOT and FMCSA regulations. A refusal to submit (as described above) will constitute a violation of this policy and be grounds for termination of employment.

All negative dilute specimen test results will require the applicant or driver to submit to an immediate retest. He/she should report as early in the day as possible and refrain from drinking any fluids for at least two (2) hours prior to testing. **Employer requirement, not a DOT mandated requirement.**

Drivers will be subject to testing as follows:

Pre-employment: Drivers will be tested for controlled substances unless the applicant participated in a DOT testing program within the past 30 days **and**:

1. Has passed a DOT controlled substance test within the past six (6) months; **or**
2. Was subject to DOT random controlled substance testing program for the previous 12 months; **and**
3. Has not violated any prohibitions of 49 CFR Part 382 within the past six (6) months.

A driver/applicant who tests positive on a pre-employment test will not be hired, however, may be eligible to reapply for employment with the Employer after **six (6) months** from the date of the positive test. In addition, an applicant who tested positive on any DOT mandated pre-employment drug test after August 1, 2001, must provide documentation of his/her successful completion of DOT return-to-duty requirements (i.e. an evaluation by a substance abuse professional, education and/or treatment, and a negative DOT pre-employment test, all of which meet the requirements of 49 CFR Part 40).

The Employer will make required inquiries to all previous DOT covered employers the applicant worked for in the past two (2) years. The inquiries are to obtain information regarding any verified positive drug test results, any alcohol test results 0.04 or greater, or any refusals to test that occurred while employed. This information will be obtained by the applicant's written consent. This consent is a condition of employment. Refusing to provide consent will result in the job offer being withdrawn.

Post-accident: As soon as practical following an occurrence involving a commercial motor vehicle operating on a public road in commerce, each surviving driver shall be tested for controlled substances and alcohol if:

1. The driver was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life (fatality); or
2. The driver received a citation for a moving violation and the accident involved bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident; or
3. The driver received a citation for a moving violation and the accident involved one or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

****In addition, any driver involved in any commercial motor vehicle accident, where no citation has been issued, will be required to submit to testing. Testing will be to determine the presence, use, or any involvement with alcohol or drugs unless the Employer determines, at its discretion, that the accident could not have been caused by alcohol or drug use. The driver will submit to an alcohol test within eight (8) hours and a controlled substances test within 32 hours of the accident. The driver must advise the collection site and alcohol testing personnel that the test being required is an Employer-required test, not a mandated DOT test. ****Employer requirement, not a DOT mandated requirement.****

A driver may not consume alcohol for eight (8) hours following an accident that requires the DOT alcohol test. The alcohol test must be completed within two (2) hours of the accident; if not, the driver must advise the Employer the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the accident. After eight (8) hours the attempt to test will be ceased, and the driver must again provide the

reasons for the test not being administered. A driver must remain readily available for testing, or may be deemed by the Employer to have refused to submit to testing.

A controlled substances test shall be administered as soon as practical up to 32 hours following the accident. After 32 hours the attempt to test will be ceased, and the driver must provide the reasons for the test not being administered promptly. A driver must remain readily available for testing, or may be deemed by the Employer to have refused to submit to testing.

Nothing in this policy should be construed to require the delay of necessary medical attention for the injured.

Random: The employer is using a consortium/third party administrator to facilitate the random selection of drivers and notification to the employer of the driver(s) selected for testing.

Drivers will be subject to random alcohol and controlled substance testing under the following program:

1. Random selection of drivers will be made by a scientifically valid method using a computer-based random number generator that is matched with drivers' social security numbers.
2. Each driver shall have an equal chance of being drawn each time selections are made.
3. Selections for testing are unannounced and reasonably spread throughout the calendar year.
4. Random selections are made to ensure testing for controlled substances is conducted at not less than the minimum annual 50% rate and alcohol is conducted at not less than the minimum annual 10% rate, or the rates as established by the FMCSA.
5. A driver shall only be tested for alcohol just before, during, or after performing safety-sensitive functions; however, he/she may be tested for controlled substances any time while performing work for the employer.
6. Once a driver is notified of selection for random alcohol and/or controlled substances testing, he/she shall proceed to the test site immediately.

Reasonable suspicion: Drivers will be tested for alcohol and/or controlled substances whenever the employer has reasonable suspicion that the individual has violated any of the drug and alcohol policy (for example, if the employer observes physical signs of drug or alcohol use, such as slurred speech, unsteady gait, dilated pupils, odor of alcohol or controlled substances, etc.; or if observed, unusual behavior suggesting the use of controlled substances or alcohol in violation of the Employer policy). Drivers required to be tested under reasonable suspicion testing will be removed from performing safety-sensitive functions pending the outcome of the test result(s) and be transported to the testing facility by the Employer.

