

A RESOLUTION APPROVING AND ADOPTING THE EMPLOYEE HANDBOOK FOR THE CITY OF MILLWOOD; AND OTHER MATTERS RELATED THERETO

WHEREAS, the City of Millwood (the "City"), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City Council (the "Council") "may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the [C]ity" and has "all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law"; and

WHEREAS, pursuant to 35A.12.090, the Mayor "shall have the power of appointment and removal of all appointive officers and employees subject to any applicable law, rule, or regulation relating to civil service"; and

WHEREAS, the Council wishes to approve and adopt certain personnel policies and practices that, in addition to applicable law and regulations, will address the terms of employment for individuals employed by the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millwood that:

**Section 1. Approval and Adoption of Employee Handbook:** The City Council approves and adopts the "City of Millwood Employee Handbook," a copy of which is attached hereto as Attachment "A" and incorporated herein by this reference.

**Section 2. Severability:** If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution.

**Section 3. Repeal:** All ordinances and resolutions, laws, regulations, or policies, or parts thereof in conflict with this Resolution are, to the extent of said conflict, hereby repealed.

**Section 4. Effect:** This Resolution shall be in full force and effect from and after its adoption by the City Council.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD, WASHINGTON, THIS 13th DAY OF OCTOBER, 2015.

  
KEVIN FREEMAN, MAYOR

Attest:

A handwritten signature in blue ink, appearing to read "Thomas G. Richardson", written over a horizontal line.

Thomas G. Richardson, City Clerk

Attachments:

Attachment "A"- City of Millwood Employee Handbook

**ATTACHMENT "A"**

**City of Millwood Employee Handbook**



# EMPLOYEE HANDBOOK

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## **About Your Employee Handbook**

This handbook is provided as a resource for you. It explains City policies, practices, and programs.

You can use this handbook as a general overview or to find answers to specific questions.

Note that the information in this handbook is intended to provide you with an overview of policies, practices, and programs. In the event of a conflict, the actual programs, plan documents, practices and procedures will govern in all cases. For example a City ordinance would supersede a handbook guideline.

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**This handbook is not intended to change or modify the employment-at-will relationship in any way, ~~or to create enforceable rights, or to promise specific treatment in specific situations.~~ Either you or the City may terminate your employment, with or without cause or reason at any time. In addition the City reserves the right in its sole discretion and without notice to amend or terminate any program, practice or procedure explained in this handbook.**

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## I. City History

The first inhabitants of this area were Native Americans of the Spokane tribe. They camped on the land, built sweat houses, and fished for salmon. The river was an important travel route for the Native Americans.

The Town of Millwood was founded in 1928, the first incorporated town in the Spokane Valley. Millwood quickly became a company town after W.A. Brazeau selected it as the site for the present Inland Empire Paper Company. The first employees of the Paper Mill relocated from the mid-west, the earliest homes built in Millwood were built for those employees. In addition the first general manager of the IEP Company, Brazeau became Millwood's first Mayor!

In 2008 the Town became the City of Millwood, ~~the first a code city, in Washington that year,~~ and also a Tree City USA.

## II. Values and Beliefs

### People -

- Rewarding performance with fair and competitive compensation.
- Investing in employee professional development and growth.
- Achieving diversity at all levels ~~by gender, age, race and culture.~~
- Encouraging and recognizing outstanding accomplishments.
- Employing the most qualified individuals.

### Our business-

- Carrying out the policy of the City Council and Mayor while serving the best interests of our citizens.
- Encouraging and supporting employees' satisfaction, attitudes, opportunities, and applied creativity.

### Our environments and community-

- Maintaining a work environment where employee satisfaction, safety and health, balanced with customer service, are the highest priorities.
- Taking an active role in the community we work and live in.

### III. Health & Safety

#### A. Safety

Occupational injuries and illnesses can be prevented. Preventing injuries and illnesses is a primary responsibility of all City employees. Every employee is responsible for working safely as a primary job requirement. It is the responsibility of the executive branch of the City to provide a safe work environment to the extent reasonably possible.

#### B. Safety Rules

##### 1. General

- Promptly Report any/ and all unsafe conditions or acts to the City Clerk.
- Know how to perform the job safely by following instructions or requesting additional instructions. Do not get careless.
- Obey safety signs and signals. Do what is correct and safe! Signs and signals constitute safety rules and must be obeyed. Injuries are caused by taking shortcuts and doing it the wrong way.
- Practice good housekeeping, clean up your mess, and keep work areas neat and tidy.
- Keep aisles, walkways, roads, regularly used by employees clear at all times.
- Do not attempt to lift or push objects which are not within your physical capability. Ask for help when you need it!
- Do not walk, run, or cut through construction sites or barricaded or posted construction zones.
- Never distract the attention of another worker; you may cause an injury.
- Never use defective equipment.
- Return all equipment to its original storage area and replace any damaged equipment.
- Use proper lighting, particularly when working in -areas such as basements where lighting is not adequate.

## 2. Powered Machinery

- Powered machinery, such as lawnmowers and power tools, must be maintained and handled properly to avoid injury.
- Know the right tools for the job. Read the instruction manual provided with the equipment and become familiar with the recommended safety precautions.
- Disconnect the power source before working on tools or machinery. Follow lock-out procedures.
- Equipment should be inspected -before each use for damaged wiring or plugs, or any other potential hazard.

## 3. Power Operated Vehicles

- When operating a vehicle of any kind on City property or that is property of the City, you must obey all traffic rules and posted signs.
- Always yield the right-of-way to pedestrians and respect pedestrian safety zones and islands.
- You are not permitted to operate any City vehicles without a valid license, including a commercial driver's license if required by the vehicle and all requirements to maintain such commercial driver's license.
- You are required to wear a seat/shoulder belt while driving or riding in a City owned vehicle, rental vehicle, or personal vehicle while on City business.
- All state certificates and permits are required for those City employees that operate specialized power operated vehicles.

## 4. Emergency notification procedure

- Leave the immediate hazard area if possible and allowed by law.
- Call 911
  - Give the type of emergency.
  - Give your name.
  - Give the location of the emergency.
- Know your evacuation routes and shelter areas in case of a fire, tornado, chemical spill, etc. Know the location of fire extinguishers and how to use them.

## 5. Illness or Injury

- All incidents, no matter how minor they seem to you, must be reported immediately to the City Clerk. The City is responsible for providing employees with appropriate first aid and medical treatment as required for injuries.
- In the event of a work-related injury or illness, no matter how slight, an employee must complete an incident report within 24 hours or as soon as possible thereafter. The report should be delivered to the City Clerk and copied to the Mayor.
- When a work-related injury confines you to your home prevents you from working, reasonable contact must be kept with your supervisor so that proper arrangements can be made for coverage of your job and/or return to work.
- Know the location of first aid supplies and the automated external defibrillator (AED), and how to use them.

## 6. Personal protective equipment

- Personal protective equipment must be worn when necessary or beneficial to maintain safety.
- Safety glasses, face shields, and goggles are furnished by the City and must be worn on all jobs and in all areas where there are eye hazards and/or eye protection is required.
- Hearing protection, safety shoes, and respirators are furnished by the City when required for the job and must be worn in designated areas and/or designated activities. Do not wear a respirator without proper training and proper respirator maintenance.
- Wear clothing which is appropriate for the job. Clothing that covers the entire body should be worn and heavy gloves should be used when the nature of the job requires Personal Protective Equipment. Open-toed shoes should not be worn.

## 7. Chemical safety

- All employees must know the chemical hazards of materials to which they may be exposed. It is the responsibility of the City to have available current MSDS data for any/all hazardous materials that are on City property. These

data sheets will be organized and on file in the City of Millwood Maintenance Public Works department.

- All employees working with hazardous chemicals must receive HAZCOM training.
- Use extreme caution in handling all chemicals. Use flammable liquids, corrosive materials, or toxic chemicals only for their purpose. All hazardous and flammable materials must be clearly identified and stored according to OSHA standards.
- Never dispose of chemicals, flammable liquids, or combustible liquids into sewer or drain.

