



SHORELINE CITY COUNCIL REGULAR MEETING

Monday, January 30, 2017
7:00 p.m.

Council Chamber · Shoreline City Hall
17500 Midvale Avenue North

	<u>Page</u>	<u>Estimated Time</u>
1. CALL TO ORDER		7:00
(a) Proclamation of Black History Month	<u>2a-1</u>	
2. FLAG SALUTE/ROLL CALL		
3. REPORT OF THE CITY MANAGER		
4. COUNCIL REPORTS		
5. PUBLIC COMMENT		
<p><i>Members of the public may address the City Council on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. The total public comment period will be no more than 30 minutes. If more than 10 people are signed up to speak, each speaker will be allocated 2 minutes. Please be advised that each speaker's testimony is being recorded. Speakers are asked to sign up prior to the start of the Public Comment period. Individuals wishing to speak to agenda items will be called to speak first, generally in the order in which they have signed. If time remains, the Presiding Officer will call individuals wishing to speak to topics not listed on the agenda generally in the order in which they have signed. If time is available, the Presiding Officer may call for additional unsigned speakers.</i></p>		
6. APPROVAL OF THE AGENDA		7:20
7. CONSENT CALENDAR		7:20
(a) Authorize the City Manager to Approve the Conditional Certificate of Property Tax Exemption for 205 Apartments	<u>7a-1</u>	
(b) Authorize the City Manager or Designee to Execute an Interlocal Agreement with the US Department of Justice for Participation in the Organized Crime Drug Enforcement Task Force Program	<u>7b-1</u>	
(c) Adoption of Res. No. 403 Delegating Authority to the City Manager or Designee to Legally Bind the City of Shoreline for the Sole Purpose of Requesting Federal Reimbursement for Transportation Projects	<u>7c-1</u>	
8. STUDY ITEMS		
(a) Discussion of Ord. No. 762 – Amending SMC for Temporary Encampments	<u>8a-1</u>	7:20
(b) Discussion of Ord. No. 771- Amending the Property Tax Exemption Program to Encourage Affordable Housing Application Deadline	<u>8b-1</u>	7:50
(c) Discussion of Paid Parental Leave Policy	<u>8c-1</u>	8:05
(d) Discussion of Res. No. 402 – Amending the Personnel Policies	<u>8d-1</u>	8:35

9. ADJOURNMENT

9:05

The Council meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2231 in advance for more information. For TTY service, call 546-0457. For up-to-date information on future agendas, call 801-2236 or see the web page at www.shorelinewa.gov. Council meetings are shown on Comcast Cable Services Channel 21 and Verizon Cable Services Channel 37 on Tuesdays at 12 noon and 8 p.m., and Wednesday through Sunday at 6 a.m., 12 noon and 8 p.m. Online Council meetings can also be viewed on the City's Web site at <http://shorelinewa.gov>.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Proclamation of "Black History Month"		
DEPARTMENT:	CMO/CCK		
PRESENTED BY:	Jessica Simulcik Smith, City Clerk		
ACTION:	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Proclamation

PROBLEM/ISSUE STATEMENT:

Much of Shoreline's honor, strength and distinction can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this region. African Americans have played a significant role in the history of Washington State's economic, cultural, spiritual and political development.

This proclamation recognizes the month of February as Black History Month, a time in which all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to improve society so that we live up to the ideals of freedom, equality and justice.

Yadesa Bojia, an artist from the "Aftermath: Local Artist on African American Experience" Shoreline City Hall Exhibition will be accepting the proclamation.

RECOMMENDATION

The Mayor should read the proclamation.

ATTACHMENTS:

Attachment A – Proclamation of Black History Month

Approved By: City Manager **DT** City Attorney **MK**



P R O C L A M A T I O N

WHEREAS, much of Shoreline's honor, strength and distinction can be attributed to the diversity of cultures and traditions that are celebrated by the residents of this great region; and

WHEREAS, African Americans have played a significant role in the history of our nation, and Washington State's economic, cultural, spiritual and political development while working tirelessly to promote their culture and history; and

WHEREAS, as a result of their determination, hard work, and perseverance, African Americans have made valuable and lasting contributions to our community and our state, achieving exceptional success in all aspects of society including business, education, politics, science, and the arts; and

WHEREAS, in 1976, Black History Month was formally adopted to honor and affirm the importance of Black History throughout our American experience, and is full of individuals who took a stance against prejudice, advanced the cause of civil rights, strengthened families, communities, and our nation; and

WHEREAS, all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to improve society so that we live up to the ideals of freedom, equality and justice;

NOW, THEREFORE, I, Christopher Roberts, Mayor of the City of Shoreline, on behalf of the Shoreline City Council, do hereby proclaim the month of February 2017 as

BLACK HISTORY MONTH

in the City of Shoreline.

Christopher Roberts, Mayor

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager to Approve the Conditional Certificate of Property Tax Exemption for 205 Apartments
PRESENTED BY:	Dan Eernisse, Economic Development Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

The Property Tax Exemption (PTE) program was instituted and subsequently updated by the Washington State legislature to provide incentives to construct multifamily housing as well as affordable housing. According to the Growth Management Act and the State Legislature, multifamily housing and affordable housing are needed throughout the Puget Sound metropolitan area to combat the negative environmental impacts population growth places on the region. Shoreline has offered a PTE program in appropriate areas for many years. Shoreline's PTE program was most recently updated and streamlined through Ordinance No. 694, adopted on February 9, 2015. The current Shoreline PTE program requires that at least 20% of the project be affordable and provides the owner of a qualified project 12 years of tax exemption.

A qualifying application for PTE was received from GRE 205, LLC, dba 205 Apartments in the Ballinger neighborhood. The project will build 72 total units, 15 of which will be affordable. The City Manager has approved the application and provided the applicant with a contract that states that the City will provide PTE in exchange for compliance with SMC 3.27. The applicant subsequently signed and returned the contract; SMC 3.27.060 specifies that the contract must be approved or denied by Council prior to the City Manager executing the contract and issuing a Conditional Certificate of Property Tax Exemption to the applicant.

