

Personnel Policies



CITY OF NEWCASTLE
NEWCASTLE, WASHINGTON

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CHAPTER 1 INTRODUCTION

1.01 WELCOME

Welcome to the City of Newcastle (the “City”). If you are a new employee, the City welcomes you and hopes that your experience with us will be rewarding. If you are a current employee, the City wishes to express its sincere appreciation for your continued valued service.

The City is a non-charter code city organized and existing under Title 35A RCW. The City of Newcastle borders Bellevue, Issaquah, and Renton Washington. At the time of the adoption of this handbook, the City serves approximately 13,310 residents.

As you will learn, our main goals and aspirations are to always provide quality and courteous customer service. We strive to maintain these ideals in all of our efforts and achievements. In order to achieve these goals and provide the quality of services rightfully expected by our constituents, it takes all of us working together in a positive and creative environment. The City has prepared the personnel policy in an effort to clearly outline the City’s expectations of its employees as well as to advise you of the City’s current policies and procedures. It is your responsibility to read this personnel policy handbook carefully and to contact your immediate supervisor, or Human Resources with any questions or concerns regarding the policies stated herein.

It is the City’s goal to effectively and efficiently serve its constituents to the best of its ability. As an integral part of this organization, your success in your job is vital to us in attaining our goals. We hope our relationship will be satisfactory and mutually beneficial. Again, welcome!

1.02 CITY OF NEWCASTLE STAFF

Every City employee is selected for three reasons: their job skill, their ability to do several additional jobs, and their positive approach to customer service. We have to be good not only at our own jobs, but also have to help others be good at theirs. We select each City employee expressly for their ability to enhance our team approach to City services.

The achievement of the City’s goals of providing excellent service to our constituents is dependent upon teamwork between all employees of the City. Each of us in the City has an important role to play and the success of each of us is dependent upon the contribution, support, and performance of others. Because teamwork, mutual respect and support are key ingredients to success, significant importance is placed on promoting ideas aimed at achieving and maintaining the spirit of teamwork among all of the staff.

We pride ourselves on selecting, training, and supporting a high quality, multi-talented, flexible, and customer service-oriented City staff. We believe that our competitive pay and flexible approach to benefits helps us attract and retain excellent employees.

1.03 ORGANIZATION

Newcastle is a “Council-Manager” city. It is governed by a seven-member City Council. Each council member is elected by voters to serve a four-year term. The election of City Council Members is staggered in two cycles. Four City Council Members are elected at the general municipal election during non-presidential election years. The remaining three City Council Members are elected two years later. The

Council, acting as a body, sets the general policies of operation. The day-to-day function of the City is administered by a City Manager selected by the Council. All City employees work for the City Manager.

A formal Organization Chart detailing City functions and positions is part of the budget document. The City Council annually approves positions, pay ranges, and benefits as part of the annual budget. The City Manager, Directors and Managers are responsible for the individual pay and benefit administration within these Council-approved pay and benefit plans. Please feel free to discuss with your supervisor your position, how it fits into the organization, and how your pay is determined.

1.04 VISION/MISSION STATEMENT

The City of Newcastle staff strives to provide quality customer service. This means making visitors to City Hall feel welcome and answering citizens' questions and concerns in an efficient and timely manner. It also means following through to ensure that each situation has been resolved to the best of our ability.

"Public service" is important to all of us at City Hall. We are here to help translate the Council goals into concrete work plans, to help ensure that tax dollars are spent prudently, and to help citizens find solutions to their problems. The City of Newcastle is a city of innovation; one that knows there is always room for improvement and that doing things the way they have always been done isn't necessarily the best way. We pride ourselves on our willingness to grow and learn from our mistakes and to build on the successes of others. We are committed to keeping Newcastle a quality community in which to live and work.

The Mission/Vision of the City of Newcastle.

The mission is to serve the Newcastle Community in an effective, efficient, professional, friendly and fiscally responsible manner that promotes fairness, fosters a sense of community and assures equity, integrity, dignity, and respect.

Our guiding vision for the community is that of a diverse, safe, tolerant and economically viable residential community, with its foundation in strong neighborhoods, family values, trust, respect for the natural environment and an appreciation of its history.

1.05 INTENT OF POLICIES

General Policies

1. Recruitment, selection, retention, and separation of City employees are based on qualifications and experience and are in compliance with federal and state laws.
2. The City will provide for equal opportunity in employment practices and standards.
3. The City will clarify through policies and procedures the rights and responsibilities of its employees.
4. Employment with the City of Newcastle depends on the need for work to be performed, the availability of funds and the effective performance, good conduct, and continuing ability of the employee to perform the essential functions of the position with or without a reasonable accommodation.

Goals

The goals of the policies established by this manual include:

1. To provide city services by encouraging employees to perform their duties to the best of their ability and to provide city services to the citizens of Newcastle in a courteous and professional manner.
2. To facilitate harmonious relations and clear communication between elected officials, administrators, managers, supervisors, and employees.
3. To provide fair compensation for duties performed by its employees within the financial capacity of the city, including the provisions of benefits and satisfactory working conditions.
4. To provide a fair and open process for employees to air grievances or complaints without fear of recrimination.
5. To provide an efficient personnel management system that deals with all employees in an equitable manner.

This Employee Handbook is presented as a matter of information only. It is not a contract between the City and any of its employees and it should not be interpreted as making any promises of specific treatment in specific situations. Further, this Employee Handbook is only a summary of the policies adopted by the City and is not intended to confer contractual rights of any kind upon any employee or to create contractual obligations of any kind for the City.

The City reserves the right to modify, amend or repeal any of these policies at any time. These policies may also be supplemented by other administrative policies and procedures issued by the City Manager. Employees may request specific changes to these policies by submitting suggestions to their supervisor or Human Resources.

The employer/employee relationship is at-will. "At-will" means you may resign your employment at any time for any reason and the City may terminate your employment at any time with or without cause and with or without notice. No supervisor or other City representative has the authority to modify an employee's at-will status or make representations that are inconsistent with the policies in this Handbook unless the modification is in writing and duly approved by the City Manager.

Please see your immediate supervisor if you have any questions regarding any of the policies or procedures generally outlined herein.

1.06 SCOPE OF POLICIES

These personnel policies apply to all City employees, except the City Manager, who serves at the pleasure of the City Council. These personnel policies do not apply to City Council members.

This Handbook supersedes all previous City policies. Notwithstanding, to the extent that any group of City employees is represented by a collective bargaining agreement for that group, the terms of the collective bargaining agreement shall supersede this Handbook with respect to those represented employees.

Should any conflict arise between the rules established in this manual and any ordinance of the City, such ordinance shall take precedence. These policies and procedures are subject to all applicable existing or future laws or regulations of the State of Washington and Federal Government (as amended to from time to time). Wherever there is a conflict between the provisions of these policies and procedures and any applicable law or regulation, the provision of the law shall govern.

1.07 ADMINISTRATION OF THE PERSONNEL SYSTEM

These policies and the City's personnel system shall be administered as follows:

City Council: Adopts the budget which includes adjustments to salaries, benefit changes, authorization for positions and training appropriations. The Council may adopt, amend, or revise these personnel policies by resolution.

City Manager: Has final responsibility for implementing and interpreting these personnel policies. The City Manager is responsible for the final decision on hiring, termination, and discipline of all employees.

Supervisor: Directors and/or Managers who are responsible for administering their own department in accordance with these policies and any applicable laws. They are responsible for the hiring, discipline, and termination of their employees, subject to approval by the City Manager.

Human Resources: An employee designated by the City Manager to administer the personnel system on behalf of the City Manager, provides interpretation of these policies, and advises the City Manager and employees on personnel matters.

1.08 DEFINITIONS

Immediate Family: Includes the employee's spouse, registered domestic partner, child, parent, brother or sister, mother or father-in-law, son or daughter-in-law, grandparent, grandchild, step relations as stated herein and significant others who live in the employee's home.

Regular Employee: An employee who has successfully completed a working test period as defined in section 3.05 of these policies.

Full Time: An employee who normally works a minimum of forty (40) hours a week.

Part-Time: An employee who normally works less than forty (40) hours a week.

Temporary/Seasonal Employee: Employees who are hired for a pre-established period and usually on a short-term basis. Temporary/seasonal employees may work a full or part-time schedule but are limited to 1,040 hours in a calendar year. Temporary/seasonal employees are ineligible for City benefits or paid time off, except as otherwise required by law.

Working Test Period Employee: An employee who has not completed his/her working test period in a regular position and who has not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include working test period employees.

Anniversary Date: The date the employee commenced work with the City; or a date based on the commencement of employment but adjusted for periods of unpaid leave. Benefits normally calculated based on the anniversary date include vacation and sick leave eligibility and accrual, eligibility for insurance and retirement programs and calculation of years of service with the City.

Position Date: The date the employee commenced work in a specific position and/or classification.

Performance Review Date: The date established by the City Manager as the next formal performance review date for the employee. Normally this occurs 12 months from the last review date; however, the formal performance review date may be delayed or accelerated. Adjustments to the employee's salary, if any, would normally occur following a performance review date.

Exempt Employees: Employees whose positions meet both the salary and duties tests established by the Fair Labor Standards Act (FLSA) and state law and who are exempt from federal and state overtime pay requirements. Typically, but not always, the City's exempt employees are those in a qualifying executive, professional or administrative position, as those positions are defined by law.

Non-exempt Employees: Employees whose positions do not meet FLSA and state exemption tests and who are paid a rate of one and one-half (1½) times their regular rate of pay for hours worked in excess of forty (40) hours per work week.

Motor Vehicle: Every vehicle which is self-propelled, including, but not limited to cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.

CHAPTER 2 GENERAL POLICIES AND PRACTICES

2.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Newcastle is dedicated to equal employment opportunities. It provides equal employment opportunities without regard to sex/gender, race, citizenship, color, creed, religion, national origin, age, marital status, sexual orientation (including gender identity or expression), mental or physical disability, military or veteran's status, genetic information, or any other legally protected status.

This policy relates to all phases of employment, including but not limited to recruitment, placement, promotion, training, demotion, transfer, lay-off, recall, termination, and compensation. We comply with all applicable federal, state, and local laws that prohibit discrimination in employment.

Employees who believe that their protected class status was taken into account in any employment decision should complain immediately to Human Resources. If the employee believes Human Resources is involved in the discrimination, the employee should inform either the City Manager or the City Attorney. Any complaints of unlawful discrimination will be investigated, and the City will take prompt, corrective action to remedy any complaints found to have merit.

Any City employee who is found to have violated the City's strict policy against any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2.02 GENETIC INFORMATION NON-DISCRIMINATION ACT

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that you not provide any genetic information when responding to requests for medical information. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. (29 C.F.R. 1635.8(b) (1) (i) (B))

2.03 REASONABLE ACCOMMODATION

Reasonable Accommodation of Disabilities

The City complies with the Americans with Disabilities Act (ADA) and all applicable state and local fair employment practices laws and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the City will provide a reasonable accommodation to qualified employees with a disability if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to the health or safety of others.

If you would like to request reasonable accommodation, please contact Human Resources. Human Resources will work with you (and your health care provider, as needed) to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

Reasonable Accommodation of Religious Beliefs

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business or operations. If you believe you need accommodation for religious reasons, please contact Human Resources.

2.04 ANTI-HARASSMENT/NON-DISCRIMINATION AND NON-RETALIATION POLICY

The City is committed to providing a workplace that is free of all forms of harassment including, but not limited to verbal, physical, and visual harassment, so that everyone can work in a productive, respectful and professional environment. Harassment in employment based on sex, race, national origin, religion, age, disability, sexual orientation, military or veteran's status or any other basis prohibited by local, state, or federal law is strictly prohibited. Employees who violate this policy are subject to discipline, up to and including termination.

Examples of harassment based on protected status, such as national origin, religion, age, or disability, include, but are not limited to:

- Memos, emails, cartoons or other visual displays of objects, pictures, or posters that depict such groups or individuals in a derogatory way;
- Verbal conduct, including making or using derogatory comments, epithets, slurs and jokes towards individuals or such groups.

Sexual harassment is generally defined as unwelcome sexual advances, requests for sexual favors, or other visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct affects employment opportunities;
- The conduct interferes with an employee's work or creates an intimidating, hostile or offensive work environment.

Sexual harassment includes harassment based on another person's gender, pregnancy, childbirth or related medical conditions. It also includes harassment of another employee of the same gender as the harasser.

Examples of sexual harassment include, but are not limited to, the following types of behavior:

- Unwelcome sexual advances, like requests for dates or propositions for sexual favors;
- Excessive, one-sided, romantic attention in the form of love letters, telephone calls, emails, or gifts;
- Offering or condition an employment benefit, such as a raise, a promotion, or a special job assignment, in exchange for sexual favors;
- Making or threatening reprisals, or changing performance expectations after an employee has turned down a sexual advance;
- Visual or physical conduct, like leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, calendars or posters in the workplace;
- Verbal conduct or written material (including emails or other electronic documents), like making or using derogatory comments, epithets, slurs, teasing and jokes of a sexual nature;

- Graphic verbal or written comments (including emails or other electronic documents), about an individual's sex life or body;
- Sexually degrading words used to describe an individual;
- Suggestive or obscene letters, emails, notes or invitations; and
- Unwelcome physical conduct, including pats, hugs, brushes, touches, shoulder rubs, assaults, or impending or blocking movements.

This policy is also violated if an employee is fired, denied a job or denied some other employment benefit because the employee refused to grant sexual favors, complained about harassment or assisted in an investigation of harassment.

