

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 6/28/2021

| | |
|------------------------|---------------------------|
| AGENDA ITEM: | |
| Personnel Rules Update | |
| PREPARED BY: | DIRECTOR APPROVAL: |
| Jon Walker | |
| DEPARTMENT: | |
| Legal | |
| | |
| BUDGET CODE: | AMOUNT: |
| | |
| SUMMARY: | |

MMC 2.50.010 provides that the City Council will adopt personnel rules by resolution governing all city employees. This is the first update to the Personnel Rules since October 2014.

This update makes the following changes:

1. Numbers sections and subsections for ease of use and to facilitate amendments to the rules.
2. Authorizes the use of incentives to recruit for critical positions. (§3.1)
3. Updates sick leave provisions to be consistent with state law changes since 2014. (§8.4)
4. Updates provisions regarding which employees receive administrative leave. (§8.17)
5. Updates code of ethics provision to be consistent with code changes made by the Council since 2014. (§9.1)
6. Updates policies regarding use of computer systems and electronic communications and authorizes the Mayor to adopt policies and procedures to keep up with rapidly changing technology. (§11.2)
7. Eliminates prohibition on signing over L&I checks to the City. (§12.2)

A redlined copy is attached to this agenda bill for Council review. The attached resolution has a clean copy of the proposed Personnel Rules.

RECOMMENDED ACTION: Staff recommends Council consider adopting the proposed changes to the Personnel Rules.

RECOMMENDED MOTION: I move to adopt Resolution No. ___ updating the Personnel Rules.

CITY OF MARYSVILLE
Marysville, Washington

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, REPEALING RESOLUTION NO. 2490 AND ADOPTING
REVISED PERSONNEL RULES.**

WHEREAS, section 2.50.010 of the municipal code requires the City Council to adopt personnel rules governing all employees of the City of Marysville; and

WHEREAS, the last substantive update to the Personnel Rules was made in 2014 by Resolution No. 2366; and

WHEREAS, in November 2020, by Resolution No. 2490, the Council ratified a change to the Personnel Rules made by the Council in 2018; and

WHEREAS, the Personnel Rules should be revised to reflect current city policies and practices, and to be consistent with current state and federal laws and regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE that Resolution No. 2490 is repealed and updated Personnel Rules are adopted.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARYSVILLE that City Council adopts the Personnel Rules for the City of Marysville as set forth in Exhibit A.

ADOPTED by the City Council at an open public meeting this _____ day of June, 2021.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
TINA BROCK, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

EXHIBIT A



PERSONNEL RULES

FOR THE

CITY OF MARYSVILLE

Revised: ~~Fall 2014~~October 2019

PERSONNEL RULES CITY OF MARYSVILLE

VISION

Marysville - Live, Work, Play

MISSION

The City of Marysville partners with the community to provide quality, innovative and efficient municipal services which promote economic growth, thriving neighborhoods, healthful living, and financial sustainability for our residents and businesses

CORE VALUES

- Integrity:** We conduct our work in an atmosphere of honesty, respect, and courtesy recognizing the impact our actions have on the quality of life now and in the future.
- Trust:** We are committed to earn, maintain, and enhance the trust of each other and the community.
- Teamwork:** We nurture successful working relationships with all our partners.
- Accountability:** In the performance of our duties, we are individually and collectively accountable to citizens, customers, and stakeholders. We are competent, responsible, and dedicated to providing effective and efficient services.
- Innovation:** We encourage and support new ideas and creative approaches.
- Commitment:** We provide quality services with a continuing focus on excellence.
- Diversity:** We value and respect the uniqueness of our employees and citizens.

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Section 1. GENERAL PROVISIONS

1.1 PURPOSE

These rules establish personnel policies for conducting human resources programs and activities throughout City government to enable employees to provide efficient service to the public.

1.2 SCOPE

Where these policies conflict with collective bargaining agreements, civil service rules, or other state or federal laws or regulations, the provisions of the labor contract, civil service rules, or state or federal laws shall govern. In all other cases, these policies shall apply.

1.3 MANAGEMENT RIGHTS

Nothing in these policies affects or abrogates the inherent exclusive rights of the City in matters of general legislative or managerial policy, including exclusive rights to make the following decisions or take the following actions.

- Determine the mission of City departments, commissions, and boards.
- Set standards for public service.
- Determine procedures and standards of selection for employment, promotion, and dismissal.
- Direct and supervise all City employees.
- Decide and implement disciplinary actions.
- Relieve employees from duty due to lack of work.
- Terminate employees at will.
- Maintain the efficiency of governmental operations.
- Determine the methods, means, and personnel by which government operations are conducted.
- Exercise complete control and discretion over the City's organization and the technology of performing its work.
- Take all necessary actions to carry out its mission in emergencies.

This handbook of personnel policies is intended to provide general guidance only, it is not a contract or promise of specific treatment in specific situations, and it does not create any binding obligations upon the City. The City reserves the right to alter, amend, or modify these guidelines in its sole discretion. Amendment to these policies shall be by resolution of the City Council.

The Chief Administrative Officer (CAO), with the approval of the Mayor, may vary or modify the strict application of these policies in cases in which their strict application would result in practical difficulties or unnecessary hardships. Such variances shall not be construed as setting a precedent for other cases.

1.4 ADMINISTRATIVE PROCEDURES

The CAO or designee, with the approval of the Mayor, will establish administrative procedures to implement or enforce these personnel policies. These administrative procedures may be adopted, amended, or rescinded at any time. They shall be circulated to all department directors and the City Council prior to their effective date and placed on record in the office of the City Clerk, together with these policies.

1.5 MANAGEMENT-EMPLOYEE COMMUNICATIONS

The Mayor, as the chief executive officer of the City, and the CAO, as the Mayor's assistant, shall strive to maintain open communications with all City employees and shall have unrestricted access to employee records.

The City Council, as the legislative body of the City, should not initiate or accept communications with City employees on [administrative or personnel matters that are within the Mayor's scope of authority](#) without informing the Mayor or CAO. [Employees may communicate with Council members on matters of public concern during non-work hours.](#)

1.6 APPOINTING AUTHORITY

The Mayor has the power to appoint and remove all City employees. The Mayor may delegate such authority, in whole or part, to the CAO or department directors.

1.7 GENDER

Whenever words denoting the masculine or feminine gender are used in this document, they are intended to apply equally to both genders.

1.8 EXISTING LEAVE BENEFITS

All accrued leave time that has been earned by City employees as of the date of adoption of these policies by the City Council shall continue in full force and effect for such employees.

Section 2. EMPLOYMENT PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY

The City provides equal employment opportunities to all employees and applicants for employment without regard to race; color; religion; gender; sexual orientation; age; marital status; national origin; the presence of any physical, mental, or sensory impairment, whether temporary or permanent, that exists or is perceived to exist; honorably discharged veteran or military status; genetic information; or on any other basis that violates applicable federal, state, and local laws. This policy applies to terms and conditions of employment including, but not limited to, hiring, placement, transfer, promotion, termination, layoff, recall, leaves of absence, compensation, and training.

2.2 DISABILITY ACCOMMODATION ~~(NEW)~~

The City complies fully with its duty to provide reasonable accommodation to allow an employee with physical, mental, or sensory disabilities to perform the essential functions of his/her job, which includes reliable attendance. If you have a disability that limits or affects your ability to perform your job, please inform the Human Resources Director of your request for accommodation.

Examples of accommodations include adjustments to the work environment and equipment, work schedule, work-related duties, reassignment to another available position, and time off. Whether an accommodation is considered reasonable is decided on a case-by-case basis depending on the individual circumstances.

In order to provide a reasonable accommodation, the City may seek to communicate with an employee and their medical provider(s) to gain a better understanding of any limitations and how an accommodation would allow the employee to perform the essential functions of the position. Such communications will only occur after the employee has given written consent. Refusal to allow such communication may relieve the City of any legal obligation to accommodate the disability.

2.3 RELIGIOUS ACCOMMODATION ~~(NEW)~~

The City complies fully with its duty to provide reasonable accommodation of an employee's sincerely held religious beliefs and practices. For example, if an employee requires a certain work schedule, or to dress or attire themselves in a way that varies from any dress code adopted by the City, please inform the Human Resources Director of your request for accommodation. Whether an accommodation is considered reasonable is decided on a case-by-case basis depending on the individual circumstances.

2.4 UNLAWFUL RETALIATION ~~(NEW)~~

Any employee who complains of unlawful discrimination or harassment in good faith will be entitled to protection from retaliation for making a complaint. Any employee who cooperates in an investigation of a discrimination or harassment complaint will be entitled to protection from retaliation for such cooperation.

Unlawful retaliation occurs when an employee is targeted for unfavorable treatment by the City, or by coworkers, as a result of complaining or cooperating. Unfavorable treatment may include official action, like termination, demotion, or reassignment, or unofficial action like shunning or isolation or ongoing harassment.

If an employee believes he/she is being retaliated against, the employee should complain immediately to the Human Resources Director. If the employee believes the Human Resources Director is involved in the retaliation, the employee should complain to the CAO. Any complaints of retaliation will be investigated separately, and the City will take prompt, corrective action to remedy any complaints found to have merit.

2.5 EMPLOYMENT AT WILL

Employment at the City of Marysville is on an “at-will” basis. The statements of policy contained in this handbook are not a contract nor are they to be interpreted as a promise of employment. Employment may be discontinued at any time by the City or by the employee, with or without cause, subject to applicable labor contracts or civil service rules, and applicable federal, state, and local laws.

2.6 EMPLOYMENT RECORDS

Employees’ personnel files are maintained in the Human Resources office and are confidential. These files are maintained in accordance with federal and state laws and guidelines and to ensure confidentiality to the extent allowed by law. Employees may have access to review their own personnel files annually during regular business hours, except as waived by the CAO, in the Human Resources office. Employees may add statements to their files, but may not alter, amend, or remove any documents contained in the files. Personnel files may not be removed from the Human Resources office.

The City complies with the Washington State Public Records Act, valid court orders, and government requests that direct the City to provide information from personnel records to outside representatives. Representatives of government or law enforcement agencies, during the course of their business, may be allowed access to employment records information. This decision will be made at the discretion of the Human Resources Director, who may consult with the City Attorney, in response to the request, legal subpoena, or court order.

Requests for references on all employees, both past and present, must be directed to the Human Resources office. Without employees' written authorization, generally only the following information will be verified to banks, credit agencies, mortgage companies, or prospective employers: dates of employment, job titles, and employment status (regular, part-time etc.).

Managers and supervisors may request access to personnel file information for employees under their supervision and when considering the hire of a former employee or transfer of a current employee.

Medical information about employees is maintained in the Human Resources office in a separate, confidential medical file, as required by law. Human Resources staff will provide this information to supervisors and managers only on a "need to know" basis for the limited purposes of identifying necessary medical restrictions on employees' work or duties or determining necessary accommodations for employees' disabilities. [Supervisors and managers will keep information obtained for such purposes confidential.](#)

2.7 EMPLOYMENT OF RELATIVES

The City is an equal opportunity employer and does not discriminate due to marital status. The employment of relatives, including registered domestic partners, is handled on a case-by-case basis and will be left to the discretion of the Mayor and CAO.

All employees will be treated fairly and equitably in all employment decisions, and it is important to avoid even the appearance of potential inequity in employment actions. For this reason, the following employment guidelines apply to employees who are related to each other or share an intimate relationship.

- Under no circumstances may one employee audit or evaluate the work of the other related employee or oversee such audits or evaluations.
- One employee should not have the authority or practical power to supervise, appoint, remove, or discipline the other related employee.
- The related employees should not be assigned duties which would place them in a situation of actual or reasonably foreseeable conflict between the City's interests and their own.

When a relationship between employees occurs during employment, the two employees may remain in their positions provided they are not in conflict with the restrictions stated above. If the new relationship places the employees in potential conflict with the above restrictions, the City will try to arrange a transfer or change in position for one of the employees; if this is not possible, one employee must separate from employment with the City. The decision to transfer, change position, or terminate may be made in consultation and with the agreement of the involved related employees; however, the Mayor or designee retains the right to determine the employment actions that are in the best interests of the City.

Section 3. EMPLOYMENT ACTIONS

3.1 EMPLOYEE RECRUITMENT

The Human Resources office, with the assistance of affected departments, may prepare job announcements to fill vacant positions. When regular full- or part-time positions become vacant, current City employees may be given first consideration for filling vacancies, unless non-City employee applicants have substantially better qualifications and abilities. Job announcements should be posted at City offices for the benefit of City employees for a period of five working days. Job announcements, however, will be given such publicity as is appropriate to reach prospective, well-qualified applicants. [The CAO, with the approval of the mayor, may offer incentives to facilitate recruitment for critical positions.](#) All job announcements and related material shall explicitly state that the City of Marysville is an equal opportunity employer.

3.2 APPLICANT SCREENING

Job applicants must submit a completed City job application form to be considered for appointment to a vacant position, unless this requirement is waived by the CAO. The City's job application form solicits applicant job-related data about job-related training, experience, and references.

Applications will be screened by the Human Resources staff. Applicants may be disqualified for employment consideration based on factors including, but not limited to, the following:

- Applicant cannot establish his or her United States citizenship or authorization to be employed in the United States on a full-time basis, as required by law.
- Applicant does not possess the qualifications for the job.
- Applicant is not physically or mentally fit to perform the essential functions of the job, with or without reasonable accommodations.
- Applicant has demonstrated an unsatisfactory employment record as evidenced by the results of a reference check.
- Applicant has made false statements of any material facts or practiced deception in his or her application.

Only those applicants who appear to possess the minimum qualifications required may be considered for further testing and potential employment. In cases where there are a substantial number of applications, the Human Resources staff will provide the hiring department with an appropriate number of best qualified applicants.

Information from Previous Employers

Applicants for positions that require a Commercial Driver's License (CDL) and who have worked as drivers of commercial motor vehicles during the previous two years must authorize their previous DOT employers to release their records of applicants' positive alcohol or drug tests or refusals to be tested to the City. The City will make a good faith effort to obtain and review the information from prior employers within 14 days of new employees performing safety-sensitive duties for the first time.

If records from previous employers contain verified positive drug test, alcohol tests with 0.04 or higher alcohol concentration, or refusals to be tested within the past two years, job candidates and new employees are prohibited from driving commercial motor vehicles unless subsequent information indicates that an evaluation by a substance abuse professional was made and return-to-duty testing was administered. The City may provide job candidates and new employees with names of substance abuse professionals qualified to conduct return-to-duty testing; however, the cost of this testing will be paid by the job candidate or new employee. An employee who refuses to provide such consent may not perform safety-sensitive functions.

3.3 EXAMINATIONS

All appointments of City employees shall be made on the basis of ability, training and/or experience of the appointees to perform the essential functions of the job. Applicants' job qualifications will be assessed by careful and impartial evaluation of specific job-related criteria, designed to measure their ability to perform the essential functions of the job, with or without reasonable accommodations.

Examinations may be used to evaluate applicants' qualifications. Examinations shall consist of material that tests the capacity and fitness of applicants to effectively perform the essential duties, with or without reasonable accommodations, of the specific positions for which they are applying. Examinations may be written, computerized, oral, a measurement of physical fitness, practical, or any combination. There may be a fee assessed to cover the costs of testing.

3.4 EMPLOYMENT STATUS

Employees' positions are categorized in several ways—type of appointment, work schedule, and eligibility for overtime compensation—which affect compensation and eligibility for a variety of benefits. Following is a brief description of employment categories.

Type of Appointment

- **Regular**: Employment is for an indefinite period of time. Employees may be eligible for all employment benefits offered by the City. Employees have successfully completed their orientation period.
- **Temporary**: Employment is for a specified, limited time period or an indefinite period of time. The number of hours a temporary employee may work annually may be subject to applicable collective bargaining agreements. Employees are eligible for only those employment benefits that are legally required.

Temporary appointments shall be made by the appointing authority only for the following reasons:

- As a substitution for a regular employee who is absent from his or her position.
 - When recruitment difficulties make it impossible to make a regular appointment to a position.
 - When budget appropriations provide only for temporary employment.
 - During a state of emergency.
- **Seasonal**: Employment is for a specified, limited period approximately six months or less. The number of hours seasonal employees may work annually is subject to applicable collective bargaining agreements. Employees are eligible for only those employment benefits that are legally required.

Work Schedule

- **Full-time**: Employees regularly work 40 hours per week. Employees may be eligible for all employment benefits offered by the City.
- **Part-time**: Employees regularly work at least 20 hours per week. Unless otherwise stated, employees may be eligible for employment benefits on a prorated basis, depending on usual number of hours worked per week.

Eligibility for Overtime Compensation

- **Nonexempt**: Employees are in a position classified as nonexempt under the Fair Labor Standards Act (FLSA). Employees must receive overtime compensation or compensatory time off at the rate of 1½ times the hourly wage rate for hours worked in excess of 40 in one workweek. Nonexempt employees may be paid either on an hourly or salary basis.

- **Exempt:** Employees classified as exempt from the overtime provisions of the FLSA. These employees are not entitled to overtime pay or compensatory time off.

All appointments of City employees shall be made by the Mayor or designee.

Employment at the City of Marysville is on an “at-will” basis. The statements of policy contained in these rules are not a contract nor are they to be interpreted as a promise of employment. Subject to any applicable labor contract, civil service rules, or federal, state, or local laws, employment may be discontinued at any time by the City or by the employee, with or without cause.

3.5 ORIENTATION PERIOD

Most newly-hired employees and former City employees serve an orientation period for six months. These employees should receive performance evaluations at the end of three working months and again toward the end of the six-month period. Employees’ department directors will recommend to the CAO that employees have successfully completed the orientation period, recommend an extension of the orientation period, or recommend dismissal; the orientation period may be extended for one additional six-month period.

Employees who are promoted or transferred to another position serve an orientation period of four months and may be demoted at any time during the orientation period without appeal. In this case, employees may be returned to the position from which they were promoted or transferred, even though this may necessitate the layoff of another employee occupying this position.

Commissioned employees of the Police Department serve a probationary period at time of hire and when promoted as specified in the Civil Service Rules.

Employees will be notified when they have successfully completed their orientation periods and become regular status employees, provided that successful completion of an orientation period does not modify an employee’s at-will status.

3.6 TRANSFER

The CAO may transfer employees to other positions, upon recommendation of department directors or employees’ requests, to meet the needs of the City. Employees may not transfer to positions for which they do not possess the qualifications to perform the essential functions of the job, with or without reasonable accommodations. Transfers shall not be used to circumvent policies regarding promotions, demotions, or terminations.

See the *Orientation Period* policy regarding the orientation period following transfers and the potential for employees to return to their former positions. See *Pay Plan* policy for transfer compensation practices.

3.7 PROMOTION

Employees may be promoted into vacant positions when there is a significant change in job duties and/or an increase in job responsibilities. Promotions will not be made to circumvent compensation policies and practices or solely to increase an employee's compensation.

Vacancies in positions above entry level shall be filled by a promotion whenever, in the judgment of the CAO, it is in the best interests of the City to do so. Promotions may be made on a competitive basis, and appropriate consideration given to the applicant's qualifications, record of performance, seniority, and employment tenure. . External applicants may be sought if the CAO finds that the number of persons qualified for the position internally is insufficient.

See the *Orientation Period* policy regarding the orientation period following promotions and the potential for employees to return to their former positions. See *Pay Plan* policy for promotion compensation practices.