RESOURCE/FINANCIAL IMPACT:

The PTE program provides an exemption to the owner for the *ad valorem* property tax of the value of new or rehabilitated multiple unit housing for the duration of the 12-year exemption period. When a PTE project is built, the value of the building improvements are not added to the City's assessed value until after the exemption period ends; therefore, while no tax burden is shifted to other tax payers, the City does not collect the property tax revenues of the project for the program duration. In addition, Staff time is required to process applications, file annual reports to the State and King County, and to monitor compliance with affordable housing requirements.

RECOMMENDATION

Staff recommends that the City Council approve the PTE Contract with 205 Apartments and Authorize the City Manager to execute the contract and subsequently approve the Conditional Certificate of Property Tax Exemption.

Approved By: City Manager **DT** City Attorney **MK**

ATTACHMENT

Attachment A: Applicant-signed PTE Agreement

BACKGROUND

The Property Tax Exemption (PTE) program was instituted and subsequently updated by the Washington State Legislature to provide incentives to construct multifamily housing as well as affordable housing. According to the Growth Management Act and the State Legislature, multifamily housing and affordable housing are needed throughout the Puget Sound metropolitan area to combat the negative environmental impacts population growth places on the region. Shoreline has offered a PTE program in appropriate areas for many years. Shoreline's PTE program was most recently updated and streamlined through Ordinance No. 694, adopted on February 9, 2015 and effective on February 17, 2015.

The current Shoreline PTE program, defined by SMC 3.27 (Attachment A), requires that at least 20% of the project be affordable housing. In return, a qualified project receives 12 years of property tax exemption for the *ad valorem* property tax of the value of new or rehabilitated multiple unit housing. According to SMC 3.27.020, "Affordable housing" means residential housing that is rented or sold to a person or household whose annual household income does not exceed 70 percent of the median household income adjusted for family size for King County, determined annually by the U.S. Department of Housing and Urban Development, for studio and one bedroom units and not exceeding 80 percent of the area median household income adjusted for family size for two bedroom or larger units. The program is audited annually by Staff and can be cancelled if the City finds that the applicant is not providing at least 20% of the units at an affordable rate.

DISCUSSION

The City is in receipt of one application from 2016 for Conditional Certification of Property Tax Exemption (PTE) for multifamily projects. The application complies with all applicable requirements of both RCW 84.14.060 and SMC 3.27.040. The project is located in a designated residential targeted area (Ballinger), the application is complete, and the City Manager approved the application.

The next binding step in the PTE approval process (SMC 3.27.060.A.4) is for the City Council to approve or deny the PTE Contract that define the terms under which the City will grant property tax exemptions, including binding the property to provide affordable housing for the 12-year period according to the RCW 84.14 and SMC 3.27. Once the PTE Contract is approved by Council, executed by the City Manager and recorded by the applicant, the City will issue a Conditional Certificate of Property Tax Exemption which defines dates and guarantees the exemption should the conditions of the contract be met. The project is:

Applicant:	GRE 205, LLC
Project:	205 Apartments
Location:	1795 NE 205 th St
PTE Area:	Ballinger Way NE Commercial Area
Units provided:	72
Affordable units provided:	15
Date of Application:	August 26, 2016

Other than project specific details, the PTE Contract is identical to the City's standard Mutli-Family Housing Limited Agreement for Property Tax Exemption (v. 2015) (Attachment B). The contract that is both approved by Council and signed by the applicant will be executed by the City Manager, and then recorded by the applicant. Once recorded, the City Manager will issue the applicant a Conditional Certificate of PTE, and the Applicant will have three years to complete the improvements.

RESOURCE/FINANCIAL IMPACT

The PTE program provides an exemption to the owner for the *ad valorem* property tax of the value of new or rehabilitated multiple unit housing for the duration of the 12-year exemption period. When a PTE project is built, the value of the building improvements are not added to the City's assessed value until after the exemption period ends; therefore, while no tax burden is shifted to other tax payers, the City defers the property tax revenues of the project for the program duration. In addition, Staff time is required to process applications, file annual reports to the State and King County, and to monitor compliance with affordable housing requirements.

RECOMMENDATION

Staff recommends that the City Council approve the contract for PTE.

ATTACHMENTS

Attachment A: Multi-Family Housing Limited Property Tax Exemption Agreement

**MULTI-FAMILY HOUSING LIMITED PROPERTY
TAX EXEMPTION AGREEMENT**

THIS AGREEMENT is entered into this _____ day of _____, 2017, by and between GRE 205, LLC (hereinafter referred to as the "Applicant"), and the CITY OF SHORELINE (hereinafter referred to as the "City").

WITNESSETH:

WHEREAS the City has an interest in stimulating new construction or rehabilitation of multi-family housing in Residential Target Areas in order to reduce development pressure on single-family residential neighborhoods, increase and improve housing opportunities, provide affordable housing opportunities, and encourage development densities supportive of transit use; and

WHEREAS the City has, pursuant to the authority granted to it by RCW 84.14, designated various areas of the City as Residential Target Areas for the provision of a limited property tax exemption for new or rehabilitated multi-family residential housing; and

WHEREAS the City has, as set forth in Shoreline Municipal Code (SMC) Chapter 3.27, enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the King County Assessor that the owner is eligible to receive a limited property tax exemption; and

WHEREAS the Applicant is interested in receiving a limited property tax exemption for constructing 72 units of NEW multi-family residential housing within the BALLINGER WAY NE COMMERCIAL AREA, a designated Residential Target Area pursuant to SMC 3.27.030; and

WHEREAS the Applicant submitted to the City a complete application for Property Tax Exemption outlining the proposed development/redevelopment of multi-family residential housing to be constructed on property located at 1795 NE 205TH ST, SHORELINE, WA ("Property") and generally referred to as 205 APARTMENTS ("Project"); and

WHEREAS on DECEMBER 28, 2016, the City determined that the Applicant met all the eligibility and procedural requirements to qualify for a Conditional Certificate of Property Tax Exemption as provided in SMC 3.27, with the exception of entering into and recording this Agreement; and

WHEREAS the City has determined that the improvements will, if completed as proposed, satisfy the requirements for a Final Certificate of Tax Exemption.