The City is committed to taking reasonable steps to prevent harassment from occurring and will take immediate and appropriate action when unlawful harassment is reported. To do this, however, the City needs the cooperation of all employees at all levels.

What to do if harassment occurs:

Each employee is responsible for supporting and adhering to this policy. Employees should never tolerate inappropriate behavior. They should make their feelings known to the offending employee. If they are not comfortable doing this, then they should promptly report any offending behavior, whether such behavior is directed towards them personally or towards other employees of the City, to their immediate supervisor, or Human Resources. Employees are encouraged to report concerns about discrimination or harassment before behaviors become severe or pervasive, as the City seeks to stop discrimination or harassment before it rises to the level of a violation of laws. Supervisors and managers who know or receive reports of offending behavior must promptly notify Human Resources so that appropriate action can be taken.

The City will promptly and thoroughly investigate all claims of harassment. Complaints of discrimination or harassment will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that allegations of discrimination or harassment are shared with those who have a need to know so that the City can conduct an effective investigation and take appropriate action to prevent any further violation of this policy.

The complaining employee will usually be requested to provide as many details as possible, such as the date(s), location(s), name(s), of witnesses, or information about the alleged harasser(s). Persons with relevant information will be interviewed. During the investigation, steps may be taken, when appropriate, to minimize contact between the complaining employee and the alleged harasser. After the investigation is completed, the City will share its findings with the complaining employee, the alleged harasser, and if appropriate other employees directly concerned with the incident.

If the City concludes that unlawful harassment occurred, prompt and effective remedial action will be taken. This may include discipline of the harasser and other actions to remedy the effects of the harassment and prevent further harassment.

The City strictly prohibits retaliation against those who have made a good faith complaint of harassment or who assists in the investigation of such complaint by providing information. Violations of the City's anti-retaliation policy may lead to disciplinary action, up to and including termination. Employees who believe that they have been retaliated against for having reported harassment or participated in an investigation of a harassment complaint are urged to promptly notify the City Manager or Human Resources so that their concerns may be investigated. Appropriate corrective measures will be taken if allegations of retaliation are substantiated.

2.05 PERSONNEL FILES

The City maintains personnel records on all employees. In order to keep these records complete and up to date, it is essential that all employees, including those on medical leave of absence, notify the Human Resources of any changes, such as address, telephone number, number of dependents, marital/domestic partner status, insurance beneficiary or persons to notify in case of emergency. All changes should be submitted in writing to Human Resources.

The privacy of personnel records is respected within the City. Private information will not be released without your written consent, unless required by law or for review by management on a need to know basis.

Employees may examine their personnel file at the City office by making an appointment to view such personnel file at a mutually convenient time. The employee may be permitted to make copies of the information contained in his or her personnel file, but may not at any time remove, request or require the removal of any documents contained in the personnel file. The City reserves the sole right to maintain its employees' personnel files in a manner that it deems fit and reasonable.

2.06 EMPLOYMENT REFERENCES

City employees shall refer all requests for references to Human Resources. Supervisors, Human Resources, or the City Manager may provide employment references on current or former City employees. Except for routine verifications of employment requesting name, position, dates of employment, no information from an employee's personnel file will be available to the public without written authorization by the employee, a public records request or court order.

CHAPTER 3 EMPLOYMENT PRACTICES

3.01 MERIT EMPLOYMENT

Consideration in the selection, placement and retention of employees shall be based solely on merit. Merit is defined as the match between the knowledge, abilities, skills, and interests of the individual and the work and/or position assigned and how well the employee performs those duties, as evaluated by City management. Selection processes will be job related, and will attempt to measure a candidate's knowledge, abilities, skills, and interests as related to the duties of the position. Current employees applying for positions may be given preference when qualifications are equal to or exceed those of outside candidates.

3.02 APPOINTING AUTHORITY

The City Manager is the appointing authority of the City with power of appointment and removal of all employees. Supervisors shall make recommendations to the City Manager regarding the appointment and removal of their employees.

3.03 HIRING PROCEDURES

When a position becomes vacant and needs to be filled, the supervisor shall notify Human Resources. The position will be posted and/or advertised after the City Manager approves the request.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may also conduct certain background procedures as allowed by law. The type of background check is dependent upon the position, but can include references, criminal history, driving abstract, physical and drug screen (safety sensitive positions only) and/or credit checks (for certain finance positions).

Driving Record/License: Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years old and will be required to present a valid Washington State driver's license with any necessary endorsements. All new employees who operate a motor vehicle for City operations must sign a release of Department of Licensing "Driver's Abstract". The City will obtain a copy of the Motor Vehicle Record (MVR) to ascertain that the employee has a valid license and to review their driving record. Abstracts will be obtained every other year for employees that drive a city vehicle. Applicants or employees with poor driving records, as determined by the City, may be disqualified for employment with the City in positions where driving is a requirement of the position.

Medical Examination: After a conditional offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination that may include testing for alcohol and controlled substances, which will be paid for by the City. The purpose of the examination is to determine if the individual is physically able to perform the job with or without a reasonable accommodation and to ensure his/her physical condition will not endanger the health, safety or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

A candidate may be disqualified from consideration if: (1) found physically unable to safely perform the duties of the position (and the employee's condition cannot be reasonably accommodated in the

workplace); (2) the candidate refuses to submit to a medical examination and/or complete medical history forms; or (3) if the exam reveals misuse or abuse of alcohol and/or controlled substances.

Offers of Employment: After a candidate's selection or promotion has been recommended by the supervisor and approved by the City Manager, the City Manager will notify the candidate in writing and officially extend an offer of employment or promotion, including compensation levels and conditions of employment. Employment and compensation is always subject to budget availability and continued satisfactory performance. No City representative other than the City Manager has the authority to enter into any agreement for employment for a specific period of time or make any agreement contrary to the foregoing.

3.04 TEMPORARY EMPLOYEES

Temporary employees may be hired to replace regular employees who are on vacation or other leave to meet peak workloads, handle special projects, or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination unless otherwise required by state or federal law.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees do not receive retirement, vacation, health insurance, holidays, or any other benefits during their employment, with the exception of sick leave. The City Manager may offer benefits to temporary employees on a case-by-case basis, considering the City's need for the employee, the employee's skills and abilities, and the estimated length of temporary employment with the City.

Temporary employees will normally not be placed on the state PERS retirement system, although there are some exceptions depending on PERS eligibility criteria.

Temporary employees do not pay contributions to the social security system. In lieu of Social Security the City shall contribute to a defined contribution plan.

3.05 WORKING TEST PERIOD

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

The standard working test period is six months or equivalent from the employee's date of hire, re-hire or promotion. The City Manager may authorize the supervisor to extend the working test period on a month-to-month basis for up to an additional three (3) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance. The City will indicate, in writing, satisfactory completion of the working test period. Successful completion of the working test period does not alter the employee's at-will status.

Performance Reviews: During the working test period, the employee's performance may be formally evaluated in writing on a scheduled basis.

If an employee's performance does not improve or it becomes clear that the employee is unable to satisfactorily learn the position, the employee may be terminated at any time during the working test

period. Only in unusual circumstances, as authorized by the City Manager, will the working test period be extended to further evaluate performance.

Generally, the process for reviews during the working test period includes:

1. Initial orientation and goal setting;
2. Working test period review during the sixth (6th) month;
3. Monthly reviews if the working test period is extended.

Once the working test period is successfully completed, the employee will be certified to regular employment status. Satisfactory completion of the working test period does not create an employment contract or guarantee employment with the City for any specified duration.

Use of Sick Leave/Vacation: Working test period employees may use their accrued sick leave from the beginning of their employment but may not use accrued vacation until they have satisfactorily completed their working test period and have been employed by the City for six (6) months.

If an employee is voluntarily or involuntarily terminated during the working test period, no payoff of accrued sick leave or vacation is made.

3.06 EMPLOYMENT OF RELATIVES (NEPOTISM)

It is City policy that immediate family of current city employees and the City Council will not be employed by the City where:

1. One of the parties would have authority (or practical power) to benefit, supervise, appoint, remove, or discipline the other; or
2. One party would handle confidential material that creates improper or inappropriate access to that material by the other; or
3. One party would be responsible for auditing the work of the other, or performing any payroll or benefits determination for the other; or
4. Other circumstances exist that might lead to potential conflict or appearance of a conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
5. One of the parties is an elected policy level official of the City; or
6. Both parties would report to the same immediate supervisor.

Change in Circumstances: If two employees marry, become related or become domestic partners, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City, unless reasonable accommodations, as determined by the City Manager can be made to eliminate the potential problem. The decision as to which employee will remain with the City must be made by the two employees within ninety (90) calendar days of the date they marry, become related, or become domestic partners. If no decision is made during this time, the City reserves the right to terminate either employee.

3.07 PROMOTIONS

The City's policy is to encourage promotion from within the organization whenever possible. All openings will be posted so that employees may become aware of opportunities and apply for positions in which they are interested and for which they are qualified. Current employees applying for positions will be given preference when qualifications are equal to or exceed those of outside candidates.

New Working Test Period: After promotion to a new position, a new working test period must be completed, unless waived or reduced by the department supervisor. In the case of unsatisfactory performance in a promotional situation, the employee will be considered for transfer back to the previous position held by the employee if the position remains vacant.

CHAPTER 4 HOURS AND ATTENDANCE

4.01 WORKING HOURS

The City of Newcastle's standard operating business hours are Monday through Friday 8:00 am to 5:00 pm, excluding holidays. Work week hours are Sunday 12:01 a.m. through Saturday midnight, for most employees. A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules may be established upon recommendation of the supervisor to the City Manager. The workweek may be changed as necessary, to meet City needs and, affected employees will be notified in advance of such change except when emergency circumstances prevent advance notice.

Employees will work with their supervisor to develop a schedule that meets the needs and requirements of the City.

FLEX TIME: Flex time is a work schedule that permits an alternative starting time and quitting time for employees other than the standard workday. Department directors may approve starting and ending times within the Flexible Times noted below, if it meets the needs and requirements of the City.

Flexible Time
6:00 AM – 9:00 AM

Core Time
9:00 AM - 3:00 PM

Flexible Time
3:00 PM – 6:00 PM

Alternate Work Schedules: In order to accommodate the City's workload and to recognize the City's responsibilities under regional trip reduction guidelines, alternate work schedules may be established in agreement with the employee, supervisor and the City Manager. Examples of alternate work schedules include compressed work weeks (e.g., 4/10, 9/80) or hybrid telecommuting. Approval for an employee to telecommute will be predicated on task specific assignments. The City is not responsible for providing or maintaining equipment used at home, and the employee is responsible for maintaining a safe home work place. Alternate work schedules are subject to change by the City as necessary to meet the needs of the City.

4.02 ATTENDANCE

Employees are expected to report for work on time and maintain good attendance. If you are unable to report to work on time, you should notify your supervisor before the workday begins or within one (1) hour of your scheduled start time, unless the absence is due to a bona fide emergency, in which case you should notify your supervisor as soon as possible. If an absence continues beyond one day, you should call in to your supervisor each day. For extended absences, exceeding three (3) days employees may make other notification arrangements acceptable to their supervisor. If your supervisor is unavailable, leave a message on your supervisor's voice mail and with the main receptionist. An employee who is absent, without authorization or notification is subject to disciplinary action, up to and including possible termination.

An employee who fails to report to work for three (3) consecutive days (or shifts if applicable) for which the employee is scheduled to work, without receiving authorization, will be considered to have abandoned his/her position and voluntarily resigned from their employment with the City.

4.03 UNUSUAL WEATHER CONDITIONS

During periods of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety. An employee who is unable to get to work or leaves work early because of inclement weather conditions may charge the time missed to: vacation, floating holiday, compensatory time, or leave without pay. Employees who arrive within two hours of the start of their normal workday during a period of inclement weather or natural disaster will be paid for a full day's work. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

During periods of inclement weather or natural disaster, employees may be assigned emergency services work schedules other than their normal work assignments.

If, due to inclement weather or natural disaster, the City determines to send employees home before the conclusion of their workday or determines not to have employees come to work, the employees will be paid their normal rate of pay for their regular work hours for that day.

4.04 BREAKS AND MEAL PERIODS

Employees working more than five (5) hours in a day receive an unpaid lunch break of at least thirty (30) minutes; individual lunch periods vary. All employees working four (4) or more hours daily earn additional 15-minute paid work breaks for each four (4) hours worked each day. Employees working overtime hours may qualify for additional meal and rest breaks.

You should consult with your supervisor for the details relating to the duration and scheduling of your rest and lunch breaks. All breaks should be arranged so they do not interfere with City business or service to the public. Breaks are not intended to be saved in order to extend any other break period or leave early from work.

In addition, for one year following childbirth, non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. These breaks will be paid to the extent they run concurrently with the above-referenced daily rest breaks. The City will provide a suitable, private location for nursing breaks. Please contact Human Resources or your supervisor to make appropriate arrangements if you need nursing breaks.

4.05 CALL BACK

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. Non-exempt (FLSA covered) employees called back to duty will be paid at their regular rate, with the overtime rate paid for hours worked in excess of the weekly overtime threshold.

Maintenance employees called back to work after having completed the scheduled shift and having left the premises shall receive callback pay, subjective to the Collective Bargaining Agreement. Callback shall not apply in cases of scheduled overtime.

4.06 ON-CALL DUTY

An employee who is required to be available and subject to call shall receive an On-Call Duty Allowance, subjective to the Collective Bargaining Agreement, the employee is required to be available and subject to call. The employee shall be provided with a communication device in order to respond to callout without undue restrictions on activities. The employee shall be fit for duty in order to receive the On-Call Duty Allowance.