3.8 RECLASSIFICATION

Positions may be considered for reclassification to a different job class when the job duties or responsibilities have significantly changed. Reclassifications will not be made to circumvent compensation policies and practices or solely to increase an employee's compensation.

Department directors submit written requests for job analyses to the Human Resources Director who performs a job analysis and submits his or her recommendation to the CAO. Upon approval by the CAO, the recommendation is sent to the City Council for its consideration and action. Reclassification of civil service personnel shall first be approved by the Civil Service Commission.

See *Pay Plan* policy for reclassification compensation practices.

3.9 DEMOTION

The Chief Administrative Officer may demote employees when they have been promoted or hired into -a position for which the responsibilities are beyond employees' capabilities. Demotions shall occur only after a thorough evaluation by department directors and the CAO and after adequate written warning. Employees shall not be demoted to a position for which they do not possess the qualifications to perform the essential functions of the job, with or without reasonable accommodations.

Demotions may be authorized by the CAO for an employee who requests it or to prevent a layoff. Demotions to prevent layoffs may be reversed when employees' previous positions are reinstated or reopened.

3.10 DISCIPLINE

Violations of City policies are taken seriously; employees who violate policies or procedures stated in this handbook, in civil service rules, and collective bargaining agreements, as applicable, are subject to disciplinary action. Disciplinary action may also be taken for unsatisfactory performance. The principles of progressive discipline are generally applicable; however, the City reserves the right to take whatever action it deems appropriate, which may include immediate termination. The degree of discipline administered generally depends on the severity of the infraction or performance issue and will comply with applicable labor contracts, civil service rules, and federal, state, or local laws.

The following are some examples of conduct that may lead to discipline or discharge. This list is not all-inclusive; other behavior may also be grounds for discipline or discharge.

- Failure or refusal to perform the essential functions of the position assigned, with or without reasonable accommodations.
- Insubordination, generally defined as disrespectful conduct toward a supervisor or failure to follow a supervisor's instructions. This may include other misconduct, such as making threats, using coercion or physical violence or abusive language, or making malicious statements.
- Refusal to work overtime or standby, as determined by the supervisor.
- Inability of employees in supervisory positions to effectively plan, organize, and direct the work of subordinate employees.
- Inability of employees in executive positions requiring initiative and independent judgment to perform effectively, except under excessive supervision by the CAO.
- Habitual failure to maintain a satisfactory working relationship with other employees or the public.
- Theft, fraud, or sabotage against another employee, customer, or the City.
- Theft, destruction, or gross negligence that results in damage or loss to City equipment, time, or property.
- Unauthorized use of City equipment and/or supplies.
- Deliberate or repeated discourtesy to the public.
- Conviction of a felony or any misdemeanor which relates to the employee's scope of duties. An employee may be placed on suspension by the CAO pending outcome of a criminal charge if circumstances warrant.
- Any act or conduct detrimental to the good of the City or its services and any other offense against the public interest.

The City is an at-will employer. Employees have the right to leave employment at any time, and the City has the right to terminate employment at any time, with or without cause, subject to applicable labor contract, civil service rules, or federal, state or local laws.

3.11 PRE-DISCIPLINARY HEARING

The CAO may provide and arrange for a pre-disciplinary hearing prior to demotion, suspension, or discharge of employees. [The CAO will provide and arrange for a pre-disciplinary hearing prior to demotion, suspension, or discharge of employees who are members of the civil service or who are covered by a collective bargaining agreement. To the extent the procedures set forth in the civil service rules or a collective bargaining agreement conflict with those set forth in this section, the civil service rules or collective bargaining agreement will take precedence over this section.](#) The following rules shall govern the conduct of such hearings.

- If a pre-disciplinary hearing is scheduled, the CAO shall provide the employee with written notice of the cause for discipline and a summary of the City's evidence relating to the same. This notice shall advise the employee of his or her right to a pre-disciplinary hearing. In extraordinary circumstances, the CAO may suspend an employee, with pay, pending the scheduling of such a hearing.
- At the employee's reasonable request, he or she may have legal counsel or union representation at the pre-disciplinary hearing. This hearing shall be held before the Mayor or designee. The hearing shall be informal. The employee or his or her representative shall be given an opportunity to respond to all charges, orally or in writing.
- The City's explanation of the evidence at the pre-disciplinary hearing shall be sufficient to inform the employee of the basis for the proposed action. This rule, however, shall not limit the City at a subsequent hearing from presenting more detailed and complete evidence, including presentation of witnesses and documents not available at the pre-disciplinary hearing.
- After the pre-disciplinary hearing, if the Mayor determines that discipline is appropriate, written notice of it shall be given to the employee. Such notice shall include the charge against the employee and a general statement of the evidence supporting the charges.

3.12 SUSPENSION

The Chief Administrative Officer may suspend employees from their positions without pay at any time with or without cause. Suspensions shall not be for a period longer than 30 calendar days. Employees do not accrue seniority, paid leave, or other employee benefits during the suspension period. Suspensions of exempt employees must be in full week increments, except that suspensions for violations of major safety rules may be in one-day increments.

The CAO shall provide employees with written notice of facts supporting their suspensions. This notice will become part of an employee's personnel file.

[Suspension of an employee covered by a collective bargaining agreement will follow the procedures set forth in the collective bargaining agreement.](#)

3.13 DISCHARGE

The Chief Administrative Officer may discharge any employee with or without just cause, subject to applicable labor contracts, civil service rules, and federal, state and local laws.

3.14 LAYOFF

Layoffs may result from lack of work or budgetary restrictions, among other reasons. Employees to be laid off shall be given 14 days notice, except in cases of emergency, before layoffs occur. Regular employees shall not be laid off while another person in the same classification is employed on a temporary or casual basis or is still in an orientation period in a position for which regular employees are qualified.

3.15 RESIGNATION

The City's at-will employment relationship does not require advance notice of resignations or terminations; however, employees are encouraged to submit written resignations to their department directors at least two weeks prior to the effective date of resignation.

Department directors shall send resignation notifications to the CAO as soon as possible. Failure to provide the requested notice may result in forfeiture of accrued vacation leave; however, department directors may waive the two week notice requirement.

3.16 RETIREMENT

All regular full- and part-time City employees belong to a Washington State-sponsored retirement plan. Some employees working in temporary or casual positions may belong to a Washington State-sponsored retirement plan; the State establishes eligibility rules and plan requirements. Employees and the City both contribute a percentage of employees' wages into the retirement system plans monthly.

Section 4. COMPENSATION

4.1 CLASSIFICATION PLAN

In the City's job classification system, all positions are assigned to a "class" with other positions requiring a similar level of knowledge, skills, abilities, responsibilities, and accountability. The City has analyzed and evaluated the duties and responsibilities of all job positions, and a job classification plan has been adopted by the City Council. The Human Resources Director shall periodically review the classification plan and make recommendations for change to the CAO who, upon approval, will submit the plan to the City Council for its approval. The City Council makes final decisions about placement of positions within the classification plan.

4.2 PAY PLAN

As part of the classification program, a compensation plan has been established which includes all -salaried positions. Each job class is assigned to a salary range, which after job analysis and market considerations reflects appropriate compensation for those positions. The plan consists of salary ranges with set salary steps based on job tenure, which are separated by a fixed percentage.

Typically, salaries for newly hired or promoted employees will be set at the bottom step in the salary range for their positions, except that the appointing authority may set salaries for employees hired with special experience or qualifications, or under special circumstances, at any step within the salary range for their position.

Employees are eligible to advance from one salary step to the next per their job tenure. Step increases may be denied, however, upon the recommendation of department directors and approval of the CAO, provided that employees receive advance written notice outlining the reasons. Employees are eligible for merit increases to the top step of salary ranges after one additional year of service at the recommendation of their department directors. Merit increases shall not be automatic.

Non-represented employees may be eligible for an annual performance award for exceptional performance on a major project, assignment or accomplishment. The amount of the award will be reviewed annually during the budget process and may vary based on the availability of funds, market data and trends. The performance award will be given at the end of the year and will not be added to base pay.

The salary ranges for department director positions have base and maximum salaries--there are no fixed wage steps—and each department director's salary is set within the applicable range. Salary increases for department directors shall range from 0% - 6%, based on their abilities to meet projected goals, performance standards, and overall department operations.

All employees shall be assigned to the salary range for their job classifications. Employees promoted or reclassified to new positions having higher pay ranges shall receive a salary increase of at least 2.5% or the lowest step in the new position classification, whichever is greater, except as otherwise approved by the CAO in extraordinary circumstances. Employees reclassified to new positions having lower pay ranges shall have their new compensation set within the pay range of the new position.

Employees assigned, in writing, to work in a temporary capacity in a higher classification shall receive appropriate compensation as determined by the CAO.

Employees assigned to perform additional responsibilities outside of their regular work schedule or responsible for performing mission critical emergency support may receive appropriate compensation as determined by the CAO. Any compensation may be amended or rescinded -at any time at the discretion of the CAO.

Employees shall not receive any additional compensation or fringe benefits due to employment tenure with the City except as specifically provided in these policies or in the duly-adopted pay plan of the City.

The City Council allocates funds in the annual budget for employee compensation, and all compensation actions must comply with the budget.

4.3 OVERTIME COMPENSATION

The federal Fair Labor Standards Act mandates compensation for overtime work for nonexempt employees. Nonexempt employees must receive either overtime pay or compensatory time off at a rate of 1 ½ -times their regular rate of pay for time worked in excess of 40 hours per workweek, unless otherwise granted more expansive compensation for overtime in a collective bargaining agreement. The City may not compel use of compensatory time off in lieu of monetary compensation for overtime worked.

Before overtime is worked, employees must have verbal approval from their department directors or designee. Approved vacation leave, compensatory time off, and holidays are counted as time worked for the purposes of computing overtime worked. All other absences, including sick leave, are not counted as time worked for the purposes of computing overtime, except as approved by the CAO in extraordinary circumstances.

4.4 COMPENSATORY TIME

Nonexempt employees may request compensatory time off at the rate of 1½ times the actual time worked as overtime hours, in lieu of monetary compensation. Compensatory time will not accrue until a minimum of one-half hour has been earned.

Employees' supervisors have the discretion to approve use of compensatory time off. Compensatory time off shall be scheduled as soon as possible after accrual to meet the needs of employees and the City. Compensatory time off may be used to extend vacation periods or on its own; in either case, it may be used for up to four days or four shifts at one time. The City reserves the right to compel use of accrued compensatory time.

Accrued compensatory time shall not exceed 80 hours in a calendar year; no more than 40 hours of compensatory time shall be carried over into the next calendar year. All amounts in excess of 80 hours will be paid out as overtime as they occur. All hours over the 40-hour limit on December 31st will be paid out on the last pay check for December.

Exempt employees are not eligible for compensatory time off.

4.5 PAYROLL DEDUCTIONS

Some regular deductions from employees' earnings are required by law; other deductions are voluntary and must be specifically authorized by employees. The City will withhold from employees' paychecks those deductions required or permitted by law and voluntary deductions authorized by employees, an applicable union contract, or statute. Voluntary deductions must be requested in writing by employees to the Human Resources office.

4.6 EXEMPT EMPLOYEES

Federal and state regulations require exempt employees to be paid on a salary basis. Exempt employees are not eligible for overtime; they are expected to work as many hours as required to perform the duties of the position.

Generally after accrued paid leave is used, exempt employees' salaries may be reduced only for full day absences for personal reasons, illness, or injury. Deductions for unpaid family and medical leave (per the Family and Medical Leave Act), however, may be made in partial-day increments. Also, exempt employees may be paid for partial workweeks in the first and last weeks of their employment with the City.

Exempt employees continue to receive their full salary during workweeks that they are on jury duty, serving as a court witness, or on temporary military leave, beyond that which is expressly provided for in these policies, as long as they work during part of every workweek. Employees do not need to be at the work site to perform work; responding to phone or email messages is considered work (provided that remote work must generally be approved in advance by an employee's supervisor).

Unpaid disciplinary suspensions for exempt employees must be in increments of a week, except for violations of safety rules of major significance, which may be in one day increments.

The City complies with the salary basis requirements of the Fair Labor Standards Act (FLSA) and does not make improper deductions from the salaries of exempt employees. Exempt employees are those employed in a bona fide executive, administrative, or professional capacity and who are exempt from the FLSA's overtime pay requirements. Circumstances when partial or full day deductions may be made include the initial or terminal week of employment; unpaid leave under the Family and Medical Leave Act or; for penalties imposed in good faith for infraction of safety rules of major significance.

Exempt employees who believe that an improper deduction has been made to their salary, should immediately report this information to the Human Resources Department. Reports of improper deductions will be promptly investigated and, if it is determined that an improper deduction has occurred, prompt reimbursed for any improper deduction will be made.

Section 5. HOURS OF WORK

5.1 WORKWEEK AND TIMESHEETS

The typical workweek for City employees is 8:00 a.m.-5:00 p.m., Monday through Friday, with a one hour meal period during which employees are completely relieved of all duties; this is a 40-hour workweek. The typical full week is Monday through Sunday. Due to the nature of their work and the needs of the City, some departments may have different schedules or workweeks, as determined by the CAO. Normal workweeks may be modified by the CAO in response to budget requirements or emergency conditions. The City will consider requests for alternative work schedules on an individual basis.

Employees shall not begin work before their normal starting time or work after their normal ending time without the prior approval of their supervisor, nor shall they work overtime hours without verbal approval from their department directors or designees.

Overtime compensation begins when an employee works in excess of 40 hours in one workweek. Approved vacation leave, compensatory time off, and holidays are counted as time worked for the purposes of computing overtime. All other absences, including sick leave, are not counted as time worked for the purposes of computing overtime, except as approved by the CAO for extraordinary circumstances.

Official payroll records, including timesheets, are kept by the Finance Department. Employees must accurately report all hours worked and leaves taken on specified payroll forms. Falsifying payroll records, such as underreporting of leave time or over reporting of working time, is prohibited; failure to accurately complete payroll forms is grounds for disciplinary action.

Department directors shall turn in signed timesheets for all employees within their departments, recording hours worked, leaves taken, and overtime hours worked for each payroll period. Earned or accrued compensatory time shall be documented on City forms, including the date, number of hours, and the activity for which compensatory time is being claimed. The Mayor or designee shall sign timesheets for department directors.

5.2 ATTENDANCE AND PUNCTUALITY

Attendance is essential to the performance of an employee's job. Absences lower production levels, decrease efficiency, and may reduce the quality of customer service. Employees are expected to report for work at their scheduled times and be ready to work.

Employees must receive prior approval from their supervisors to take all leaves authorized in these personnel policies. When employees know they will be late to or absent from work for an unscheduled leave, they must contact their supervisors prior to the start of their shift to enable supervisors to make necessary arrangements to continue employees' functions during their

absences. Failure to report to work on time and to work the full hours scheduled costs the City money in decreased productivity and potentially increased staffing. Failing to notify supervisors in a timely manner regarding an unscheduled absence, or arriving late and leaving early at any point in the work shift, are considered unauthorized absences and may result in disciplinary action.

5.3 REST BREAKS AND MEAL PERIODS

Non-exempt City employees are entitled to a 15-minute break on the employer's time for every four hours worked. Office personnel should take their breaks in designated areas. Field employees should take their breaks on the job site or station premises. With the approval of department directors, work breaks may be taken in places other than designated areas. Misuse of work breaks may be cause for disciplinary action.

Employees working more than five hours in a day must take an unpaid meal period of at least 30 minutes, which shall be scheduled by department directors. Meal period times may vary depending upon department workload, but they must occur not less than two hours nor more than five hours from the beginning of the employee's shift. Meal periods shall be on the employer's time when the employee is required by the employer to remain on duty on the premises or at a prescribed work station site in the interest of the employer.

Additionally, 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 breaks. The City will provide a suitable, private location for nursing breaks. An employee who needs nursing breaks may confer with her supervisor or Human Resources to make appropriate arrangements for those breaks.

5.4 INCLEMENT WEATHER

During inclement weather, the CAO will decide whether or not to close City offices/workplaces. If the ~~offices are~~ workplace is open but ~~an~~ employees are ~~is~~ unable to travel to the ~~office~~ workplace, they must contact their supervisors. ~~For a Nonexempt employees, an absence due to inclement weather will be treated as vacation time or unpaid time off, at employees' discretion, regardless of whether the offices are open or will be paid normal wages if the workplace is closed due to inclement weather, unless if they are able to work at a remote location, as approved by their supervisors, they will do so.~~

5.5 ALTERNATIVE WORK SCHEDULE

Regular full-time employees are eligible to apply for alternative work schedules. Alternative work schedules may be approved if they will not materially interfere with the City's regular business operations and will not compromise the City's existing service to citizens.

Department directors and the Human Resources Director will recommend action on employees' requests, and the CAO has the sole discretion to approve alternative work schedules based on objective review of the individual circumstances and the demands of the position and needs of the department and City. Employees who have documented performance problems or employees in their orientation periods may be denied their request for an alternative work schedule based on individual circumstances.

Approved alternative work schedules will be implemented for a trial period not to exceed six months. After three months working an alternative work schedule, the department director and Human Resources Director will reevaluate the situation and recommend its continuance or discontinuance to the CAO. Alternative work schedules can be discontinued at any time, with or without cause.

There are a variety of possible alternative work schedules. Three of the most common are the following:

- 4/40: Employees work four days per week for ten hours per day. Any change in day off must be preapproved and will be a change in employees' regular work schedules.
- 9/80: Employees work 80 hours over a two week period of nine working days. For example: Employees work four days of nine hours per day and one day of eight hours the first week, and the second week, they work four days of nine hours per day. This results in one extra (in addition to regular nonworking days, such as weekends) day off every two weeks.
- Flexible hours: Core hours, those hours that must be part of a regular work schedule, are established, and employees have flexibility to alter the start and end of their regular workday. For example, for an 8-hour day (plus a 1-hour lunch break), if core hours are set at 10 a.m.-4 p.m., the employee could work from 7 a.m.-4 p.m., 9 a.m.-6 p.m., or a similar schedule.

Alternative work schedules must be predesignated and are not flexible. Employees' workweeks, as defined by the Fair Labor Standards Act, are a fixed and regular recurring period of 168 hours—seven consecutive 24-hour periods. The workweek can begin on any day of the week and at any hour of the day. Once the beginning time of a workweek is established, however, it must remain fixed regardless of the schedule of hours worked by employees. The beginning of the workweek may be changed if changes are intended to be permanent and are not designed to evade overtime requirements of the FLSA.

Changes in alternative work schedules must be preapproved by department directors, Human Resources Director, and CAO and will be a change in employees' regular work schedules.

During weeks in which paid holiday leave occurs, employees on alternative work schedules have two choices. They may either revert to a regular 5 days/40 hours schedule (employees working a 9 days/80 hours schedule will need to revert for two weeks) or they may use accrued

vacation or compensatory leave time to make up any difference in the number of regularly scheduled work hours since a holiday is always considered to be eight hours.

Sick leave and vacation leave will continue to accrue at the regular rate. When employees use a full workday of sick or vacation leave, the time charged will be equivalent to the number of hours they were scheduled to work that day. This accounts for actual time absent for regularly scheduled work hours.

Rest breaks and meal periods must be taken per the *City's Rest Breaks and Meal Periods* policy.