NOW, THEREFORE, the City and the Applicant do mutually agree as follows:

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption once this Agreement is approved by the City Council, fully executed, and recorded with the King County Recorder's Office.

2. The Applicant agrees to construct the Project in compliance with all applicable land use regulations and as approved and permitted by the City. In no event shall such construction provide less than fifty percent (50%) of the space for permanent residential occupancy as required by SMC 3.27.040(A)(2).
3. The Applicant commits to renting at least twenty percent (20%) of the multi-family housing uses as affordable housing units as defined in SMC 3.27.020 and agrees that the property must satisfy that commitment and any additional affordability and income eligibility conditions contained SMC Chapter 3.27 for the duration of the tax exemption.
4. The Applicant agrees to complete construction of the agreed upon improvements within three (3) years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption, or within any extension thereof granted by the City.
5. The Applicant agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City Manager a request for Final Certificate of Tax Exemption with the information required by SMC 3.27.070 which includes:
 - (a) a statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire Property/Project;
 - (b) a description of the completed work and a statement of qualification for the exemption;
 - (c) a statement that the work was completed within the required three-year period or any authorized extension; and
 - (d) a statement that the Property/Project meets affordable housing requirements of SMC Chapter 3.27.
6. The City agrees, conditioned on the Applicant's successful completion of the improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 5 above, to file a Final Certificate of Tax Exemption with the King County Assessor within forty (40) days of application.
7. The Applicant agrees, within thirty (30) days following the first anniversary of the City's filing of the Final Certificate of Tax Exemption and each year thereafter for the duration of the property tax exemption, to file an annual report with the City Manager with the information required by SMC 3.27.090 which includes:
 - (a) a statement of occupancy and vacancy of the newly constructed or rehabilitated Property/Project during the twelve months ending with the anniversary date;
 - (b) a certification by the owner that the Property/Project has not changed use since the date of the final certificate approved by the City and that Property/Project is in compliance with affordable housing requirements of SMC Chapter 3.27; and
 - (c) a description of any subsequent changes or improvements constructed after issuance of the Final Certificate of Tax Exemption.
8. The Applicant agrees, by December 15 of each year beginning with the first year in which the Final Certificate of Tax Exemption is filed and each year thereafter for the duration of the property tax exemption, to provide a written report to the City Manager containing

information sufficient to complete the City's report to the Washington State Department of Commerce as set forth in SMC 3.27.090(D).

- 9. If the Applicant converts any of the new or rehabilitated multi-family residential housing units constructed under this Agreement into another use, the Applicant shall notify the King County Assessor and the City Manager within sixty (60) days of such change in use.
- 10. The Applicant agrees to notify the City promptly of any transfer of the Applicant's ownership interest in the Property and/or Project or in the improvements made to the Property and/or Project under this Agreement.
- 11. The City reserves the right to cancel the Final Certificate of Tax Exemption should the Applicant, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement, SMC Chapter 3.27, or for any reason that the Property/Project no longer qualifies for the tax exemption.
- 12. The Applicant acknowledges that the cancellation of the Final Certificate may subject the Applicant to potential tax liability as provided for in RCW 84.14, including real property tax, penalties, and interest.
- 13. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.
- 14. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.
- 15. Applicant agrees that this Agreement is subject to the Shoreline Multi-Family Housing Tax Exemption set forth in Shoreline Municipal Code, Chapter 3.27.


IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF SHORELINE

City Manager

Approved as to form:

City Attorney

TD APPLICANT


 Name/Title
 GRE 205th LLC
 George Petrie, Manager

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Authorize the City Manager or Her Designee to Enter into an Interlocal Agreement with the U.S. Department of Justice for Participation in the Organized Crime Drug Enforcement Task Force Program
DEPARTMENT:	Shoreline Police Department
PRESENTED BY:	Shawn Ledford, Chief of Police
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Pursuant to RCW 39.34, the City of Shoreline may enter into an Interlocal Agreement with another governmental agency, including an agency of the federal government. The Organized Crime Drug Enforcement Task Force (OCDETF) Program is part of the U.S. Department of Justice and provides reimbursement to local agencies for wages and expenses in regards to illegal drug trafficking. The OCDETF is currently making \$15,000 available to the City of Shoreline for 2017.

In 2015, the Shoreline Police Special Emphasis Team (SET) initiated a narcotics investigation in the City of Shoreline. During the investigation it was discovered this is a large scale operation that is operating on a regional and broader level. Shoreline SET has a collaborative relationship with the Seattle DEA and asked them to assist with the investigation. The DEA has taken the lead on this investigation and assigned a unit to work on it full time. This investigation qualifies and was granted OCDETF Program status by the Federal Government to provide the resources and funding to target the problem. Tonight’s action would authorize the City Manager to enter into the OCDETF Program Agreement for fiscal year 2017.

RESOURCE/FINANCIAL IMPACT

No resource or financial impact is anticipated. The Interlocal Agreement allows the City to receive up to \$15,000 in reimbursement for overtime expenditures related to its participation in the OCDETF investigation or strategic initiative. If funds or property are seized as part of this investigation, the City is eligible for a percentage of those assets.

RECOMMENDATION

Staff recommends Council authorize the City Manager, or her designee, to enter into an Interlocal Agreement with the U.S. Department of Justice for participation in the Organized Crime Drug Enforcement Task Force Program.