#### 8. Fire protection and prevention

- Please familiarize yourself with the fire evacuation routes in each City building. These routes are clearly posted.
- Report any defective wiring, outlets, electrical cords, or lighting fixtures to City maintenance personnel. They will be taken out of service and repaired.
- We are all responsible for preventing fires.

#### 9. Smoking restriction

- Smoking is not allowed in a public place or any place of employment pursuant to chapter 70.160 RCW, as amended.

#### 10. Drug and alcohol-free workplace

- The City strives to maintain a safe and productive work environment that is free of ~~substance use or abuse of any controlled substance or illegal drug~~ any kind. The following activities are prohibited on City property or during City work hours:

- The manufacture, distribution, dispensation, sale, offer of sale, possession or use of any controlled substance or illegal drug that is illegal under federal, state and/or local law. Marijuana is listed as a controlled substance in Schedule I of the Controlled Substance Act of 1970 (P.L. 91-513). For purposes of this policy, the City does not consider "medical marijuana" under a state law to be an acceptable drug for

recognition as a valid medical explanation for an employee's performance issues. Additionally, recreational use of marijuana legal under state laws is also considered use of an illegal drug for purposes of this policy.

- The possession or consumption of alcoholic beverages, marijuana or any controlled substance or drug that is illegal under federal, state and/or local law illegal drug; and
  - Reporting to work impaired by or under the influence of alcohol, marijuana or a controlled substance or drug that is illegal under federal, state and/or local law illegal drug.
- Anyone who does not comply with these practices will be subject to disciplinary action, which may include up to and including termination or a leave of absence to undertake rehabilitation treatment.
- An employee must report to the Mayor, or in his absence the Clerk City Clerk, the employee's use of any over-the-counter or prescription medication that has the potential to adversely impair his or her job performance. The Mayor or City Clerk may request the employee to provide documentation from the employee's physician to ensure the employee is able to perform the essential functions of the job safely and properly. The Mayor or Clerk will then determine whether the employee is able to perform the essential functions of the job safely and properly.
- If any City employee has a reasonable suspicion that any City employee may be in violation of the above requirements, he or she must immediately report such circumstances to the Mayor, or in his absence, the Clerk City Clerk. If such reasonable suspicion is confirmed, the Mayor, or in his absence the Clerk City Clerk, will arrange for safe transit of the employee away from work and may arrange for an examination of the employee or test for drugs and alcohol.

#### 11. Pre-placement medical examination and background check

- a) Following a decision to hire an individual, the City Clerk will determine whether the individual has the legal right to work in the United States, verify information and references provided by the individual during the application and interview process, and where appropriate, conduct credit, driving record, and criminal history checks. The appropriateness of such background check will be based on the position of employment. For example, an individual that may be hired for a financial position or position that handles City money may be subject to a credit and/or criminal history

check. Similarly, an individual that may be hired for a position that involves driving or operation of heavy equipment may be subject to a driving and/or criminal history check. The City will first obtain the consent of the individual for such background checks; refusal to give such consent shall disqualify the individual for employment with the City. The individual may be denied employment based on such background checks. If the individual is denied employment based on such background check, the City will inform the individual of the reason why he or she was denied employment.

b) ~~All job offers extended to an individual are contingent on the successful completion of a drug test.~~

e)b) \_\_\_\_\_ The City may establish minimum medical and physical standards for a position that are essential to the duties and responsibilities of the position. Job offers to a potential new hire or promoted employee may be contingent on passing a physical examination to determine if the individual is able to perform the essential duties and responsibilities of the position, with or without restrictions or reasonable accommodations. All information obtained in this medical examination will be maintained in confidence.

#### 12. Life threatening and communicable diseases

a) The practice of the City is that an employee diagnosed with a life threatening or communicable disease is to be treated with compassion and understanding. This means that, in terms of personnel practices and benefits, an employee with a life threatening or communicable disease is to be treated as any other employee.

b) An employee's medical condition is personal and confidential and will be protected accordingly. However, the City may require medical examinations and tests to determine ~~necessary and appropriate employment actions: fitness for duty and reasonable accommodations.~~

### IV. Workforce Diversity

A. The City recognizes the importance of providing a work environment and culture that attracts, retains, develops and rewards talented and diverse people.

One of our objectives is to strive for a more diversified workforce at all levels, insuring that:

1. Results are measured to track progress.

2. City policies and practices support equal access and opportunity.
3. Management programs, training, and development programs are effectively used to enhance diversity.
4. Lasting cultural change is not an overnight activity; the work and contribution of each person is necessary for success. Diversity encompasses the uniqueness of our people, ~~including our~~ including our gender, race, culture, work styles, and lifestyles. Diversity initiatives are actions we take as responsible individuals. Diversity leadership and success is each person's responsibility.

## V. Equal access and opportunity

A. The City is committed to equal employment opportunities and treating all applicants and employees equally without regard to race, religion, color, national origin, sex, sexual orientation, age, disability, marital, familial, or veteran status, or any other basis prohibited by local, state, or federal law. The City will foster and maintain a harmonious nondiscriminatory working environment for all employees. This commitment reaches into all employment activities including hiring, promotion, training, compensation and benefits. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex, race, religion, marital status, honorably discharged veteran or military status, age, national origin, sexual orientation, genetic information, color, creed, ancestry, disability or any other basis prohibited by federal, state or local law.

~~As a complement to equal employment opportunity and affirmative action, workforce diversity is an awareness of the differences that individuals bring to the workplace. It involves the recognition and respect of these differences and the active optimization of their benefit to the City.~~

~~There are many types of resources to manage in the City—physical, financial, and human—Good EEO practices make good business sense.~~

### B. Accommodation of ~~handicaps and~~ disabilities

The City will provide reasonable accommodation to a ~~qualified applicant~~ qualified applicant or employee that is ~~handicapped or~~ disabled in accordance with the Americans with Disabilities Act and chapter 49.60 RCW so long as it does not create an undue hardship on the City. Reasonable accommodation may include, but is not limited to, the following:

1. Adjustment of ~~job duties~~non-essential job duties, performance methods, and/or work setting or service delivery to meet the individualized need of an individual, applicant or employee with a disability.
2. Removal of barriers in a specific situation, which prevent or limit the application process, recruitment, employment and promotion of a qualified person with a disability or prevents their participation in a program, activity or event.

If you believe that you need a reasonable accommodation, ~~it is your obligation to request such reasonable accommodation from the City.~~ please contact the City Clerk and or Mayor.

## VI. Harassment

Harassment is a form of discrimination that violates ~~the applicable law and/or~~ City policy. The law prohibits harassment of another employee because of the employee's race, color, religion, sex, national origin, age, disability, handicap or sexual orientation or any other status protected by law. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, ancestry, religion, national origin, age, disability, marital status, ~~honorably discharged~~ veteran or military status, citizenship status or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment. The City will not tolerate illegal harassment of its employees in any form.

### A. Sexual harassment and discrimination

1. Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other offensive or unwelcome verbal or physical conduct. This may include:
  - a) Requests for sexual favors and implicit or explicit coercive sexual behavior control or influence an individual's promotion, pay, working conditions, or job assignment;
  - b) Sexually suggestive comments, innuendos or remarks that may interfere with the individual's work performance or create a hostile work environment; or
  - c) Consideration of such conduct by a superior in connection with decision to hire or fire or any other employment decision, including pay, promotion, or job assignment; ~~or.~~

d) ~~Retaliation against an employee for bringing a bona fide complaint or providing information about harassment.~~

If you believe you have experienced sexual harassment, or if you observe the sexual harassment of another employee, you ~~must~~ should report the behavior to the Mayor immediately. If you have a complaint against the Mayor, contact the City Clerk.

All reports of sexual harassment will be investigated in a reasonable manner. If the City determines that there has been a violation of the sexual harassment policy or law, appropriate action will be taken against the accused employee, up to and including suspension or termination.