Employees interested in applying for an alternative work schedule should contact the Human Resources office to obtain the appropriate form.

Section 6. EVALUATION, TRAINING, AND DEVELOPMENT

6.1 EMPLOYEE DEVELOPMENT

The City of Marysville encourages professional development of employees to their fullest potential. The CAO or designee and department directors will establish in-service training programs designed to improve the effectiveness and knowledge of employees in performing their assigned duties. They shall establish training expenditures, maintain records of achievement, and evaluate methods and results of all department-sponsored training.

City-sponsored training required to increase the knowledge, skills, and abilities of employees to perform their jobs shall be arranged during regularly-scheduled work hours whenever possible. Department directors may change employees' regular working hours to accommodate or require attendance at training activities during off-duty hours.

6.2 PERFORMANCE EVALUATION

The employee performance evaluation program is designed to provide supervisors and employees an annual opportunity to sit down and discuss employees' accomplishments and positive contributions, as well as identify things they would like to improve, change, or learn. The employee performance evaluation form is both a progress report and statement of mutually agreed-upon goals and action plan to attain the goals; this becomes part of employees' personnel files.

The purpose of performance evaluation is for supervisors and employees to focus on job performance, not the personality of the individual. Supervisors should be aware of employees' job performance throughout the evaluation period and discuss and address performance issues as they arise. Supervisors should not save these concerns to "unload" on employees during the evaluation session.

Supervisors and employees will thoroughly discuss each job evaluation element; employees will provide their input first, followed by the supervisors' input, and discussion between them should be specific and realistic. Mutually agreed-upon goal statements, aimed to enhance the effectiveness and efficiency of the work being performed, is required as part of the performance evaluation. Supervisors complete evaluation forms, both parties sign the document, employees' receive copies of it, and it becomes part of employees' personnel files.

A performance development plan needs to be completed if the overall rating for any job evaluation element is Below Expectations or Unsatisfactory. The purpose of the plan is to address the most significant areas the employee needs to improve performance or knowledge.

Performance evaluations are not scored, and there is no pass or fail mark. Performance evaluations, however, will be considered in promotions, transfers, merit raises, disciplinary actions, and other personnel actions.

Evaluation sessions should occur in January, or annually in the employee's anniversary month, as determined by department directors. Newly-hired employees should receive a three-month evaluation as well as a six-month evaluation. Employees who transfer to another position or are promoted receive a four-month evaluation.

6.3 TUITION REIMBURSEMENT

The City of Marysville recognizes that additional training and education will improve employees' knowledge and skills, which maintains and improves the quality of service to the public. The tuition reimbursement program provides financial assistance for eligible City employees seeking job-related education and training through a regionally accredited education institution, including colleges, universities, and vocational training institutions.

Regular full- and part-time employees who have completed their orientation periods may be eligible for tuition reimbursement. During the annual budget process, the City will determine the level of tuition reimbursement for college level coursework. Tuition payments will be made only with funds budgeted for such purpose by departments. If there are insufficient funds to fund all requests, applications for reimbursement will be considered based on the needs of the City. All tuition reimbursement requests must be preapproved by department directors and the CAO; situations with extenuating circumstances may be approved by the CAO on a case-by-case basis.

Employees seeking tuition reimbursement must apply to department directors at least 60 days before the funds are needed. Employees are responsible for ensuring that tuition has been properly paid to the educational institution.

Tuition reimbursement requests that meet the following criteria may be approved.

- The education or training is related employees' current positions or to a field which is within a reasonable line of professional progression for employees within the City.
- Paid time cannot be used to participate in education or training under this program, as distinct from mandatory education or training requirements.
- Payment will be made for actual tuition costs only; no City funds will be paid for books, lab fees, or other costs associated with the education or training.
- Reimbursement will be based upon actual cost as verifiable by receipt.
- Employees must not be receiving tuition reimbursement from other sources.

- Courses must be taken at times that will not interfere with the employees' regular duties and responsibilities with the City, and study assignments must be completed outside employees' working hours.
- Employee must receive a grade of "C" or better, or a grade of "passing" in a pass/fail class, within three weeks of completing the course.

Tuition reimbursement payments are loans that must be repaid to the City by employees who separate from employment with the City for any reason other than layoff or permanent disability resulting from an on-the-job injury prior to 24 months after completion of the reimbursed education or training. Employees are required to agree, in writing, to repay reimbursement payments in such circumstances, as a condition of receiving tuition reimbursement.

6.4 PARTICIPATION IN COMMUNITY CLUBS AND SERVICE ORGANIZATIONS

The City of Marysville encourages employees to participate in activities of Marysville civic and service organizations. Employees are encouraged to seek membership in organizations where membership will promote the City of Marysville's interests, provide benefit to the community or enhance the City's image and effectiveness in the community.

The Chief Administrative Officer (CAO) and/or Mayor may identify certain organizations in which it is in the interest of the City to be represented. The CAO/Mayor may designate the employees that will be sponsored for membership. In no case shall the City sponsor more than four employees per organization.

Factors normally considered when selecting organizations and employees include: the nature and purpose of the club or organization; the potential benefit to the City of Marysville, including the enhancement of the employee's leadership skills; the cost of membership; and the extent to which the City is already represented in the organization.

The Mayor, CAO, Directors and Police Commanders are eligible for sponsorship under this policy unless otherwise determined by the Mayor or CAO. Changes to civic and service organization sponsorship can be made at any time by the Mayor or CAO. An initial sponsorship does not guarantee continued City sponsorship. An employee must be a member in good standing to be reimbursed for membership.

Employees who are sponsored for membership are eligible for reimbursement of the civic or service organization dues through the reimbursable expense process.

- Associated costs of membership, including mileage, expenses and time incurred by an employee as a result of their membership such as, committee participation, appointed/volunteer/elected position duties and participation, or time and expenses

incurred as a result of attendance at related meetings such as regional, state, or national conventions, will not be reimbursed or authorized for payment by the City.

- Any meal expense considered an integral and mandatory portion of the membership may be reimbursed and may be considered a benefit subject to taxation and payroll deduction.
- Depending upon budget, no more than \$2,500 will be paid to a single organization for organization dues.

Employees sponsored for membership act as representatives of the City of Marysville and are prohibited from exerting influence on other employees or officers to provide financial contributions or other support to the civic or service organization; using the civic or service organization as a forum for lobbying in support of or opposition to political or legislative actions; and using the civic or service organization as a forum for promoting endeavors in which the officer or employee may have a direct or indirect financial interest or may acquire a personal benefit or gain.

Section 7. HEALTH AND WELFARE BENEFITS

7.1 OVERVIEW OF HEALTH AND WELFARE BENEFITS

The City of Marysville offers various health and welfare benefits for its regular full- and part-time employees. Many benefits are prorated for part-time employees. There may be other benefits provided that are required by state or federal statute, including workers' compensation and unemployment compensation, which are not described below; these benefits may be provided to temporary employees as well as regular employees. Contact the Human Resources staff for information about these benefits.

Benefits available to eligible employees may include health insurance, retirement plan, deferred compensation, employee assistance program, flexible spending accounts, HRA VEBA accounts and optional employee-paid supplemental insurance. Many of these benefits are provided at the City's discretion, and the City reserves the right to make changes to or discontinue them at any time. Detailed plan documents describing these benefits are distributed to employees at orientation, when plans change, in response to employees' questions, and as otherwise required by law.

Employees are responsible for notifying the Human Resources office of status changes that might affect their eligibility for benefits, or that of their spouse, domestic partner, or dependents, including births, adoptions, marriages, legal separations, divorces, and dependents' 26th birthdays.

Some insurance and retirement plans require employees to designate a beneficiary(ies) for employees' death benefits. This designation must be made in writing in a form acceptable to the insurance company or retirement plan. Employees are responsible for maintaining the proper beneficiary designation and notifying, in writing, the Human Resources office of any changes in status affecting eligibility or designations.

Following is a summary of some of these health and welfare benefits. This is only an overview of the plans; contact the Human Resources staff for detailed information. Official benefits plans' documents take precedence over all other sources of information, written or verbal.

Health Insurance

Health coverage is administered in accordance with the Employer Shared Responsibility provisions of the Patient Protection and Affordable Care Act, as amended (PPACA). The benefits, terms, and conditions of the health benefit plan, including costs owed by eligible employees, are explained in a separate plan document (the "Plan") or in applicable collective bargaining agreements. If there are conflicts between this policy, the Plan, and any collective bargaining agreements, the document satisfying the minimum protections of the PPACA shall apply.

A choice of health insurance plans may be offered; typically, health insurance includes medical, dental, and vision coverage. There may be an annual open enrollment period when a different health insurance plan may be selected or a spouse, domestic partner, or dependents may be added to employees' health insurance coverage. If an employee's spouse and/or dependents have medical insurance coverage through another employer's insurance plan, the employee may be eligible for the City's dual coverage medical insurance incentive program.

Definitions and Classifications

Full-time. At time of hire or change in job classification, employee is reasonable expected to work an average of 30 or more hours per week. Full-time employees are eligible for health coverage and will be enrolled in health coverage as specified in the Plan.

Part-time. At time of hire or change in job classification, employee is reasonable expected to work less than 30 hours per week. Part-time employees are subject to monthly and annual hours' limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

Variable-hour. At time of hire or change in job classification, the City cannot determine whether employee will or will not average 30 or more hours per week. Variable-hour employees are subject to monthly and annual hours limitations and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

Seasonal. At time of hire or change in job classification, employee is hired or re-hired into a position for which the customary annual employment is approximately six months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of six continuous months and are not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

Dependents. Children of qualified full-time employees, up to age 26, are eligible for health coverage. Includes biological and adopted children but excludes spouses, domestic partners, stepchildren and foster children.

Volunteers. Individuals who provide services to the City on a voluntary basis are not employees and are not eligible for health coverage.

Work Hours Limitations

For certain employee classifications, the City restricts the maximum annual and/or monthly hours of work.

Full-time employees:

- Are not subject to an annual or monthly work hour's limitation.
- May work 30 or more hours per week, without limit, unless otherwise limited by the City Personnel Rules or applicable collective bargaining agreement.
- Are not subject to initial or standard measurement, administrative, or stability periods (discussed below).

Part-time employees:

- Are subject to an annual work hour's limitation and may not exceed **1500 hours** annually.
- May not exceed **125 hours** in any single calendar month.
- Are subject to initial and standard measurement, administrative, or stability periods (discussed below) and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

Variable-hour employees:

- Are subject to an annual hour's limitation and may not exceed **1500 hours** annually.
- Hours may vary from week to week but not exceed **125 hours** in any single calendar month.
- Are subject to initial and standard measurement, administrative, or stability periods (discussed below) and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

Seasonal employees:

- Work 30 or more hours per week, without limit, unless otherwise limited by the City's overtime policy, job description or the terms of any applicable collective bargaining agreement.
- Annual employment is six months or less with a break in service of six continuous months before eligible for re-hire. Employment typically begins at approximately the same time each year.
- Are subject to initial and standard measurement, administrative, and stability periods (discussed below) and are generally not eligible for health coverage, unless otherwise specified under the terms of the Plan or applicable collective bargaining agreement.

Measurement and Administrative Periods – Initial Periods

The City uses a 12-month initial measurement period to measure the hours of new part-time, variable-hour, and seasonal employees.

The City uses an initial administrative period of not longer than two months, divided in two phases. The first phase begins on the date of hire of a new part-time, variable-hour, or seasonal employee and continues until the last day of that calendar month. The second phase begins at the end of the 12-month initial measurement period and lasts for one full calendar month. The purpose of the first phase of the initial administrative period is to reduce administrative complexity by consolidating all new part-time, variable-hour, and seasonal employees hired during a month into the same initial measurement and stability periods. The purpose of the second phase of the initial administrative period is to allow the City to calculate the hours worked by employees during the initial measurement period and to enroll eligible employees in health coverage.

The City uses a 12-month initial stability period for purposes of providing or excluding health coverage to new part-time, variable-hour, and seasonal employees. If an employee works an average of 30 hours or more per week during an initial measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the initial stability period, regardless of the hours worked during the initial stability period, so long as the employee remains employed by the City.

Initial Administrative Period (Phase 1) Begins on date of hire, continues until end of month.

Initial Measurement Period Begins on first day of first full calendar month following date of hire and continue for 12 months.

Initial Administrative Period (Phase 2) Begins on first day of the first full calendar month following Initial Measurement Period and lasts for the entire month.

Initial Stability Period Begins on first day of first full calendar month following Phase 2 of Initial Administrative Period and continues for 12 months.

To determine the average hours worked by each employee during the 12-month initial measurement period, the City will divide the employee's total hours worked during the period by 52.

The measurement, administrative, and stability periods discussed above are in accordance with the 'look-back' requirements of the PPACA. In addition, pursuant to the City's policy, and apart from the requirements of the PPACA, part-time employees working 20 or more hours per week, but less than 30 hours per week, may also be eligible for health coverage. For purposes of administrative record-keeping, such part-time employees will continue to have their hours measured pursuant to the City's initial and standard measurement periods, but will remain eligible for health coverage at all times during their employment.

Measurement and Administrative Periods – Standard Periods

The City uses a 12-month standard measurement period to measure the hours of all ongoing part-time, variable-hour, and casual employees hired on or before the start of a standard measurement period.

The City uses a standard administrative period of 31 days. The purpose of the standard administrative period is to calculate the hours worked by employees during the preceding standard measurement period and to enroll eligible employees in health coverage during the resulting standard stability period.

The City uses a 12-month standard stability period for purposes of providing or excluding health coverage to ongoing part-time, variable hour, and seasonal employees. If an employee works an average of 30 hours or more per week during a standard measurement period, the employee will be deemed a full-time employee and will be eligible for health coverage during the resulting standard stability period, regardless of the hours worked during the standard stability period, so long as the employee remains employed by the City. If an employee works an average of less than 30 hours per week during the standard measurement period, the employee will not be deemed a full-time employee and may be eligible for employee only health coverage during the resulting standard stability period.

| | |
|------------------------------------|--|
| <u>Standard Measurement Period</u> | December 1 of (Year 1) through November 30 of (Year 2) |
|------------------------------------|--|

| | |
|---------------------------------------|--|
| <u>Standard Administrative Period</u> | December 1 through December 31 of each year. |
|---------------------------------------|--|

| | |
|----------------------------------|---|
| <u>Standard Stability Period</u> | January 1 through December 31 of each year. |
|----------------------------------|---|

To determine the average hours worked by each employee during the 12-month standard measurement period, the City will divide the employee's total hours worked during the period by 52.

The measurement, administrative, and stability periods discussed above are in accordance with the 'look-back' requirements of the PPACA. In addition, pursuant to the City's policy, and apart from the requirements of the PPACA, part-time employees working 20 or more hours per week, but less than 30 hours per week, may also be eligible for health coverage. For purposes of administrative record-keeping, such part-time employees will continue to have their hours measured pursuant to the City's initial and standard measurement periods, but will remain eligible for health coverage at all times during their employment.

Measurement and Administrative Periods – Overlapping Initial and Standard Periods

The City's standard measurement periods apply to all ongoing part-time, variable-hour, and seasonal employees hired by the City on or before the start date of a standard measurement period. New part-time, variable-hour, and seasonal employees will be measured by both the City's initial measurement period and the first standard measurement period beginning on or after each employees' date of hire.

Based on the overlapping nature of initial and standard measurement and stability periods, situations will arise where part-time, variable-hour, and seasonal employees will be subject to simultaneous initial and standard measurement, administrative, and stability periods.

If the City determines an employee is eligible for health coverage during an initial measurement period or standard measurement period, the employee must be enrolled in health coverage for the entire associated stability period. This is the case even if the employee is determined to be eligible for health coverage during the initial measurement period but determined not to be eligible for coverage during the overlapping or immediately following standard measurement period. In such a case, the City may exclude the employee from health coverage only after the end of the initial stability period. Thereafter, the employee's eligibility for health coverage would be determined in the same manner as that of other ongoing part-time, variable-hour, or seasonal employees.

In contrast, if the City determines an employee is not eligible for coverage during the initial measurement period, but is eligible for coverage based on the overlapping or immediately following standard measurement period, employee will be eligible for health coverage for the entire standard stability period (even if the standard stability period begins before the end of the initial stability period). Thereafter, the employee's eligibility for health coverage would be determined in the same manner as other part-time, variable-hour, or seasonal employees.

Rules Concerning Eligibility and Enrollment

To be enrolled in health coverage under the Plan, eligible employees must comply with all applicable application requirements and deadlines. Failure to do so may result in delayed or no enrollment until the next annual enrollment period or upon a qualified change in status.

If an eligible employee's payment for the cost of health coverage is untimely, the terms of the Plan provides when coverage terminates and whether there is a grace period for payment. The City is not required to provide health coverage for the period for which the cost of health coverage is not timely paid and may terminate coverage.

Eligible employees, up to 25%, have the right to waive enrollment in the City's health coverage. The City will provide a written waiver that must be timely completed, signed, and submitted by the eligible employee desiring to waive enrollment. Unless the Plan specifies otherwise, a new

waiver must be completed annually. Otherwise eligible employees who previously waived enrollment may re-enroll annually during open enrollment.

Hours for Paid and Unpaid Leave ~~During~~during Measurement Periods

Hours of service for employees during measurement periods include both actual hours of service worked and paid hours for vacation leave, sick leave, holiday leave, or other paid leave.

Periods of unpaid leave, including unpaid FMLA or military leave, are excluded from the hours calculation during any measurement period.

Administrative periods overlap with measurement and stability periods. Employees offered health coverage during a stability period must remain enrolled in coverage during a subsequent administrative period. Employees excluded from health coverage during a stability period remain excluded from coverage during a subsequent administrative period.

Breaks in Service

Employees, regardless of classification, who separate their employment with the City, voluntarily or involuntarily, must have a break in service of at least 13 continuous weeks before being eligible for re-hire. Employees re-hired after a break in service of at least 13 continuous weeks will be treated as a “new” employee, without any consideration given to previous hours worked or previous measurement or stability periods that may have applied prior to separation.

Employees who are re-hired into full-time and qualifying part-time (20 hours per week or more) positions must be enrolled in health coverage no later than the first day of the month following their date of re-hire. Employees who are re-hired into variable-hour or seasonal positions are subject to the City’s initial measurement, initial administrative, and initial stability periods.

The City reserves the right to suspend this rule on a case-by-case basis.

Retirement Plan

Regular full- and part-time employees participate in a Washington State-sponsored retirement plan; part-time employees receive prorated service credit based on usual hours worked. Casual and temporary employees are typically ineligible to participate in Washington State retirement plans unless they meet the eligibility requirements of the plans.

Deferred Compensation Plans

The City may offer a choice of deferred compensation plans. Employees may enroll in a plan at any time during the year, and change their monthly contributions per plan regulations.

Employee Assistance Program

The employee assistance program provides short-term, confidential counseling specifically designed to assist employees and their families in handling personal and work-related problems. The City's program makes seeking assistance very easy.

Flexible Spending Accounts

Employees may pay for qualified dependent care and/or medical expenses with pretax dollars through flexible spending accounts. Employees forfeit any unused balance in the flexible spending account at the end of the plan year.