Approved By: City Manager **DT** City Attorney **MK**

INTRODUCTION

Pursuant to RCW 39.34, the City of Shoreline may enter into an Interlocal Agreement with another governmental agency, including an agency of the federal government. The Organized Crime Drug Enforcement Task Forces (OCDETF) Program is part of the U.S. Department of Justice and provides reimbursement to local agencies for wages and expenses in regards to illegal drug trafficking. The OCDETF is currently making \$15,000 available to the City of Shoreline for 2017.

BACKGROUND

The OCDETF Program was established in 1982 to mount a comprehensive attack against organized drug traffickers. The OCDETF Program is part of the U.S. Attorney General's drug strategy to reduce the availability of drugs by disrupting and dismantling major drug trafficking organizations and money laundering organizations and related criminal enterprises. The Program operates nationwide and combines the resources and unique expertise of numerous federal agencies and State and local agencies. The OCDETF strategy aims to focus federal drug resources on reducing the flow of illicit drugs and drug proceeds by identifying and targeting the major trafficking organizations, eliminating the financial infrastructure of drug organizations by emphasizing financial investigations and asset forfeiture, redirecting federal drug enforcement resources to align them with existing and emerging drug threats, and conducting expanded, nationwide investigations against all the related parts of the targeted organizations.

DISCUSSION

In 2015, the Shoreline Police SET initiated a narcotics investigation in the City of Shoreline. During the investigation it was discovered this is a large scale operation that is operating on a regional and broader level. Shoreline SET has a collaborative relationship with the Seattle DEA and asked them to assist with the investigation. The DEA has taken the lead on this investigation and assigned a unit to work on it full time. This investigation qualifies and was granted OCDETF Program status by the Federal Government to provide the resources and funding to target the problem.

The Shoreline SET focuses primarily on local narcotics, vice and criminal activity within the City. It's typical when a criminal investigation reaches OCDETF status that local resources are dedicated to the investigation full time. Shoreline detectives will not be dedicated to this investigation on a full time basis; the unit will participate when necessary on duty and on overtime, while continuing to focus on local priorities. Tonight's action would authorize the City Manager to enter into the OCDETF Program Agreement for fiscal year 2017.

RESOURCE/FINANCIAL IMPACT

No resource or financial impact is anticipated. The Interlocal Agreement allows the City to receive up to \$15,000 in reimbursement for overtime expenditures related to its participation in the OCDETF investigation or strategic initiative. If funds or property are seized as part of this investigation, the City is eligible for a percentage of those assets.

RECOMMENDATION

Staff recommends Council authorize the City Manager, or her designee, to enter into an Interlocal Agreement with the U.S. Department of Justice for participation in the Organized Crime Drug Enforcement Task Force Program.

ATTACHMENTS

Attachment A: 2017 Organized Crime Drug Enforcement Task Force Agreement

**ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
FY 2017 Agreement
FOR THE USE OF THE STATE OR LOCAL
OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC INITIATIVE PROGRAM**

Federal Tax Identification #: _____ DC#: **S-32-**_____

Amount Requested:

\$ _____

Number of Officers Listed: _____

OCDETF Investigation / Strategic Initiative
Number: _____

Operation
Name: _____

From: _____
Beginning Date of Agreement

To: _____
Ending Date of Agreement

Federal Agency Investigations:
Number: _____

State or Local Organization

Narcotics Supervisor: _____

Telephone Number: _____

E-mail Address: _____

Fax # (if applicable): _____

State or Local Organization Name and Address:

Sponsoring Federal Agency(ies):

Sponsoring Federal Agency
Group/Squad Supervisor: _____

Telephone Number: _____

E-mail Address: _____

Please provide the name, telephone number, e-mail address, and fax number for the **administrative or financial staff person at the State or Local Organization, who is directly responsible for the billing on the Reimbursement Request:**

Name: _____

Telephone Number: _____

E-mail Address: _____

Fax # (if applicable): _____

This Agreement is between the above named State or Local Law Enforcement Organization and the Organized Crime Drug Enforcement Task Forces (OCDETF) Program. This Agreement shall be effective when signed by an authorized State or Local Organization official, the sponsoring Federal Agency Special Agent-In-Charge, the sponsoring Agency Regional OCDETF Coordinator, the Assistant United States Attorney Regional OCDETF Director, and the OCDETF Executive Office.

1. It is agreed that the State or Local Law Enforcement officers named on this Agreement will assist in OCDETF Investigations, Strategic Initiatives and prosecutions as set forth in the Organized Crime Drug Enforcement Task Forces State or Local Overtime and Authorized Expense/Strategic Initiative Programs, Policies and Procedures Manual, Fiscal Year 2017.
2. No individual Agreement with a State or Local organization may exceed \$25,000, and the cumulative amount of OCDETF State and Local overtime monies that may be expended on a single OCDETF Investigation or Strategic Initiative in a single fiscal year may not exceed \$50,000 without express prior approval from the OCDETF Executive Office. The OCDETF Executive Office will entertain requests to exceed these funding levels in particular cases. Please submit a written request including justification approved by the AUSA Regional Director to the OCDETF Budget Officer/Deputy Budget Officer when seeking to exceed the above stated funding levels.
3. Each Reimbursable Agreement will be allowed no more than six (6) modifications per year. In addition, if the funds for a particular Agreement are completely deobligated with the intention of closing that Agreement, it will not count as a modification for purposes of this policy. These amendments must be transmitted by a memorandum approved and signed by the AUSA Regional OCDETF Director or designee for the region and sent to the OCDETF Executive Office.
4. If an Agreement does not have any activity during the last ninety (90) days, the funds shall automatically be deobligated. The OCDETF Executive Office will assist with the monitoring of the aging Agreements. Further, if a State or Local Organization indicates that it is no longer performing work under a particular Agreement, the State or Local Overtime and Authorized Expense/Strategic Initiative Programs, Policies and Procedures Manual requires that a modification memorandum identifying the amount to be deobligated be submitted to the OCDETF Executive Office as soon as possible after determining that no work is being performed.
5. The State or Local Law Enforcement Organization agrees to provide experienced drug Law Enforcement officers who are identified in this Agreement to work on the specified OCDETF Investigation or Strategic Initiative. Any change in Law Enforcement officers assigned must be agreed to by all approving officials.