#### B. Other forms of harassment

Other forms of harassment involve discriminatory conduct based on an employee's protected status, such as race, color, religion, national origin, age, disability or in some cases sexual orientation. This may include jokes, comments, innuendos, remarks, slurs, posters, graffiti, gestures, unnecessary questions, or any conduct intended to interfere with the employee's work performance or that creates a hostile, intimidating, or offensive work environment.

If you believe you have experienced any form of harassment, or if you observe any form of harassment of another employee, you must report the behavior to the Mayor immediately. If you have a complaint against the Mayor, contact the City Clerk or City Attorney.

All reports of harassment will be promptly investigated. If the City determines that there has been a violation of policy or law, appropriate action will be taken against the accused employee, including suspension or up to and including termination.

#### NO RETALIATION. No Retaliation

The City prohibits retaliation or adverse action against employees because of their good faith report of discrimination or harassment or participation in the investigation of alleged discrimination or harassment.

If the investigation shows the accused individual engaged in retaliation, appropriate action will be taken, as in the case of any other serious misconduct.

### **VII. Reporting Improper Governmental Action and Protecting Employees Against Retaliation**

It is the policy of the City (1) to encourage reporting by its employees of improper governmental action taken by City officers or employees; and (2) to protect City employees who have reported improper governmental actions in accordance with the City's policies and procedures.

#### A. Definitions

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

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

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

2. "Retaliatory action" means any adverse change in the terms and conditions of a City employee's employment made because an employee reported improper governmental action.

3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

#### B. Procedures for Reporting

City employees who become aware of improper governmental actions should raise the issue first with the City Clerk. If requested by the City Clerk, the employee shall submit a written report to the City Clerk, or to some person designated by the City Clerk, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the City Clerk, the employee may raise the issue directly with the Mayor or such other person as may be designated by the Mayor to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action, which may include but is

not limited to the Spokane County Prosecuting Attorney, Washington State Office of the Attorney General, or Washington State Auditor's Office.

The City Clerk, the Mayor or the Mayor's designee, as the case may be, shall take prompt action to assist the City in properly investigating the report of improper governmental action. City officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

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.

#### C. Protection Against Retaliatory Actions

City officials and employees are prohibited from taking retaliatory action against a City employee because s/he has in good faith reported an improper governmental action in accordance with these policies and procedures.

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

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

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

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

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

Upon receipt of request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. To determine which Administrative Hearing Office is nearest to the City's location, contact the Office of Administrative Hearings headquarters at (800) 558-4857.

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

## **VIII. Vacations and Holidays**

### **A. Vacations**

The City provides paid vacations for permanent regular full-time and part-time employees to have time away from work. Vacation time is based on length of service.

#### **1. How vacation is earned**

Vacation is accrued monthly according to the following table:

Years of Service	Up to 5 years	More than 5 up to 10 years	More than 10 up to 15 years	More than 15 years
Vacation Days Per Year	10	15	20	25

Vacation leave for part-time employees is pro-rated.

#### **2. Vacation eligibility**

Permanent Regular employees are eligible for vacation leave. Seasonal and temporary employees are not eligible for vacation leave.

### 3. Scheduling vacation time

New or rehired employees must complete three continuous months employment before they are entitled to use vacation leave.

Subject to the personnel and staffing needs of the City, you must schedule your vacation with the City Clerk in advance. If you are unable to come to a resolution, the Mayor may also be involved. You are expected to take all your vacation time during the year in which it is earned. Up to one half of your vacation time may be carried over to the next year. More than one half may be carried over to the next year only with the written approval of the Mayor. The carried over portion of your vacation must be used during the following year, and shall not carry over to the ~~following year~~next year.

Paid HHolidays that occur during a vacation are not counted as vacation days.

### 4. If you become injured or ill while on vacation

If you become ill or injured while you are away from work on vacation these rules apply: If your illness or injury lasts eight or more consecutive calendar days, you must request a medical leave of absence and the City may require that you submit valid proof of illness or injury. This information will be maintained confidential. If your leave of absence is authorized, the vacation days you used while ill or injured will be fully reinstated and sick leave will be applied to your leave of absence. If your illness or injury lasts fewer than eight consecutive calendar days, you will not be placed on medical leave of absence, and any vacation days you used while you were ill or injured will ~~count as normal vacation~~continue to count as vacation time.

### 5. When your employment ends

If your employment with the City ends and you have ~~earned~~accrued vacation time that you have not used at the time of your separation, you will be paid for this time in your final paycheck. ~~You will be eligible for the prorated portion of your vacation time for the current year, based on the number of months you worked plus any authorized carry over vacation, less vacation previously taken.~~

B. - \_\_\_Holidays

All regular full-time and regular part-time employees are eligible for the 11 City scheduled paid holidays. Each year in January the Mayor will list the holiday schedule for the City for the coming year.

1. City Scheduled Holidays will be:

New Years Day	Veterans Day
Martin Luther King Day	Thanksgiving Day
Presidents Day	Day after Thanksgiving Day
Memorial Day	Christmas Day
Independence Day	Day before or after Christmas Day,
Labor Day	as set by the Mayor each year

You are required to take scheduled holidays and there is no carryover to the next year unless business conditions require you to work on a holiday, in which case that carryover may be authorized by the Mayor.

Holiday leave for part-time employees is pro-rated.

### **VHIX. Illness or injury**

#### **A. Steps to take**

If you become ill or injured, you are responsible for the following procedures for absences from work. Depending upon the length, circumstances, and reasons for your absence you may take certain steps as described below:

**Step one-** Notify your supervisor. If you think your illness or injury is work related, you must also notify the City Clerk and the Mayor.

**Step two-** If you believe your illness or injury will last eight or more consecutive working days, you must submit valid proof of illness or injury to the Mayor, which will generally be a doctor's note or report. This information will be maintained confidential.

**Step three-** Remain in contact with the City Clerk and/or Mayor as to your illness or injury and anticipated ability to return to work. The City may require you to submit proof of illness or injury. The City may also require you to submit a release to work authorization from your treating physician.

#### **B. How sick leave is earned**

All regular, full-time and regular part-time employees may accrue up to 96 hours of sick leave per year, accrued at the rate of 8 hours per month.

Sick leave for part-time employees is pro-rated.

C. When your employment ends

No payment for accrued sick leave will be made upon termination of employment.

D. Shared sick leave and vacation (approved by city council 12/6/2000)

An employee may be permitted to donate a portion of his or her accrued sick leave or vacation time to a fellow employee who is unable to work due to an illness or injury and is out of sick leave and/or vacation time and will imminently go on leave without pay. All leave sharing shall be by the day (a day shall be considered 8 hours). Donation of sick leave and/or vacation time may not bring the donor's vacation/sick leave time balance to below 13 full days. The maximum amount of donated leave an employee may receive in a calendar year is 60 days total. Leave may not be donated to an employee found physically to be unable to return to work with or without a reasonable accommodation. his or her normal duties by a qualified physician. Requests to donate and receive leave must be approved by the Mayor or the Mayor's designee.

E. Family Care Act

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

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

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

- Requiring an overnight stay in a hospital or other medical-care facility;
- Resulting in a period of incapacity or treatment or recovery following inpatient care;

- Involving continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
- Involving an emergency (i.e., demanding immediate action).

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

## **IX. Temporary absences and leaves of absence**

The Mayor may approve time off, with or without pay, if you need to be away from work for a personal reason. If you need a temporary absence for a person reason, you need to request a leave of absence from the Mayor.

There are several types of short-term absences that may be paid with approval, subject to available sick and/or vacation leave. They include, but are not limited to:

1. Illness or injury not related to work;
2. A funeral or memorial service for a family member or close friend
3. Visits to a doctor, dentist, or medical facility that cannot be scheduled outside of working hours;
4. Illness or injury of a family member that requires your presence;
5. Emergency personal business;
6. Compelled appearance in court or at a government office as a result of a subpoena; and
- ~~7. Prenuptial blood test and application for a marriage license; and~~
- ~~8.7. Duty on a jury or an election board.~~

Absences for other reasons may not be paid, depending on the situation. Contact the City Clerk as soon as possible if you know you are going to have a temporary absence or leave of absence.