Consolidated Omnibus Budget Reconciliation Act (COBRA)

COBRA provides certain former employees, retirees, spouses, ~~domestic partners~~, former spouses, and dependent children the right to temporary continuation of health insurance coverage at group rates. This coverage is only available when it is lost due to a qualifying event, such as reduction in working hours, termination of employment, divorce, or death. Employees, spouses, and dependents covered by the City's health insurance plans will be notified, when applicable, of the opportunity to continue their health care coverage under COBRA.

Other Insurance Benefits

Employees may be able to purchase disability insurance through a vendor at group rates. They may also be able to purchase optional insurance plans such as life, accident, or cancer insurance.

Employees of the Police Department, excluding the Records Division and non-represented employees, may be eligible for employer-paid long-term disability insurance.

7.2 DUAL COVERAGE MEDICAL INSURANCE INCENTIVE

The City recognizes the need for innovative cost sharing between itself and its employees for medical insurance benefits. The dual coverage medical insurance incentive program is a voluntary incentive program in which employees can remove themselves, their spouses/ domestic partners and dependents who have health insurance coverage under another employer's group policy from the City's medical insurance plan.

Under this program, the medical insurance premium that the City would have paid on the employee's behalf will be split between the City and the employee. The City benefits from a 50% cost savings. The employee receives the other 50% cost savings in his or her paycheck as taxable wages. The incentive amount is capped at employee, spouse/domestic partner and two children. When both spouses/domestic partners are regular City employees, both employees must remain on their own City plan.

Employees may chose to remove themselves and dependents from the City's medical insurance plan during open enrollment or during the plan year if there is a qualifying event such as a divorce or the person obtains other coverage. Employees are only eligible to enroll in the incentive plan once per calendar year. Employees must sign a waiver certifying that they and their removed dependents have other medical insurance coverage prior to removal from the City's insurance plan. This waiver includes acknowledgement that proof of continuous, comprehensive medical coverage is required to re-enroll in the City's medical insurance plan. Re-enrollment in the City's plan is allowed only during the annual open enrollment period, except if other medical coverage is lost during the middle of the year the employee and eligible dependents may re-enroll in the City's medical plan on the 1st day of the month following his or her loss of medical insurance coverage.

The dual insurance incentive benefit is limited to medical coverage only and only 25% of employees can remove themselves from coverage. Dental and vision coverage will remain in effect for all eligible employees and dependents.

The City of Marysville retains the right to revoke, modify, or cancel this policy at any time.

7.3 EMPLOYEE WELLNESS

The City of Marysville recognizes that health of City employees directly affects their ability to provide high quality, efficient services to City residents. The employee wellness program is designed to provide information and activities to City employees and their family members to encourage health and safety in the work place. All City employees and family members who are eligible for City medical benefits may voluntarily participate in the employee wellness program.

A Wellness Committee, including employee representatives from different departments, labor unions, management, and the general employee population, oversees the wellness program and specifically performs the following duties.

- Provides enthusiastic support of the mission and goals of the Wellness program.
- Helps plan, implement and promote Wellness programs.
- Serves as a liaison between the wellness program, the Safety Committee, the Employee Recognition and Appreciation program, City departments, and employees.
- Represents the wellness-related interests, needs, and opinions of employees.
- Assists in identifying and reducing potential program barriers and strengthening support for the wellness program.
- Assists in promoting the wellness program.

The Wellness Committee will meet at least once a month during regular business hours and committee members may work on wellness activities during work hours as their normal job duties allow. Membership on the committee is voluntary and members may serve for an indefinite period of time. Members are responsible for:

1. Attending the monthly wellness coordination meetings and informing another attending member if they cannot attend a meeting.
2. Attending the Wellness Retreats. Retreats will be used to review goals/priorities and establish an events calendar.
3. Organizing and promoting annual wellness events.
4. Assisting other members in the execution of their wellness events.
5. Communicating the needs of his or her department's employees to the committee.
6. Communicating the activities of the committee to his or her department's employees.
7. Sharing ideas freely and raising any concerns or objections and offering alternative solutions when a decision is to be reached by consensus.

Participation in some wellness programs such as health screenings and the benefit fair is allowed during work hours. The Chief Administrative Officer may allow employee's additional time during work hours for wellness activities and programs provided work demands are appropriately met.

Wellness program activities may include a wide variety of health, educational, and fitness activities, such as those listed below.

- Behavior change programs, such as nutritional counseling and information, stress reduction, smoking cessation, weight management, relaxation, and self esteem.
- Motivational programs, such as interdepartmental and employee group challenges and tuition rebates for successful weight loss and smoking cessation.
- Informational and awareness programs such as flyers, paycheck stuffers, bulletin boards, brown bag lunch sessions, wellness seminars, workshops, and classes.

The wellness program is funded in the budget for the human resources programs, and all City expenditures for employee wellness activities must come from funds appropriated in the current budget. Some wellness activities may be offered to employees at the cost of the program, at a City-subsidized price, or free. Costs of certain programs may be covered by the City's medical plan, and the Wellness Committee may apply for grants provided by the Association of Washington Cities. The Committee's plan purchases and all other related accounting activities must comply with applicable City procedures for City-funded activities.

Per IRS regulations, the City is required to tax certain benefits that employees may receive from participating in wellness programs. This may include, but is not limited to gift cards, gift certificates, prizes and incentives. The dollar amount of the gift card(s) or taxable benefit received will be added as taxable income and applicable taxes will be applied in the next pay period. Small incentives such as a bottle of water, granola bar or piece of fruit are examples of items that would not be taxed.

Confidentiality is important in all health education activities. Because the Wellness Committee may offer programs about potentially sensitive issues, the transactions and interactions regarding personal and medical information that take place in the City's wellness programs will be confidential and will be respected as such. Employee participation is on a voluntary basis and will be respected.

Section 8. EMPLOYEE LEAVES

Employees are not eligible to use paid leave time off until they successfully complete their initial orientation period as a new City employee, unless the CAO grants prearranged leave as a condition of their employment, or as otherwise specifically required by law or specifically allowed by City policies. [Employees may use sick leave beginning on the 90th calendar day after commencement of their employment.](#)

8.1 HOLIDAYS

The following days are considered holidays for all regular full-time employees except for uniformed ranks of the Police Department. A holiday is considered eight (8) consecutive hours. Regular part-time employees receive holiday pay on a pro rata basis, based on their normal workweek schedule. Regular employees still in their orientation period receive holidays, too. Authorized holidays which occur during vacation are not charged against vacation time.

| HOLIDAY | DATE OBSERVED |
|--------------------------------------|---|
| <i>New Year's Day</i> | January 1 |
| <i>Martin Luther King's Birthday</i> | 3 rd Monday of January |
| <i>President's Day</i> | 3 rd Monday of February |
| <i>Memorial Day</i> | last Monday in May |
| <i>Independence Day</i> | July 4 |
| <i>Labor Day</i> | 1 st Monday in September |
| <i>Veteran's Day</i> | November 11 |
| <i>Thanksgiving Day</i> | 4 th Thursday in November |
| <i>Day after Thanksgiving</i> | day after Thanksgiving |
| <i>Christmas Day</i> | December 25 |
| <i>Personal Holiday</i> | Eight hours are added to the employee's vacation <u>accrual rate</u> . Part-time employees' hours are prorated accordingly. |

If a holiday falls on a Saturday, it shall be observed on the preceding Friday; if a holiday falls on a Sunday, it shall be observed on the following Monday. An employee must work the day preceding and the day following a holiday or holiday weekend to receive holiday pay, unless the employee is on authorized paid sick leave, vacation time, or compensatory time off; sick leave for said days will not be approved without certification from a bona fide medical professional that the employee was in fact sick, or without specific approval by the CAO.

Regular nonexempt employees whose regular work schedule requires them to work on a holiday shall receive wages at 1 ½ times their regular pay; temporary and casual employees shall not be entitled to holiday pay, unless otherwise approved by the CAO.

8.2 UNPAID HOLIDAYS FOR REASONS OF FAITH OR CONSCIENCE ~~(NEW POLICY)~~

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

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then the employee will be allowed to take the unpaid holidays on those days unless the absence would unduly disrupt operations, impose an undue hardship, or the employee is necessary to maintain public safety.

If possible, an employee must submit written notice to their immediate supervisor as soon as they are aware of the need for the leave. The unpaid holiday shall not be considered approved unless signed by the supervisor. Requests shall consider the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability of other qualified employees, and consideration of the meaning of “undue hardship”.

The two unpaid holidays must be taken during the calendar year, if at all; they do not carry over from one year to the next.

8.3 VACATIONS

Non-union regular full-time employees earn vacation leave per the following accrual schedule, and non-union regular part-time employees earn vacation leave on a prorated basis; employees who have transferred or promoted to another department maintain their accrued vacation hours. Temporary and casual employees are not entitled to vacation benefits. Upon recommendation of the CAO or department directors, newly-hired employees may be granted stepped-up vacation rights ~~as if they had worked for the City for up to five years~~. Vacation leave for members of collective bargaining units is earned at rates specified within applicable collective bargaining agreements.

| YEARS OF EMPLOYMENT | ANNUAL VACATION ACCRUAL RATE (HOURS) FOR FULL-TIME EMPLOYEES |
|----------------------------|---|
| 1 - 2 | 88 |
| 3 - 5 | 104 |
| 6 | 128 |
| 7 - 8 | 136 |
| 9 - 10 | 152 |
| 11 | 168 |
| 12 - 13 | 176 |
| 14 - 15 | 184 |
| 16 - 17 | 192 |
| 18 - 19 | 200 |
| 20 or more | 208 |

Employees with a perfect attendance record from January through December, which includes using up to eight hours of sick leave, will receive eight additional hours of vacation leave to be used during the next calendar year.

Vacation may not accrue when an employee is on unpaid leave.

Employees are responsible for monitoring their accrued vacation leave balance. The maximum allowable accumulation of unused vacation leave is the number of vacation leave hours which the employee would have earned over a period of two years. Vacation leave accrued as of December 31st of each year which exceeds the maximum allowed shall be forfeited, unless employees receive prior approval from the CAO to use vacation hours which would otherwise be forfeited due to excess accumulation.

Vacation leave cannot be taken until the leave hours are accrued. Vacation leave may not be taken during the first six months of City employment; employees who have transferred or been promoted may use accrued vacation leave during their orientation period.

Vacation leaves shall be scheduled considering the wishes of employees and the operating requirements of departments. Supervisors must ensure adequate staffing levels, and management reserves the right to approve scheduling of vacation leaves.

A maximum of 240 hours of the employee's accumulated vacation will be paid as severance pay upon voluntary termination or permanent reduction in force after one year of continuous service with the City, provided that the employee gives the City two weeks' written notice of resignation prior to his or her voluntary termination of employment.

8.4 SICK LEAVE

Regular full-time employees accrue paid sick leave at the rate of eight hours for each month of continuous full-time service; regular part-time employees accrue paid sick leave on a prorated basis. Seasonal and temporary employees accrue paid sick leave at a rate of 1 hour for every 40 hours worked. Employees do not accrue sick leave in any calendar month during which they are on an unpaid leave of absence or suspension. Employees may accumulate carryover up to a maximum of 1,440 hours of sick leave. Newly-hired employees may use sick leave only after successfully completing their first 90 days of employment on the 90th day after commencement of their employment, unless the CAO approves its use in extraordinary circumstances.

Employees may use their accrued, unused sick leave hours for: ~~may be used for the following reasons:~~

1. An employee's mental or physical illnesses, injuries or health condition; ~~Employee's own health condition, illness, injury, or physical incapacity including disability due to pregnancy or childbirth.~~
2. Preventive care such as medical, dental or optical appointments and/or treatment;
3. Care of family member with a mental or physical illness, injury, health condition and/or preventive care;
4. Closure of the City's place of business or child's school/place of care by order of a public official for any health-related reasons;
5. Absences that qualify for leave under the domestic violence leave act (see Domestic Violence/Sexual Assault Leave section);
6. Other situations as may be approved by the CAO on a case-by-case basis.

Family member is defined as:

- A child, including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status;

- A parent, including a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
 - A spouse;
 - A registered domestic partner;
 - A grandparent;
 - A grandchild; or
 - A sibling.
- ~~1. Care for a child with a health condition requiring treatment or supervision or to treat the disability of an adult child.~~
 - ~~2. Provide preventive care for a child.~~
 - ~~3. Care for a spouse, domestic partner, parent, parent-in-law, or grandparent with a serious health condition, including short-term care of a pregnant spouse during or after childbirth while she is unable to attend to regular daily activities.~~
 - ~~4. Attend one's own medical or dental appointments or those of relations named above.~~
 - ~~5. Arrange for emergency care or attend to a member of the immediate family—defined as spouse, domestic partner, child, parent, grandparent, parent-in-law—and in other situations as may be approved by the CAO on a case-by-case basis.~~

Note: In accordance with the Washington Family Care Act, employees may use their choice of accrued leave (e.g., sick, vacation, compensatory time) for reasons ~~2~~3 through 6 above. Accrued sick leave will be applied unless an employee advises the City of their intent to use other available leave.

Employees must notify supervisors as soon as the need for sick leave is known. In the event it is impracticable for the employee to provide notice, another person may provide notice on the employee's behalf. Failure to do so may result in denial of sick leave pay. If an employee has exhausted their sick leave bank they may use their vacation accrual, upon supervisor approval. If the need for sick leave is foreseeable, employees must give at least 10 days' advance notice or as early as practicable, to their supervisor or Human Resources.

The City may request reasonable proof of the need for sick leave. When absences extend beyond three consecutive working days, employees may be required to submit a medical certificate by a health care professional to ~~justify~~verify the absence. The verification must be provided within a reasonable time period during or after the leave. This verification may not result in an unreasonable burden or expense on the employee and may not exceed privacy or verification requirements otherwise established by law. In the case of an extended leave, such as serious injury or illness, the City may require a return to work authorization from the ~~employee's~~ health care providers.

Holidays and other regular days off shall not be charged against sick leave. Sick leave can be used in minimum increments of one-half hour for nonexempt employees. Exempt employees may use sick leave in eight hour increments only; deductions from sick leave banks will not be made as long as they work part of the day.

~~Newly hired employees may use sick leave only after successfully completing their first six months of employment, unless the CAO approves its use in extraordinary circumstances.~~

If an employee is absent due to illness or injury for which he or she is receiving payment from the state's industrial insurance program, LEOFF, or other state-mandated plan, the City will pay employees the difference between their regular wages and the amount received from the state up to the amount of accrued leave in employees' sick, vacation, compensatory, or administrative leave banks.

Upon retirement, sick leave in excess of 480 hours shall be deposited into a HRA VEBA at a ratio of 32 hours sick leave to 8 hours VEBA contribution.

8.5 PREGNANCY DISABILITY LEAVE

Female employees are entitled to pregnancy disability leave for the entire period of time they are incapacitated because of sickness or temporary disability due to pregnancy or childbirth. Certification by a health care provider indicating the need for a specified period of leave due to a pregnancy or childbirth-related disability is required. This leave may be paid or unpaid, depending on employees' accrued paid leave balances, such as sick or vacation leave.

Pregnancy disability leave is in addition to the 12 weeks of leave allowed annually by the Washington State Family Leave Act; however, pregnancy disability leave runs concurrently with employees' leaves entitlement under the federal Family and Medical Leave Act (FMLA). When a female employee's pregnancy disability leave ends, she is entitled to use the balance of her available leave time under the federal FMLA to care for her newborn child. Also, when a female employee's pregnancy disability leave ends, additional leave to care for her newborn child counts towards the 12 weeks of family leave allowed under the state's family leave law.

Accrued sick, vacation, compensatory, and administrative time may be used for childbirth or related circumstances. The City will continue to pay health care benefits as required by the FMLA for the initial 12 weeks of leave. If the period of leave extends beyond the 12 weeks of FMLA leave, and the employee's accrued leave banks have been exhausted, then she will be placed on leave without pay, at which time she has the option to continue her health care benefits per COBRA requirements. See the *Overview of Health and Welfare Benefits* policy.

In all cases, women requesting pregnancy disability leave must submit appropriate leave forms at least 30 calendar days before the leave is to begin, or as soon as the need for leave is known. Certification from a health care provider should be attached to the

leave request. Recertification may be requested periodically, but no more often than every 30 days in connection with an absence by the employee unless the condition will last for more than 30 days. For conditions that are certified as having a minimum duration of more than 30 days, the City will not request a recertification until the specified period has passed, except that in all cases the City may request recertification every six months in connection with an absence by the employee. The City may also request recertification in less than 30 days if the employee requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Additionally, the City may request a new medical certification each leave year for medical conditions that last longer than one year. Such new medical certifications are subject to second and third opinions.

8.6 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) grants up to 12 weeks of unpaid leave annually to eligible employees for specifically-defined family and medical reasons; eligible employees shall be entitled to up to 12 weeks of job protected leave during a rolling 12-month period measured backward from the date of any FMLA usage. Some or all of the leave time may be paid if employees have accrued leave time; employees must use ~~applicable~~ paid leave time first and take the remainder of the 12 weeks as unpaid leave.

Eligibility

Employees must meet all of the following conditions to be eligible for FMLA leave.

- Employees must have worked for the City for at least 12 months, which need not have been consecutive. For eligibility purposes, employees will be considered to have been employed for an entire week even if they were on the payroll for only part of a week or on leave during part of a week.
- Employees must have worked at least 1,250 hours during the previous 12-month period. Provisions of the Fair Labor Standards Act will determine the number of hours worked. Time spent on paid or unpaid leave does not count as hours worked and will not be counted in meeting the 1,250 hours eligibility threshold.
- When both husbands and wives work for the City and are both eligible for FMLA leave, they are allowed to take a combined total of 12 weeks of leave during a 12-month period for the birth of a child, placement of an adopted or a foster child, or to care for a child or parent (but not a parent "in-law") with a serious health condition. If they use a portion of the total 12-week FMLA leave for one of these purposes, they are each entitled to the remainder of the 12-week leave for other FMLA purposes.

Active duty time counts toward determining eligibility to take time off from work under the FMLA for employees returning after military service. Employees, who are covered by the provisions of this law, will be credited with the number of hours that they would have worked if they had not been called to military duty in determining eligibility for FMLA leave. Each month served performing military service counts as a month actively employed by the employer.

Qualifying Leave

FMLA leave is allowed for the following reasons:

- Birth and care of a newborn child of the employee.
- Placement with the employee of a child for adoption or foster care.
- Care for a spouse, son or daughter, or parent with a serious health condition.
- Medical leave when the employee is unable to work because of a serious health condition.
- Qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or called to active duty status as a member of the National Guard or Reserves in support of a contingency operation.
- Attend to qualified family members in the armed forces who are undergoing medical treatment, recuperation, or therapy, or otherwise in outpatient status, for an illness or injury sustained in the line of duty that renders the family member medically unfit for duty.

The leave entitlement for the birth or placement of a child for adoption or foster care expires 12 months from the date of the birth or placement. Leave in these cases must be taken in one uninterrupted block of time from start to finish, except with prior approval of department directors and the CAO.

See *Qualifying Exigency Leave* and *Military Caregiver Leave* policies for requirements and benefits specific to these types of FMLA leave.

Requesting Leave

Employees requesting leave must contact the Human Resources office to complete required forms at least 30 days before the leave is to begin, when the FMLA qualifying event is foreseeable (such as the birth of a child, placement for adoption or foster care, or planned medical treatment for a serious health condition). If leave is to begin within 30 days, employees must notify their immediate supervisors and the Human Resources office as soon as they are aware of the need for the leave. When the need for the leave is not foreseeable, they must contact their supervisors prior to the start of their shift to enable supervisors to make necessary arrangements to continue employees' functions during their absences.