6. Officers who are not deputized shall possess no Law Enforcement authority other than that conferred by virtue of their position as a commissioned officer of their parent Agency.
7. Officers who are deputized may possess Federal Law Enforcement authority as specified by the Agency affording the deputation.
8. Any State or Local officers assigned to an OCDETF Investigation or Strategic Initiative in accordance with this Agreement are not considered Federal employees and do not take on the benefits of Federal employment by virtue of their participation in the Investigation or Strategic Initiative.
9. OCDETF and the sponsoring Federal Law Enforcement Agency(ies) for the approved OCDETF Investigation or Strategic Initiative will provide to the assigned State or Local officers the clerical, operational and administrative support that is mutually agreed to by the parties in this Agreement.
10. Officers assigned to OCDETF Investigations or Strategic Initiatives should work full-time on the Investigation(s) or Strategic Initiative(s) in order to be paid overtime. In order to satisfy the “full-time” expectation, a Law Enforcement officer should work forty (40) hours per week or eight (8) hours per day on a single or multiple OCDETF Investigation(s) or Strategic Initiative(s). Any established exceptions or waivers to this definition shall be requested by the Regional Coordination Group and attached as Addendum A to the Agreement. [The parent State or Local Organization must pay the base salary of its officers. In the event officers must work overtime on an OCDETF Investigation or Strategic Initiative, the OCDETF Program will reimburse the parent State or Local Law Enforcement Organization for a limited amount of those overtime costs.] The Organization is responsible for paying its Law Enforcement officer(s) for their overtime, travel and per diem expenses. To ensure proper and complete utilization of OCDETF overtime and expense allocations, reimbursement claims must be submitted monthly on the OCDETF Reimbursement Request Form. The OCDETF Executive Office may refuse payment on any reimbursement request that is not submitted to the OCDETF Regional Coordination Group within thirty (30) days of the close of the month in which the overtime was worked.
11. It is the responsibility of the State or Local Organization to retain and have available for inspection sufficient supporting documentation for all regular hours and overtime hours worked towards a specific OCDETF case. Officers’ timesheets must reflect work towards a specific OCDETF case and must be reviewed and signed by an authorized State or Local official.
12. Analysis of reimbursement claims by the Regional Coordination Group may result in a modification of the obligation of funds contained within this Agreement as well as the time period covered. The Organization affected by any such modification will receive a memo notifying them of the changes.

13. Overtime payments, including all other non-OCDETF Federal sources (such as Safe Streets, HIDTA, IRS, ICE, FEMA, etc.) may not, on an annual per person basis, exceed 25% of the current approved Federal salary rate in effect at the time the overtime is performed. The State or Local Organization is responsible for ensuring that this annual payment is not exceeded. The Executive Assistant/OCDETF Program Specialist will monitor these payments via MIS and communicate to the Federal Agency Regional OCDETF Coordinators who provide status updates to any officer approaching the threshold.
14. The overtime log must be attached to the reimbursement request when submitting the monthly invoices. The Sponsoring Federal Agency Supervisory Special Agent and the State or Local official authorized to approve the Reimbursement Request must certify that only authorized expenses are claimed, the regular hours requirement is satisfied, and that overtime has not exceeded 25% of the current Federal salary rate in effect at the time the overtime was worked.
15. Under no circumstances will the State or Local Organization charge any indirect costs for the administration or implementation of this Agreement.
16. The State or Local Organization shall maintain complete and accurate records and accounts of all obligations and expenditures of funds under this Agreement for a period of six (6) years and in accordance with generally accepted accounting principles to facilitate inspection and auditing of such records and accounts.
17. The State or Local Organization shall permit examination and auditing by representatives of the OCDETF Program, the sponsoring Federal Agency(ies), the U.S. Department of Justice, the Comptroller General of the United States, and/or any of their duly-authorized agents and representatives, of any and all records, documents, accounts, invoices, receipts, or expenditures relating to this Agreement. Failure to provide proper documentation will limit State or Local Law Enforcement Organizations from receiving OCDETF funding in the future.
18. The State or Local Organization will comply with Title VI of the Civil Rights Act of 1964 and all requirements applicable to OCDETF Agreements pursuant to the regulations of the Department of Justice (see, e.g., 28 C.F.R. Part 42, Subparts C and G; 28 C.F.R. 50.3 (1991)) relating to discrimination on the grounds of race, color, sex, age, national origin or handicap.
19. This Agreement may be terminated by any of the parties by written notice to the other parties ten (10) business days prior to termination. Billing for outstanding obligations shall be received by OCDETF within thirty (30) days of the notice of termination.

20. The Debt Collection Improvement Act of 1996 requires that most payments made by the Federal government, including vendor payments, must be made by electronic funds transfer (EFT). In accordance with the act, all OCDETF reimbursement payments will be issued via EFT. All participating State and Local Organizations must complete and submit the attached EFT form. The OCDETF Executive Office must receive one EFT form from each participating organization prior to processing their reimbursement payments. In certain circumstances the OCDETF Executive Office may make exceptions for Organizations that are unable to accept this form of payment, however, such Organizations must include written justification in the addendum of each new Agreement.
21. All changes made to the original Agreement must be approved by the OCDETF Executive Office and initialed by the Executive Assistant/OCDETF Program Specialist of the Regional Coordination Group making the revision. The AUSA Regional OCDETF Director or designee must initial all funding changes.
22. The Regional Coordination Group is responsible for identifying and implementing any additional policy requirements, as needed, for its specific region. Those regional policies will be documented in the Addendum B and attached to the approved Agreement. The Organizations are agreeing to adhere to these additional requirements and must have written approval by the Regional Coordination Group for any exceptions to the regional policies.