CHAPTER 5 COMPENSATION

5.01 SALARY PLAN

The City's pay plan is set forth by ordinance. The City Manager or their designee is responsible for preparing a salary schedule that establishes pay ranges for each job classification. This pay plan is in effect only with City Council approval and any subsequent changes in the pay plan must be approved by the City Council.

5.02 COMPENSATION POLICY

It is the intent of the City to attract and retain quality employees. Within budget limitations, the City endeavors to pay salaries competitive with those of other employees in the applicable labor market.

The City generally conducts a compensation study a minimum of every five years to ensure that the compensation ranges for employees are comparable to adopted ranges at comparable cities. Based on the results of the study, the City will adjust the compensation ranges for its positions as appropriate and within any financial constraints.

The compensation for represented employees shall be consistent with the terms of the applicable collective bargaining agreement.

5.03 GENERAL COMPENSATION PRACTICES

Starting Rate of Pay: New employees will normally start their employment between the bottom to mid-range of the compensation range budgeted for their classification. The City Manager, however, may approve compensation above mid-range when a qualified applicant has experience and qualifications that warrant a higher compensation rate.

The City Manager may establish a temporary entry point as a trainee rate which is within 10% of the position salary range entry point or have the employee under-fill the budgeted classification in a trainee capacity.

Within Range Salary Adjustments:

The salary range is divided into ten (10) steps, with a three (3) percent increase between steps. Upon receiving a satisfactory annual performance evaluation, as detailed in the approved evaluation form, an employee is eligible to progress from one pay step to the next higher pay step.

Annual performance evaluations are typically conducted on or near the employee's anniversary date. The effective date of the in-range salary adjustment will be the anniversary date or the first day of the next pay cycle following the anniversary date.

Employees who receive a satisfactory evaluation after their anniversary date will receive a salary adjustment retroactive to their anniversary date. There will not be early adjustments for evaluations completed prior to the employee's anniversary date. If an employee's performance is deemed unsatisfactory, the supervisor may prepare a work plan for improvement, in consultation with the employee. The City Manager may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory. In such cases, the adjustment, if achieved, shall not be made retroactive to the employee's anniversary date.

Employee Pay:

Employees shall be paid within the limits of their salary range for their position classification. No employee shall be paid any salary or merit which in total places them over the top of their salary range, with the exception of earned overtime.

Cost of Living Increases: The City Manager may propose, and the City Council may approve, in its discretion, an across-the-board pay adjustment (cost-of-living increase) during the annual budget process. In proposing a cost-of-living adjustment, the City Manager shall use the Seattle-Tacoma-Bellevue June to June Consumer Price Index for All Urban Consumers (CPI-U). Any approved cost of living adjustment shall be effective as of the date indicated in the applicable resolution.

Compensation upon Promotion: When an employee is promoted into a higher classification the City Manager has the discretion to determine the entry point of the new range.

Compensation When Working out of Classification or a Special Assignment: An employee shall be compensated for the assumption and performance of the duties normally performed by an employee of higher classification or a special assignment, requiring the ongoing performance of duties not normally associated with the employee's classification. This shall not apply to temporary assignments which are made pursuant to prior mutual agreement between the employee's immediate supervisor and the employee for the purpose of providing a training opportunity to the employee, for a mutually agreed upon period of time.

The performance of such duties must be eleven (11) consecutive workdays or more and shall be allowed only after the written recommendation of the supervisor, concurrence by Human Resources, and approval by the City Manager. The compensation shall commence on the first day of the pay period during which the employee worked the eleventh (11th) consecutive day and shall not exceed a period of six (6) months.

The compensation shall be a minimum of five percent (5%) and a maximum of fifteen percent (15%) greater than the employee's regular compensation, depending on the job responsibilities and duties. When the temporary assignment is completed, the employee's salary will be returned to the previous amount, plus any automatic or earned increases during the temporary assignment. The employee's date of hire and anniversary date will remain unchanged throughout the temporary assignment.

Provisional Classifications and Compensation Ranges: Human Resources, with the approval of the City Manager, may establish provisional job classifications and compensation ranges for them prior to the establishment and filling of a permanent position. The person holding the provisional appointment shall sign an acknowledgment that the position is provisional and that the salary and classification may change. A provisional job classification must be brought to the City Council for approval within six (6) months of its creation.

5.04 PAY DAYS

Employees are paid twice monthly on the 5th and the 20th of each month for work performed between the 1st and the 15th and the 16th and the end of each month. If a regularly scheduled payday falls on Saturday or Sunday, paychecks will be distributed on Friday; if it falls on a holiday, paychecks will be distributed on the last regularly scheduled working day preceding the holiday. Automatic deposit is available to employees.

Pay Deductions: The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee.

Employees shall be supplied with your Wage and Tax Statement (W-2) form for the previous years' work by January 31st. This statement summarizes the employee's income and deductions for the year. If you have any questions regarding these deductions, please contact the payroll department.

Payroll Records: The official payroll records are kept by the Finance Department.

All employees must record and report on a payroll time sheet provided by the City the number of hours worked each day. Payroll time sheets are to be submitted to your supervisor.

Your supervisor will instruct you in the proper time reporting procedure and will answer any questions you may have about time reporting.

Accounting Errors: The accounting staff at the City makes every effort to be accurate but mistakes can occur. Any discrepancies or questions about your pay should be raised immediately. Please bring any such error(s) to the immediate attention of your supervisor for correction within 30 days of detection.

5.05 OVERTIME/COMPENSATORY TIME

All City positions are either "exempt" or "non-exempt" according to the Fair Labor Standards Act (FLSA). Employees shall be notified on their date of hire as to whether they are exempt or non-exempt employees.

Non-exempt Employees/Overtime: Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than forty (40) hours in a seven (7) day work week. Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked in excess of forty (40) hours in a work week. When computing overtime, time paid for but not worked (e.g., holidays, sick leave, and vacation time) will not count as hours worked.

Non-exempt Employees/Compensatory Time: A non-exempt employee may request to receive compensatory time off ("comp time") in lieu of overtime compensation, which the City, in its sole discretion, may approve or deny. If the City approves the use of comp time in lieu of overtime compensation, such comp time shall be accrued at the rate of one and one-half times the number of overtime hours worked.

The maximum permitted accrual of comp time shall not exceed fifty-five (55) hours per calendar year. If comp time exceeds the maximum accrual, overtime compensation will be paid at the current overtime rate.

Exempt Employees/Overtime: Exempt employees are not covered by the FLSA overtime provisions and do not receive overtime pay or compensatory time. An exempt employee is paid to perform a job which may not necessarily be completed in a normal work week. There will be no actual deduction in pay for absences of less than a full day for personal reasons. Exempt employees may take accrued sick leave in 4-hour increments for illness or disability.

Notwithstanding the above, the City Manager may authorize a pay bonus or time off for excessive hours beyond a normal work week due to an emergency situation.

5.06 GARNISHMENT

The City will enforce garnishments and wage attachments as stipulated in federal and/or state laws.

5.07 COMPENSATION UPON TERMINATION

Upon an employee's separation from City employment, the employee will receive the following compensation: regular wages for all worked hours that have not been paid; any overtime, compensatory time, and holiday pay due. Payment for vacation leave is per section 7.01 and 10.06. Payment for sick leave is per section 7.02 and 10.06. Payment will be made at the next regular payday.

Severance Pay: The City Manager may, if he/she finds it in the best interest of the City and in keeping with personnel practices and applicable state law, authorize a lump sum severance payment and/or other benefits in exchange for a standard separation and release agreement.

CHAPTER 6 BENEFITS

6.01 BENEFITS PLAN

These policies generally describe the City's current benefit package. The City does not promise that any particular kind or level of benefits will continue in the future. The City reserves the right to terminate or modify the benefits provided at any time, at the City's discretion, with or without advance notice. Any changes in benefits, however, will not affect rights that have vested under the terms of any written benefit plan. The exact terms and conditions of the benefit plans are governed by the plan documents themselves. The plan documents control over any inconsistent statements or descriptions, written or oral.

6.02 RETIREMENT BENEFITS

The City does not participate in the federal social security program. In lieu of this the City offers a Defined Contribution Plan. Employees may contribute 6.2% of their monthly earnings to this plan. For employees who elect to do so, the City will contribute a matching 6.2% into the employee's defined contribution plan.

Temporary employees are ineligible for the Defined Contribution Plan. In lieu of this the City contributes the Medicare insurance portion of FICA and 6.2% of the employee's earning to a 457 Deferred Compensation Plan.

All City employees contribute to Medicare insurance portion of FICA.

State Retirement System (PERS): All regular full-time and eligible part-time employees are covered by the statewide retirement system, the Public Employees Retirement System (PERS). Benefit levels and contribution rates are set by the State of Washington.

Employees should notify their supervisor and Human Resources of their intent to retire at least three months prior to the date of retirement.

Defined Contribution Plan: The City provides a voluntary defined contribution plan in which the City contributes on behalf of the employee if the employee participates within dollar limits defined by the IRS.

Deferred Compensation Plan: The City provides a voluntary deferred compensation 457 plan for employees to contribute pre-tax dollars.

6.03 DISABILITY BENEFITS (WORKERS COMPENSATION)

All employees are covered by the State Workers' Compensation (Industrial Insurance) Program, in accordance with applicable law. For qualifying cases, State Industrial Insurance will pay the employee for workday's lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor and Human Resources. Activities undertaken by employees outside their normal scope of work and/or workday may not be covered by the State Workers' Compensation Program.

When an employee is absent for one or more days due to an on-the-job accident, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the City will continue to pay (by use

of the employee's unused sick or other leaves) the employee's regular net salary pending receipt of Workers' Compensation benefits.

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the City the amount covered by Workers' Compensation and previously advanced by the City. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability as long as accrued sick or other leave is available, while ensuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave shall be restored to the employee's account. Employees may supplement workers' compensation salary benefits by using accrued sick or other leaves to increase their workers' compensation disability payments up to an amount not to exceed their net pay if they were working their regular schedule.

The City may require a medical examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and that he/she will be capable of performing the duties of the position with or without a reasonable accommodation.

Citizens who are volunteering at the City may be covered by the state workers' compensation program. They must submit in a timely manner, in writing, the hours volunteered to ensure L & I contributions are made on their behalf for the time volunteered. Advisory Boards and Committees are not covered under this provision.

6.04 HEALTH INSURANCE BENEFITS

Regular full-time and regular part-time employees, and their dependents, are eligible for medical, dental, and vision insurance as provided by applicable insurance contracts. Coverage starts the first day of the initial month following the month of employment. Temporary workers are not eligible for health insurance.

The City contributes towards the cost of insurance premiums in the amounts authorized by the City Council. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction.

City of Newcastle eligible employees may choose to opt-out of the City medical insurance coverage for themselves and their spouse/domestic partner and/ or dependents. If you choose to opt-out of medical coverage the City will pay you \$300.00 per month, payable as a contribution into a City deferred compensation plan or as a taxable cash benefit. This Opt-out option is subject to plan participation requirements and underwriting rules of the City's insurance carrier. Proof of medical insurance in a plan outside the City is also required.

The City reserves the right to make changes in the carriers and provisions of these contracts when it deems necessary or advisable.

6.05 LIFE INSURANCE

The City provides life and accidental death and disability insurance for regular full-time and regular part-time employees. This coverage is effective the first day of hire.

6.06 CONTINUATION OF INSURANCE COVERAGE

Leave of Absence: Upon mutual agreement between the employee and the City Manager, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. COBRA continuation rights may apply in the event coverage is not extended through the City.

Workers Compensation Leave: An employee receiving Workers' Compensation benefits continues to accrue vacation leave and sick leave for up to six (6) months. The City also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease, unless the City Manager makes an exception based on the criteria stated in Changing the Policies, Section 1.08 of these policies. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time he/she receives Workers' Compensation benefits.

COBRA Rights: Upon an employee's termination from City employment or upon an unpaid leave of absence, at the employee's option and expense, the employee may be eligible to continue City health insurance benefits to the extent provided under the federal COBRA regulations. Continuation rights are not available if an employee is terminated for "gross misconduct." An administrative handling fee over and above the cost of the insurance premium may be charged to the employee or his/her dependents who elect to exercise their COBRA continuation rights.

Termination, Retirement, Leave of Absence: For eligible employees who terminate, retire or are on an approved leave of absence, the employee will be responsible for the premium the month following the last month for which the City has paid the premium.

6.07 RELOCATION BENEFITS

Relocation benefits may be offered to new employees depending on the circumstances of their move and the position for which they are being hired. Approval of relocation benefits by the City Manager is required prior to an offer being made to a potential employee.

If an employee who has received relocation benefits voluntarily terminates employment or is involuntarily terminated within two years following payment of the relocation expenses, all or a portion of the expenses shall be reimbursed to the City. If the employee terminates within one year of payment of relocation, 100% of the relocation expenses shall be reimbursed; if within the second year, 50% of paid relocation expenses shall be reimbursed to the City. Any employee that terminates employment within the two-year time period that does not reimburse the City prior to their last day authorizes the City to deduct the reimbursement from the employee's final paycheck.

6.08 BENEFITS UPON HIRE/RETURN FROM LEAVE

Upon hire or return from an unpaid leave, an employee's benefits (leave accruals and insurance coverage) will commence on the first of the month following the month of the date of hire or return from leave.

The employee must be on paid status on the day before and after a holiday to qualify for a paid holiday.