Whether leaves are foreseeable or unforeseeable, medical certification must be provided within 15 calendar days from the date employees give the City notice of the need for leave. Taking FMLA leave may be denied if these requirements are not met, unless there is a reasonable excuse for the delay. The City has the right to request a second medical opinion at its expense. If the first and second opinion conflict, the City may require a third opinion which shall be final and binding.

During leaves for serious medical conditions, employees are requested to report periodically to the City regarding the status of the medical condition and their intent to return to work. The City has the right to request periodic medical re-certifications in compliance with FMLA regulations. Per FMLA regulations, the City will not ask employees' health care providers for additional information beyond that required by the certification form. Additionally, the City reserves the right to require a "fitness for duty" medical certification from health care providers before employees return to work.

Return to Work

Employees eligible for FMLA leave—except those employees designated as “key” employees under this policy—can return to the same position or a position with equivalent status, pay, benefits, and other employment terms. This entitlement does not apply in certain situations, such as the following: Employee's position is eliminated in a reduction of force; employee takes another job while on FMLA leave; employee fails to provide timely notice of FMLA leave; or employee fails to return from FMLA leave on the established date.

Employees must contact the Human Resources office to complete appropriate forms before they return to work. Employees wishing to return to work prior to the planned expiration of their leaves must notify the Human Resources office at least five working days prior to their planned return.

Failing to return to work upon the planned expiration of FMLA leave may result in disciplinary action up to and including immediate termination unless an extension is granted. Employees who request an extension of FMLA leave due to the continuation, recurrence, or onset of their own serious health condition or that of their spouse, child, or parent must request an extension, in writing, to their immediate supervisors. This request should be made as soon as employees realize that they will not be able to return to work at the expiration of the leave period.

Benefits Coverage ~~During~~during Leave

During FMLA leaves, employees will be retained on the City's group health insurance plan under the same conditions that applied before the leave. To continue health insurance coverage, employees must continue to make any contributions that they would be required to make to the plan if they were not on leave. Failure to pay their share of the health insurance premium may result in loss of coverage.

Employees who fail to return to work after the expiration of their leaves may be required to reimburse the City for payment of health insurance premiums during the leaves, unless the reason employees fail to return is due to the presence of a serious health condition which prevents them from performing their jobs or due to circumstances beyond their control.

Intermittent Leave or Reduced Work Schedule

Employees may take leave intermittently or work reduced work schedules, when medically necessary, due to their own or a family member's illness. Since regular and predictable work hours are an essential part of employees' jobs, they are required to coordinate scheduling medical treatments with department directors or designees to limit disruption to departmental operations. The leave may not exceed a total of twelve weeks of their regular work schedule over a twelve-month period.

Employees must provide medical certification which shows that the multiple, short duration absences are a part of, or may result from, the treatment the employee or eligible family member is receiving for a serious health condition, or that the serious health condition causes intermittent periods of incapacity. Information must substantiate that intermittent leave is necessary and that the medical need for the employee or eligible family member is best accommodated through an intermittent or reduced work schedule.

Employees on continuous, intermittent, or reduced work schedules are required to exhaust their sick leave bank, for their own serious health condition.

Workers' Compensation Provision

The FMLA leave period runs concurrently with workers' compensation when employees have a serious health condition resulting from an on-the-job injury that meets the criteria for FMLA leave. The City may offer "modified duty" work at its discretion and if it is available. If health care providers treating employees for workers' compensation injuries certify that employees are able to return to "modified duty" work but are unable to return to the same or equivalent jobs, employees who are taking FMLA may decline the City's offer of a "modified duty" job. If employees decline the "modified duty" job, they may lose their workers' compensation pay but would continue to stay on FMLA leave until it is exhausted. When workers' compensation benefits cease, the City requires employees to use their accrued paid leave including sick, vacation, and compensatory time.

For more information see WORKPLACE HEALTH AND SAFETY - Return to Work Procedures and Temporary Light Duty.

8.7 SHARED LEAVE

Shared leave allows City employees, at no additional cost to the City other than the costs of administering the program, to come to the aid of fellow City employees who are suffering from an extraordinary or serious illness, injury, impairment, or physical or mental condition which has caused or is likely to cause them to take leave without pay or to terminate their employment. Shared leave can also be used to assist a fellow employee who is ordered to report for active military duty; this provides financial stability for a limited time to allow an employee to adjust to different income and benefit levels under military pay. Only accrued vacation leave may be donated as shared leave time.

Only full-time, regular employees are eligible to receive shared leave, upon the recommendation of their department directors and approval by the CAO. The employee must submit a written request to their Department Director or the Human Resources Director detailing the reason for the request and the approximate duration. Shared leave requests may be denied if an employee has documented high leave usage without a qualifying event.

Employees must meet the following conditions to be eligible to receive shared leave.

- The employee suffers from an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the City. Employees requesting shared leave for military service will be allowed to maintain 240 hours of sick leave accrual.
- The employee has abided by the City's sick leave policy in good faith.
- The use of shared leave will not significantly increase the City's costs, except for those which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee's department.
- An immediate family member of the employee (spouse, domestic partner, child, parent, or sibling) suffers from an illness or injury which is life-threatening and which has caused or is likely to cause the employee to go on leave without pay or to terminate his or her employment with the City. Requests for shared leave to attend an immediate family member who has a life-threatening illness or injury shall be approved or disapproved at the sole discretion of the CAO on a case-by-case basis.
- An employee is ordered to report for active military duty for a significant military event during a time of national emergency. This may include an employee who is a member of the uniformed services--Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States--and other categories designated by the President or Governor in a time of war or military emergency. This provision does not apply to employees who voluntarily sign up for active military duty.

All donations of leave must be voluntary. To be eligible to donate shared leave, employees must have taken at least 80 hours of accrued vacation leave within the calendar year, have more than 80 hours of accrued vacation leave on the books, or have a combination of accrued and used vacation leave greater than 80 hours within the calendar year. When reviewing leave donation proposals from police employees, the Police Chief may also consider whether additional adequate time off will be provided through compensatory and/or holiday leave unique to that department.

Shared vacation leave shall be transferred on a dollar value basis. The minimum allowable transfer of vacation leave is eight hour increments. The value of the leave will be determined at the current hourly wage of the donating employee and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

Employees shall not receive more than 1,040 hours of shared leave during their City employment. Shared leave hours should be used on a consecutive basis to the extent possible, unless preapproved by the CAO as intermittent leave. Shared leave use runs concurrently with FMLA-qualifying leave and other applicable leave. Donated hours that are not used within 90 days shall be returned to the donors.

The City and employees using shared leave will continue to pay their respective portions of employees' family health insurance benefits. Employees may continue payroll deductions of optional employee benefits at their discretion. Employees will not accrue vacation or sick leave while receiving shared leave; shared leave time is not counted as hours worked for any orientation period.

Employees serving in active military duty per this policy may receive donations to supplement their pay not to exceed 100% of the employee's regular wages from the City for up to one year. These employees must submit paycheck stubs to the City for determination of the correct supplemental pay and donated leave amounts.

8.8 BEREAVEMENT LEAVE

Employees, including those in their orientation periods, may use up to 24 hours of paid leave due to the death of a member of their immediate family. "Immediate family" for bereavement leave is defined as a spouse, domestic partner, child, parent, sibling, grandparent, grandchild, parent-in-law, brother- or sister-in-law, son-or daughter-in-law, stepchildren, and current stepparents. The CAO may extend the bereavement leave beyond the allotted hours.

8.9 JURY DUTY/WITNESS LEAVE

Employees have a civil obligation to serve on a jury if called. During jury duty or while appearing as a legally-required witness, employees will receive full pay from the City.

Employees who are excused from jury service or court appearance before the end of their workday shall immediately report their availability for assignment to their supervisor. Employees scheduled to work on shifts other than day shift shall be considered to be on day shift for the duration of jury duty.

Court payments, except those for expenses, must be paid to the City. All jury duty and witness fees other than expense payments must be paid to the City. Checks from the court cannot be endorsed and signed over to the City. Employees will need to submit a personal check or money order payable to the City of Marysville for the payment received minus expenses.

Employees will not be threatened, coerced, harassed, or denied promotional opportunities because they receive a summons, respond to a summons, serve as a juror, or attend court for prospective jury service.

8.10 VOTING LEAVE

Employees whose work schedules do not provide them two consecutive hours to vote while polls are open will be granted up to two hours of paid time to vote. Employees must provide notice to the City not less than one day before the election. The City may specify the hours that the employee may vote.

8.11 MILITARY CAREGIVER LEAVE

Military caregiver leave is a section of the Family and Medical Leave Act, which allows a certain amount of unpaid or applicable paid leave each year to eligible employees for family and medical reasons during any 12-month period. Military caregiver leave is applicable only to employees who are related to injured members of the armed forces. This policy addresses only those -rights, benefits, and requirements specific -to military caregiver leave. All -other rights, benefits, and requirements of the FMLA apply to military caregiver leave.

Employees are eligible for military caregiver leave when their qualified family member in the armed forces is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, for an illness or injury sustained in the line of duty that renders the family member medically unfit for duty. A qualified family member includes the following people: spouse, son, daughter, parent, or nearest blood relative to the employee.

Military caregiver leave may last for up to 26 weeks during a single 12-month period. There is a 12-week limit on all other types of FMLA leaves, and the combined total of all types of FMLA leaves, including military caregiver leave, cannot exceed 26 weeks in a single year.

Employees requesting military caregiver leave must provide a medical certification from the service member's health care provider.

8.12 QUALIFYING EXIGENCY LEAVE

Qualifying exigency leave is a section of the Family and Medical Leave Act, which helps families of members of the Armed Forces manage their affairs while the member is on active duty in support of a contingency operation. This policy addresses only those rights, benefits, and requirements specific to qualifying exigency leave. All other rights, benefits, and requirements of the FMLA apply to qualifying exigency leave.

Eligible employees are entitled to leave for a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member (including those in the regular Armed Forces, the National Guard or the Reserves) who is on active duty, or has been notified of an impending call to covered active duty, and who has been or is being deployed to a foreign country. Qualifying exigencies include the following: short-notice deployment, military events and related activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities not encompassed in the other categories, but agreed to by the City and employee.

8.13 FAMILY MILITARY LEAVE

All employees who work an average of at least 20 hours per week are eligible for unpaid family military leave. Family military leave is available to the spouse or registered domestic partner of a member of the U.S. Armed Forces during a period when Congress has declared war, the President has declared war by executive order, or when military reserves have been called to active duty.

Employees whose spouses are being called into active duty for the armed forces or who will be, or are deployed during a period of military conflict, are entitled to up to 15 days of unpaid leave from work. Employees may choose to use accrued vacation, compensatory time, administrative leave, or personal holiday hours for family military leave. Employees may take the 15 days of leave before the deployments of military spouses or when military spouses are on leave from deployments. For each new deployment of military spouses/partners, employees may take another family military leave of up to 15 days.

Employees must notify the City of their intent to take family military leave within five business days of receiving official notice of the call or order to active duty or deployment or within five business days of official notice of military spouses' upcoming leave from deployments.

8.14 MILITARY LEAVE

Washington State law provides City employees who are a members of the uniformed services-- Washington National Guard or the Army, Navy, Air Force, Coast Guard, or Marine Corps Reserve of the United States, or of any organized reserve or armed forces of the United States-- paid leave for up to 21 calendar days annually, from October 1st to September 30th, when ordered to active duty or active training duty. Employees are requested to notify their supervisors as soon as they are aware of the military obligation.

This military leave is in addition to any vacation or sick leave to which the employee might otherwise be entitled. If a military leave of absence extends beyond 21 calendar days, employees may, at their discretion, choose to use accrued vacation leave. Employees may be eligible for shared leave per the *Shared Leave* policy.

8.15 LEAVE UNDER UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

The Uniformed Services Employment and Reemployment Rights Act entitles regular City employees who take a leave of absence to serve as a member of the U.S. Armed Forces to certain reemployment, seniority, longevity, and employment benefits rights upon returning to work after their honorable discharge or completion of reserve training. Returning employees are entitled to these rights if they have given the City advance written or verbal notice of their service and if the cumulative length of the absence and of all previous absences from City employment to serve in the uniformed services does not exceed five years.

Employees returning after military service, who are covered by the provisions of this law will be credited with the hours of service that would have been performed except for the period of military service in determining eligibility for leave under the Family and Medical Leave Act. Each month performing military service counts as a month actively employed by the employer.

Both employees promoted or hired to fill a vacancy created by another employee serving in the armed forces shall hold such position subject to the return of the employee serving in the armed forces. A promoted employee affected by the return of the employee serving in the armed forces shall be restored to the position he or she had held previously, or any other equivalent position. A newly-hired employee affected by the return of the employee serving in the armed forces shall be placed in a comparable vacant position or may be laid off if there are no comparable vacant positions.

8.16 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE

This unpaid leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member—defined as child, spouse, domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship—who is a victim of domestic violence, sexual assault, or stalking. This leave may be taken in blocks or intermittently, and the amount of leave that an employee may take is restricted to a "reasonable" amount, but it is not specifically limited as to time or length under the law.

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

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

Employees must give notice to the City of the need for this leave no later than the end of the first day on which the leave is taken. The City may require verification to support the need for the leave; verification can take the form of police reports, court documents, or employees' own written statements of the need for the leave.

8.17 ADMINISTRATIVE LEAVE

Exempt employees are not entitled to overtime compensation since they are compensated for the product of their work efforts, not the number of hours actually worked. Sometimes, however, the nature of work for exempt employees requires sustained periods of effort, marked by long hours, limited opportunities for time off, and stresses atypical of nonexempt positions. Further, the City acknowledges that sufficient rest is necessary for personnel to operate at peak performance; administrative leave provides sufficient time off for these employees so as to ensure individual and operational readiness.

Exempt employees are eligible for administrative leave based on the schedule and conditions described below. The CAO, upon the recommendation of department directors, may award supplemental administrative leave on a case-by-case basis when conditions warrant such consideration. Administrative leave shall not be awarded to employees whose vacation balance exceeds allowable accrual limits. Administrative leave will be awarded on a prorated basis, rounded to the next full day, to exempt employees hired during the calendar year.

The following positions shall be awarded an annual bank of ten business days of administrative leave at the beginning of each calendar year: CAO; directors of Community Development, Finance, Human Resources, [Legal](#), Parks, [Culture](#), ~~and~~ [Recreation](#), Public Works, Police Department, ~~Public Works Superintendent~~; [Assistant Public Works Director](#); [Assistant Police Chief](#); Police Commander; ~~Police Lieutenant~~; Court Administrator, and IS Manager.

All other exempt employees shall be awarded an annual bank of five business days of administrative leave at the beginning of each calendar year.

Administrative leave must be:

- Used in minimum increments of one full day.
- Approved by the department director or CAO in advance, which must be documented on appropriate personnel forms.
- Forfeited if not used by the end of each calendar year.

Unused administrative leave may not be converted to cash compensation under any circumstances.

8.18 LEAVE WITHOUT PAY

The CAO may grant leaves of absence without pay in appropriate circumstances; they will be granted only when employees have exhausted all other accrued leave. Employees must submit a written request on designated forms to the CAO after obtaining the permission of their department directors. Failure to return upon the expiration date of the leave may be cause for dismissal. Employees will not accrue vacation or sick leave while in leave without pay status; leave without pay is not counted as hours worked for any orientation period.

8.19 ABSENCE WITHOUT AUTHORIZED LEAVE

Absences not on duly-authorized leave shall be treated as leave without pay and may be grounds for disciplinary action. Employees who are absent for three consecutive regularly-scheduled working days without notifying the City may be considered to have abandoned their jobs and may be terminated.

Section 9. LEGAL RULES OF CONDUCT

9.1 CODE OF ETHICS

The City's code of ethics is set forth in Chapter 2.80 of the Marysville Municipal Code. Its purpose is to assist City employees to establish guidelines to govern their own conduct. The code is also intended to help develop traditions of responsible public service. Employees shall not engage in any act which is in conflict with the performance of their official duties. Under the code of ethics, an employee shall be deemed to have a conflict of interest or other ethical violation if he or she:

1. Receives or has any financial interest in any sale to or by the City of any service or property when such financial interest was received with the prior knowledge that the City intended to purchase such property or obtain such service.
2. Accepts or seeks for others any service, information, or thing of value on more favorable terms than those granted to the public generally, from any person, firm or corporation having dealings with the City , as provided in MMC 2.80.040(2).
3. Accepts any gift or favor from any person, firm, or corporation having any dealings with the City if he knows or has reason to know that it was intended to obtain special consideration.
4. Influences the selection of or the conduct of business with a corporation, person, or firm having business with the City if he or she personally or through household relatives has financial interest in or with the corporation, person or firm.
5. Serves as an employee, officer, partner, director, or consultant of any corporation, firm, or person having business with the City, unless he or she has disclosed such relationship as provided by Chapter 2.80 MMC.
6. Engages in or accepts private employment or renders services for private industry when such employment or service is incompatible with the proper discharge of his or her official duties or would impair his or her independence of judgment or action in the performance of his or her official duties.
7. Appears in behalf of a private interest before any regulatory governmental agency, or represents a private interest in any action or proceeding against the interest of the City in any litigation to which the City is a party, unless he or she has a personal interest and this personal interest has been disclosed to the regulatory governmental agency. City Councilmembers may appear before regulatory governmental agencies on behalf of constituents in the course of their duties as representatives of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation that is contingent upon a specific action by a City agency.
8. Possesses, directly or indirectly, a substantial or controlling interest in any business entity which conducts business or contracts with the City, or in the sale of real estate, materials,

supplies, or services to the City, without disclosing such interest as provided by this chapter. An interest is not a substantial interest if such interest does not exceed one-tenth of one percent of the outstanding securities of the business concern; or, if the interest is an unincorporated business concern, one percent of the net worth of such concern; or the financial interest of a corporation, person, or firm does not exceed five percent of the net worth of the employee and his household relatives.

9. Violates any ordinance or resolution of the City, [or the laws or ordinance of another city, or the laws of the state, or the laws of the United States, in a manner that affects, interrupts, or interferes with the performance of his or her official duties or where the violation was committed in the official's or employee's official capacity.](#)
10. Violates the confidentiality of his or her position.
11. Makes any false statement or representation of any public record or document in a willful disregard of the truth of such statement or representation.

Employees who have financial or other private interests, and who participate in discussion with or give an official opinion to the City Council and fail to disclose on the records of the City Council the nature and extent of such interest is in violation of Chapter 2.80 Marysville Municipal Code. Any person willfully violating the code of ethics is guilty of a misdemeanor and is subject to the civil penalties as provided in the municipal code.

An employee of the City found guilty of a negligent violation of this chapter is subject to civil penalties up to and including termination from employment and/or loss of pay not to exceed one month's salary.

9.2 ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

The City of Marysville strives to provide a work environment that is free from all forms of harassment. All forms of harassment—including, but not limited to harassment based on sexual, ethnic, racial, and disability characteristics, or an employee’s legally protected status—are prohibited. All disruptive behavior that creates an intimidating, offensive, coercive, or hostile work environment is prohibited. All actions that unreasonably impair employees’ abilities to perform their jobs are prohibited. Employees who engage in such behavior will be subject to disciplinary action, up to and including termination.