This Agreement is not a contract or obligation to commit Federal funds in the maximum amounts projected. Funding allocations for the time period set forth and agreed to herein represent projections only and are based upon consultation between the sponsoring Federal Agency and the State or Local Law Enforcement Organization. They are, therefore, subject to modification by OCDETF based upon the progress and needs of the OCDETF Investigation or Strategic Initiative. Additionally, resources are contingent upon the availability of funds per the approval and signature of the OCDETF Executive Office obligating authority. The OCDETF Executive Office will approve and certify that all the terms and conditions of the Agreement have been met.

Each Agreement must be approved and signed by a State or Local Law Enforcement Organization official who has supervisory authority over, and is authorized to assign, the participating Law Enforcement officers to the OCDETF Investigation or Strategic Initiative.

Approved By: _____
Authorized State or Local Official Title Date

Approved By: _____
Sponsoring Federal Agency Special Agent in Charge or Designee Date

Approved By: _____
Sponsoring Agency Regional OCDETF Coordinator Date

Approved By: _____
Assistant United States Attorney Regional OCDETF Director Date

Funds are encumbered for the State or Local Organization overtime costs and authorized expense/Strategic Initiative Programs specified above. **Subject to availability of funds.**

Funds Certified: _____
OCDETF Executive Office Date

Approving Official: _____
OCDETF Executive Office Date

ORGANIZED CRIME DRUG ENFORCEMENT TASK FORCES
STATE OR LOCAL LAW ENFORCEMENT OFFICERS
ASSIGNED TO PARTICIPATE IN THE STATE AND
LOCAL OVERTIME AND AUTHORIZED EXPENSE/STRATEGIC
INITIATIVE PROGRAMS

State or Local Organization: _____

OCDETF Investigation / Strategic Initiative Number: _____

The Law Enforcement officers listed below will assist with the above identified OCDETF Investigation or Strategic Initiative. Any modification of the list of Law Enforcement officers must be agreed to in writing by all of the parties to this Agreement, made a part of the Agreement, and forwarded to the OCDETF Executive Office.

<u>NAME</u>	<u>TITLE/RANK</u>	<u>DOB</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____

**ADDENDUM A
OCDETF Pacific Region**

Definition of “Full-Time Participation”

The OCDETF State and Local Overtime Program is designed to only reimburse overtime costs incurred by officers working full-time on OCDETF cases. In order to comply with the requirement that an officer/agent work full-time, the officer/agent must:

1. Be assigned to work on OCDETF matters full-time and work forty (40) hours per week on a single OCDETF investigation or multiple OCDETF investigations. Overtime in excess of 40 hours will then be reimbursed.
2. If the officer/agent is not exclusively assigned to work full-time on OCDETF matters, then overtime can be reimbursed if the officer/agent worked eight (8) hours regular time in a given day on the OCDETF investigation before claiming any overtime. Overtime in excess of eight (8) hours will then be reimbursed.

Exceptions to the “Full-Time Participation Rule”

There are limited circumstances where OCDETF State and Local Overtime funding may be made available for use where investigations have emergency needs for overtime funding or where scarce resources preclude ‘full-time participation’ by a participating local agency. These circumstances include the following:

1. Unforeseen Emergency Circumstances

Occasionally dedicated OCDETF resources cannot handle a particular enforcement action, such as an unexpected surveillance; or reaction to unforeseen circumstances requires additional non-federal resources and the investigation would suffer without those additional resources. In those circumstances incurred overtime may be reimbursed without the officer/agent having worked an eight (8) hour shift dedicated to the OCDETF investigation, provided that the OCDETF overtime is done at the request of a supervisor of a sponsoring federal agency in the district where the investigation is being conducted.

Under no circumstances will more than sixteen (16) hours of claimed overtime for any officer be reimbursed under this exemption provision without the prior approval of: (1) the supervising/sponsoring federal agency in the district where the investigation is being conducted; (2) the OCDETF Coordinator for the sponsoring federal agency; and (3) the Regional OCDETF Core City Coordinator (or his designee the Core City Executive Assistant).

Reimbursement under such circumstances will be limited to the overtime incurred in response to the unforeseen circumstances; *i.e.*, when the enforcement action is complete, no additional overtime will be reimbursed without compliance with #1 and #2 listed above. A memorandum of justification for a waiver of the “Full-Time Participation Rule” must be submitted with any claim for reimbursement.

2. Other Exceptions

Any other deviation from the above overtime reimbursement “full-time participation” policy, including situations where a state or local agency has insufficient personnel to allow the “full-time” commitment of officers/agents, requires a memorandum of justification for waiver or exemption. No overtime expenses will be paid under this exception without a waiver memorandum. This memorandum from the officer/agent’s agency must be sent to the sponsoring federal agency Regional OCDETF Coordinator and the AUSA Core City Coordinator. It must be *APPROVED IN ADVANCE* of the performance of any overtime activity which does not comply with the “Full-Time Participation Rule”.