#### A. Bereavement leave

If there is a death in your immediate family, you may receive time off with pay in addition to your vacation time. The Mayor may grant you up to three days paid leave for approved bereavement purposes. If you must travel to attend the funeral, you may receive as many as five consecutive workdays of paid leave for appropriate bereavement purposes.

An immediate family member includes your spouse, domestic partner, parent, child, grandchild, grandparent, sister, brother, and relatives of similar relationship by marriage, and includes any relative living in your house.

#### B. Domestic Violence Leave

In accordance with the Washington Domestic Violence Leave law, Chapter 49.76 RCW, the City will provide reasonable leave from work, including leave on an intermittent or reduced-schedule basis, for an employee to:

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

The employee may elect to use sick leave, vacation, compensatory time, or other accrued paid time off, or may take unpaid leave. Domestic violence leave, including documentation of such leave, will be applied and administered in accordance with

the provisions of the state Domestic Violence Leave law. Nothing in this section shall be construed to provide greater or lesser leave rights to employees who are victims of domestic violence, sexual assault, or stalking than those required by Chapter 49.76 RCW.

An employee requesting domestic violence leave will be required to provide verification information to ~~Human Resources~~ the Clerk. Upon return from domestic violence leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

### C. Military Leave

Employees will be given military leave as required by state and federal law. In addition, and in accordance with the provisions of the Washington State Family Military Leave Act, Chapter 49.77 RCW, during a period of military conflict a regular full-time or regular part-time employee who is the spouse of a member of the U.S. armed forces, national guard or reserves is entitled to take up to fifteen (15) days of unpaid leave: while their employee's spouse is on leave from a deployment; or before and up to deployment once the spouse receives official notification of an impending call or order to active duty. The employee must provide his or her supervisor with notice of the employee's intention to take leave within five business days of receiving official notice: that the employee's spouse will be on leave; or of an impending call or order to active duty. The 15 days of unpaid leave is per deployment. The employee may elect to substitute any form of accrued leave (except sick leave) for any part of the family military leave. Family military leave is in addition to other leave to which the employee may be entitled.

### BD. Temporary absences

Unpaid personal leaves of absence may be granted to employees who request a period of time away from work for educational or personal reasons. A leave may also be granted if you are elected or appointed to a non-City governmental office. In addition, military leaves of absence are granted as required by law.

If you are absent for more than three consecutive working days for a reason other than illness, injury, or vacation, you must request and receive approval for a personal leave of absence. To request a leave, you must give the Mayor a written explanation of the reasons for your request and the length of time you expect to be away from work. Granting of personal leave is subject to the discretion of the Mayor and is evaluated on a case-by-case basis.

You may return to your former position following an approved personal leave of absence of four months or less if the position still exists and has not been filled, subject to any legal requirements. For reinstatement purposes, when you return

from a leave of absence you will be evaluated on your qualifications and applicable experience.

#### ~~C. Family and medical leave of absence~~

~~In accordance with the Family and Medical Leave Act and chapter 49.78 RCW, eligible employees may be entitled to take a leave of absence of up to 12 weeks in a rolling 12-month period for certain family or medical reasons. In some cases, you may be eligible to take this leave intermittently throughout the year. You are required to use any unused or accrued vacation leave and sick leave at the beginning of your leave. You must provide the appropriate FMLA form to the Mayor.~~

~~To be considered an eligible employee, you must have worked for the City for at least 12 months and have worked at least 1,250 hours over the previous 12 months.~~

## **XI. Total Compensation**

### **A. Worker's Compensation**

All City employees are insured in a state insurance program that is designed to protect them against medical costs from on-the-job accidents and injuries and for work time lost as a result of such accidents or injuries. All on-the-job accidents and injuries must be immediately reported to the City Clerk and the Mayor. All documentation required by the Washington State Department of Labor and Industries shall also be completed by the employee as soon as possible.

### **B. Benefits program**

The City offers various benefit programs and City employees are free to select the programs and coverage they desire. The City will support and provide equitable resources for adequate coverage of its employees. The City has contracted with AWC Employee Benefit Trust.

### **C. Cash compensation**

#### **1. Base Pay**

Each position of employment at the City is defined in a job description. The expected responsibilities and duties of each job are set forth in the job description.

The salary range for each job is set by the Association of Washington Cities (AWC), Salary and Benefits report, published each year. The total

compensation package for each position may be arbitrarily set by the is subject to the discretion of the Mayor with City Council approval.

## 2. Overtime

Occasionally City business may require you to work beyond your normal schedule or on weekends. Availability and willingness to work reasonable amounts of overtime are part of your job and appreciated. All overtime worked by non-exempt employees must be approved by the City Clerk and compensated as follows:

- a) For hours worked beyond 40 hours of work in a regular work week, you will be paid 1 ½ times your regular rate of pay.
- b) For hours worked beyond 40 hours in a regular work week and if in which you are required to work seven consecutive days, you will paid twice your regular rate of pay for hours worked on the seventh consecutive day and additional consecutive days, if you worked a minimum of 4 hours on your sixth consecutive workday.

“Hours worked” does not include time on short-term disability, vacation or sick leave, holiday leave, bereavement leave, jury duty, industrial injury leave, and military leave, military leave or other forms of paid but unworked time.

Overtime exempt employees are not entitled to overtime compensation.

## 3. Call Out Time

“Call Out” is defined as a call to work at a time outside the employee’s normal working hours. It does not include hours worked which are continuous with the employee’s normal working hours.

Employees called out shall be paid the overtime rate for the actual hours worked during such call-out and for the time spent traveling to and from work; but, nevertheless, are guaranteed a minimum of two (2) hours pay or compensatory time off at the overtime rate.

## 4. Holiday Pay

If you are requested to work on a City holiday and do so, you will receive 2 times your regular rate of pay for all hours worked on the holiday in addition to pay you receive for the holiday.

## 5. Pay Day

Payday is the 5<sup>th</sup> day of each month.

#### 6. Job salary grades and ranges

The Mayor evaluates each new job and writes the description and responsibilities of each position. The Mayor sets the salary for each job with knowledge of the AWC guidelines for each position in comparable cities, subject to budgetary approval by the City Council.

#### 7. Job evaluation and performance

Each year the Mayor will request that each employee write his or her goals and objectives for the year. The employee then submits his or her plans and aspirations to the Mayor, who may also add objectives at this time. The goals and objectives must be reasonable and measurable, and resources must be available for their completion. The Mayor and each employee will review these objectives initially, at midyear, and at year end. Progress will be evaluated and may serve as the basis for future promotion and discipline and compensation.

#### 8. Professional development and training

The City wants to foster employee development. An employee seeking professional development or training should submit a proposal to the Mayor that describes the training and how it will potentially benefit the individual and the City.

## **XII. Disciplinary action**

### A. Progressive Discipline

While the City endorses a policy of progressive discipline to address employee transgressions it also is responsible-aims to provide employees notice of deficiencies and an opportunity to improve. The City retains the right to administer discipline in any manner it deems is appropriate based upon the facts and circumstances, which may include but is not limited to termination of employment. This provision does not create a contractual arrangement between the City and the employee, does not change or modify the employment-at-will relationship between all employees and the City, or in any way restrict the City's right to skip, bypass, or modify the following suggested progressive disciplinary procedures.

Any transgression by any employee, and any action or inaction that is not reasonable or is contrary to terms of this handbook or applicable law is sufficient

justification for the imposition of discipline, which may include one of the following;the following disciplinary procedures:

**Oral Warning-** Oral warnings may be given for minor offenses or to bring to the employee's attention potential work performance deficiencies. A notation of each oral warning shall be placed in the employee's personnel file and a copy given to the employee.