6.09 BENEFITS FOR PART-TIME AND TEMPORARY EMPLOYEES

Unless noted otherwise in these policies, benefits for regular part-time and temporary employees are as follows:

Regular Part-Time Employees: All leaves, including holidays, and benefit allowance are pro-rated. Pro-rated means the ratio between the number of hours in the employee's normal work schedule and the regular full-time schedule of forty (40) hours per week.

Temporary/Seasonal Employees: Temporary/seasonal employees normally are not eligible to receive benefits, including leaves, holidays and insurance, except as otherwise expressly provided in this Handbook or required by law. Additionally, the City Manager may make exceptions to this policy, as determined warranted or appropriate in the City Manager's discretion.

6.10 REFRESHMENTS

As authorized by the City's Annual Budget and the City Manager, the City may furnish coffee, tea, soft drinks, snacks, or other food items for attendees of public meetings as a benefit of contribution to the public process, and/or for employees as a benefit of employment.

6.11 EMPLOYEE RECOGNITION

In order to recognize City employee's suggestions, exemplary actions or performance, the City Manager may authorize a paid leave (up to 40 hours), a commendation, or another appropriate means of recognition.

The employee's suggestion, actions or performance must benefit the City in providing services to the public, such as:

1. An extension or improvement of public service commensurate with the expense involved; or
2. Eliminating or reducing city expenditures without substantially impairing a service level; or
3. Providing a desirable safety enhancement.

The City also recognizes employees who achieve career milestones with the City.

Milestone Rewards:

- Five years of service is recognized with a plaque.
- Ten years of service is recognized with a clock.
- The hallmark of each additional five years of service (15, 20, 25, etc.) is recognized by a gift not to exceed \$10 per year of service)

Resignations and Retirements:

Upon notice of an employee separation from service with a minimum of five years of service, the City may provide a light refreshment type of reception in a City facility during working hours and a plaque from the City thanking the employee for their service to the City.

CHAPTER 7 LEAVES

7.01 VACATION

Each regular full-time employee is entitled to paid vacation leave as follows:

<u>Months of Employment</u>	<u>Vacation Hours Earned</u>
1 – 24 months	8 hours/month (12 days/year)
25 – 48 months	9.3 hours/month (14 days/year)
49 – 72 months	10 hours/month (15 days/year)
73 – 96 months	11.3 hours/month (17 days/year)
97 – 120 months	12.6 hours/month (19 days/year)
121 – 168 months	14 hours/month (21 days/year)
169 months or more	15.3 hours/month (23 days/year)

Vacation is earned beginning with the first full month of employment. Vacation hours are credited at the completion of each pay period. Employees are eligible to use earned vacation after completing their working test period, which is generally six months. Regular part-time employees earn vacation on a pro-rata basis. Temporary/seasonal employees are not eligible for vacation leave.

Supervisors are responsible for scheduling employee vacations without disrupting department and city operations. As a general guideline, leave requests of one week or more duration should be submitted in writing thirty (30) days in advance.

Vacation Accrual Maximum: Employees are encouraged to use vacation in the year it is earned. The maximum vacation that an employee may accrue is up to but not to exceed 240 hours. Any hours earned above the maximum will not be accrued and will be forfeited by the employee.

Vacation Accrual Temporary Extension and/or Cash Out: With supervisor and City Manager approval employees may request an exception to the maximum vacation accrual amount (240 hours) or a cash out -twice per calendar year (January – June and July – December). When requesting an exception to the maximum accrual amount, the employee must provide a plan for how their vacation will be back within the accrual limits for the remainder of the year. If choosing the cash out option, the vacation leave payment will be included in the employee's next available paycheck. There is a 40-hour maximum limit, semi-annually, with either the vacation accrual extension or the vacation cash out.

Previous Relevant Service: For newly hired employees, the City Manager may take into consideration an employee's previous years of relevant service for initial vacation accrual purposes.

Minimum Vacation Use: Vacation may be used at a minimum rate of one (1) hour for non-exempt (FLSA covered) employees. Exempt employees (not covered by FLSA) are required to use vacation at a minimum rate of one (1) day.

Payment for Vacation upon Termination: Employees who successfully complete their working test period (as defined in section 3.05) will be paid for accrued but unused vacation time upon separation

from employment; provided that, employees who voluntarily resigns must provide the city with the notice required in Chapter 10.06 in order to receive a payout for accrued vacation. Employees who voluntarily or involuntarily terminate employment prior to the successful conclusion of the working test period will not be paid for accrued vacation leave.

Vacation credit does not accrue during leave without pay.

7.02 SICK LEAVE

Regular full-time employees shall accumulate sick leave at the rate of eight (8) hours per month of service.

Employees in regular part-time or temporary positions shall accrue sick leave benefits pro-rated in accordance with the number of hours normally worked.

Sick leave will not be counted toward the computation of overtime compensation for non-exempt employees.

No employee shall earn less than one (1) hour of sick leave for every 40 hours worked in accordance with Washington Sick Leave rules (RCW 49.46.210).

Sick leave is a conditional benefit based on the existence of a qualifying medical condition. Each employee is expected to manage his/her sick leave balance in order to adequately cover their needs. There is no entitlement to sick leave outside of the allowable uses prescribed by state law or as outlined in this policy.

This Policy is intended to comply with Washington's Family Care Act, the Paid Sick Leave Act and any other applicable law. In the event of a conflict between any applicable law and this Policy, the applicable law shall govern.

Notice: Employees should request to use their sick leave as far in advance as possible. This generally means that an employee should provide at least ten (10) days in advance of any planned or otherwise foreseeable absence (such as a planned medical appointment or procedure) and at least one (1) hour prior to the employee's shift for any unforeseeable or emergent absence (unless such notice is not practicable under the circumstances, in which case the employee should provide notice as soon as practicable).

Medical Verification: Verification from a healthcare provider that an employee's use of paid sick leave is for an authorized purpose may be required when an employee is using or will use sick leave for more than three (3) consecutive workdays. Such verification should not include any specific medical information and must be provided to the Human Resources Department within ten (10) calendar days following the first day paid sick leave was used.

If an employee believes that the required verification will result in an unreasonable burden or expense, the employee should notify the City, preferably in writing, of this and provide an explanation that (i) the employee's use of sick leave is for one of the reasons listed above and (ii) how the verification requirement will result in an undue burden or expense for the employee. Upon receipt of such notice from the employee, the City will consider the employee's explanation and proceed in accordance with the process set forth in WAC 296-128-660. Otherwise, failure to provide the required verification may result in loss of leave benefits for that work period and/or may result in further disciplinary action.

Nondiscrimination/Non-retaliation: An employee will not be discriminated or retaliated against for their proper use of sick leave. If an employee feels that they are being discriminated or retaliated against because of their lawful use of sick leave, the employee should contact Human Resources. If the employee is not satisfied with the city's response, the employee may contact the Washington State Department of Labor and Industries.

Payment for Sick Leave upon Termination: Employees whose employment terminates or who resigns in accordance with the notice requirements of Section 10.06 are eligible to be paid twenty-five percent (25%) or up to \$10,000, whichever is less, of accrued and unused sick leave at termination. The maximum amount equals - 240 hours at payout or up to \$10,000. Included in termination for these purposes are voluntary resignation, retirement, layoff, or death.

Employment Status: Sick leave benefits shall accrue only when a regular employee is in paid status; it does not accrue when an employee is on an unpaid leave, including while receiving worker's compensation time loss benefits.

Unauthorized Use of Sick Leave: An employee who knowingly provides false information related to the use of sick leave may be subject to disciplinary action, up to and including termination.

Sick Leave Caps & Carryovers: The maximum accrual, unless otherwise specified in a labor agreement, is nine hundred and sixty (960) hours. Once an employee reaches a nine hundred and sixty (960) hour sick leave balance, they will revert to the state minimum accrual rate of one (1) hour of sick leave per every forty (40) hours worked. Any sick leave balance over nine hundred and sixty (960) hours at the end of the calendar year is forfeited by the employee.

Permitted Use of Sick Leave: Sick leave covers those situations in which an employee is absent from work due to the below reasons.

1. The employee's own bona fide illness or incapacitation injury, or disability, including temporary disability caused by pregnancy or childbirth;
2. To care for the employee's minor child or adult child incapable of self-care with a health condition requiring treatment or supervision. For purposes of this policy, "child" is defined as a biological, adopted or foster child, a stepchild, a legal ward or a child residing with a person who is standing in for a parent;
3. Medical or dental appointments for the employee or dependent child. Employees should do their best to schedule such appointments at times that least interferes with the work day;
4. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
5. Use of prescription or non-prescription medication which impairs job performance or safety;
6. To care for the employee's spouse/domestic partner, parent, domestic partner parent, parent in-law, sibling or grandparent who has a serious health condition or an emergency health condition. For purposes of this policy, "domestic partner" shall have the same meaning and qualification requirements as "state registered domestic partner," as set forth in Chapter 26.60.020 RCW.
7. Additional leave beyond bereavement leave for a death in the immediate family, if authorized by the City Manager.

Additional Terms: Sick leave benefits may be used at a minimum rate of fifteen (15) minute increments for non-exempt employees. Exempt employees are required to use sick leave in increments of four (4) hours per day.

When Sick Leave is Exhausted: Employees who use all of their accumulated sick leave (and who require more time off, due to their own illness or injury, may, with their department head and supervisor's prior approval, use; vacation, compensatory time, and floating holiday or, in certain cases, take leave without pay. (See 7.09 for information regarding the Shared Leave Program and 7.5 Paid Family Medical Leave Program)

7.03 EXECUTIVE LEAVE

The city recognizes that employees who are exempt for purposes of overtime pay often work more than forty (40) hours per week, without additional compensation, to meet the demands of their positions. While incidental extra work time is expected of these positions, the city recognizes that occasionally the extra work time is extraordinary.

Executive leave represents paid time off in recognition of extraordinary extra work time and is not determined on an hour for hour basis.

Employees who are exempt for purposes of overtime pay may receive up to four (4) days of paid executive leave annually, at the discretion of the City Manager. The executive leave is granted and must be used in increments of not less than one (1) day and cannot be carried over from year to year. The City Manager may authorize cashing out this leave.

7.04 FAMILY AND MEDICAL LEAVE ACT (FMLA)

While the FMLA applies to all government employers, due to the small size of the city, the city has no employees who are eligible for benefits under the current federal or state law because the city does not employ 50 or more employees. Employees who seek leave for their or their family member's medical condition should refer to the other leave policies set forth in this Section 7.

7.05 PAID FAMILY and MEDICAL LEAVE (PFML)

The Washington Paid Family and Medical leave Act (PFMLA) was authorized by the Legislature in 2017 and is administered by the Washington State Employment Security Department (ESD) for providing paid time off and job protection for eligible employees who need leave for family and medical reasons. To obtain PFML benefits, an individual must apply with ESD and must file weekly benefit claims to continue receiving benefits. Instructions for applying for PFML benefits are available on the State's PFML website. (www.paidleavewa.gov).

PFML benefit entitlement, eligibility, and coordination is the employee's responsibility. Please refer to the PFML website for more information or call (833) 717-2273 for questions.

Payroll Deductions: The PFML program is funded by premiums paid by the employee. It is administered by the state Employment Security Department. Premium amounts for both the medical and family coverage are set by the state. The employee portion of the premiums will be deducted from the employee's paycheck on each pay cycle.

Eligibility: Under PFML, employees may be eligible for monetary benefits when taking leave for covered reasons (see www.paidleavewa.gov). Eligibility requirements are as follows:

1. Monetary Benefits: In order to be eligible to receive monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination

of employers) during the year preceding the claim.

2. Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the employer for at least 12 months and have worked 1250 hours in the last year).

3. An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for compensation or profit (e.g., outside employment or contracting).

Employees are not currently eligible for job protection benefits under the PFMLA because the city does not employ 50 or more employees.

Concurrency with FMLA: Whenever possible, PFML will run concurrently (at the same time) with FMLA when an absence is covered by both laws.

Application for Benefits: Applications for PFML benefits are made directly to ESD. For guidance on the application process, please refer to the ESD website (www.paidleave.wa.gov). ESD will require employees to complete its certification form, relating to the employee's eligibility and qualifications for PFML benefits. Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

Notification Requirements: An employee must provide written notice to the city of the intent to take PFML. If the need for leave is foreseeable (such as for planned medical procedures or the birth of a child), notice must be given at least thirty (30) days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable.

The employee's notice must be in writing, must identify the family or medical nature of the leave, and must contain the anticipated timing and duration of such leave. If an employee fails to provide this required notice to the city, ESD may deny benefits for the period of time during which the notice was insufficient. If leave is taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt city operations. If taking leave intermittently, an employee must notify the city each time PFML is taken so that the city may properly track leave use.

Monetary Leave Benefits: If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit determined by a percentage of an employee's average weekly wage. ESD's website includes a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.

Supplementing Washington Paid Family & Medical Leave with other accrued leave: The city allows the supplementing of PFML with an employee's available accrued leave. Employees who choose to supplement their PFML monetary benefits must first use sick leave and then may use other accrued leave, such as vacation leave, once sick leave is exhausted. Employees may not use supplemental benefits to receive more than 100% of their gross regular compensation (PFML benefit plus

supplemental benefit). Employees must follow normal payroll procedures to use accrued leave as supplemental leave while on PFML. It is the employees' responsibility to coordinate with payroll or HR to ensure timecards are submitted in a timely fashion. Failure to coordinate may result in the employee not receiving a paycheck.

Coordination with Shared Leave: Employees must apply for or have exhausted PFML benefits through Employment Security as a condition to the city's approval of shared leave benefits pursuant to Section 7.09. If approved for shared leave, the amount of leave awarded will be calculated the same as if an employee used their own accrued leave to supplement.