Reasonable suspicion drug testing is authorized when the supervisor's observation of the driver's behavior occurs any time during the workday. Reasonable suspicion alcohol testing is authorized only if the supervisor's observation of the driver's behavior has been made during, just preceding, or just after performing any safety-sensitive function.

The alcohol test must be completed within two (2) hours of the observation; if not, the Employer must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the observation. After eight (8) hours, the

attempt to test will cease, and the Employer must again provide the reasons for the test not being administered.

If an alcohol test is not completed within the two (2) or eight (8) hour time periods, the employer shall prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frames.

The Employer shall not permit a driver to report for duty, remain on duty, perform, or continue to perform any safety-sensitive functions while the driver is impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, until:

1. An alcohol test is administered and the driver's alcohol concentration measures less than 0.02 percent; or
2. The start of the driver's next regularly-scheduled duty period, but not less than twenty four (24) hours following the supervisor's determination that reasonable suspicion exists.

Supervisors and any Employer representative that may be expected to serve in a supervisory capacity, and who may be required to make a reasonable suspicion determination, must have received at least 60 minutes of training on the indications of probable drug use and an additional 60 minutes training on the indicators of probable alcohol misuse. Only those individuals who have received this training are qualified to make these decisions. Training refreshers should occur every 2 years.

Return-to-duty: No driver found to be in violation of the Employer drug and alcohol policy will be permitted to return to duty involving safety-sensitive functions until the driver has a verified negative controlled substances test and/or an alcohol test with a result less than 0.02 alcohol concentration. All controlled substances return-to-duty tests will be conducted by same-gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

Follow-up: Any driver in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances use as identified through the evaluation by the Substance Abuse Professional will, if still employed, be required to enter into a Last Chance Agreement and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional. The Employer may perform follow-up testing for five years. All controlled substances follow-up tests will be conducted by same-gender direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive.

Failure to cooperate: Drivers who are subject to this policy are expected to comply fully with any required testing. Failure to do so (including, for example, but not limited to, refusing to sign consent or refusing to test, obstructing the testing process, failing to make themselves available for a required test, failing to provide an adequate sample for testing, attempting to adulterate or substitute a specimen, or in any way tampering with a required test, failure to empty pockets or wash hands as requested by collection site personnel, refusing to permit an observed collection, possessing or wearing a prosthetic or other device that could be used to interfere with the collection process) will cause the driver to be immediately relieved from performing safety-sensitive functions, and will also be considered a violation of Employer policy that will subject the driver to discipline, up to and including termination of employment. The Employer also reserves the right to involve

law enforcement officials for any conduct that it believes might be in violation of state or federal law.

Testing procedures

Urine specimen collection: Specimen collections will be conducted in accordance with the procedures of 49 CFR Part 40, as amended. The collection procedures are designed to ensure the security and integrity of the specimen provided by each covered driver, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to preserve the individual's privacy as much as possible consistent with ensuring an accurate result. Covered drivers will be required to empty their pockets before providing the drug test specimen.

Under normal circumstances, the applicant or covered driver will be afforded complete privacy in the restroom for providing the urine sample. Certain situations do require the urine sample be provided under same-gender direct observation. Those situations include:

- The temperature on the original specimen was out of range; or
- The original specimen appeared to have been tampered with (i.e. unusual color, odor, foam, etc.); or
- The laboratory reported to the MRO that a specimen is invalid, and the MRO reported to the Employer there was not an adequate medical explanation for the result; or
- The MRO reported to the Employer that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed; or
- The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5mg/dL, and the MRO reported the specimen to the Employer as negative-dilute and a second collection must take place under direct observation; or
- All return-to-duty or follow-up drug tests.

When that occurs, the donor will be required to follow the observer's instructions to raise their clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.

Refusing to permit an observed collection, or possessing or wearing a prosthetic or other device that could be used to interfere with the collection process, are considered a refusal to test and will constitute a verified positive drug test result.

Laboratory analysis: As required by 49 CFR Part 40, only a laboratory certified by the Department of Health and Human Services (DHHS) will be retained by the Employer to perform the analysis of the urine specimen for controlled substances. The initial screening test will be performed by immunoassay and will test for substances and at cutoff levels required by 49 CFR Part 40, as amended. All specimens identified as positive on the initial screening test will be confirmed using gas chromatography/mass spectrometry techniques at cutoff levels required by 49 CFR Part 40, as amended.