**Written Warning-** A written warning may be given for an offense or when the employee has failed to address or take corrective action for a minor offense or performance deficiency that was previously addressed by an oral warning. Written warnings generally shall contain: a statement of facts and the discipline being given, if any; the employee's explanation for the offense, if any; any required corrective action to be taken by the employee; and, if appropriate, a defined period of disciplinary probation during which the employee must demonstrate improvement. The written warning shall be reviewed and given to the employee, with a copy placed in the employee's personnel file.

**Disciplinary Action-** Serious offenses or an employee's continuing failure to address any offense previously addressed by an oral warning or written warning may result in the employee's suspension or probation on any terms determined by the Mayor, or discharge or termination.

Prior to discharging any employee, the City shall provide the employee a pre-discharge meeting. Prior to the pre-discharge meeting, the employee shall be provided with written notice of the grounds for discharge and a summary of the City's factual basis for such action. The employee shall be given an opportunity to respond to the written notice, either orally or in writing, and to otherwise explain why he or she should not be discharged. The Mayor shall thereafter give the employee a final written notice of discipline, which may affirm the discharge or impose some alternative disciplinary action. This procedure shall not be construed as limiting the City at any time after the pre-discharge meeting from presenting a more detailed and complete explanation of the employee's discharge, including the presentation of witnesses and/or documents not presented in connection with the pre-discharge meeting.

### **XIII. Outside Employment**

While the City does not encourage employees to be employed in addition to ~~his or her~~their employment with the City, it does not object to employees doing so

provided such employment or activity does not compete or conflict with or compromise the City's interests, or adversely affect the employee's job performance and ability to fulfill all responsibilities to the City. If an employee desires to be employed in addition to his or her employment with the City, the employee must request, in writing, permission for such outside employment from the Mayor. Such request shall include any information regarding the outside employer, the nature of the job, the hours of employment, and potential conflicts with his or her job with the City. Employees who have been granted permission for outside employment may not use paid sick leave to perform such outside employment.

#### **XIIIIV. Site and work schedule**

The general work week for each employee will be set by the City Clerk for City Hall personnel, and the Mayor for all maintenance and public works positions. All schedules should ultimately benefit the City and accommodate employee needs, as possible.

Lunch and break schedules will follow Washington State Law and be set by the City Clerk. If reasonable scheduling or accommodations cannot be met to the employee or City's satisfaction, the Mayor will set the work, lunch, and break schedules.

#### **XIV. Privacy**

All employee information and records may be subject to disclosure under the Washington Public Records Act. To the extent allowed by law and reasonably feasible, the City will protect the confidentiality of employee information and records. Employees shall not offer personal information of any other employee without that employee's approval or as required by law in accordance with a request under the Public Records Act. Failure to comply with this guideline may result in disciplinary action up to and including termination.

#### **XVI. General rules, ethics, and conduct**

##### **A. Dress code**

A professional image projects pride and responsible representation for the City of Millwood. You should dress for the job or duties you have for the day. Avoid distracting, offensive, and unprofessional attire.

Appropriate office attire for men includes collared shirts, sweaters, casual pants/slacks, and casual or dress shoes. Inappropriate attire includes sweatpants, shorts, tank tops, and thong sandals.

Appropriate attire for women includes: blouses, sweaters, casual pants/slacks, skirts, and casual or dress shoes. Inappropriate attire includes: shorts, halter tops, tank tops, and thong sandals.

If working outdoors, or indoors in a non-office activity jeans and shorts in good repair are appropriate. If working in the public works department, safety shoes or boots are required at all times.

#### B. Standards of conduct and conflict of interest

The City of Millwood expects and requires all of its employees to conduct themselves in compliance with all applicable legal requirements, according to the highest ethical standards of conduct, and free of apparent or actual conflicts of interest.

All employees have the duty to report violations of this policy whether such violations have been engaged in by the employee or by other City employees. No employee shall, directly or indirectly, own, contract with, be employed by, or receive compensation from outside concerns that conflict or appear to conflict with the interests of the City, unless consented to in writing by the Mayor.

## **XVII. Business Expenses (Non-travel)**

### A. General

1. The purpose of this policy is to identify and provide guidelines regarding valid non-travel business expenses for which an employee, agent, or elected or appointed official may qualify for reimbursement while on official City business. It is expected that all expenses subject to reimbursement under this policy will be reasonable and necessary, in compliance with all applicable laws, appropriate to the circumstances, and consistent with the best interest of the City and its citizens.

### B. Departments/Divisions affected

This policy shall apply to all City departments.

### C. References

Chapter 42.24 RCW and MMC section 2.48.010

### D. Definitions

“Hosting” includes those activities that are not subject to reimbursement under applicable law or not in furtherance of the best interest of the City and its citizens,

which shall include but is not limited to activities that are intended to lobby a governmental official or related to a political purpose, or are a social rather than governmental business event.

E. Policy

1. Non-Travel Meals

Reimbursements shall be made for the following expenses incurred for non-travel meals; provided that their cost has been allocated in the appropriate budget:

a. Meals in connection with authorized attendance at necessary meetings, conventions, or conferences.

b. Meals incurred in the necessary discharge of the official duties of the employee, agent, or elected or appointed official. Reimbursement will be made only in those instances when a clearly official function is performed. Casual or routine meals with individuals, consultants, employees of the City or other local agencies, where the purpose is primarily social, are not eligible for reimbursement. For the mayor and his/her staff, council members, and department directors, attending service club meetings in furtherance of the City's interest is considered an official function for purposes of meal reimbursement.

c. Meals for employees engaged at emergency scenes where the employees are directed to not leave their post by the employee's supervisor.

d. Meals for board and commission members and related staff at official and other City-business related meetings. Such meetings for employees should not be scheduled during normal meal breaks whenever possible.

e. Meals for any employee, agent, or elected or appointed official involved in an all-day meeting or event.

2. Ceremonies and Celebrations

a. Reasonable expenses, including food and beverage, associated with a ceremony or celebratory event that is recognized as serving a public purpose may be an authorized legitimate City expenditure.

b. Private celebrations, rather than public celebrations, are not generally considered as serving a public purpose, and not recognized as legitimate City expenditures.

c. Support of a public "event" or celebration may not take the form of a gratuitous contribution of public funds to a private person, committee or organization. Expenditures of public funds on a publicly sponsored event require:

- the existence of a recognizable public or municipal purpose,
- proper authorization from the Mayor for such public sponsorship, and
- a reasonable relationship between the amount of the City's expenditures and "public" nature of the event.

### 3. Coffee and Light Refreshments

a. The serving of coffee and light refreshments at City expense in the conduct of official City business is permitted at certain City-sponsored meetings, not in the normal daily business of employees or officials, but rather for special situations or occasions. The coffee and/or light refreshments must be consumed during an integral part of the meeting. Instances where the cost of coffee and light refreshments may be reimbursable include:

- City-sponsored meetings open to the public where the purpose of the meeting is to conduct City business, provide formal training sessions that benefit the City, or recognize City or employee accomplishments
- Official public meetings of City authorized boards and commissions
- Training sessions or retreats where the meeting takes place away from the employees' or officers' regular workplace.

b. The City person responsible for the meeting must receive the Mayor's approval for the serving of coffee and/or light refreshments prior to the event

c. Expenditures for coffee and/or light refreshments are not reimbursable for:

- Anniversaries, receptions for new, existing, or retiring employees or officers, election celebrations, or political events.
- Any "hosting" activities.

#### 4. Ineligible Expenses

a. Expenses ineligible for City reimbursement include, but are not limited to:

- Alcohol
- Personal expenses
- Expenses not authorized by this handbook or City policy.
- Hosting meals, beverages, refreshments, gifts or other forms of entertainment provided to guests, spouses, or other City employees, other than awards or incentives addressed in specific City policies.
- Meals, travel, lodging, beverages or any forms of entertainment for other persons, whether City employee or -not.
- Holiday cards for other City departments or employees
- City logo merchandise (t-shirts, pins, etc.) for employees or the public, other than uniforms required by the City.