Job Restoration and Return to Work Certification: The city may require a return-to-work certification from a health care provider before restoring the employee to work following PFML where the employee has taken leave for the employee's own serious health condition and the employee has been on leave for more than three days.

As a small employer under the PFML, the city is not required to grant job-protected leave. Leave requests will be considered on a case-by-case basis, taking into account any leave entitlements available under other law or policy. Under certain circumstances (such as when it would be unduly burdensome to do so or where the circumstances surrounding city operations and/or the employee's position have changed), the city may deny job reinstatement to an employee returning from PFML. If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify the city as soon as possible.

7.06 PREGNANCY DISABILITY LEAVE

Female employees are entitled to an unpaid pregnancy disability leave of absence for the period of her actual disability due to pregnancy, childbirth or related medical conditions. Employees may elect to use accrued paid leave during this leave, in which case paid leave shall be applied as of the commencement of the leave. All employees seeking leave under this policy should provide written notice of the intended leave dates at least thirty (30) days in advance of the leave or as soon as possible in the case of an emergency. The city does not provide continued health or other insurance contributions during pregnancy disability leave; to the extent that an employee goes into unpaid status while on a pregnancy disability leave, the employee may continue coverage at their expense during any period of unpaid leave pursuant to COBRA.

7.07 BEREAVEMENT LEAVE

Any regular employee who suffers a death in the immediate family shall receive up to three (3) days leave with pay. If additional time is needed, the City Manager may authorize use of accrued sick leave, vacation leave or compensatory time for up to five (5) days.

7.08 DOMESTIC VIOLENCE LEAVE

Employees who are victims of domestic violence, sexual assault or stalking may take reasonable unpaid leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance or mental health counseling, or to participate in safety/relocation planning. The reasons for leave include:

- To seek law enforcement or legal assistance or to prepare for or participate in any legal proceeding related to domestic violence, sexual assault, or stalking;
- To seek health care treatment for physical or mental injuries from domestic violence, sexual assault, or stalking, or attend to such healthcare treatment for a family member;

- To obtain (or assist a family member in obtaining) services from a domestic violence shelter, rape crisis center, or other social services;
- To obtain (or assist a family member in obtaining) mental health counseling related to domestic violence, sexual assault, or stalking; or
- To participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member relating to domestic violence, sexual assault, or stalking.

Employees who are qualifying family members of a victim of domestic violence, sexual assault, or stalking, are also eligible for leave under this policy. For purposes of this policy, the term “qualifying family member” means child, spouse, registered domestic partner, parent, parent-in-law, grandparent or person the employee is dating. Employees may elect to use accrued paid personal leave for this leave.

Employees wishing to take leave under this policy must give as much advance notice of the need for the leave as reasonably possible. Leave requests must be supported with one or more of the following:

- A police report indicating that the employee or the employee’s qualifying family member was a victim;
- A court order providing protection to the victim;
- Documentation from a healthcare provider, advocate, clergy or attorney;
- The employee’s written statement that the employee or employee’s qualifying family member is a victim and needs assistance.

Upon return from this leave, employees will be reinstated to their same position or another position with substantially equivalent benefits and terms and conditions of employment.

7.09 SHARED LEAVE PROGRAM

The City Manager may authorize employees to donate their accrued sick, vacation, merit and/or executive leave to another city employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment. The following conditions apply:

1. The employee who donates leave must have a total of at least ten (10) days of accrued leave. In no event shall a leave transfer result in the donor employee reducing their leave balances to less than ten (10) days. Transfer of leave will be in increments of one day of leave. Leave is donated on an hour for hour basis with no relation to actual earnings of either the donor or the recipient. All donations of leave are strictly voluntary and confidential.
2. The employee receiving donated leave shall have exhausted all their leave accruals or will within the next pay period including accumulated compensatory time, vacation, merit, executive and sick leave.
3. Employees who wish to receive shared leave must also apply for paid family & medical leave benefits through Employment Security Department. (See Section 7.05) If approved for shared leave, the amount of leave awarded will be calculated the same as if an employee used their own accrued leave to supplement.

4. While an employee is using shared leave, they will continue to receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation or sick leave.

7.10 PERSONAL OR MEDICAL LEAVES OF ABSENCE

The City Manager may grant an employee an unpaid leave of absence as a reasonable accommodation or for personal reasons. Requests for such leave, including medical documentation of the need for leave (if applicable), must be submitted in writing. The decision to grant an unpaid leave of absence will be determined based on the facts of each request and consideration of whether the leave will impose an undue burden on the City's business operations.

Employees on unpaid leave will not accrue vacation or sick leave during that leave. Failure to return from an unpaid leave of absence on the date specified for the end of that leave will constitute a resignation from the city.

An employee may be required to use any accrued paid leaves before a leave without pay begins. If an employee is on unpaid status for more than thirty (30) calendar days, his or her anniversary date and time in service will be changed to reflect the period of absence.

7.11 JURY AND WITNESS LEAVE

Jury Duty Leave: Any employee called upon for jury service in any municipal, county, state or federal court shall advise the City upon receipt of such call. Regular employees shall receive paid jury duty leave at their regular rate of pay, not to exceed two (2) weeks, for each scheduled workday served, less any compensation received by the employee for these functions. Employees shall keep their supervisor updated daily as to their status. Any compensation received as a juror, with exception of travel expenses, shall be signed over to the City. For purposes of offsetting amounts paid to an employee as compensation for jury duty against the paid leave, compensation received as specific reimbursement for travel expenses shall not be considered compensation for jury duty services.

Employees who are excused from jury duty with more than three (3) hours left in their regular shift must report to work.

Witness Duty Leave: Employees summoned to testify in court are allowed time off for the period they serve as a witness. In general, witness duty leave is unpaid, unless the employee is a witness on behalf of the city.

7.12 MILITARY LEAVE

Military Training Leave: Under Washington law, a public employee is entitled to a paid military leave of absence for a period not to exceed twenty-one (21) working days during each year beginning October 1st and ending the following September 30th. Military leave beyond the twenty-one (21) days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave.

Leave for Active-Duty Military Service: Regular employees who are called to, or volunteer for active-duty military service will be placed on an indefinite unpaid leave of absence during the time the employee is in an active-duty status with any branch of the Federal or State Armed Forces. The employee may, at his or her option, use any or all of accrued personal leave, excluding sick leave, prior to moving to the unpaid status. Any unused leave accruals remaining at the time the unpaid leave begins will be held until the employee returns to active employment with the city. The employee will not earn additional vacation or sick leave during the time of the unpaid leave, nor will he/she be entitled to health insurance

benefits except as may be provided for under COBRA. Reinstatement following active duty will be in compliance with state and federal laws at the time of the return to work.

Military Spouse/Domestic Partner Leave: During a period of military conflict declared by the President or Congress, an employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard or Reserves is entitled to up to fifteen (15) days of unpaid leave while their spouse or domestic partner is on leave from deployment, or before and up to deployment. The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave. Employees intending to take this leave must notify the City within five (5) days after receiving official notice of a call or order to active duty or of a leave from deployment. Employees may elect to use accrued personal leave in conjunction with this military leave.

7.13 HOLIDAYS

The following are recognized as paid holidays for all regular employees:

New Year's Day	January 1st
Martin Luther King Jr. Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19th
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11th
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
*Christmas Eve	December 24th
Christmas Day	December 25th

A holiday falling on Saturday will be observed on the preceding Friday. A holiday falling on Sunday will be observed on the following Monday.

*In times when Christmas Eve is observed, because it has fallen on a Saturday or Sunday, the City Manager will set the observed Christmas Eve holiday.

Employees must be on paid status on the day before and after a holiday to qualify for a paid holiday.

Part-time and Temporary/Seasonal Employees: Holidays will be pro-rated for regular part-time employees. Temporary, seasonal, and other non-regular employees usually do not receive holidays, provided that exceptions may be made by the City Manager as part of an individual's benefit package.

Floating Holiday: Each regular full-time employee is entitled to two floating holidays per calendar year. Regular part-time employees shall receive pro-rated floating holiday leave in proportion to the number

of hours in their normal work schedule. Temporary employees are not eligible for this holiday. Floating holidays are awarded as follows: 1 floating holiday in January and 1 floating holiday in July.

- The floating holiday shall be scheduled by agreement between the employee and his/her supervisor.
- The holiday must be used by the end of the calendar year and cannot be carried over into the next year. Unused floating holidays are not compensated upon termination.

Holidays Worked: Non-exempt employees required to work on a holiday shall be paid one and one-half (1½) times the employee's regular straight-time rate of pay, for a minimum of three (3) hours. Such work time must be pre-authorized by the City Manager or designee.

7.14 UNPAID HOLIDAYS for REASONS of FAITH or CONSCIENCE

Employees are entitled to two (2) unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

The employee may select the days on which they desire to take the two (2) unpaid holidays after consultation with their supervisor. If an employee prefers to take the two (2) unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on the days they have selected unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of ten (10) workdays prior to the requested day. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.

The two (2) unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

7.15 EMPLOYEE AND WELLNESS PROGRAM

The city recognizes that employees are critical to the quality and efficiency of local government services. The physical and mental health of city employees directly affects their ability to perform their job duties and provide services to citizens. Newcastle's Employee and Wellness Programs provide information, activities, and incentives city employees to encourage health and safety in the workplace and boost employee morale. By providing the Employee and Wellness Programs to Newcastle employees the city can reduce healthcare expenses by earning a discount on health plan premiums. The city also aims to reduce absenteeism and increase productivity and engagement of our workforce.

The Employee and Wellness Program Committee is administered through the Human Resources Department. The voluntary committee is comprised of four (4) to six (6) members representing each city department, one of the committee members will serve as the Chairperson. The committee will meet as needed but at least once per quarter, the city will provide staff time to conduct meetings and activities.

The duties of the committee members will include:

- Plan, implement and promote activities and overall program;
- Act as a liaison between the committee and the employees to represent the interests, needs and opinions of the employees;
- Plan, implement and promote evaluations and surveys to further develop the program;
- Actively participate in the annual retreat to review prior years interests, plan activities and events for the year; and
- Provide peer support and advocacy to boost program participation.

Employee and Wellness activities and offerings will promote physical and emotional health, employee engagement and boost morale. This can include, but is not limited to:

- Activity Challenges sponsored by Association of Washington Cities (AWC) or City;
- Webinars, virtual and in-person trainings, presentations, lunch and learns;
- In-person and virtual staff workouts, non-weighted equipment to be used at city site, shower room equipment;
- Ergonomic equipment (such as sit/stand stations, ergonomic chairs/stools);
- Volunteering;
- Healthy snacks, barbecues, picnics, potlucks;
- Staff appreciations events (such as: bowling, kickball/BBQ's, dinner, or mini-golf); and
- City logo items (such as: travel mugs, shirts, hats, jackets and totes).

Participation in the city's Employee and Wellness Programs, with the exception of the Wellness Days off, is open to all employees on a voluntary basis. Any activities scheduled during the employee's workday (up to 12 hours annually) will be considered part of their workday, with their supervisors' approval.

Funding for the Employee and Wellness program will be at the Council's discretion allocated in the annual budget as well as through grants made available. The Employee and Wellness Program Committee shall be generally responsible for determining what, if any, activities and offerings will be made available, within the budgetary allocations established by the Council.

Wellness Day Off: Participation in the Wellness Day off program is limited to regular full-time or regular part-time employees. Temporary or seasonal employees are not eligible for the Wellness Day off award. The Wellness Day off is defined as eight (8) hours for full-time employees and is pro-rated for part-time employees. Up to two (2) Wellness Days off may be earned per calendar year. The City Manager, or their designee, will determine and publish, in advance, the method or criteria for participants to qualify for the wellness day(s) off.

7.16 CONTINUATION OF BENEFITS DURING LEAVE

Employees on paid accrued leave 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 noted otherwise in these policies, an employee's benefits, including health insurance, are suspended during the period of unpaid leave, including leave accruals. In certain circumstances, self-payment of insurance premiums may apply (See section 6.06)

7.17 MERIT LEAVE AWARD

In addition to and separate from other types of leave, Merit Leave is granted to employees who meet or exceed performance expectations. The determination of the number of Merit Leave days awarded to any employee will be detailed in the approved performance evaluation form. No employee shall earn more than two (2) merit leave days per year. Merit Leave awards will not carry over from year to year and

must be used in the calendar year that they are awarded. The City Manager is responsible for developing and maintaining the City's performance evaluation program. (See Chapter 8)

CHAPTER 8

PERFORMANCE REVIEWS AND TRAINING

8.01 PERFORMANCE REVIEWS

To ensure that all employees perform their jobs to the best of their ability, it is important that the employee and their supervisor communicate openly and frequently about the job and any concerns or problems the employee may be having. The City Manager is responsible for developing and maintaining the City's performance evaluation program.

Working Test Period: During the working test period, the supervisor and the employee will meet to discuss the employee's progress. Generally, the process for reviews during the working test period includes:

1. Initial orientation and goal setting;
2. Working test period review during the sixth (6th) month;
3. Monthly reviews, at a minimum, if the working test period is extended.

If there are performance problems, the supervisor may prepare a written evaluation, including a plan for improvement. All employees who have successfully completed their working test period will receive a written evaluation at the end of it, normally six months.