Acknowledged:

<i>Authorized State or Local Official</i>	<i>Title</i>	<i>Date</i>
(Name and Signature)		

**ADDENDUM B
OCDETF Pacific Region**

1. Authorization to expend funds under the Agreement For The Use of State and Local Overtime (“Agreement”) is effective **only** after it has been **approved and funded** for a specific amount by the OCDETF Regional Coordination Group (“RCG”). Mere submission of an Agreement **does not** authorize an expenditure of any funds. The amount requested may be reduced to a lower amount by the RCG. When submitting the agreement, a mailing address for the State or Local Agency Narcotics Supervisor must be provided (if different from the cover page of the Agreement):

State or Local Agency Narcotics Supervisor: _____

Address: _____

- 2. Participation by additional officer(s) requires the submission to the Sponsoring Federal Agency Coordinator of a Notification of Change in Officer Form, which identifies the new officers.
- 3. This agreement **does not** authorize any expenditures beyond the funds allocated by the RCG to this investigation. This Agreement **does not** require the RCG to pay for any overtime worked without sufficient, previously authorized funding.
- 4. Memoranda or other evidence explaining any waivers from the 40 hours per week / 8 hours per day full-time work requirements **must** be attached to every Agreement for each OCDETF investigation.
- 5. Reimbursement for travel and per diem costs for state and local officers under this agreement is the responsibility of the sponsoring federal agency.
- 6. OCDETF State and Local **Overtime** funds are **not** to be used for:
 - a. equipment procurement
 - b. agency operational subsidies
 - c. purchases of evidence
 - d. payments to confidential informants
 - e. reimbursements to anyone other than sworn law enforcement officers.
 - f. reimbursement of compensation time earned in lieu of overtime payment
- 7. All overtime reimbursement requests must be submitted to the RCG within **thirty (30) days of the close of the month in which the overtime was worked.**
- 8. It is the responsibility of your agency to report cumulative overtime for each officer on the Officer Overtime Log, which may not exceed **\$ 17,753.00** from any Federal source this fiscal year.

Acknowledged: _____
Authorized State or Local Official Title Date

**ACH VENDOR/MISCELLANEOUS PAYMENT
ENROLLMENT FORM**

PAYEE/COMPANY INFORMATION

Name:	
Address:	
Taxpayer ID Number:	
Contact Person Name:	Telephone Number:

FINANCIAL INSTITUTION INFORMATION

Bank Name:
Nine-Digit ABA Routing Transit Number:
Depositor Account Number:
Type of Account: (checking/savings)

Please return with the Reimbursable Agreement

The Debt Collection Improvement Act of 1996 requires that most payments made by the Federal government, including vendor payments, must be made by electronic funds transfer (EFT). A benefit of receiving payments by EFT is that your funds are directly deposited to your account at a financial institution and are available to you on the date of payment.

If you have any question regarding the delivery of remittance information, please contact the financial institution (bank) where your account is held.

If you have any question on the completion of this form, please contact the OCDETF State and Local EFT Coordinator at 202-514-1860

To inquire about a bill please contact: <https://www.ipp.gov/>

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Adoption of Resolution No. 403 Delegating Authority to the City Manager or Designee to Legally Bind the City of Shoreline for the Sole Purpose of Requesting Federal Reimbursement for Transportation Projects		
DEPARTMENT:	Public Works		
PRESENTED BY:	Tricia Juhnke, City Engineer		
ACTION:	<input type="checkbox"/> Ordinance	<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

PROBLEM/ISSUE STATEMENT:

The City Council approves, and the City Manager executes on behalf of the City, federal grant funding agreements. Subsequently, the Public Works Director, City Engineer, Transportation Services Manager and Engineering Manager direct, oversee and manage City engineering services for transportation projects that benefit from federal grant funding. This includes preparation and submittal of vouchers requesting repayment of project expenditures from federal grant funds. The Federal Highway Administration (FHWA) and Washington Department of Transportation (WSDOT) now require such vouchers to include a specific certification signed by an official who is authorized by Council to legally bind the City.

Resolution No. 403 provides this authorization, individually, for the City Manager, Public Works Director, City Engineer, Transportation Services Manager and Engineering Manager, solely for the purpose of requesting federal grant reimbursement for Federal Highway Administration funded projects.

RESOURCE/FINANCIAL IMPACT:

No financial impact is associated with adoption of this resolution. However, if this resolution is not adopted, Staff will be unable to administer reimbursement of project expenditures from federal grant funds.

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 403, authorizing the City Manager, Public Works Director, City Engineer and Engineering Manager, individually, the authority to legally bind the City of Shoreline solely for the purpose of requesting federal grant reimbursement for Federal Highway Administration funded projects.

Approved By: City Manager *DT*

City Attorney *MK*

BACKGROUND

After the City Manager executes federal grant funding agreements for transportation projects, the Public Works Director, City Engineer, Transportation Services Manager and Engineering Manager direct, oversee and manage the day-to-day administration of the grant agreements, including submitting vouchers for reimbursement of project expenditures from grant funds.

Recent revision of a part of the Code of Federal Regulations (2 CFR 200.415(a)) requires that annual and final fiscal reports, *or vouchers requesting payment under federal agreements*, must include a specific certification signed by an official who is authorized by Council to legally bind the City. The Washington Department of Transportation (WSDOT), which administers such reimbursements for the Federal Highway Administration (FHWA), now requires documentation of such authorization to be submitted to WSDOT with each reimbursement request.

Resolution No. 403 provides authorization and documentation, individually, for the City Manager, Public Works Director, City Engineer, Transportation Services Manager and Engineering Manager to sign the required certifications.

RESOURCE/FINANCIAL IMPACT

No financial impact is associated with adoption of this resolution. However, without adoption of this resolution, Staff will be unable to administer reimbursement of project expenditures from federal grant funds.

RECOMMENDATION

Staff recommends that Council adopt Resolution No. 403, authorizing the City Manager, Public Works Director, City Engineer, Transportation Services Manager and Engineering Manager, individually, the authority to legally bind the City of Shoreline solely for the purpose of requesting federal grant reimbursement for Federal Highway Administration funded projects.