#### 5. Expenses Funded by Grants

Departments or programs funded by federal or state grants may have stricter guidelines and/or regulations that supersede this policy.

#### F. Procedure

##### 1. Reimbursement Request

- a. To the extent reasonably possible, expenses subject to reimbursement should be first preapproved by or discussed with the Mayor prior to such expense being incurred.
- b. All expenses require itemized receipts showing items purchased, names of persons attending, purpose of event, and benefit to the City.
- c. Reimbursement will be made only to the employee, agent, or elected or appointed official who incurred the expense.

#### G. Responsibility

The City Clerk shall administer this policy.

## **XVIII. Information and Information Processing Facilities**

### **A. Overview**

This Policy Regarding the Management of City Information and Use of Information Processing Facilities is intended to provide all City of Millwood personnel with an understanding of their responsibilities in regard to City information and the systems/equipment required for its creation, use, management, and disposition.

### **B. Scope**

This policy applies to all records and information (as defined below) created, received and managed by City personnel which serve to document City business, regardless of physical format, including any office PC, laptop, home computer, PDA, Blackberry, iPhone, smart phone, iPad, tablet device, portable storage device, filing cabinets, on and off-site records center, individual's homes or vehicles.

This policy applies to all employees and staff of the City, and in any location where City business is conducted. The City may require that individuals sign written acknowledgment of all or part of this Policy as a condition of employment and/or prior to use of these Facilities.

This policy will be reviewed annually and may be modified to comply with local, state and national laws. Questions regarding this policy should be directed to the Mayor.

### **C. Definitions**

“City Information” Material created or received in the course of City business which documents the City’s business activities or which serves as an informational, reference or convenience capacity for City personnel.

“Client Information” Information received from a prior, current, or potential City business or customer related to a specific matter which must be returned, destroyed or otherwise managed according to a written arrangement between the City and client.

“City Official Record” Recorded information, regardless of physical format or characteristics, which serves as evidence of the City’s organization, functions, policies, decisions, procedures, or is information retained for business, fiscal, legal, regulatory or historical purposes according to a retention schedule.

“Retention Schedule” A listing of the approved period for which City records and information will be retained of both record and non-record information managed by City personnel. These regulatory requirements are set by Washington state.

“Information Processing Facilities” Systems and equipment used in the input, storage, processing, and transmission of City Information, including computers, telephones, smart phones, software, PDAs, etc.

#### D. Information Retention Schedules:

1. Information at the City of Millwood will be managed in accordance with the applicable records retention laws and regulations. Each City department will be required to develop and conduct an annual information retention schedule review. The annual review criteria will be set by the information retention schedule which will:

- a) Identify the retention/disposition requirements for the City's official records
- b) Identify the retention/disposition requirements for all non-record information
- c) Identify the reason (financial, legal, regulatory, historic, or business) for the retention period assigned to each official record set.

2. Since retention requirements are driven by financial, regulatory, legal, business or historical requirements, they are dynamic. Updates will be issued by each department with the annual policy review of state, national and local requirements.

#### E. Obligations Should Your Employment End:

Persons who leave employment with the City of Millwood, regardless of circumstances, are required to surrender all records and information to the City Clerk or, in the case where the City Clerk is departing, the Mayor. Under no circumstances may persons remove or destroy City records or information prior to their termination of service, except as part of their official responsibilities under the City's record retention policies.

#### F. Information Security

All City personnel have an obligation to retain both ~~City-related and client~~ information in a secure and confidential manner. ~~Confidential City or client~~ information ~~that is not subject to disclosure under the Public Records Act or similar~~ disclosure law may not be disclosed or discussed outside the City without the express consent of the Mayor, unless disclosure is otherwise required or allowed by law.

#### G. Acceptable Use of City Information Processing Facilities

The City owns or has a property interest in, all of the tangible and intangible office equipment and facilities, including information technology, used in the City's business. This equipment includes computers, wireless devices, telephones and other communication devices, software, and any equipment used in automatic or manual storage, transmission or reception of information.

#### 1. Principles

- a) The Information Processing Facilities are for use in conducting City business.
- b) The City retains and will exercise the right to monitor all Information Processing Facilities use.
- c) Use of the Information Processing Facilities, including specifically use of e-mail and wireless transmissions to third parties, can present confidentiality issues.
- d) Personnel should not use the Information Processing Facilities to access, transmit, or forward any material that may be of an offensive nature, including any obscene, vulgar or profane material or in a manner that may be deemed to be harassment.
- e) Personnel may access only those materials that they have permission to access as part of the conduct of their work responsibilities.
- e)f) Personnel must fully comply with the policies set forth in this Handbook in using the Information Processing Facilities, including but not limited to the confidentiality, harassment and discrimination policies.

#### 2. Information Processing Facilities are generally to be used for Business Purposes Only

Equipment provided to City personnel and the systems that run on that equipment should be used primarily for the conduct of City business. Under limited circumstances, personnel may use City equipment and systems for incidental personal purposes. Personal use of information processing systems must:

- a) Be kept within reasonable bounds within the spirit of this policy as determined by the Mayor,
- b) Not expose the City or its clients to any potential risks from viruses or breaches of security or confidentiality.

- c) Not interfere with an employee's ability to complete his or her work responsibilities, and
- d) Not involve the intentional receipt or transmission of offensive, harassing or unlawful materials, or otherwise involve the violation of the policies set forth in this Handbook.
- e) Under no circumstances are personnel to use the City's hardcopy facsimile cover sheets for incidental personal use.
- f) Email footers detailing City related contact or other information are not to be included in any personal emails sent from the City's email system.

### 3. Use of the City's Email system

Occasionally, City personnel may receive unsolicited e-mails. These may range from simple solicitations to the offensive. Should you receive such e-mail:

- a) Never respond to any objectionable/unwanted e-mail- including any response that would purportedly "remove my name from this list",
- b) Never forward an objectionable/ unwanted e-mail to anyone in the City system including the Information Processing System itself,
- c) Do not click on a URL link embedded in an unsolicited e-mail, even if the message seems legitimate, and
- d) Report such e-mail to the City Clerk if it becomes a problematic issue.

Sending unsolicited email messages, including the sending of "junk mail" or similar material and creating and sending chain letters or pyramid schemes is prohibited.

### 4. Use of the City's Voice Mail System

- a) The City provides voicemail capability to enhance an employee's ability to conduct business.
- b) Voice mail systems are not intended and should not be used as a means of storing City records. Messages that should be part of a City file should be transcribed and put in a letter, which will be mailed to the affected parties and filed.

- c) Voice mail messages are to be heard only by those employees that have a business need or are authorized by their job duties to access such information.
- d) The City requires each employee to maintain exclusive password access to his or her voice mail and to record a greeting that eliminates the caller's expectation of privacy.
- e) In situations where others have access to a recipient's voice mail messages for a business related reason the recipient's recorded greeting should be modified to notify callers that voice mail messages are not strictly confidential.

#### 5. Use of the City's Internet Capabilities

- a) The City provides Internet capability to enhance an individual's ability to conduct City business.
- b) Use of the City's Information Processing Facilities to access Internet-based external non-work-related message boards, chat rooms, personal Blogs, Wikis, or social networking sites is prohibited.
- c) The City's Information Processing Facilities may not be used to download software from the Internet without prior approval of the City Clerk.
- d) It is prohibited to use the Internet or the City's online facilities to purchase goods or services or to enter into any contract in the name of the City except when it is within the individual's work responsibility to do so.

#### 6. Use of Laptops and Mobile Devices

- a) The Cities Information Processing Facilities include laptop computers and mobile devices. It is each employee's responsibility to make sure these devices under his or her control are secure and available for use.
- b) Devices such as laptop computers and mobile devices must not be used for long term storage of confidential data. This type of data must be transferred to the City's system as soon as possible, and in all cases within one week of receipt of such data, so it can be accessed.
- c) Whenever a person ends his or her employment with the City any City data on personally owned equipment must be disposed of according to the City's policy on record retention.