Scheduled Reviews: Employees are to be evaluated by their department director and/or supervisor prior to the end of their working test period and usually once every twelve (12) months thereafter. Annual performance evaluations are typically conducted on or near the employee's anniversary date, but the timing may vary based on the city's operations. Human Resources will maintain a list of employee anniversary dates and the department director or supervisor is responsible for evaluating employees in their departments in a timely manner. The formal performance review date may be delayed or accelerated by the City Manager. The city recognizes the importance of performance evaluation as a tool to strengthen individual performance, develop employee potential, and improve organizational effectiveness. In addition, supervisors and employees are expected throughout the year to discuss performance issues and progress on goals that are set annually.

The primary purpose of the performance review is to ensure that employees understand what is required of them for successful performance of their job duties and requirements, to provide specific feedback on job performance, and to reinforce how job duties are linked to organizational objectives. Additionally, it should be used for performance improvement counseling efforts, career growth, and determination of training needs.

Upon receiving a satisfactory annual performance evaluation, as detailed in the approved evaluation form, an employee is eligible to progress from one pay step to the next higher pay step and may be eligible for merit leave. (See Chapter 7.17) The City Manager will determine the method for linking pay to performance and merit leave. (See Chapter 5.03)

8.02 TRAINING POLICY

The city seeks, within the limits of available resources, to develop staff by offering training opportunities that will increase employee job knowledge and skills. Opportunities may include, but are not limited to on-the-job training, in-house workshops, seminars sponsored by other agencies or organizations, and

programmed learning courses. Training assigned by the city usually occurs during employee work time and is usually paid for by the city.

As part of the performance review process, the employee and their supervisor may set employee development goals that identify training priorities for the next review period. Any training that requires travel away from the city must be approved in advance by the department director and/or supervisor as provided by the budget. Employees must submit travel requests on the "Training / Travel" form.

Personal Vehicle Use: A city employee may use their own personal motor vehicle for city business upon approval from their department manager or the City Manager. In such cases, the employee must carry automobile insurance for bodily injury and property damage in the limits required per Washington State minimum.

Meals: Meal rates are specified on the OFM website (<https://ofm.wa.gov/diem-rate-tables>) for the location to which you are traveling. You may not claim a meal if it is included in the training/conference/workshop/ seminar.

Mileage: Mileage will be calculated using City Hall's address or your home, whichever is less. The city will use the current IRS mileage reimbursement rate.

Travel Expense Reimbursement: City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the city, including food, lodging and travel expenses while away, but excluding any expenses for alcoholic beverages. Tips not exceeding fifteen percent (15%) for meals, taxis, or baggage handling are reimbursable. Requests for reimbursement, including receipts, shall be submitted for approval within 30 days after the final day of training.

(See Appendix C - Resolution No. 182, or its successor for the adopted travel policy. Where discrepancies between this policy and Resolution No. 182 occur, the City Manager will determine which document prevails)

8.03 TUITION REIMBURSEMENT PROGRAM

The city may reimburse for tuition costs for courses taken at colleges/universities, or technical/vocational schools that are job-related or improve job-related skills, if pre-approved by the City Manager and within available city funding. The employee must be a regular status employee with a minimum of twelve (12) months at the City of Newcastle. To receive reimbursement, proof of successful completion of the course must be submitted with the reimbursement request. Successful completion requires a grade of "C" or better, or a passing mark from those institutions where traditional rating systems are not used.

For courses that include a combination of personal enrichment, career development and job-related skill development, the employee may be required to pay a portion of the course fee and/or attend courses on the employee's personal time. The City Manager shall determine which courses meet the criteria for reimbursement.

CHAPTER 9 EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.01 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

The position that all regular employees hold with the City is viewed by the City as that employee's primary job. Due to the high standards and emergency service expectations of the public for all City employees, all outside employment must be approved in advance by the City Manager.

Outside Employment: Employees may engage in another job outside their City employment as long as it does not conflict with the best interests of the City or interfere with the employee's ability to perform his/her City job. Specifically, outside activities may not:

1. Interfere with City job responsibilities;
2. Be conducted during the employee's work hours;
3. Utilize City telephones, computers, supplies, or any other resources, facilities or equipment;
4. Be employed with a firm which has contracts with or does business with the City;
5. Involve service in a decision making or recommending capacity with a public, private, or non-profit agency that solicits funds from the City and where the employee has a role in the City to influence such actions; or
6. Be reasonably perceived by members of the public as a conflict of interest or otherwise discredit to public service.

Code of Ethics: All employees must adhere to the Code of Ethics – Restrictions on Future Employment and City Contracting; ordinance 2011-0439 or 2.67 in the City's Municipal Code.

Conflicts of Interest: No employee of the City of Newcastle shall use his/her position for personal gain and shall avoid conflicts of interest or the appearance of conflicts of interest.

Conflicts of interest are prohibited. Employees are prohibited from:

1. Asking or receiving, directly or indirectly, any compensation, gratuity, reward, gift or promise thereof, for any matter connected with or related to his or her services as an employee;
2. Employing or using any person, money or property under his/her official control or direction for private benefit or gain or for the private benefit or gain of others;
3. Knowingly making any false or misleading statements in any official report;
4. Disclosing confidential information gained by reason of his/her official capacity for personal gain or benefit.

9.02 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, in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities. Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties may not wear or display any button, badge, sticker or other

advertisement 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.

An employee shall not hold an appointed or elected public office of the City when the holding of such office is incompatible with or substantially interferes with the official duties of the employee's job.

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

9.03 REPORTING IMPROPER GOVERNMENTAL ACTION (Whistleblower Protection Act)

Purpose of Policy: It is the policy of the City to encourage its employees to report improper governmental action taken by City officers or employees. It is also the policy to protect City employees, who in accordance with City policies and procedures have reported improper governmental actions, from retaliatory action.

Definitions:

Improper Governmental Action: Any action by a City officer or employee that is undertaken during the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment and does any of the following:

1. Violates any Federal, State, or local law or rule;
2. Abuses authority;
3. Is of substantial and specific danger to public health or safety;
4. Is a gross waste of public funds.

This does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands.

Retaliatory Action: Any adverse change in the terms and conditions of a City employee's employment, or hostile actions by another employee towards a City employee that are encouraged by a supervisor or senior manager or official.

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

Improper Governmental Actions within the City's operations should be reported immediately. The City will protect those who report such improper actions in good faith and in accordance with the City policies and procedures, against retaliatory actions.

Reports must be made in writing to the City Manager. If the City Manager is the subject of the report, the report should be made to any member of the City Council. Except in the case of an immediate threat to persons or property, employees must submit a written report of Improper Governmental Action to the City Manager before providing information of such action to a person who is not a public official, or a person listed at the end of this Handbook. If an employee fails to do so, the employee will not be protected under the whistleblower law. The City will promptly investigate all reports made pursuant to this policy. The City will keep your identity confidential to the extent possible under the law unless you

authorize disclosure in writing. You may be advised of the results of the investigation. However, any personnel actions taken as a result of the investigation may be kept confidential.

In an emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action, which are listed at the end of the Handbook.

Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action, or that for other reasons the improper action is likely to recur.

Employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

Protection Against Retaliatory Actions: Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

If you believe that you have been the subject of retaliatory action for reporting an improper governmental action:

Provide the City Council with a written notice of the charge of retaliatory action within thirty (30) days after the occurrence of the alleged retaliatory action specifying the alleged retaliatory action and the relief requested. The City shall respond to the charge and request for relief within thirty (30) days.

If you are not satisfied with the City's response, you may request a hearing to establish that a retaliatory action occurred and to obtain relief. You must make your request within 15 days of the delivery of response, or within 15 days of the last days on which the City could respond.

Within five (5) days of your request for a hearing, the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. The administrative law judge shall issue a final decision within 45 days of your request for a hearing unless such time period is extended by the administrative law judge.

If the decision is in your favor you may be granted relief as follows:

- Reinstatement with or without back pay;
- Injunctive relief to return you to the position you held before and to prevent recurrence of retaliation;
- Cost and reasonable attorney's fees; and/or
- The imposition of a civil penalty personally upon the retaliator(s) of up to \$3,000.00 payable by each person who has retaliated against you. The administrative law judge may also recommend to the City that the offending person(s) be suspended without pay or dismissed. All penalties recovered shall be paid to the local government administrative hearing account created pursuant to RCW 42.41.060.

9.04 NON-SMOKING POLICY

The City has a non-smoking policy for all of its facilities and City vehicles. Smoking, if done outdoors, must be far enough away from all entrances and air intakes to the building facilities so the smoke stays outside of the buildings and complies with Washington law prohibiting smoking within 25 feet of such entrances and air intakes.

9.05 USE of CITY PROPERTY and EQUIPMENT

The City of Newcastle provides employees with a variety of equipment, devices and technology systems which can include but are not limited to: computers, monitors, laptops, tablets, phones (desk, cellular and smart phones) internet, social media, intranet, software, email, voicemail, text mail, copiers, printers, fax machines, scanners, USB “thumb drives”, portable storage devices, networks, servers, etc.

City property and equipment are provided at public expense to assist employees in the carrying out of official City business. Inappropriate or misuse of City property and equipment may result in disciplinary action, up to and including termination.

Electronic Usage: The City respects the individual privacy of all employees; however, all employees should understand and be aware that they have no right to or expectation of privacy with respect to the employee’s use of City provided equipment, supplies and programs. All information stored on and/or transmitted by City-provided equipment, supplies and programs remains at all times the exclusive property of the City, and the City may monitor and review such information at any time, at the City’s sole discretion.

The City’s technology systems are the exclusive property of the City.

The use of the City’s Technology systems to engage in any communication that violates federal, state, local laws, regulations, or any City policy is unacceptable and strictly prohibited. Additionally, the following uses of City resources are inappropriate and prohibited, unless specifically exempted:

- Personal use that benefits an employee’s outside employment or business;
- Accessing, receiving or sending pornographic, sexually explicit or indecent material, including materials of an offensive nature;
- Unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individuals or group because of sex, race, religion, sexual orientation, national origin, age, disability, or other protected class;
- Using profane, threatening, racist, sexist, abusive or otherwise objectionable language in either public or private messages;
- Storing/saving credit card or sensitive account information (lock computer when not in use);
- Gambling;
- Unauthorized copying or downloading of copyrighted material, usage that violates software license agreements or downloading software programs (unless specifically approved by supervisor and coordinated with IT);
- Usage for political purposes, including campaigning;
- Any usage that precludes or hampers City network performance, such as viewing or listening to streaming audio and/or video (unless for City business, such as online training);
- Sending anonymous messages and/or misrepresenting an employee’s name, position or job description;

- Connecting to the City network, or any specific software package, utilizing someone else's security identification login information to gain alternate security permissions;
- Deliberately propagating any virus, worm, Trojan horse, malware, spyware or other code or file designated to disrupt, disable, impair, or otherwise harm the City's networks or systems, or those of any other individual or entity;
- Releasing misleading, distorted, untrue or confidential materials regarding City business, views or actions;
- Any personal use, even if incidental, that results in expense to the City or excessive personal use (even if no expense is incurred).

All system passwords and encryption keys must be available to the City. Employees are prohibited from the unauthorized use of passwords and encryption keys of other employees to gain access to other employee's email messages. Remember that creating a password or hitting the "delete" key does not always mean that messages or material cannot be retrieved. The City regularly backs up its file storage and e-mail servers.

All employees are prohibited from creating or sending inappropriate messages or unprofessional communication discussing the City, its employees, customers, or competitors.

The City licenses the use of computer software from a variety of outside sources. The City does not own this software or its related documentation, and it does not have the right to reproduce, use or otherwise copy that software without the permission of the software provider. Unauthorized copying or use of software or documentation on any medium is strictly prohibited. Anyone aware of any misuse of company software or related documentation must notify the HRR. Software may only be installed on a computer by the City. No software may be installed on any company computer, including screen savers, without proper authorization. The City may, from time to time, conduct system audits to ensure compliance with this policy.

Employees are expressly warned that they must respect copyright, trademark, trade secret, patent, license, policy and other proprietary rights and restrictions relating to the use, access or download of software or information. No one may download any software or information unless the following criteria have been met: (1) the information or software to be downloaded is directly related to work; (2) the City authorized the download; and (3) the City determines that the appropriate license fees have been paid.

Employees must also be careful when using electronic communication and/or software or hardware systems outside the office to maintain the confidentiality and integrity of any City information. Additionally, employees should at all times be mindful of their audiences in transmitting confidential communications and should do so only when they are certain that unauthorized individuals will not be privy to such communications.

Passwords to log on to City email will be changed every 90 days. Strong passwords shall be used.

Employees who violate this policy shall be subject to disciplinary action, up to and including termination.

The City has the obligation to maintain all electronic files and records in the same manner in which paper records are to be maintained in accordance with State Archivist records retention schedules, whether on city or personal equipment.

Use of City Owned Electronic Equipment: The City may require you to use a cellular or smart phone, tablet, laptop or other electronic device in the performance of your job or in emergency situations. In

either case, the City shall pay the expenses related to the use of a city-provided device. Please see your supervisor about the procedures for purchasing related equipment and maintaining it in the City's inventory. You are responsible for taking reasonable precautions to prevent equipment theft and vandalism, including securing the equipment in a proper manner at all times. You will be required to read, understand, agree and sign off on the terms of Assignment of Electronic Device.

The City provides electronic equipment to certain employees to improve both the services provided to the community and the communications with other City employees for City business. Therefore, City owned devices should only be used for City purposes and/or in the event of an emergency. If any personal charges incurred to the City occur, you must reimburse the City immediately following receipt of an invoice and prior to the time payment is due to the cellular telephone service provider. Any employee that terminates employment with the City prior to reimbursing personal charges authorizes the City to deduct the reimbursement from the employee's final paycheck.