Harassment can take many forms. Some examples of verbal and nonverbal harassment include the following:

- Unflattering or unwelcome comments regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability, or appearance.
- Offensive verbal comments or jokes that are racially oriented or are directed at an employee because of his/her race, gender, disability, sexual orientation, religion or other protected status.
- Epithets, slurs, and negative stereotyping.
- Distribution, display, or discussion of written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, disability, marital, or other protected status.

Sexual harassment is a specifically recognized form of discrimination and is unlawful under the Civil Rights Act of 1964 and Washington State law. Sexual harassment is defined as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” when any of the following conditions exist.

- Submission to such conduct is either explicitly or implicitly made a term or condition of an individual’s employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can take many forms, and some examples include the following.

- Unwanted flirtations, sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats.
- Requests for any type of sexual favor, including repeated and unwelcome requests for dates.

- Verbal abuse or "kidding" of a sexual nature and/or content and considered unwelcome.
- Distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or show hostility toward an individual or group because of gender or are of a sexual nature; suggestive or insulting sounds; leering; staring; whistling; or obscene gestures.
- Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse, or assault.
- Linking sexual compliance with sexual advances by a supervisor to some term or benefit of employment.

Sexual harassment can also include verbal behavior such as suggestive looks or leering; slang, names, or labels that others find offensive; talking about or calling attention to another employee's body or sexual characteristics in a negative or embarrassing way; invitation for dates which do not stop when the response is negative; or continuing unwelcome behavior after a co-worker has objected to that behavior.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are acceptable to and welcomed by both parties, are not considered to be harassment, including sexual harassment.

Employees who believe they are victims of harassment should not remain silent. They should make it clear to the harasser that such conduct is offensive and unwelcome and clearly state that the offensive conduct must stop immediately. Then, they should tell the supervisor or manager they are being harassed and name the harasser; this may be the first step if employees are uncomfortable confronting the alleged harasser.

Complaint Process

Employees who believe they have been harassed – whether by a co-worker, vendor member of the public or other third party – should report the harassing conduct to their Department Director or the Human Resources Director. Supervisors or managers who become aware that harassment is occurring, either from personal observation or employee report, must report it immediately to Human Resources or their department directors.

Employees' complaints of harassment may be oral or written. They should include, when available, specific allegations, dates(s) of the occurrences(s), individuals involved, and any witnesses. Upon receipt of complaints, or being advised by supervisors or managers of potential harassing behavior occurring, department directors, the Human Resources Director, or an independent investigator will conduct an investigation.

Harassment complaints and their investigations are kept as confidential as reasonably possible, consistent with the need to investigate and act on the results of the investigation. It is often

necessary to disclose the name of the employee who filed the complaint to the employee accused of harassment.

The City treats harassment complaints seriously and moves quickly to investigate them and take appropriate corrective action. Employees filing complaints will be treated courteously and respectfully, and the City prohibits retaliation against employees filing harassment complaints. Unlawful retaliation occurs when an employee is targeted for unfavorable treatment by the City, or by coworkers, as a result of complaining or cooperating. Employees will not suffer any hardship, loss of benefits, or other penalties for filing or responding to bona fide complaints of discrimination or harassment, appearing as a witness in a complaint investigation, or investigating a complaint.

Employees who believe they are being retaliated against should immediately contact the Human Resources Director. If the employee believes the Human Resources Director is involved in the retaliation, the employee should contact the CAO. Retaliation complaints will be investigated separately, and the City will take prompt, corrective action to remedy any complaints found to have merit.

Reporting harassment incidents may be a difficult personal experience; however, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees are strongly urged to use this complaint procedure.

Knowingly filing groundless or malicious complaints is an abuse of this policy and is prohibited. Employees who violate this policy are subject to disciplinary action up to and including termination.

Procedures for Investigating and Resolving Complaints

When a full harassment investigation is warranted, the City will typically use the following guidelines for conducting it.

1. Every attempt will be made to complete an investigation within 60 calendar days from the time the complaint is received or the department director is made aware of the potential harassment. The time limit may be extended to 90 calendar days by the CAO if additional time is needed for a full and complete investigation of the complaint.
2. The investigation should include interviews with the complainant, the respondent, witnesses, and other persons the investigator determines may have information related to the investigation to determine whether the conduct occurred. The investigator will ensure compliance with any right to union representation of individuals, including the alleged harasser, who may reasonably assume disciplinary action may be taken based upon their statements in the investigation.
3. The investigator of the complaint will maintain accurate, detailed records of the investigation and will determine if violations of this policy have occurred based on the facts verified during the investigation.

4. If it is determined that harassment or discrimination in violation of the City's policy has occurred, appropriate disciplinary action will be taken. The appropriate action will depend on the following factors: (1) severity, frequency and pervasiveness of the conduct, (2) prior complaints made by the complainant, (3) prior complaints made against the respondent, and (4) quality of the evidence, such as first-hand knowledge or credible corroboration.
5. If the investigation is inconclusive, or it is determined that there has been no harassment or discrimination in violation of this policy but some potentially problematic conduct is revealed, counseling or preventive action may be taken.
6. Within five days after the investigation is concluded, the Human Resources Director or department director will meet with the complainant and respondent separately, to notify them in person of the results of the investigation and inform them of the action being recommended.
7. The complainant and the respondent may submit statements to the CAO requesting an additional review. Such statements must be submitted no later than five working days after the meeting in which the results of the investigation were discussed.
8. Within ten days from the date the challenge is received, the CAO will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the Human Resources Director and other management staff as may be appropriate, and decide what action, if any, will be taken. The Human Resources Director will report the decision to the complainant, respondent, supervisors, and department directors in the departments in which the complainant and respondent work.

9.3 REPORTING IMPROPER GOVERNMENTAL ACTIONS

The City encourages employees to report improper governmental actions taken by City of Marysville officers or employees, and it protects employees who have made good-faith reports of improper governmental actions in accordance with City policies and procedures.

As used in this policy, the following terms have specific meanings as defined below.

- ***Improper governmental action:*** Actions by a City of Marysville officer or employee that are:
 - Undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment.
 - In violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial danger to the public health or safety, or is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including but not limited to, employee grievances, complaints, claims of discrimination or

harassment, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, written or verbal warnings, violations of collective bargaining or civil service laws, alleged violations of labor agreements, or reprimands. The City has separate policies with distinct rights and remedies, for allegations of improper personnel actions.

- *Good Faith*: When an employee has a reasonable basis in fact for the communication. “Good faith” is lacking when the employee knows or reasonably ought to know that the report is malicious, false or frivolous.
- *Gross waste of public funds*: Spending or using funds or allowing funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.
- *Retaliatory action*: Any adverse change in the terms and conditions of employment or hostile actions by another employee towards a local government employee that were encouraged by a supervisor, senior manager, or official.
- *Emergency*: Circumstances that if not immediately changed may cause damage to persons or property.

Procedures ~~For~~ Reporting

City employees who become aware of improper governmental actions should raise the issue with their Department Director or Human Resources Director. Employees shall submit a written report stating in detail the basis for their belief that an improper governmental action has occurred. The report, in the form of a written memo, report, or email should be made as soon as possible after the information or knowledge is received. Where employees reasonably believe the improper governmental action involves their department director, employees may raise the issue directly with the CAO or Human Resources Director.

In an emergency, where employees believe that damage to persons or property may result if action is not taken immediately, employees may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

The Department Director, Human Resources Director or the CAO or designee, shall take prompt action to assist the City in properly investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless employees authorize their identity disclosure in writing. After investigations are completed, employees reporting improper governmental actions shall be advised by a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City employees may report information about improper governmental action to the appropriate government agency with responsibility for investigating the improper action if they

reasonably believe that an adequate investigation has not been undertaken by the City to determine whether an improper governmental action occurred, insufficient action has been taken by the City to address the improper governmental action, or the improper governmental action is likely to recur. A list of agencies responsible for investigating improper governmental action is included in this handbook. It is not intended to be all-inclusive.

City employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protections provided by the City in these procedures.

Protection Against Retaliatory Action

City officials and employees are prohibited from taking retaliatory action against City employees because they have in good faith reported improper governmental actions.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise their Department Director, the Human Resources Director or the CAO or designee. City officials and supervisors shall take appropriate action to investigate and address complaints of retaliation.

If employees' Department Director, the Human Resources Director or the CAO or designee do not satisfactorily resolve employees' complaints of retaliation in violation of this policy, employees may obtain protection under this policy and pursuant to state law by providing a written notice to the Marysville City Council that specifies the alleged retaliatory action and the relief requested.

Employees shall provide a copy of their written charge to the CAO no later than 30 days after the occurrence of the alleged retaliatory action. The City shall respond within 30 days to the charge of retaliatory action; provided, if the charge warrants an unusual amount of investigation, the City may extend the time for responding up to 30 additional days.

After receiving either the response of the City or 30 days after the delivery of the charge to the City, employees may request a hearing before a state administrative law judge to establish that a retaliatory action has occurred and to obtain appropriate relief provided by law. Employees seeking a hearing should deliver the request for hearing to the CAO at the earliest of either 15 days of delivery of the City of Marysville's response to the charge of retaliatory action or 45 days of delivery of the charge of retaliation to the City of Marysville for response.

Upon receipt of request for hearing, the City shall apply within five working days to the Washington State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge: Office of Administrative Hearings, P.O. Box 42488, Olympia, WA 98504-2488, (800) 558-4857.

The City will consider all recommendations provided by the administrative law judge, including but not limited to a recommendation that the retaliator be suspended or dismissed.

Enforcement Responsibilities

The CAO or designee is responsible for implementing the City's policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and procedures are permanently posted where all employees have reasonable access to them, made available to any employee upon request, and provided to all newly-hired employees. Managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy may result in disciplinary action, including but not limited to a written reprimand, suspension, and/or termination.

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact Human Resources.

CITY OF MARYSVILLE

Snohomish County Prosecutor
3000 Rockefeller
M/S 504 Everett, WA 98201
(425)388-3333

Marysville Police Department
1635 Grove St
Marysville, WA 98270
(360)363-8300

Human Rights Commission
402 Evergreen Plaza, Bldg FJ-41
711 S Capitol Way
Olympia, WA 98504-2490
1-800-233-3247

STATE OF WASHINGTON

Department of Labor and Industries
315 5th Ave S Ste.200
Seattle, WA 98104-2607
(206)515-2800

State Department of Ecology
3190 160th SE
Bellevue, WA 98008-5452
(425) 649-7000

Domestic Violence Hotline
1-800-562-6025
Puget Sound Partnership
(Water Quality)
PO Box 40900
Olympia, WA 98504-0900
1-800-547-6863

Department of Social & Health Services
Special Investigation Office
5200 Southcenter Blvd Ste 23
Tukwila, WA

Department of Natural Resources
PO Box 47000

1111 Washington St SE
Olympia, WA 98504-7000
(206)464-6094

Equal Employment Opportunity Commission
909 First Avenue Ste 400
Seattle, WA 98104-1061
1-(800)-669-4000

UNITED STATES

State Department of Health
Health Consumer Assistance
PO Box 4789
Olympia, WA 98504-7891
(800)525-0127

Department of Justice
Drug Enforcement Administration
400 2nd Ave W
Seattle, WA 98119
(206) 553-5443

US Attorney
700 Stewart St Ste 5220
Seattle, WA 98174-1093
(206)389-5800

Department of Labor
Occupational Safety & Health (OSHA)
1111 3rd Ave Ste 715
Seattle, WA
(206)553-5930

Department of Interior
US Fish & wildlife Services
Division of Law Enforcement
121 107th NE
Bellevue, WA
(425)883-8122

Department of Transportation
Office of Inspector General
Auditing/Inspecting
915 2nd Ave Rm 644
Seattle, WA 98178
(206)220-7754

Government Accounting Office Fraud Hotline
1-800-424-5454

Department of Treasury
Bureau of Alcohol, Tobacco & Firearms
Law Enforcement Division
915 2nd Ave Rm 806
Seattle, WA 98174
(206)220-6456

Environmental Protection Agency
Criminal Investigations
1200 6th Ave (CRE 164)
Seattle, WA
(206) 553-2899

National Transportation Safety Board
19518 Pacific Hwy S Ste 201
Seattle, WA 98188
(206)870-2200

Department of Health & Human Services
Food & Drug Administration
22201 23rd Dr SE
Bothell, WA

Section 10. STANDARDS OF CONDUCT

10.1 EMPLOYEE BEHAVIORAL EXPECTATIONS

City government exists to provide services to its citizens, and City employees have a long tradition of providing exemplary service to the public. The following behavioral expectations support high quality service delivery.

Employees are personally and professionally accountable for providing essential services to the public.

- Be polite, courteous, and cooperative when interacting with internal and external customers and the general public.
- Be accountable for one's own job performance, while recognizing that all jobs are reliant on the work of others. Team members are interconnected with coworkers and managers, and every employee's work affects the team's ability to perform effectively.
- Perform all job duties to meet established job standards, and notify the supervisor when backlogs or unexpected work may result in a delay in completing essential tasks. Seek assistance from one's supervisor or manager to resolve problems or difficulties that interfere with the ability to perform one's work.

Employees represent the City in customer service transactions.

- Provide customers -with accurate information about services, regulations and processes.
- Respond in a timely and professional manner, politely and courteously, while providing clear and concise information.
- Provide the customer with information about alternatives if unable to address their concerns directly or if the request is not feasible.

Integrity and high ethical standards are essential to maintain public trust in City services.

- Work honorably and professionally, providing a full day of good effort for a full day of pay. Integrity means that one's words and actions are the same when speaking with peers, supervisors, or other professionals.
- Perform job duties within the ethical standards of the organization, and always act to further the mission, vision, and values of the organization. If ethical standards or guidelines are unclear in a specific situation, ask the supervisor for information or clarification.

Mutual respect is an essential part of professional relationships; it is required, not earned, in all interactions.

Trust, the expectation that the other person will demonstrate integrity and responsibility, is earned.

- Give people the benefit of the doubt, ~~believing that everyone is trying to do their best.~~
- Listen to people without making a judgment, and make a concerted effort to understand their perspective; understanding their perspective does not necessarily mean agreeing with it.
- Avoid using insulting, threatening, or offensive language.
- Avoid making jokes about other employees including, but not limited to, jokes about work performance, ethnicity, or personal appearance.

Teamwork is expanding one's perspective from simply performing individual tasks to helping achieve the City's overall mission and goals.

- Assist, encourage, and support coworkers.
- Look for ways to energize and support the work of coworkers so the department's work is accomplished with less difficulty and greater employee satisfaction.
- Take pride in the achievements of the team. Group recognition for a job "well done" is a foundation for receiving future recognition and far outweighs the brevity of congratulations directed at a single individual.
- Recognize that conflict will occur in the workplace, and when possible manage it by dealing directly with the individual, rather than involving third parties. Involve a supervisor when the conflict cannot be managed through direct dealing. Focus on the common goal in an effort to collaborate with coworkers or reach a compromise that supports that goal.
- Be honest in sharing ideas, opinions, and perspectives without criticizing, finding fault, or undermining the views of others. Direct feedback to the idea or concept not at the individual offering it. Give honest but respectful feedback.
- Avoid spreading gossip and rumors, hearsay information that is passed from one person to another and is meant to discredit a third person, ~~do not tolerate it from others-Do not participate in it~~ because it sabotages the team's ability to work together effectively. It is disrespectful, nonproductive, and a selfishly-motivated act that interferes with employees' successful job performance.

The safety of employees and the public is an overriding responsibility of the City.

- Comply with safety regulations, work proactively to reduce workplace hazards, prevent accidents, and refresh safety skills.
- Secure and maintain certifications or licenses required to perform assigned job duties.
- Wear protective clothing, and use appropriate safety equipment as required.

- Practice good defensive driving at all times; promptly report all accidents, injuries, or hazardous conditions to one's supervisor or manager.

10.2 WORKPLACE RELATIONSHIPS (NEW)

The City respects the privacy of its employees, and does not wish to become unnecessarily entangled in its employees' personal lives; however, certain relationships are of legitimate concern because they disrupt professional relationships and can result in legal liability. For this reason, the following guidelines apply to employees who are or become involved in an intimate relationship.

Employees are discouraged from having a romantic, dating, or intimate relationship with anyone over whom he or she has supervisory authority. A person has supervisory authority over another when:

- The person participates in the evaluation or assessment of the subordinate employee, or
- The person has or can exercise some measure of control over the subordinate employee's pay, benefits, or terms and conditions of employment.

Employees in relationships with supervisory authority have a duty to report the relationship to the employer. The employee shall work with the City to cure the conflict. Employees in relationships are expected to behave professionally at all times during work hours or on City property. If either employee becomes uncomfortable at work at any time in or after the relationship due to actions of the other party, the employee will notify their supervisor or Human Resources immediately so that action can be taken to prevent any potential harassment.

10.3 EMPLOYEE DRESS AND PERSONAL APPEARANCE

Employees are expected to maintain their attire, grooming, and personal hygiene in a manner appropriate to perform their work safely and present a favorable and professional image to the public. Departments requiring uniforms may establish their own dress codes to supplement this policy. Medical exceptions to this policy are subject to approval of department directors.

Employees must wear clothing and shoes that are neat, clean, and in good condition. Hair should be neat, clean, and well-trimmed or arranged, and facial hair must be neatly groomed. Tattoos and body piercing, except for ear piercing and tasteful tattoos, should not be visible.

Office staff and other employees who have regular contact with the public must wear appropriate business attire. Jeans and athletic-type footwear are generally not appropriate for office attire, except as described below. Other inappropriate attire includes, but is not limited to: extremely tight pants, leggings and spandex; tee shirts with slogans, sports insignia or other writing on them; tank tops with straps less than two inches wide; short or cropped tops that expose skin at the abdomen; sweatpants, sweatshirts or workout attire; clothing that is excessively revealing, distracting, or provocative; skirts that are excessively short; and shorts.

Some of the attire listed above may be appropriate and allowed when considered part of a department's uniform, suitable for regular work duty (such as recreation or athletic programs), worn for special events, or specifically authorized by department directors.

Tee shirts and sweatshirts with the City logo or other tasteful logos may be acceptable attire, depending upon the work environment. When wearing clothing with the City logo, employees appear to represent the City; employees should not wear City logo clothing during off-work hours.

The City has designated Friday as "business casual" day. "Business casual" attire often includes jeans and a sport shirt or other casual attire which is appropriate for the work place as defined in this policy. Employees are still expected to be neat, clean, and well-groomed. Supervisors, however, may require regular business attire as they deem appropriate.

Employees who have sincerely held religious beliefs that affect their dress and personal appearance should talk with their supervisor about potential accommodations under Title VII of the 1964 Civil Rights Act.

Supervisors, managers, and directors will ensure compliance with this policy. Employees who violate this policy may be instructed to leave the premises to change clothes and/or be subject to disciplinary action. Time necessary to correct one's appearance is leave without pay.

The City may provide a clothing allowance for some positions.

10.4 TOBACCO USE

Smoking and tobacco use represent a significant health risk to both smokers and nonsmokers in the work environment. Employees are prohibited from using tobacco in any form in all public and nonpublic areas of City-owned facilities and City vehicles during their scheduled work time. Tobacco use includes the possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product and the use of chewing tobacco, snuff, and other varieties of smokeless tobacco.