- d) Personally owned mobile devices and computers cannot be used for City business unless they adhere to this policy, the City's policy on record retention, and any other related data security policies.

#### 7. Security of Electronic Information

- a) Any electronic device that accesses or stores information on City computers or the network must require password entry for access.
- b) City and client records and information often contain confidential information. The City requires all personnel to utilize password features to protect information which should not be viewed by others.
- c) Power-on, network, voicemail, or PDA passwords and electronic signatures should not be shared.
- d) If loss, theft, or unauthorized access of City confidential or sensitive information occurs or is suspected notify the City Clerk immediately.
- e) Access
  - An employee may access only those files, e-mails, programs, voicemails, etc. that he or she has permission or a business-related reason to view.
  - Accessing information that is not intended for your review is considered a breach of confidentiality.
  - Users must not let non-employees access or use the City's Information Processing System.
  - All users must restart their City provided computers every day and secure their computers by logging off or locking access before leaving such computers unattended.

#### 9. Remote Network Access

- a) All City personnel who are authorized to access the City network remotely using either Information Processing Facilities provided by the City or their own personal computers, including wired and wireless home networks, shall take reasonable steps to secure the equipment and connections.
- b) City personnel logging in to the City network from their own personal facilities are subject to this same policy.

c) Violation of Laws and Violation of City Policies

- Use of any City resources for illegal activity is grounds for immediate dismissal.
- Copying of copyrighted material, including digitization and distribution of articles and photographs from magazines, books, or other copyrighted sources, and copyrighted music, audio, or video is prohibited unless a clearance is obtained from the Copyright Clearance Center or permission is obtained from the copyright holder.

10. Expectation of Privacy

No user should expect any personal right of privacy with respect to any file, communication, or e-mail created, received or stored through use of the City's Information Processing Facilities. The City reserves the right to monitor or review all use of such facilities.

11. Breach of Policy

- a) The City reserves the right to amend or alter this Policy at any time.
- b) Failure to follow this Policy can result in the revocation of privileges regarding the use of the City's Information Processing Facilities and disciplinary action up to and including termination, including immediate dismissal.

## **XVIIIXIX. Drug and Alcohol Testing Procedures for Employees Who Operate Commercial Vehicles**

### A. Introduction

#### 1. Requirement to Participate in Drug and Alcohol Testing Program

The City of Millwood is required by U.S. Department of Transportation regulations (49 CFR Part 40) and administrative guidelines under the Federal Motor Carriers Safety Administration (49 CFR Part 382) to administer a testing program for drug and alcohol use for employees who are required to have and maintain a Commercial Driver's License to perform their job duties.

In that endeavor, the City of Millwood is a member of a consortium of public sector employers in Washington State, as allowed under 49 CFR Part 40, entitled the Association of Washington Cities Drug & Alcohol Testing Consortium.

## 2. Covered Employees

The following groups of employees are required by law to participate in the drug and alcohol testing program:

- a. Regular employees who are required to operate a commercial vehicle as part of their routine job duties;
- b. Temporary and/or seasonal employees who are required to operate a commercial vehicle as part of their routine job duties;
- c. Any employee who possesses a Commercial Driver's License who may at any time operate a commercial vehicle on an on-call, emergency or unscheduled bases (including supervisory employees who may be called upon at any time to operate a commercial motor vehicle);
- d. Current employees who transfer or promote to a position requiring operation of a commercial vehicle and possession of a Commercial Driver's License;
- e. Regular employees who are required to transport materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).
- f. A pre-employment drug test is required of all persons given a conditional job offer for a position that meets the description outlined above.

## 3. Designated Employer Representative (DER)

The following individual(s) have been designated by the City to answer questions about the program and program materials and may provide employees with resource materials or referral assistance:

Mayor ~~Dan Mork~~; 924-0960

The contact for EAP services is:

**APS HealthCare**

**20126 Ballinger Way NE, #83  
Shoreline, WA 98155  
1-866-497-2858**

#### 4. Testing, Evaluation and Referral Services

The City has joined the Association of Washington Cities (AWC) Drug and Alcohol Testing Consortium for much of the administration of this program. The AWC Consortium has contracted with HealthForce Partners to conduct the random testing services, provide the testing laboratory facilities, arrange the testing collection sites, and provide the Medical Review Officer (MRO) functions. The services of a Substance Abuse Professional (SAP) are also available for employees with positive test results.

\_\_\_\_\_ **Drug and Alcohol Testing Collection Site:**  
\_\_\_\_\_

\_\_\_\_\_ **Testing Laboratory, as approved by the U.S. Substance Abuse & Mental Health Services Administration (SAMHSA):**  
\_\_\_\_\_

\_\_\_\_\_ LabCorp  
\_\_\_\_\_ 1229 Madison Street, Suite 500  
\_\_\_\_\_ Seattle, WA 98104  
\_\_\_\_\_ (206) 386-2661

\_\_\_\_\_ **Medical Review Officer**  
\_\_\_\_\_

\_\_\_\_\_ Dr. Calvin Jones  
\_\_\_\_\_ HealthForce Partners  
\_\_\_\_\_ 6720 Fort Dent Way, Suite 150  
\_\_\_\_\_ Tukwila, WA 98188  
\_\_\_\_\_ (206) 242-3651

\_\_\_\_\_ **Substance Abuse Professional**  
\_\_\_\_\_

\_\_\_\_\_ APS HealthCare  
\_\_\_\_\_ 20126 Ballinger Way NE, #83  
\_\_\_\_\_ Shoreline, WA 98155  
\_\_\_\_\_ 1-866-497-2858

\_\_\_\_\_ APS HealthCare will refer caller to a Substance Abuse Professional in the local area.

#### B. Testing Procedures

##### 1. Pre-Employment Testing

Following a conditional offer of employment, prospective employees will be tested for the presence of drugs ~~as part of the pre-employment physical~~

examination]. It may not be required to administer a pre-employment controlled substances test if:

- a. The driver has participated in a controlled substances program that meets the requirements of 49 CFR Part 382 within the last 30 days; and
- b. While participating in that program, either:
  - Was tested for controlled substances within the past 6 months (from the date of application with the employer), or
  - Participated in the random controlled substances testing program for the previous 12 months (from the date of application with the employer); and
  - The employer ensure that no prior employer of the driver has records of violation of this or any other US DOT agency rule within the previous 6 months.

The City of Millwood will be required to obtain the name and address of the prior employer's program; verify that the driver participated in the program and that the program conformed to 49 CFR Part 40; verify the date the driver was last tested for drugs and that the driver has not refused to test for drugs.

Current employees who are transferring from a position that does not require a Commercial Driver's License to a position that does require one, will be tested for the presence of drugs prior to performing duties that require driving or operating a commercial vehicle.

A positive drug test result for an employment candidate will result in rescinding the conditional offer of employment by City of Millwood. The individual will only be eligible to re-apply for a position covered by these procedures after six months. A positive drug test result for an employee seeking to transfer to a position requiring the driving of a commercial vehicle will result in denial of the transfer and the employee will be subject to discipline as described in the Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles

## 2. Random Testing

The names and social security numbers (or de-identified number) for employees covered by these procedures at the City have been included in the AWC Drug and Alcohol Testing Consortium pool. This pool contains all eligible individuals from all of the consortium members. The pool database is managed by HealthForce Partners and is updated monthly as changes in personnel occur.

The annual random testing rate required under federal regulations is 50% of the pool for drug testing and 10% of the pool for alcohol testing. This means that if the pool contains 1,000 members, there will be at least 500 random drug tests and at least 100 random alcohol tests conducted throughout the year.

HealthForce Partners uses a software program called HEIDI to randomly select individuals for random testing on a monthly basis. Some individuals will be selected for drug testing and others will be selected for both drug and alcohol testing.