Text Messaging: Text messages sent or received by an employee that relate to City business are public records regardless of whether the device used is owned by the City or personally owned by the employee.

Use of Your Personal Cellular Telephone to Conduct City Business: Subject to the duties of your position and if your supervisor and City Manager approve, you may be eligible for a monthly stipend as compensation for use of your personal cell or smart phone for City business. Stipends will be included in the employee's regular paycheck and are considered a taxable fringe benefit by the IRS, and therefore subject to federal withholding taxes. Employees who utilize their personal phone and receive stipends are not eligible for a City phone.

Use of City Charge Cards: The City may issue charge cards to employees to cover authorized travel expenses and other purchases or acquisitions. Employees must comply with the City's Credit Card Procedures Administrative Policy and Procedures agreement. The charge card users must submit fully itemized receipts, all expenditures require approval from the appropriate Department Director or designee or the City Manager. The employee must repay any charge not properly identified or not allowed. If the amount owed is not repaid, the city may withhold all funds that would be payable to the employee who used the charge card up to the amount of the disallowed charges. The card may not be used by any employee who has such charges outstanding, and it shall be surrendered upon demand of the Finance Director.

The City's charge card may only be used for travel, training, local business meetings, meals, or City purchases and acquisitions. All State and City purchasing requirements must be followed when using credit cards for purchases and acquisitions. Personal expenses, i.e., purchases or services of items to be kept by the employee, are not allowed to be purchased on a City charge card, and cash advances are prohibited.

Employees using City credit cards are responsible for promptly reporting lost or stolen credit cards to the credit card company and the Finance Department.

All expenditures require approval from the appropriate department director (or designee) or the City Manager.

Use of Other City Property: If you are entrusted with City supplies, equipment, materials, or property to use in your job, you are responsible for its proper use and maintenance. If you need to borrow or take-home City property for City business, you must have authorization from your supervisor.

All communications technology is the property of the City and may be used only for official business. Please limit incoming and outgoing personal phone calls to necessary calls and keep them to a minimum. You are responsible for all charges incurred and are required to reimburse the City for charges in the billing cycle following the call(s). Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment, or supplies can result in disciplinary action up to and including termination.

9.06 USE OF CITY MOTOR VEHICLES

Motor vehicles should be used by employees for City business only. After operating a City motor vehicle, an employee shall notify the supervisor of any new problems or defects with the motor vehicle. This will allow for maintenance to be done protecting future drivers of that particular motor vehicle. If the problem or defect is of such a nature that it will place the operator or passengers in jeopardy, the vehicle should not be used until repairs are made.

The City may, at the City Manager's discretion, allow individuals who are on call on a twenty-four (24)-hour basis to take home a City motor vehicle so that they can respond as soon as possible. Use of a City motor vehicle during or after consumption of alcohol or drugs is prohibited. The City vehicle is intended for business use only and is not intended for personal use.

Employees must report any accident, theft or malicious damage involving a City motor vehicle or a personal motor vehicle used on City business to their supervisor, or designee, regardless of the extent of damage or lack of injuries. These reports must be made as soon as possible but no later than forty-eight (48) hours after the accident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statements other than in reply to questions of investigating officers. Failure to report an accident may result in disciplinary action, up to and including termination.

Please note that it is the employee's responsibility to report to his or her insurance agent, any accident, theft or malicious damage involving their personal motor vehicle while on City business.

The City prohibits non-employees and those persons not engaged in City business from riding as passengers in City motor vehicles.

9.07 USE OF PERSONAL MOTOR VEHICLES FOR CITY BUSINESS

In some instances, a City employee may use his or her own personal motor vehicle for City business. The employee must carry automobile insurance for bodily injury and property damage per Washington State minimum requirements, as currently set forth in Chapters 46.29 and 46.30 RCW, as may be amended from time to time. Employees should consult with their personal insurance agent to determine whether a special endorsement for Business Use is appropriate or necessary in connection with their use of their personal vehicle for City Business. Employees must provide the City with proof of such insurance upon initial employment and/or assumption of driving duties and periodically thereafter, as requested by the City.

The City will reimburse the employee by paying the adopted rate for mileage (as specified in the City's Travel Policy).

9.08 SAFETY/SEAT BELT POLICY

Pursuant to Washington law, anyone operating or riding in City motor vehicles or driving or riding in a private or commercial vehicle while on City business must wear a safety/seat belt at all times. Employees are strictly prohibited from using cellular phones while operating a motor vehicle (this includes talking, texting, emailing, or surfing the internet). Employees should safely pull over prior to using a cell phone for any purpose. Employees are responsible for any driving infractions or fines as a result of their driving.

Employees must not drive and must promptly notify their immediate supervisor and/or request accommodation, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication. In the case of medication, an employee should consult with their doctor or pharmacist to determine whether the medication may impact or impair the employee's ability to safely operate a vehicle and must promptly notify their immediate supervisor if the medication impairs the employee's to safely drive. Employees shall not operate any City Vehicle at any time or operate any personal vehicle while on City business while using, consuming, or under the influence of alcohol or illegal drugs. Violations of these policies may result in disciplinary action up to and including discharge.

9.09 DRIVER'S LICENSE REQUIREMENTS

As a condition of employment for certain City positions, an employee must possess a valid Washington State driver's license and a driving record that meets City insurance standards at time of hire and throughout employment. A Motor Vehicle Record (MVR) will be obtained periodically for those drivers and reviewed to determine if remedial driver's training is necessary or if the employee's driving privileges on behalf of the City are properly suspended. The MVR will be reviewed with the driver by the supervisor and will be made part of the driver's file.

If an employee's license is revoked, suspended, or lost, or is in any other way not current, valid and in the employee's possession, the employee shall promptly notify his/her 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 termination due to the inability to perform his/her job.

9.10 SAFETY/SECURITY AND ACCIDENTS

The safety of each employee, co-workers and the public is the primary responsibility of each employee. Every employee is responsible for maintaining a safe work environment and following the City's safety policies. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her supervisor. The City will make every effort to remedy problems as quickly as possible.

The endangering of other employees or the public may result in immediate suspension or disciplinary action up to and including discharge.

Employees assigned or provided safety clothing or equipment are required to wear or utilize that clothing or equipment. Failure to do so may result in disciplinary action up to and including termination.

In case of an accident involving a personal injury, regardless of how minor or serious, employees shall immediately notify their supervisor or department director.

Accidents: An accident involving property damage or personal injury, however minor, must be immediately reported to their supervisor or designee, by filling out an accident report form provided by the City. Human Resources shall be promptly notified of all claims in order to make a timely report to the Department of Labor and Industries. Failure to report accidents may result in a violation of legal requirements and may lead to difficulties in processing insurance and benefit claims. Therefore, failure to report an accident may result in disciplinary action, up to and including termination

If an employee is injured on the job, he or she may be entitled to benefits under the state Workers' Compensation Law. Contact the Human Resources with questions about available benefits under the Workers' Compensation Law.

The City may require drug and alcohol tests of employees involved in accidents if there is reasonable cause to believe that drug or alcohol use or impairment exists.

The City retains the right to inspect employees' lockers, work areas, desks, persons, packages, computers and other work equipment and tools when it has concern regarding the safety and/or security of its employees and citizens and of the information for which it is responsible.

9.11 SUBSTANCE ABUSE

The City intends to provide a workplace free from alcohol and illegal (whether under federal and/or state law) drugs. Employees are prohibited from possessing, using or being under the influence of alcohol while on the job, while on City premises or while operating vehicles on City time. Employees are also prohibited from possessing, using, being under the influence of, or trafficking any illegal drugs and/or drug paraphernalia associated with illegal drug use while on the job or on the City premises.

Employees who are under the influence of alcohol (defined as having an alcohol concentration level of 0.04 or greater) or illegal drug (any detectable trace in the body system) while on the City's premises, while representing the City or while operating a vehicle on City time will subject to disciplinary action, up to and including discharge. For purposes of this policy, illegal drug refers to any drug prohibited by state or federal law. The use, sale, or possession of alcohol or illegal drugs and/or paraphernalia associated with illegal drug use while on the City's time or property will also subject an employee to disciplinary action, up to and including discharge. Consuming alcohol or taking drugs while on City property, on City time, or in other circumstances that might adversely affect City operations, job performance, or the City's safety or professional image, including consuming such substances prior to reporting to work or during breaks or lunch periods, is prohibited.

Medication which is lawfully prescribed by an employee's treating medical care provider is exempt from this policy; provided, that this specifically excludes medical marijuana, which remains a controlled substance prohibited under federal law. Employees should not report to work, or should request an accommodation, if they are taking prescription drugs pursuant to the recommendation of their medical care provider that, according to their provider, might affect their ability to perform their duties in a safe and effective manner.

Reasonable suspicion testing: Employees may be subject to a drug and alcohol urinalysis test when there is reasonable cause to believe that drug use or alcohol abuse exists. If an employee appears to be under any influence of drugs or alcohol, the City may require the employee to submit to appropriate tests, including urinalysis or breath tests, to confirm the existence of such alcohol or prohibited drug substance in his or her system. Failure to promptly permit such tests upon management's request shall be grounds for immediate termination.

Employees shall be subject to pre-employment, post-accident, random, return to duty, and follow-up drug testing, as follows.

Pre-employment testing: The City may require pre-employment testing for certain safety-sensitive positions, in its discretion.

Post-accident testing Where an employee causes or contributes to an accident in which (i) the employee receives a citation under state or local law for a moving traffic violation; or (ii) property damage estimated to exceed \$2,000 occurs; or (iii) the employee or any other individual sustains an injury that requires immediate medical treatment away from the scene of the accident; or (iv) a fatality occurs, and there is reason to believe that the employee may have been under the influence of alcohol or drugs at the time of the accident, the City may require the employee to submit to a post-accident drug and alcohol test.

Additionally, post-accident testing shall be administered as otherwise required by federal, state or local law. This includes, but is not limited to, post-accident testing required for holders of a commercial driver's license (CDL).

In all post-accident testing scenarios, testing should occur as soon as possible, and not more than eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing. An employee required to take a post-accident test may not use alcohol or any (non-prescribed) drugs until the test is given.

Random testing: Employees who are required to hold a commercial driver's license (CDL) shall be subject to random, unannounced alcohol and drug testing in accordance with applicable regulations.

Return to duty testing: Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the City's disciplinary policy are allowed to return to work, must test negative prior to being released for duty.

Follow-up testing: An employee who is referred for assistance that is 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 and the City. The number and frequency of follow-up testing will be determined by the substance abuse professional and the City but will not be less than six tests in the first 12 months following the employee's return to duty.

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 responsible for receiving and interpreting the drug test.

Employees violating this policy will be subject to disciplinary action, up to and including discharge. A refusal to take a drug and/or alcohol test required by the City shall be deemed the equivalent of a positive result and an employee refusing to take such test shall be subject to disciplinary action, up to and including termination. The City also reserves the right to search employee desks, lockers, work areas and personal property brought into the workplace where there is a reasonable basis to suspect a violation of this policy.

City Resources Available: Any employee experiencing difficulties with drugs or alcohol is encouraged to contact the City's Employee Assistance Program before the drug or alcohol issue affects his/her work performance and before they are asked to submit to a drug or alcohol test. Although the decision to seek diagnosis and accept treatment may be voluntary, the City is fully committed to helping employees overcome substance abuse through its available resources. In most cases, the expense of treatment may

be fully or partially covered by the City's benefit program. The City will reasonably accommodate employees who voluntarily seek treatment for a substance abuse problem before they are requested to submit to a drug or alcohol test and/or are otherwise the subject of an investigation and/or disciplinary action for a potential violation of this or any other policy or other performance issue(s). Human Resources can provide more information on available benefits. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination.

The decriminalization of the possession and private use of a limited amount of marijuana by adults over the age of 21 in Washington State, shall have no effect or impact upon this policy. The City is sometimes party to federal contracts and/or the recipient of federal funds. Pursuant to the Controlled Substances Act of 197, 21 U.S.C. § 801 et seq., marijuana remains a "Schedule I" controlled substance (determined as having (i) a high potential for abuse; (ii) no currently accepted medical use in treatment in the United States; and (iii) a lack of accepted safety for use under medical supervision) and its possession and/or use is illegal under federal law. Federal contracts and grants often include requirements that the City comply with all federal laws.

Employees should therefore recognize and understand that the "legalization" of marijuana under state law (for both medical and recreational purposes) will not excuse or otherwise constitute a "defense" to a positive drug test administered by the City in accordance with this policy. Any positive test for marijuana shall constitute a violation of this policy and shall be grounds for disciplinary action, up to and including termination of employment. In particular, those employees holding CDL's or otherwise occupying a safety-sensitive position with the City will continue to be subject to the USDOT Drug and Alcohol Testing Regulations, which strictly prohibit the use of marijuana.

9.12 COMPLAINT PROCEDURE/PROBLEM SOLVING PROCESS

The City recognizes that situations may arise in which an employee feels that he or she has not been treated fairly or in accordance with City policies, practices, and procedures. For this reason, a number of steps are outlined below to address problems and complaints.

A "complaint" is defined as an action by an employee alleging that he/she has not been treated fairly concerning the administration of these personnel policies or other administrative policies of the City.

This complaint procedure does not apply to claims of discrimination, unlawful harassment, retaliation, or reports of improper governmental action. Separate procedures apply to these types of complaints -- see Section 2.04, Anti-Harassment/Non-Discrimination/Non-Retaliation Policy and Section 9.03, Reporting Improper Governmental Action.

No punitive action shall be carried out against the employee for using this procedure.