The prohibition against tobacco use in City-owned facilities and vehicles includes, but is not limited to City buildings, vehicles and drivable equipment, and recreation facilities. Vehicles and drivable equipment includes front-end loaders, tractors, riding mowers and backhoes. Recreation facilities include activity centers, community centers, and supporting building facilities. Smoking is also prohibited within 25 feet of building entrances, exits, windows that open, and ventilation intakes.

Employees may use tobacco during non-work time, such as designated breaks and meal periods but shall never use it in the prohibited areas as described in this policy. Tobacco users are to maintain designated smoking areas free of litter by properly disposing of cigarette and cigar butts, ashes, etc. Chewing tobacco, snuff, and other varieties of smokeless tobacco residue, including "spit", must be collected in a container, sealed, and placed in the lined trash receptacles provided.

Employees who violate this policy are subject to disciplinary action up to and including termination.

Smoking cessation may be a covered benefit under the City's medical insurance plan.

10.5 OUTSIDE EMPLOYMENT

Employees ~~engaged in outside employment~~ must notify their department director of outside employment that will interfere with their work or scheduling or when the employment potentially is incompatible with the proper discharge of his official duties or would impair his/her independence of judgment or action in the performance of his official duties (e.g. working for a company or person with a City contract). Employees shall not hold a job with an outside employer or be self-employed if outside work contributes to reduced effectiveness at their City job; in these cases, employees will be given the choice of terminating either their City employment or the outside employment. If an employee is injured as a result of an accident during the outside employment, the other employer's benefits must be used to the degree available before receiving coverage from the City's benefit plans.

Commissioned police employees are subject to the terms of the Standard Operating Procedures on outside employment.

10.6 GARNISHMENTS

Employees who have had their earnings garnished for the satisfaction of three or more separate indebtednesses within a period of 12 consecutive months will be discharged, unless the CAO determines that the employee should not be discharged due to extenuating circumstances.

10.7 MEDIA INQUIRIES

All media inquiries and non-customer service related general inquiries should be referred to department directors. The CAO may delegate the authority to respond to media inquiries without prior approval to specific employees. Questions about employee references or other information concerning current or former employees must be referred to the Human Resources office.

10.8 COMPLAINT PROCEDURE

The City recognizes that sometimes situations arise in which employees feel that they have not been treated fairly or in accordance with City rules and procedures. Complaints will be investigated, and the City will take prompt, corrective action to remedy any complaints found to have merit. Employees should use the following procedures for resolving complaints. (See the anti-harassment, discrimination, accommodation, retaliation, or reporting improper governmental actions for the procedure related to these policies.)

Step 1: Employees should first try to resolve complaints with their immediate supervisors.

Step 2: When normal communication between employees and supervisors is not successful, or when employees disagree with the application of City policies and procedures, employees should file written complaints with their department directors. Department directors should meet with employees within five working days and respond to employees in writing within five working days after the meeting.

Step 3: If employees are not satisfied with the response from their department directors, they may submit the issue, in writing, to the CAO. If the complaint is with the CAO, the written complaint should be directed to the Mayor. The written complaint must be filed within ten working days of the occurrence leading to the complaint, or ten working days after the employee became aware of the circumstances.

The written complaint must contain, at a minimum, the following items.

- Description of the problem.
- Specific policies or procedures that employees believe have been violated or misapplied.

- Dates of the circumstances leading to complaints or dates when employees first became aware of those circumstances.
- Remedies sought by employees to resolve complaints.

The CAO should respond in writing within ten working days of receipt of complaints. The CAO's response and decision shall be final.

Some employees may have more than one source of dispute resolution rights, such as civil service rules, collective bargaining agreements, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules must follow grievance procedures set out in their respective labor contracts or civil service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall employees have the right to use both this process and another complaint or appeal procedure that may be available to them.

Section 11. USE OF CITY RESOURCES

11.1 USE OF CITY PROPERTY

Employees shall not request or permit the use of City owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as City policy for the use of those employees in the conduct of official business.

11.2 COMPUTER SYSTEMS AND ELECTRONIC COMMUNICATIONS

This policy applies to all City employees, elected, and appointed officials.

Computers, telephones, fax, copy machines, all associated software and peripheral devices, and any other City equipment provided for employee use are the property of the City and are intended solely for use in conducting official City business. All messages sent, received, or stored on the email system, all records of Internet use, and all software installed on computers are the property of the City and may be reviewed, audited, intercepted, accessed, or disclosed by the Mayor or designee without employee authorization.

Employees may use some City equipment for VERY LIMITED personal use, provided that it is done on employees' own time, does not violate any law or City policy, such as harassment or solicitation, and is not used for commercial, religious, or political activities. Also, this use must not interfere with employees' job performance, disrupt or distract themselves or coworkers from the conduct of City business, and it must not result in additional cost or liability to the City.

Use of City time and resources may be allowed for approved participation in professional organizations related to the employee's official position, upon approval by the CAO. All outgoing messages which do not reflect the official position of the City must include the following disclaimer: "The opinions expressed here are my own and do not necessarily represent those of the City of Marysville."

Internet access by default is provided to every employee with a City login. Access may be restricted at a supervisor's request. Resources of any kind for which there is a fee, including all Internet sites, must not be accessed or downloaded without prior approval of department directors. Space on public access databases (such as home pages on the World Wide Web) shall not be created without prior approval of the CAO or designee.

~~Text messaging is highly discouraged for use in City business. Text messaging is a public record and therefore must be retained as such. The only exceptions to this are for Police tactical messages and SCADA alarm messages.~~

~~Due to the difficulty in retaining Instant Messaging, Chat and Blogs the use of these types of communications are prohibited for all City business. The only exceptions to this are for Police tactical messages and the employee must maintain a log of messages as per state law.~~

Due to the difficulty in managing Social Media content and inherent security risks, access to Social Media is generally prohibited to City Internet users. All City of Marysville social media sites are subject to approval by the CAO prior to activation; and monitored and maintained by the Community Information Officer. The City uses social networking websites Facebook® and Twitter® as a means to increase citizen awareness and communications between citizens and the City. [The City uses LinkedIn as a recruitment tool.](#)

Employees not involved in the maintenance or operation of the voicemail and email systems [or designated by the Mayor to review voicemail or email](#) are prohibited from retrieving or reading any voicemail or email sent to other employees without a direct request from the intended recipient. If any user receives a message by mistake they should stop reading as soon as they realize the message was not meant for them, delete it, and notify the sender immediately.

All electronic records, including information sent via email or posted on the Internet reflects on the City, is public property, and must be retained according to the City's retention schedule and disclosed pursuant to the state's Public Records Act. The IS Department maintains copies of every email the City sends or receives for review by the City's Email Retention Administrator. All email communications must comply with City standards and policies as well as laws such as copyright protection. Exercise due caution when sending confidential or sensitive information electronically. Email messages need to be composed with the expectation that they are public and must be businesslike, courteous, and civil. Users shall have no expectation of privacy in e-mail messages. Non-City email accounts (e.g. Gmail, AOL, MSN, or Yahoo) [may will](#) not be used to conduct City business unless approved in advance by the CAO or designee. Protected Data (i.e. [HIPPAHIPAA](#), CJIS, PCI, etc.) must be sent via encrypted electronic mail. The City's email system is not intended to be used for general mass mailings or to transmit attachments larger than 10 MB.

Employees must protect all system user identifications and passwords, along with voicemail PIN numbers and email account passwords, at all times. Individual passwords must not be printed or stored online. Individual passwords must not be shared with others, and users are prohibited from accessing any City computer system using another user's account or password.

Networked computer systems can easily spread computer viruses, and it is every employee's responsibility to exercise due caution to minimize the risk of viruses. Since email attachments are a common source of viruses, only those received from expected and known business sources may be opened. No external computer files may be downloaded without being properly scanned for viruses.

The City purchases licensed software for employee use for City business. All software must be installed by authorized employees per license agreement. Employees are prohibited from usage which violates software license agreements such as making a copy of software for personal use or downloading software unless pre-approved by IS.

Employees are responsible for taking adequate measures to prevent damage, theft, or loss of City equipment. Laptop computers, in particular, are subject to damage, theft, or loss when removed from City offices.

Use of the City's information or data systems from a personal or company-owned computer through company-owned connections is subject to this policy, too. Use of personal computers to perform city business through non-city owned connections is also subject to the provisions of this policy and the provisions of the state's Public Records Act and records retention schedule.

[The Mayor and CAO will adopt policies and procedures to implement this policy.](#) A link to additional information, policies, and procedures can be found at the top of the City's Intranet main page. ~~[These additional policies and procedures include more granular policies including but not limited to: Passwords, Records Retention, and Internet Use.](#)~~

Employees who abuse City equipment and technology resources or fail to follow the City's policies and procedures for the use of City resources are subject to disciplinary action. If these resources are used for purposes that violate federal or state laws, employees may be held legally accountable. City employees who learn of any misuse of software or related documentation within the organization shall immediately notify their immediate supervisors or department directors.

Questions or issues which arise from this policy should be directed to the Finance Director or CAO.

11.3 USE OF TELEPHONES AND WIRELESS HANDHELD COMMUNICATIONS DEVICES

Employees may use city telephones and wireless handheld communications devices for VERY LIMITED personal use, provided that it is done on employee's own time, does not violate any law or City policy, such as harassment or solicitation, and is not used for commercial, religious, or political activities. Also, this use must not interfere with employees' job performance, disrupt or distract employees or coworkers from the conduct of City business, and it must not result in additional cost or liability to the City. Personal toll calls should be billed directly to the employee's home phone or personal credit card, with the exception of calls necessitated by unanticipated overtime or an emergency.

City-Owned Wireless Handheld Communications Devices

The City requires employees to use its cellular telephones and other wireless handheld communications devices safely while conducting City business. Employees who are issued such devices are expected to limit use of them while driving a City vehicle. Any person operating a moving motor vehicle while holding a cell phone or other wireless communication device to their ear is guilty of a traffic infraction, unless the person is: operating an authorized police vehicle; using a hands-free device including a speaker phone, a headset, or an earpiece; reporting illegal activity; summoning emergency help; or using a hearing aid. Cell phones issued for City business may legally be used while driving if used in speaker phone mode only unless the person is: operating an authorized police vehicle; using a hands-free device including a speaker phone, a headset, or an earpiece; reporting illegal activity; summoning emergency help; or using a hearing aid. Regardless of the circumstances, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Employees are prohibited from placing themselves or others at risk to fulfill business needs.

If it is imperative to accept a call while driving, employees must use a hands-free device per state law. In positions that require regular driving and answering business calls, the City may provide hands-free equipment, if feasible.

Employees are prohibited from sending or receiving text messages via wireless handheld communications devices while operating a motor vehicle or performing a task.

Personal Wireless Handheld Communications Devices

Personal calls and text messaging during the workday, regardless of the communications device used, can interfere with employee productivity and be distracting to others. The use of personal wireless handheld devices is limited to rest breaks and meal times. Employees are expected to keep their personal wireless handheld devices off or in silent mode during work hours. Flexibility may be provided by the supervisor in circumstances demanding immediate attention.

Employees are prohibited from using personal wireless devices while operating a City vehicle.

The City is not liable for the loss of personal wireless devices brought into the workplace.

Section 12. WORKPLACE HEALTH AND SAFETY

12.1 EMPLOYEE SAFETY

The City complies with all applicable federal, state, and local health and safety regulations and is committed to providing a safe work environment in which employee exposure to accidental injury and occupational illness is reduced or eliminated. Employees are expected to comply with all federal, state, and local safety and health requirements. The City has a comprehensive accident prevention program—applicable to all employees—to recognize, evaluate, and control occupational safety and health hazards. The Safety and Health Committee assists management in communicating and evaluating workplace safety and health issues.

Employees have the following responsibilities to ensure the health and safety of themselves and coworkers.

- Understand and comply with [the-relevant](#) safety regulations and procedures.
- Coordinate and cooperate with all employees in attempts to eliminate accidents.
- ~~Apply the principles of accident prevention~~ [Be alert to dangers and seek to prevent accidents](#) in daily work, and use proper safety devices and protective equipment as required by the City.
- Properly care for all personal protective equipment.
- Promptly report all industrial injuries or occupational illnesses, regardless of severity, to their supervisors.
- Refrain from wearing torn or loose clothing while working around machinery.
- Refrain from using or being under the influence of drugs or alcohol during work hours.

The City furnishes required safety items—such as steel-toed boots, hard hats, vests, goggles, or gloves—to employees. Uniforms and clothing shall be worn and maintained in a neat and clean condition, at the employee’s cost. The City may provide two uniforms per year, or it may rent uniforms to employees as necessary and required to perform their jobs.

12.2 WORKED-RELATED INJURY OR ILLNESS

Employees who suffer on-the-job injuries or occupational diseases during the course of their City employment may be eligible for worker's compensation benefits administered by the Washington State Department of Labor and Industries. Employees must use available sick, vacation, compensatory, and administrative leave time (in this order) during the period of disability; the period of disability leave shall run concurrently with designated Family and Medical Leave Act leave to the extent permitted by law.

An employee receiving -time-loss payments from Washington State Dept. of Labor & Industries (L&I) must "buy back" sick leave during the period of disability. Sick Leave buy back is a program that enables employees, off work due to a workplace injury, to receive a paycheck from the City while they wait for L&I to process their claim and issue time-loss compensation. The City will use available sick leave banks and if sick leave is exhausted, vacation leave or comp time hours will be used. It is mandatory that an employee "buy back" their sick leave hours. "Buy back" must be done by personal check or money order payable to the City of Marysville. ~~L&I time loss checks cannot be endorsed and signed over to the City.~~

Employees promoted or hired to fill a vacancy created by another employee on disability leave shall hold such positions subject to the return of the injured or ill employee. A promoted employee affected by the return of the injured or ill employee shall be restored to the position he or she had held previously or to any other equivalent position. A newly-hired employee affected by the return of the injured or ill employee shall be placed in a comparable vacant position for which he or she is qualified or may be laid off if there are no comparable vacant positions.

Disability leave shall not apply in cases of permanent, total disability or disability retirement as defined in Washington State law. Injuries resulting from employees' willful misconduct, however, shall not entitle them to disability leave.

12.3 RETURN TO WORK PROCEDURES AND TEMPORARY LIGHT DUTY

The City of Marysville values the safety, health and well being of all its employees. We want to provide safe and healthful working conditions in all of our operations and to follow all laws and regulations in regards to the safety and health of our employees.

The City supports the practice of bringing injured employees back to work, as soon as they are medically able, to a position compatible with any physical restrictions they may have. The Return to Work program is intended to restore employees to gainful employment as soon as possible when there is little probability of re-injury to themselves and no direct threat to others.

It is the City's policy to provide temporary alternatives to normal employment activities for employees who, as the result of an injury, have been released to lighter duties than their regular job requires. Temporary ("light") duty assignments are provided when the medical prognosis indicates that the employee is expected to return to full duty following a course of medical treatment.

The City will make every reasonable effort to place returning employees in existing positions that are the same as, or equivalent to, those held prior to the illness or injury. However, the City is under no affirmative obligation to create a position solely for this purpose. If the only suitable position is in a lower classification the employee will receive the salary within that classification. Employees in positions that are at a reduced pay level may be entitled to loss of earnings (LOE) from the Department of Labor and Industries. LOE payments help offset the difference between the employee's original wage and the temporary wage.

GENERAL

Employees with an injury that results in disability may request to be assigned to temporary light duty work or, at the City's request, the employee may agree to work light duty. Employees injured on the job will be given preference in filling temporary light duty assignments. Consideration for temporary light duty assignments will be made on a case by case basis and will be contingent upon the following:

1. The employee presenting a physician's statement that includes a complete description of the physical restrictions or limitations and releasing the employee for temporary light duty;
2. The City's ability, consistent with operational requirements, to temporarily modify the employee's regular job to accommodate the restrictions or limitations as stated by the medical professional OR the availability of light duty work, either in the employee's assigned work group or any other work group within the City, that does not exceed the identified restrictions/limitation;
3. The employee being otherwise qualified, i.e., possessing the necessary knowledge, skills and abilities, and certifications, as determined by Human Resources, to perform the work.
4. Temporary light duty assignments shall be short-term and shall mean 30 days or less. After 30 days, the need for additional light duty will be reviewed on a case by case basis and must be approved by the Chief Administrative Officer or designee. Nothing in this policy or procedure establishes a right to be placed on temporary light duty or, once placed, to continue in such an assignment for any specified length of time.

Human Resources has the overall responsibility for the coordination and administration of this program and will work with Department Directors, or their designee, to identify appropriate temporary light duties. If possible, employees will be returned to their regular department. In instances where there are no modifications that are compatible with the restrictions, the temporary position may be in another department. First priority will be placement within the

employee's job classification. Second priority will be placement within the employee's department, and third priority will be placement in another department.

PROCEDURE

An employee must submit to Human Resources a physician's statement, typically a completed Return to Work Authorization form, with specific information indicating that they are temporarily unable to perform the scope of duties of their position. The **worker cannot return to work without a release** from the treating physician.

Human Resources will contact the employee's Director/Manager and notify them that the physician has indicated that an employee has work restrictions. The Director/Manager and Human Resources will determine whether an appropriate temporary light duty assignment is available.

If clarification is needed to determine whether an employee can safely perform temporary light duty, Human Resources will notify the treating physician that the injured worker may be considered for temporary light duty and provide a Temporary Job Analysis Form. This form will list tasks available and describe the required physical capabilities.

If temporary light duty is approved, Human Resources will contact the employee. All tasks assigned/performed are to be within the limits defined by the physician. The Director/Manager is to explain/review limitations with the employee prior to work so that the recovering employee will not aggravate his/her condition while performing temporary light duty.

Human Resources should be contacted immediately if problems arise with the employee and/or temporary light duty assignments.

12.4 USE OF CITY VEHICLES

Employees who operate vehicles owned or leased by the City are required to maintain a valid Washington State driver's license. These employees must notify their supervisor immediately if they no longer have a valid Washington State driver's license. Failure to have a valid Washington State driver's license, if required for the position, may result in disciplinary action.

It is mandatory for all City employees operating motor vehicles to use seat belts, unless the person is operating an authorized police vehicle. This includes all employees operating City owned vehicles, passengers in City-owned vehicles, and all employees operating personal vehicles while engaged in City business, and employees riding as a passenger in a vehicle while on City business. Employees are also required to utilize seat belts, if available, when operating heavy equipment. Exceptions will be allowed under certain circumstances at the discretion of the CAO and Department Directors or for Police Officers in tactical situations.

Employees may not use a vehicle owned or leased by the City for personal purposes, other than de minimis personal use (such as stopping for lunch during a business trip). When a City vehicle is not being used for City business, it shall be parked at a designated location.

Some City positions may receive a vehicle allowance, at the discretion of the CAO, to provide savings in vehicle costs by keeping the vehicle fleet at a minimum.

Requirements for CDL Drivers

In addition to the requirements listed above, special requirements apply to employees who utilize a Commercial Driver's License (CDL) to conduct City business. Employees who utilize a CDL must be familiar with the rules and regulations contained within the Commercial Driver Guide as published by the Washington State Department of Licensing.

In accordance with federal law, CDL drivers are subject to having their Motor Vehicle Record (MVR) checked on an annual basis. Human Resources will review each MVR, also known as a driving abstract, for suspensions or infractions. CDL drivers must also complete a Traffic Violation Certification Form on an annual basis.