Each month, HealthForce Partners will send the names of individuals selected for random testing to the appropriate consortium member contacts. If the City of Millwood has any employees selected for testing, the names will be sent to the Designated Employer Representative.

Employees selected for random testing will be scheduled for a test by the Designated Employer Representative at some time during the month that the name was selected. Employees selected for alcohol testing may only be tested just before, during or after driving a commercial vehicle. Employees will not be notified until just prior to the testing.

Upon notification of selection for random testing, the employee will receive an *Employee Notification of Scheduled Drug and/or Alcohol Test* letter from the Designated Employer Representative. The employee will be asked to sign this letter and a *Testing Consent* form. The employee must present the *Employee Notification of Scheduled Drug and/or Alcohol Test* letter at the collection site along with picture identification at the time of testing. A copy of all of the forms will be retained by the City.

After notification, the employee must proceed directly to the collection site for testing accompanied by a supervisor or other designee.

~~The collection and testing procedures are outlined in Attachment B.~~

If an employee scheduled for an alcohol test receives a confirmed test result with a breath alcohol level of 0.02 or above and is unaccompanied at the collection site, a supervisor will be called to the site to transport the employee.

Refusing to submit to a test will be considered the same as a positive test result and will subject the employee to the same consequences as receiving a positive test result.

### 3. Reasonable Suspicion Testing

According to the federal regulations, reasonable suspicion testing is to be based on "specific, contemporaneous, articulable observations concerning the

appearance, behavior, speech or body odors of the employee." Only supervisors who have been trained in detecting the symptoms of alcohol misuse or drug use and who have directly observed behaviors, appearance or physical symptoms can subject an employee to reasonable suspicion testing. Supervisors should complete an *Impaired Behavior Incident Report Form* and, if possible, have the form signed by a witness.

If a supervisor has reasonable suspicion to believe that an employee who is on duty, about to go on duty, or just completed duty is under any influence of drugs or alcohol, the supervisor will remove the employee from duty immediately. The employee will be advised of the reasons for reasonable suspicion and will be transported to the collection site by the supervisor for testing.

Reasonable suspicion alcohol testing may only occur just before, during or after an employee drives a commercial vehicle. If a reasonable suspicion alcohol test is not conducted within two hours of determination that it is necessary, the supervisor will prepare and maintain documentation of the reasons why it did not occur.

#### 4. Post-Accident Testing

All employees covered by these procedures will be subject to post-accident testing if they are involved in an accident with a commercial vehicle on a public road which results in:

- a. A fatality OR
- b. The driver receives a citation under state or local law for a moving violation AND
  - there is bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene OR
  - one or more motor vehicles incurs disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

After an accident, employees are responsible for contacting the immediate supervisor or other management personnel. If the above conditions are met, the employee must make himself or herself available for post-accident testing as soon as possible. Post-accident testing for alcohol should occur within two hours if possible, but may not exceed eight hours. Testing for drugs should occur within 32 hours.

Employees subject to post-accident testing are prohibited from consuming alcohol for eight hours following the accident, or until the employee has completed the alcohol test, whichever comes first. An employee who does not comply with the post-accident testing will be considered to have refused testing and will be subject to disciplinary action as if he/she tested positive. An employee in a post-accident situation should cooperate with law enforcement personnel investigating the scene.

Supervisors are responsible for determining if the accident qualifies the driver for post-accident testing and should escort the employee to the collection site if possible. If an employee is unable to provide consent to testing due to their medical condition, the supervisor will document the reasons why the employee was not tested. If testing is not completed within the required time following an accident, the supervisor will document in writing why the tests were not administered.

#### 5. Return to Duty and Follow-Up Testing

All employees who have engaged in prohibited conduct as defined in the **Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles**, including those who have tested positive for drugs or alcohol, are subject to discipline, up to and including termination. If such employees are not immediately terminated and returned to duty, they will be subject to the following return to duty and follow up testing: are subject to return to duty and may be subject to follow-up testing.

a. Return to Duty Testing After engaging in prohibited conduct regarding alcohol or drug use, an employee is required to undergo a return-to-duty alcohol and/or drug test prior to returning to a duty which requires driving a commercial vehicle. A return to duty alcohol test must result in a breath alcohol concentration of 0.02 or less. A return to duty drug test must result in a verified negative result.

b. Follow Up Testing An employee who returns to work after evaluation by a Substance Abuse Professional (SAP) determining that the employee is in need of assistance in resolving problems associated with alcohol misuse or drug abuse is subject to unannounced follow up alcohol and/or drug testing as directed by the SAP and the City, but no less frequent than six times in the first year following the return to work. The follow up testing period may not exceed 60 months for each incident.

#### 6. After Hours Testing

If the need for testing occurs outside of the normal hours of operation of the designated collection site, a supervisor or manager will be responsible for

following the procedures established by HealthForce Partners for such occurrences.

## C. Testing Costs and Compensation

### 1. Testing Costs

a. The City will pay for the following alcohol and or initial drug tests:

- Random testing
- Reasonable suspicion testing
- Post-accident testing
- Pre-employment

b. Employees are responsible for the costs associated with the following tests:

- Follow-up testing
- Return to duty testing
- Split sample re-tests made at the employee's request

If a split sample re-test returns a negative result, the City will reimburse the employee for the cost of the test.

c. Substance Abuse Professional and rehabilitation costs will be the responsibility of the employee.

### 2. Pay Status

a. For Time Spent Testing Employees will be compensated for time spent to report to the testing facility and be tested for the following alcohol and/or initial drug tests:

- Random testing
- Reasonable suspicion testing
- Post-accident testing
- Return to duty testing
- Follow-up testing

Employees are responsible for taking the following tests on their own time:

- Split-sample re-tests made at the employee's request

b. Waiting for Results Employees who have been asked to submit to a reasonable suspicion drug test will be placed on unpaid leave pending the outcome of the test results. Such employees are eligible to use accrued

vacation or sick leave during this time. If the test result is negative, the time will be paid and any sick or vacation leave used will be credited.

c. Alcohol Concentration of 0.02 but less than 0.04 If an employee receives an alcohol test result of at least 0.02 but less than 0.04, the employee must be removed from duty which requires driving a commercial motor vehicle for at least 24 hours following the administration of the test. The employee may use accrued vacation or sick leave during this absence.

d. Positive Drug Test or Alcohol Test Result of 0.04 or Higher An employee who receives a positive drug test or who tests 0.04 or greater on an alcohol test is not allowed to return to work until all of the applicable requirements are met as outlined in the Policy (see Consequences of Engaging in Prohibited Conduct and Positive Drug or Alcohol Test). Such employees may use accrued vacation or sick leave during this absence if they are not otherwise terminated for violation of this Policy.

#### D. Testing Methods

##### 1. Drug Testing

The drug testing requires candidates to provide a urine specimen of at least 45 ml to be tested for the presence of amphetamines, cocaine, marijuana (THC), opiates, and phencyclidine (PCP). The specimen will be sent to LabCorp, a laboratory certified by the Substance Abuse and Mental Health Services Administration (SAMSHA) to conduct screening and confirmation tests according to the protocols identified in the Department of Transportation Rules. All test results will be reviewed by the Medical Review Officer (MRO).

##### 2. Alcohol Testing

Alcohol testing will be conducted using an approved evidential breath testing (EBT) device operated by a trained breath alcohol technician (BAT) at the collection site. The first test performed will be a screening test. If the screening test results in an alcohol concentration of less than 0.02, it will be considered a negative test. If the screening test results in an alcohol concentration of 0.02 or greater, a second, or confirmation test is performed within 15 to 20 minutes.

#### E. Training and Education

The City will provide all affected employees with copies of these procedures and the Drug and Alcohol Testing Policy for Employees who Operate Commercial Vehicles and other information as may be required by the federal regulations. Each driver must sign a receipt upon having been provided the above referenced information.

Managers and supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo alcohol or drug testing will receive at least 60 minutes of training on alcohol and 60 additional minutes of training on drug abuse. The training will cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.