Breath alcohol: Testing will be conducted by a qualified technician according to 49 CFR Part 40 procedures. Either a breath or saliva test by an EBT device will be used for the testing.

Medical review

All controlled substances test results will be reviewed by a Medical Review Officer (MRO) before results are reported to the Employer. The MRO will attempt to contact the driver to discuss the test results before reporting positive results to the Employer.

Notification of results

The Employer will notify the affected driver of any controlled substances test that is reported as positive by the MRO. The Employer will notify driver-applicants of the results of pre-employment controlled substances testing if the applicant requests that information in writing within 60 days after the Employer notifies the applicant that he/she has or has not been hired.

Reanalysis of original specimen

Within 72 hours of the MRO notifying the driver of a verified positive controlled substances test, an adulterated or substituted specimen, the driver may request the reanalysis of the original specimen. Only the MRO may authorize such a reanalysis, and such a reanalysis may take place only at laboratories certified by the Department of Health and Human Services (DHHS). If the reanalysis fails to reconfirm the presence of the drug or drug metabolite, the MRO shall cancel the test.

All applicants/drivers have a right to request the reanalysis of the original specimen, for which the applicant/driver will be responsible to pay.

Confidentiality

Records required under this policy, including test results, will be maintained in a secure location with controlled access. Each driver shall, upon written request, be entitled to receive copies of his/her own records, and to have copies of his/her records made available to any subsequent employer. Information may also be disclosed to the relevant state or federal agencies, or in connection with judicial, administrative or related proceedings (e.g., grievances and arbitration) initiated by or on behalf of the driver.

Evaluation and referral

DOT regulations require that any driver who violates the alcohol and controlled substances rules of 49 CFR Part 382 be advised of available evaluation resources and be evaluated by a Substance Abuse Professional. The driver must complete an appropriate education and/or treatment program before being eligible to return to safety sensitive duty.

Before returning to performing safety-sensitive functions for **any** DOT employer, a driver must be tested for controlled substances with a verified negative controlled substances test result and/or alcohol with a test result less than 0.02 alcohol concentration. The driver will be subject to follow-up testing of at least six tests in the first 12 months of returning to duty, and follow-up testing may continue for five years.

Information on effects and signs of alcohol and controlled substance use

DOT regulations require employers to furnish information regarding the effects of alcohol and controlled substance use, as well as the signs and symptoms of such use. Anyone who suspects a co-worker has an alcohol or drug problem may refer the co-worker to contact information for the Substance Abuse Professional (CompPsych 1-800-570-9315 <http://www.guidanceresources.com>, the City's Employee Assistance Program (1-800-570-9315), or to management.

Consequences

Under normal circumstances, drivers violating this policy or federal regulations will be suspended from performing any safety-sensitive functions with a commercial motor vehicle as defined by this policy and will be subject to disciplinary action up to and including termination of employment. Under some circumstances the Employer may agree to return a driver to performing these functions following treatment and rehabilitation. When that occurs, the driver must pay the cost of any treatment and rehabilitation. The Employer medical plan, if available to the driver, may cover a portion of the costs associated with the

pre-treatment evaluation and treatment (refer to your plan). Uncovered costs of treatment are the driver's responsibility to pay. The Employer will pay the cost of any follow-up controlled substances or alcohol testing required by 49 CFR Part 382.

When, at the Employer's discretion, a driver is returned to work, the driver will be required to enter into a Last Chance Agreement and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional in order to continue to perform safety-sensitive functions and operate a commercial motor vehicle requiring a CDL.

The Employer reserves the right to take disciplinary action up to and including termination for violation of the Employer drug and alcohol policy where and when deemed appropriate.

APPENDIX C” CHANGE LOG

NEW DOCUMENT REVISED DOCUMENT CHANGE LOG ONLY

CHANGE NO.	DESCRIPTION	LOCATION
000	New document 6/11/2015 – Resolution 2015-37 adopting an employment and personnel Policies Manual.	Pages 1 - 67

NEW DOCUMENT REVISED DOCUMENT CHANGE LOG ONLY

CHANGE NO.	DATE / DESCRIPTION	LOCATION
001	8/28/2015, added Appendix A & B to Table of Contents. Existing body not previously included on Table of Contents.	Table of Contents Appendix section

NEW DOCUMENT REVISED DOCUMENT CHANGE LOG ONLY

CHANGE NO.	DATE / DESCRIPTION	LOCATION
002	9/15/2015, clarification update Section 6.11, A leave bank will be used for bereavement leave.	Page 36, Section 6.11

NEW DOCUMENT REVISED DOCUMENT CHANGE LOG ONLY

CHANGE NO.	DATE / DESCRIPTION	LOCATION
003		