Complaint Procedure:

1. Discuss your problem or complaint with your supervisor. He or she will give you a reply within five (5) working days, unless it is mutually agreed that additional time is needed.
2. If you feel the problem is not resolved to your satisfaction with your supervisor, or you disagree with how City policies have been applied, you should discuss the matter with the department director. The department director will respond to your complaint within five (5) working days after receiving the complaint unless it is mutually agreed that additional time is needed.

3. If you remain dissatisfied, you and the department director may jointly meet with Human Resources. If it remains unresolved the matter will go to step 4.
4. If you remain dissatisfied you can submit the problem, in writing, to the City Manager. The written complaint must include at a minimum:
 - A description of the problem;
 - The specific policy or procedure which the employee believes has been violated;
 - The date(s) of the circumstance(s) leading to the complaint of the date the employee first became aware of those circumstances;
 - The remedy sought by the employee to resolve the complaint.

The written complaint must be filed within twenty (20) working days of the occurrence leading to your complaint, or ten (10) working days after you first became aware of the circumstances, or within ten (10) working days of the conclusion of any mediation process.

The City Manager may meet with the parties involved and will prepare a written response within ten (10) working days of the meeting unless it is mutually agreed that additional time is needed. The City Manager may bring in a third party from outside the City to help resolve the problem. The City Manager's response and decision shall be final and binding.

9.13 BULLETIN BOARDS

The City maintains bulletin boards for posting information as required by federal and/or state law as well as to provide information to its employees. Posting of materials on City bulletin boards is restricted to those materials deemed appropriate by the City. Employees desiring to post materials shall make such request to Human Resources for determination of appropriateness.

9.14 SOLICITATION

To promote workplace safety and security, the following applies to soliciting in the workplace. Except for authorized City programs and with prior approval, individuals not employed by the City are not permitted to enter City premises at any time to solicit, survey, petition, or distribute literature. This restriction includes charity solicitors, salespersons, questionnaire surveys, union organizers or any form of solicitation or distribution. Employees may only approach each other regarding reasonable forms of solicitation during non-work time (including before and after the start of all involved employees' periods, and during breaks and meal periods) and in non-work areas. Solicitation for political organizations is explained in section 9.02. No City funds or resources can be utilized for outside solicitations.

9.15 PROFESSIONAL AND CIVIC ASSOCIATIONS

The City Manager may approve membership and the related participation of City employees in professional and/or civic associations or organizations if benefit for the City is determined. The City will pay for membership and participation expenses in approved organizations but will not pay for charitable or personal contributions of time, money, or goods.

9.16 UNIFORMS, SPECIAL EQUIPMENT AND CLOTHING

The City may require the wearing or use of uniforms, special clothing and/or special equipment. When such requirement exists, the City will pay for the purchase and replacement of such uniform, clothing, or equipment. The employee is required to wear or utilize such clothing or equipment in accordance with

City policy and practice. Failure to wear or utilize such uniforms, equipment or clothing may result in disciplinary action up to and including discharge.

CHAPTER 10

DISCIPLINE AND TERMINATION

10.01 GUIDELINES FOR APPROPRIATE CONDUCT

As public employees we are responsible to the public and held to a high standard of performance to maintain the public trust. In pursuing Newcastle's goal of excellence in City service, we expect excellence from each of our employees while striving to make this an enjoyable and rewarding place to work.

Therefore, provided for your guidance is a non-exhaustive list of the types of inappropriate work behavior that may result in disciplinary action up to and including termination:

1. Being on the job in possession of, distribution, sale, use or under the influence of alcohol, narcotics, other controlled substances or non-prescribed use of otherwise lawful prescription drugs;
2. Violation of a lawful duty, falsification of records or making a false claim on City funds;
3. Insubordination or other disrespectful conduct;
4. Unlawful harassment of another employee, member of the public, vendors, contractors;
5. Excessive or unexcused absences or tardiness;
6. Fighting or threatening violence in the workplace;
7. Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City;
8. Violation of duties or rules in these personnel policies, or any other City rule or administrative order;
9. Theft or inappropriate removal of property;
10. Boisterous or disruptive activity in the workplace;
11. Negligence or improper conduct leading to damage of persons or property;
12. Violation of safety rules or endangerment of the safety of the individual, co-workers or the public;
13. Possession of dangerous or unauthorized materials in the workplace;
14. Unauthorized disclosure of confidential information;
15. Unlawful discrimination or retaliation in violation of the law or these policies.

This list contains examples only and is not exhaustive. The City may discipline or terminate employees for other reasons not stated above. Some offenses are such to require immediate termination to ensure the public trust and safety.

Workplace Violence

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

1. Threatening injury or damage against a person or property;
2. Fighting or threatening to fight with another person;
3. Threatening to use or the possession, custody, storage, or control of a weapon on City premises unless the person is engaged in official law enforcement business (weapon is defined as any

explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, which, under the circumstance in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or bodily harm);

4. Abusing or injuring another person;
5. Abusing or damaging property;
6. Using obscene or abusive language or gestures in a threatening manner; or
7. Raising voices in a threatening manner.

10.02 WEAPONS

Employees are strictly prohibited from possessing, in any manner (whether on their person or in their vehicle parked on the City property), any weapon or firearm, regardless of whether the employee has a valid concealed weapon permit.

Concealed weapons should not be brought onto the City premises. Employees inadvertently bringing weapons onto the City premises shall be required to immediately remove such weapon from the premises.

Any violation of this policy should be immediately reported to Human Resources.

A violation of this policy shall result in disciplinary action, up to and including termination.

10.03 INVESTIGATORY OR NON-DISCIPLINARY LEAVE

A supervisor, following consultation with the City Manager may place an employee on paid or unpaid leave pending the outcome of an investigation undertaken by the supervisor or when the supervisor determines that public confidence, the efficient functioning of the City, or the safety of the employee, co-workers or the public may be endangered by the employee's continued presence at the work site. Based on the outcome of the investigation, further action may or may not be taken by the City. The City Manager will provide notice to the City Council when action has been taken to put an employee on paid or unpaid leave.

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

10.04 DISCIPLINE GUIDELINES

The City's discipline guidelines, as follows, are intended to give for-cause employees advance notice, whenever possible, of problems with their conduct or performances so they have an opportunity to improve. Any employee covered under the Collective Bargaining Agreement (CBA) is covered by the rules under the current CBA. Based on the seriousness or other circumstances of the situation, however, discipline may begin at any level, may skip steps and/or any steps may be repeated as appropriate. The City may determine that immediate termination is the appropriate, first and only step to be taken. The use of the disciplinary procedure for at-will employees does not alter an employee's at-will employment status.

Verbal Counseling: With the exception of offenses requiring more stringent action, the supervisor will discuss behavior and performance problems with the employee on an informal basis. This gives the

employee the opportunity to make changes and avoid proceeding to the formal discipline steps below. Such discussions may be temporarily documented in the supervisor's file, but not in the employee's personnel file.

Written Warning: This is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written warnings may be placed in the employee's personnel file. The written warning generally includes the nature of the infraction, what the employee needs to do to correct the conduct or improve performance, and makes clear what further disciplinary action would follow if the incident happens again or improvement does not occur within a specified time period.

Suspension: A temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action that is made part of the employee's permanent record.

Demotion: A reassignment to another position, with generally lower pay and responsibility, as a result of a disciplinary infraction. A demotion is a severe disciplinary action that is made part of the employee's permanent record.

Discharge: An employee may be terminated from City employment for a serious offense or when the progressive steps above do not result in corrected behavior or improved work performance or when the offense is such that the City determines immediate termination to be appropriate.

Pre-Discharge/Suspension Meeting: In the event the City Manager decides to discharge or suspend an employee, the employee shall be provided written notice of the pre-discharge/suspension meeting that includes an explanation of the reasons and the time of the meeting. The meeting will be presided over by the City Manager or a designated representative. The employee may bring one person to the meeting as an observer who may not interfere with the orderly process of the meeting.

At the meeting, the employee shall be given an opportunity to respond, either orally or in writing, and to explain why the City should not go ahead with the action. The City Manager will issue a written decision determining whether the discharge or suspension will proceed, or some alternative disciplinary action.

Working Test Period Employees: Employees in their working test period may be terminated with or without cause at any time without any of the discipline steps above. Likewise, the employee may resign in good standing during the working test period without discredit to their work record. At-will employees continue to serve in an at-will capacity even after completion of the working test period.

10.05 TERMINATION

Termination from employment with the City may be for a number of reasons including:

Resignation: Employment termination initiated by the employee who chooses to leave the City voluntarily.

Layoff: Involuntary employment termination initiated by the City for non-disciplinary reasons due to lack of work, limited funds, organization change or needs of the City.

Retirement: Voluntary retirement from active employment status initiated by the employee.

Discharge: Employment termination initiated by the City. It may be for cause or without cause depending on the employment status of the employee.

Prior to termination of employment, the employee will be asked to participate in an exit interview normally conducted by Human Resources during which the employee's benefits, rights and responsibilities following termination are explained. At the exit interview employees are expected to return all City property.

10.06 RESIGNATION

City management requires employees to provide two (2) weeks' notice of resignation and department directors four (4) weeks' notice of resignation, unless waived by mutual agreement. Failure to provide appropriate notice may result in not receiving payoff of accrued leave balances, as explained in sections 7.01 and 7.02, ineligibility for re-hire and a resignation not in good standing.

10.07 LAYOFF

The City Manager may lay off employees for lack of work, reorganization, budgetary restrictions or other changes that have taken place in accordance with the needs of the City.

In determining regular employees to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal as determined by the City.

The City reserves the right to retain any employee needed for essential City services and emergency responsibilities if they cannot be accomplished under the foregoing guidelines.

Employees who are laid off will be placed on a re-employment list for up to six (6) months. Persons on this list will be given preference over outside candidates if they are qualified for any open City position.

10.08 DISCHARGE

An employee may be discharged from City employment under various circumstances and for various reasons including, but not limited to, the following:

1. During or at the end of the employee's working test period with or without cause;
2. At-will employees may be discharged with or without cause or reason provided;
3. For cause employees may be discharged:
 - As a result of disciplinary action;
 - For unsatisfactory job performance;
 - Inappropriate conduct, as illustrated in Section 10.01;
 - Due to loss of skills, certifications or other conditions which would make the employee unable to satisfactorily perform the job or unfit for service.

10.09 BENEFITS AT TERMINATION

Employee and dependent benefits normally cease the day following the date of termination. However, based on contracts with benefit providers, some benefits may continue until the end of the month during which the employee terminates. Employees may be able to convert some group benefits to individual

policies following termination. Human Resources will explain benefits at termination during the exit interview.

10.10 RETURN OF CITY PROPERTY

On the employee's last day of work, the employee will be required to return to the City all City property in his/her possession or assigned to him/her including but not limited to:

- Credit cards
- Equipment and tools
- Identification badges
- Business cards
- Keys and Access Control Fobs
- Manuals and any other written or electronic materials
- Computer access codes
- Protective equipment and uniforms
- Vehicles

The value of property not returned may be recovered by the City through appropriate administrative or legal action.

APPENDIX A
COUNTY, STATE AND FEDERAL ENFORCEMENT AGENCIES

KING COUNTY

King County Prosecuting Attorney

Civil Division
Room W554, King County Courthouse
516 Third Avenue
Seattle, WA 98104
(206) 477-1120

Criminal Division
(206) 477-1334

Economic Crimes Unit
(206) 477-3733

STATE OF WASHINGTON

Auditor's Office

Legislative Building
302 Sid Snyder Ave. SW
Olympia, WA 98501
(360) 902-0370

Department of Ecology

3190 160th Ave SE
Bellevue, WA 98008-5452
(425) 649-7000

Human Rights Commission

711 South Capitol Way, Suite 402
Olympia, WA 98504
(800) 233-3247
www.humwa.gov

Department of Labor & Industries

PO Box 44000
Olympia, WA 98504
(360) 902-5800
www.lni.gov

APPENDIX B
ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL POLICIES

I have received a copy of the City of Newcastle's Personnel Policies. I understand that the personnel policies contained in this handbook are intended to be general guidelines only and do not constitute an express or implied employment agreement between the City and me. I also agree that my employment with the City is at-will, and that either the City or I may terminate the employment relationship at any time with or without cause or notice. I understand that this handbook supersedes any prior summaries or statements of employment policies and procedures, and that no manager, supervisor or other employee of the City is authorized to make any representation to the contrary, unless it is expressed in a written employment agreement authorized by the City Manager.

I also understand that I have no right or expectation of privacy with respect to my use of City provided equipment, supplies and programs, including but not limited to computer, voicemail, email, text mail, pagers, cell phones and the internet. I understand that all information contained on City provided equipment, supplies and programs remain at all times the exclusive property of the City, and that the City may monitor and review my electronic usage and any information by and/or stored on City provided equipment at any time, in the City's sole discretion.

City employees who incur personal expense billed to the City, such as through city electronic devices, city credit cards, city accounts, and/or relocation reimbursement shall be required to sign a written agreement before being allowed to utilize such programs authorizing deductions from employee pay for any amounts the employee fails to pay on a timely basis, including any payments due prior to, or coming due after, issuance of the employee's final paycheck at the end of the pay period.

As the State and Federal rules change our City personnel policies change. The City reserves the right to revise, supplement, clarify, or rescind any policy or portion of policy. You will be given notification of any such changes. Union presidents will have thirty (30) days to respond in writing with any comments they may have.

I have received and read the Personnel Policy Handbook.

Employee Name Printed

Date

Employee Signature

Please return this signed form to the Human Resource Office