Employees must notify their supervisor immediately if their commercial drivers license is suspended, revoked, cancelled or they receive any other notice of disqualification or restriction from operation of a commercial vehicle. They must notify Human Resources, in writing, of all traffic convictions within thirty (30) days. This includes infractions incurred while driving a personal vehicle, regardless of whether the infraction resulted during personal time or while conducting City business. Parking infractions do not need to be reported. Notification must be made to the Washington State Department of Licensing of all out-of-state traffic convictions within thirty (30) days.

CDL drivers must perform a pre-trip and post-trip inspection as required by the Federal Motor Carrier Safety Administration regulation CFR 396.11 and CFR 396.13. An inspection log must be retained and available upon request. Failing to comply with this regulation is unlawful and could result in a citation in the event of an accident or traffic infraction.

12.5 SUBSTANCE ABUSE

The City strives to maintain a drug and alcohol-free workplace and provide a safe, healthy, and secure work environment for employees and people doing business with the City. The manufacture, distribution, dispensation, possession, use and/or sale of a controlled substance in the workplace and/or during work hours or breaks in the workday is strictly prohibited. This prohibition encompasses the possession, sale, distribution or use of any detectable amount of a drug illegal under state or federal law, a drug not medically authorized, or other substances that could impair job performance or pose a hazard to the safety and welfare of the employee, the public, or other employees. Workplace ~~includes means~~ City buildings, City-owned premises, ~~public property,~~ City-owned or City-approved vehicles used to perform City functions, ~~and any place the employee is during the workday including travel to and from the workplace.~~ The workplace also includes activities performed by an employee, whether on City property or not, on City time on behalf of the City. Failure to comply with this policy may result in disciplinary action up to and including termination.

This policy applies to all City employees. City employees working in safety-sensitive positions, including those who are required to hold a commercial driver's license, are subject to additional rules and regulations imposed by the federal government as described in other personnel policies.

Employees are prohibited from reporting to work or remaining on duty while under the influence of unauthorized or illegal drugs and/or alcohol, including medically authorized or over-the-counter drugs that could impair safe work performance. Employees must report to supervisors their medical use of drugs or over-the-counter medications which can impair safe job performance. Management may require an opinion from a licensed medical practitioner as to whether the medication would impair job performance. Failure to report the medical use of such drugs or other substances or failure to provide proper medical authorization can result in disciplinary action up to and including termination.

Reporting Requirements

As a condition of continued employment, employees shall notify their supervisors of their convictions under any criminal drug or alcohol statute or ordinance for a violation occurring in the workplace as defined above. Such notification shall be provided no later than five calendar days after conviction. For purposes of this policy, the term "conviction" shall mean a finding of guilt, including a plea of nolo contendere, or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal, state, or municipal drug or alcohol statutes or ordinances. "Criminal drug statute or ordinance" means any federal, state, or municipal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance.

Testing

Employees may be subject to drug and/or alcohol testing when the City reasonably believes they are not fit for duty immediately prior to, during, or immediately after performing their job duties or while on City property. Referral for testing will be based on documented, observable facts. Referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

Employees may be subject to drug and/or alcohol testing when involved in a motor vehicle accident which results in: 1) a fatality, 2) bodily injury to a person who immediately receives medical treatment away from the scene of the accident, or 3) one or more motor vehicles incur disabling damage requiring the vehicle to be towed from the scene, unless the person is operating an authorized police vehicle.

Applicants for and employees in safety-sensitive positions are subject to additional testing as outlined in the *Drug and Alcohol Testing for Employees who Operate Commercial Motor Vehicles* policy.

Disciplinary Action

Appropriate disciplinary action will be taken when employees report to the workplace under the influence of a controlled substance or when their job performance is impaired because they are under the influence of drugs or alcohol on the job. The City may investigate as is necessary to verify the use of drugs or alcohol and the nature of the impairment of the employee's job performance. Such investigation may include the performance of drug and/or alcohol tests where there is reasonable suspicion that drugs or alcohol have been used. Refusal to submit to drug testing may result in disciplinary action up to and including termination.

Reinstatement

The Employer through its disciplinary process will evaluate appropriate discipline or conditions for reinstatement.

A verified adulterated or substituted test result will be considered a refusal to test and subject to the return to work stipulations above.

As a condition of eligibility for reinstatement after an employee has been suspended or discharged for violating this policy, employees may be required to satisfactorily complete a drug or alcohol rehabilitation or treatment program approved by the City, at employees' expense. The City does not guarantee reinstatement of employees, nor does the City incur any financial obligation for treatment or rehabilitation ordered as a condition of eligibility for reinstatement.

In all substance test situations, an employee may request the presence of his/her union representative if the employee is employed in a unit with a certified bargaining representative. Although an employee may later file a grievance against the direction to submit to substance testing, the employee must take the test when requested to do so.

Employee Assistance Program

The City supports employees who voluntarily seek treatment for alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to use the employee assistance program. Employees who notify the City of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Sick leave, vacation leave, or leave of absence without pay may be granted for treatment and rehabilitation as with other illnesses. Insurance coverage for treatment is provided to the extent of individual coverage.

Confidentiality and Record Retention

All records related to drug and alcohol testing will be maintained in the Human Resources office in a secure location with controlled access, and information may be released only to those people with a need to know, in compliance with all regulations regarding release of medical records. These records are kept in files separate from employees' general personnel records.

12.6 DRUG AND ALCOHOL REQUIREMENTS AND TESTING FOR EMPLOYEES WHO OPERATE COMMERCIAL MOTOR VEHICLES

All City employees are covered by the City's *Substance Abuse* policy; however, the *Drug And Alcohol Requirements and Testing for Employees Who Operate Commercial Motor Vehicles* policy establishes an additional compulsory drug and alcohol compliance and testing program as a condition of employment for employees required to have a commercial driver's license to perform their job duties. This policy complies with regulations issued by the U.S. Department of Transportation and Federal Motor Carrier Safety Administration covering employees in safety-sensitive positions, including those required to hold commercial driver's licenses. All questions regarding this policy should be directed to the Human Resources Director.

Effects of Alcohol and Controlled Substances

The City will provide on-going training to employees about the adverse effects of substance abuse and will provide supervisors with information and procedures to recognize and deal with substance abuse in the workplace. Training for employees will include the provisions of this policy, consequences of prohibited behaviors, testing requirements and procedures, and effects of alcohol and drug use on an individual's health and work environment. Training for supervisors and managers responsible to determine reasonable suspicion of alcohol or drug use will include the provisions of this policy and related procedures and additional training about indicators of probable misuse of drugs.

Prohibited Behavior

Employees are required to comply with federal and state law, which prohibit the following behaviors:

- Consuming alcohol and/or drugs while on duty.

- Operating a commercial vehicle within four hours after using alcohol. On-call employees who consume alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.
- Consuming alcohol within eight hours following an accident or until a post-accident alcohol test is given, whichever comes first.
- Reporting for duty or remaining on duty requiring performance of a safety-sensitive function while having an alcohol concentration of 0.04 or more.
- Refusing to submit to any drug or alcohol test required under this policy, which implements federal law requirements.
- Reporting for duty when using a controlled substance, except when the use is at the instruction of a physician who has advised the employee that the substance does not adversely affect their ability to safely operate a commercial motor vehicle. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively must provide written notice from a licensed medical practitioner that the substance will not adversely affect the employee's ability to safely perform work. Failure to report the medical use of such drugs, or failure to provide proper evidence of medical authorization, may result in disciplinary action, including possible termination.

Testing Procedures

The City is a member of the Association of Washington Cities Drug and Alcohol Testing Consortium, which administers this testing program. The Consortium contracts with a select clinic to conduct the testing services, provide the testing laboratory services, arrange the testing collection sites, and provide the medical review officer functions. The services of a substance abuse professional are available for employees with positive test results. All testing procedures and protocols will be in accordance with federal regulations. A description of the complete testing protocol is available from the Human Resources office.

Testing

There are six circumstances in which this policy requires testing employees for drug or alcohol use.

- *Pre-employment*: Applicants applying for positions covered by this policy must pass a drug test as a post-offer condition of employment.
- *Random*: Employees are subject to random, unannounced alcohol and drug testing. Random selection of drivers will be made by a scientifically valid method, and each driver shall have an equal chance of being selected each time selections are made.
- *Reasonable Suspicion*: Employees shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy may have been or is presently being violated. If a supervisor or manager reasonably suspects that an employee may be under the influence of or impaired by a substance, the employee shall be removed from duty

immediately, and may be required to undergo substance testing. Referrals for testing will be based on contemporaneous, articulable observations made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

Alcohol testing for reasonable suspicion may only be conducted just before, during, or after an employee performs a safety-sensitive function. If removed from duty based on reasonable suspicion of alcohol use, and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until either an alcohol test is administered and the driver's breath alcohol concentration measures less than 0.02 or 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

- Post-Accident : Following an accident (as defined in this policy) involving a commercial motor vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation or where a fatality occurs as a result of the accident. Testing should occur as soon as possible but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing. Drivers who are subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test.
- Return to Duty: Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the discipline policy are allowed to return to work, must test negative prior to being released for duty. Per 49 CFR 40.67(b), all employees who go for return-to-duty tests must have their collections observed.
- Follow-up: Employees who are referred for assistance related to alcohol misuse and/or use of drugs are 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 tests 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 employees' return to duty. Per 49 CFR 40.67(b), all employees who go for follow-up tests must have their collections observed.

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.

Alcohol concentration results of less than 0.02 are considered negative for purposes of this testing program. Pursuant to federal law, employees having a breath alcohol concentration of at least 0.02 but less than 0.04 shall be removed from duty requiring driving a commercial

motor vehicle for at least 24 hours, and employees having a breath alcohol concentration of 0.04 or more shall be removed from duty requiring driving a commercial motor vehicle for at least 60 consecutive days.

All tests for which the result is negative but dilute the employee will be sent back to the lab immediately when the result is received. If the result is negative dilute again then the test would be treated as a negative.

Definitions

The following are definitions of some key words in this policy.

- Accident: An occurrence involving a commercial motor vehicle on a public road which results in: (1) a fatality, (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or (3) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
- Driver: Employees whose positions may involve driving a commercial motor vehicle and that require the possession of a commercial driver's license.
- Commercial Motor Vehicle: A vehicle that either: (1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds), (2) is designed to transport 16 or more persons, including the driver, or (3) is used to transport hazardous materials.
- Drugs: Marijuana, cocaine, opiates, phencyclidine, and amphetamines.
- Medical Review Officer (MRO): Licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.
- Safety-sensitive Position: Positions associated with the driving of commercial motor vehicles.
- Performance of a Safety-sensitive function: –Encompasses all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include: (1) All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer; (2) All time inspecting equipment as required by §§392.7 and 392.8 of this subchapter or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time; (3) All time spent at the driving controls of a commercial motor vehicle in operation; (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth; (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

- Substance Abuse Professional (SAP): Licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.

Refusing to Submit to a Required Test

Employees shall not refuse to submit to an alcohol or drug test as directed under this policy. Refusing to submit to a required test is considered the same as a positive test result. Refusing to submit to a required test includes, but is not limited to, the following actions.

- Leaving the scene of an accident without a valid reason before the tests have been conducted.
- Failing to immediately report to the collection site.
- Failing to remain at the collection site until the process is complete.
- Failing to provide sufficient quantities of breath, saliva, or urine for testing without a valid medical explanation.
- Failure to permit a monitored or observed urine collection.
- Interfering with the collection procedure.
- Tampering with or attempting to adulterate the specimen.
- Having a test result reported by the MRO as adulterated or substituted.

Disciplinary Action

Employees will be subject to appropriate disciplinary action, up to and including termination, if they test positive for drug or alcohol use or engage in prohibited behaviors as described in this policy. Employees will be advised of resources available to them to evaluate or resolve problems associated with drug use or alcohol misuse, regardless of disciplinary actions taken.

Even if employees are not terminated for violations of this policy, they will immediately be removed from duties requiring driving a commercial motor vehicle. They will not be permitted to return to work unless they have been evaluated by a qualified SAP, followed the rehabilitation prescribed, and they have a verified negative result on a return-to-duty alcohol and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, employees will be subject to follow-up random testing for up to 60 months as recommended by the SAP and the City, with a minimum of six such unscheduled tests within the first twelve months of returning to duty.

Employee Assistance Program

The City supports employees who voluntarily seek treatment for alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to use the employee assistance program. Employees who notify the City of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Sick leave, vacation leave, or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. Insurance coverage for treatment is provided to the extent of individual coverage.

Participation in drug and alcohol abuse programs, however, may not interfere with the tests required by these rules. For example, drivers may not identify themselves as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. Also, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other City policies.

12.7 WORKPLACE VIOLENCE

The City of Marysville strives to provide employees a safe and secure environment that is free from violence. The City does not tolerate workplace violence committed by or against employees, and any form of workplace violence will be acted upon immediately.

Threat of Immediate Danger

If employees or anyone else in the workplace are in immediate danger, they should move out of danger, call 911 immediately, and inform a supervisor or manager as soon as possible. If employees confront or encounter an armed or dangerous person, they should not attempt to challenge or disarm the individual (unless the employee is a law enforcement officer acting in his/her official capacity). Employees should remain calm, make constant eye contact, and talk to the individual. If a supervisor can be safely notified of the need for assistance without endangering the safety of employees or others, such notice should be given. Otherwise, employees should cooperate and follow the instructions given.

Employees who believe that they or anyone else in the workplace may be a target for workplace violence must inform a supervisor as soon as possible. All reports of violence or suspicion of violent behavior will be taken seriously, handled in a confidential manner, and information will be released on a need-to-know basis.

Prohibited Conduct

City employees are prohibited from engaging in any violent behavior towards others, with the exception of law enforcement officers who are acting in an official capacity. Prohibited conduct can include oral or written statements, gestures, or expressions that communicate in a direct or indirect manner an intent to engage in any of the conduct described below.

The following list of prohibited behaviors is not exclusive.

- Causing physical injury to another person.
- Making threatening remarks.
- Showing aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging City property or property of another employee.
- Possessing a weapon while on City property or while on City business, except people engaged in law enforcement, military activities sponsored by the federal or state government, or anyone else who must carry a concealed weapon as part of their job duties.
- Intimidating or verbally or physically abusing another person.
- Committing acts motivated by or related to domestic violence.

Reporting Procedures and Enforcement

Employees who witness or are involved in a workplace violence situation must have as their first priority their own safety and the safety of those around them. The following procedures should be followed to the extent possible consistent with this goal.

- Employees must report potentially dangerous situations immediately. Employees who are subject to or observe violent behavior or threat of violent behavior, a firearm or other weapon, or other situation that appears to be potentially dangerous, must immediately report the action to their supervisor, manager, department director, or the Human Resources office. If the conduct involves the employee's supervisor or manager, then the employee must report the incident to another supervisor, manager, or Human Resources office.
- Employees who have obtained restraining or no contact orders against another person are to report this information to their supervisor, manager, department head, or the Human Resources office.
- Supervisors, managers, department directors, or the Human Resources staff will take immediate action to resolve workplace violence incidents. Reports of violence will be evaluated immediately and confidentially.
- The Human Resources staff will assist supervisors, managers, and department directors in investigating and preparing documentation for action concerning an incident of violent behavior. In some cases, a referral to the employee assistance program may also be appropriate. Employees who have information related to the investigation are required to participate, and failure to do so is cause for disciplinary action.
- Retaliation or attempted retaliation is a violation of this policy and is cause for disciplinary action up to and including termination. Acts of retaliation should be reported to department directors or the Human Resources Director.

Threats, threatening conduct, or other acts of aggression or violence in the workplace will not be tolerated. Employees who violate this policy will be subject to disciplinary action up to and including termination. Nonemployees engaged in violent acts on City premises will be reported to the proper authorities and fully prosecuted.

Section 13. OTHER PERSONNEL POLICIES AND PROGRAMS

13.1 TRAVEL EXPENSES

Officers and employees of the City will be reimbursed for expenses incurred on behalf of the City during the performance of official duties as allowed by the Marysville Municipal Code. The City does not reimburse or compensate employees for time or expenses incurred in commuting to or from employees' homes to their workplaces.

13.2 EMPLOYEE APPRECIATION AND RECOGNITION

The City of Marysville recognizes that its employees are its most important asset and resource for providing high quality public services to the citizens of Marysville. The City appreciates and recognizes the value of exceptional employee performance that contributes to improved service, quality, productivity, and/or employee actions that are beneficial to the community. The City also recognizes the tradition of hard and often exemplary work and dedication to public service among its employees. The employee appreciation and recognition program provides a means of honoring employees, both individuals and teams, for years of service, exceptional performance, and behavior both in the workplace and community.

Employees, managers, and citizens may nominate an employee (or group of employees) for recognition at any time. Nominations for awards will be made public. Written nominations, stating the positive contribution(s) of the employee are submitted to department directors. Department directors present and discuss nominations with the Selection Committee. The Selection Committee—comprised of City employees representing several departments, varying levels of the organization, and both represented and non-represented employees—reviews the nominations and makes recommendations to the CAO for consideration and action. The Mayor and CAO make final decisions to recognize employees under this program.

Awards are usually presented at department staff meetings and/or City Council meetings. City employees and City Councilmembers will be invited to attend appreciation or award events at the City's expense. Employees' spouses, guests, and interested citizens will be invited to attend at their own expense. Awards recipients will be announced, and award presentations will be publicized.

The Mayor and CAO may, at their discretion, present individual employees with a gift or gift certificate or a group of employees with a group-oriented recognition such as a pizza lunch or ice cream feed.

This program is designed to recognize a wide variety of employee achievements, employee team efforts, and contributions made by individuals to the successful operation of City services. Individuals and teams are eligible to receive recognition in the following categories. Other

categories of awards may be added or eliminated as deemed appropriate by the Selection Committee. The Selection Committee will determine and announce criteria for additional categories.

- *Recognition of Continuous Service*: Regular status employees will be recognized for their years of service for the City and receive a service award for completing 5, 10, 15, 20, 25, 30, 35, 40, and 45 years of service.
- *Recognition of Retirement*: An employee retiring from service with the City of Marysville may receive this award.
- *Safety Award*: Employees may be recognized for excellent safety records and/or acts that result in an improved City safety program.
- *Excellence in Public Service*:
 - Extraordinary effort and/or continuous excellence in service to the public.
 - Implementation of innovative and practical new work methods, programs, or cost-saving solutions that have a substantial impact on improving service and efficiency.
 - Outstanding professionalism and competence in completion or implementation of a project with significant benefit to the community or City.
 - Consistent and outstanding performance at work (that is, employee regularly finds “better-ways-to-do-it,” is a problem solver, expediter, assists others do their jobs better, or serves as mentor, teacher, or role model for others).
 - Exceptional community volunteerism with a positive impact on the lives of others.
 - Heroism in response to an emergency situation.
 - Other meritorious performance or actions of a similar nature.

The employee appreciation and recognition program is funded in the budget for human resources programs, and all City expenditures for employee appreciation and recognition activities must come from funds appropriated in the current budget. Purchases and all other related accounting activities must comply with applicable City procedures for City-funded activities.

Revision History

Revision date: 10/13/14

Last revised: 10/xx/19

Approved by: Marysville City Council