ATTACHMENTS

Attachment A: Resolution No. 403

RESOLUTION NO. 403

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, DELEGATING AUTHORITY TO THE CITY MANAGER, THE PUBLIC WORKS DIRECTOR, THE CITY ENGINEER, THE TRANSPORTATION SERVICES MANAGER, ~~AND~~ THE ENGINEERING MANAGER TO LEGALLY BIND THE CITY OF SHORELINE FOR THE SOLE PURPOSE OF REQUESTING FEDERAL REIMBURSEMENT FOR TRANSPORTATION PROJECTS.

WHEREAS, the Federal Highway Administration, through the Washington State Department of Transportation, authorizes federal transportation funding to the City of Shoreline for transportation projects, and;

WHEREAS, the Code of Federal Regulations, 2 CFR 200.415(a), has been revised to ensure that annual and final fiscal reports or vouchers requesting payment under federal agreements must include a certification signed by an official who is authorized to legally bind the non-federal agency; and

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, organized as a Council-Manager form of government as provided in Chapter 35A.13 RCW; and

WHEREAS, the City Manager has been duly appointed by the City Council and serves as the City's chief executive officer, the City's auditing officer, and is the head of the administrative branch of the City's government and is responsible for the proper administration of all City affairs; and

WHEREAS, while the City Council approves, and the City Manager subsequently executes on behalf of the City, federal grant funding agreements, the Public Works Director directs, manages, and oversees the activities and operations of transportation projects that would benefit from federal grant funding, the City Engineer oversees the delivery of City engineering services for transportation projects, the Transportation Services Manager manages all activities within the transportation division of the Public Works Department, and the Engineering Manager directs, manages, and oversees the City's engineering and budgeting functions related to transportation projects, and

WHEREAS, in order to seek timely reimbursement for proper expenditures related to the federally funded transportation projects, the City Council desires to grant to the City Manager, the Public Works Director, the City Engineer, the Transportation Services Manager, and the Engineering Manager, individually, the authority to legally bind the City of Shoreline solely for the purpose of requesting federal grant reimbursement for Federal Highway Administration funded projects;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE,
WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

Section 1: For the purpose of requesting reimbursement of federally funded transportation projects, the City Manager, the Public Works Director, the City Engineer, the Transportation Services Manager, and the Engineering Manager for the City of Shoreline are individually delegated authority pursuant to 2 CFR 200.415(a) to legally bind the City of Shoreline and certify the following:

“By signing this report, I certify to the best of my knowledge and belief that the report is true, complete, and accurate, and the expenditures, disbursements and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).”

Section 2: This Resolution shall be in full force and effect immediately upon passage.

ADOPTED BY THE CITY COUNCIL ON _____, 2017.

Mayor Christopher Roberts

ATTEST:

Jessica Simulcik Smith, City Clerk

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Code Amendments for Transitional Encampments, Ordinance No. 762
DEPARTMENT:	Planning & Community Development
PRESENTED BY:	Paul Cohen, Planning Manager Kim Lehmborg, Associate Planner Rachael Markle, AICP, Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Council Resolution No. 379, passed December 14, 2015, directs staff to review city policies and codes that may create barriers for those experiencing homelessness, and continue to support the City’s human service partner agencies. These amendments were initiated to facilitate churches and other human service non-profit organizations to provide the homeless with temporary and safe shelter without more process or expense. The Planning Commission spent significant time in formulating recommended amendments to the City’s regulations and unanimously recommended the regulations in Ordinance No. 762 following significant public comment and Commission deliberation..

RESOURCE/FINANCIAL IMPACT:

If adopted as proposed, the City would not receive fees for Temporary Use Permits (TUP) for Transitional Encampments. In the past, an average of 1.2 camps per year have applied for TUPs. Given the current fee for a TUP of \$1,500, the lost revenue would average approximately \$1,800 per year.

RECOMMENDATION

No action is required for this discussion. Ordinance No. 762 is scheduled for Council action on February 27, 2017.

Approved By: City Manager **DT** City Attorney **MK**

INTRODUCTION

Shoreline Municipal Code (SMC) Section 20.30.070 describes the process and procedures for Type L, Legislative decisions. Amendments to the Development Code are Type L decisions that include a public hearing, recommendation by the Planning Commission, and action by the City Council.

Development Code Amendment Criteria (SMC 20.30.350)

The following criteria are to be met for approval of amendments to the Development Code:

1. The amendment is in accordance with the Comprehensive Plan; and
2. The amendment will not adversely affect the public health, safety or general welfare; and
3. The amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

Relevant Comprehensive Plan Housing goal and policies that support the amendments are as follows:

Goal H VII: "Collaborate with other jurisdictions and organizations to meet housing needs and address solutions that cross jurisdictional boundaries."

Policy #H19: "Encourage, assist, and support non-profit agencies that construct, manage, and provide services for affordable housing and homelessness programs within the city."

Policy #H25: "Encourage, assist, and support social and health service organizations that offer housing programs for targeted populations."

Policy #H29: "Support the development of public and private, short-term and long-term housing and services for Shoreline's population of people who are homeless."

Policy #H31: "Partner with private and not-for-profit developers, social and health service agencies, funding institutions, and all levels of government to identify and address regional housing needs."

BACKGROUND

The City has successfully approved 17 TUPs for Transitional Encampments (formerly referred to as Tent Cities) since 2005. These TUPs were administered only with the TUP criteria and staff added conditions on a permit-by-permit basis. These approvals were to balance the need to allow temporary encampments and address neighborhood concerns. Though neighbors have expressed concerns, Shoreline Police has not reported any substantiated problem with these encampments.

Currently transitional encampments are a permitted use, with indexed supplemental criteria, in all of the City's residential zones, except Town Center (TC) 1, 2 and 3 (SMC

20.40.120). Tent city is a permitted use, with indexed supplemental criteria, in all MUR zones within station areas (SMC 20.40.160).

The supplemental criteria includes the following (SMC 20.40.535):

- A. Allowed only by temporary use permit.
- B. Prior to application submittal, the applicant is required to hold a neighborhood meeting as set forth in SMC 20.30.090. A neighborhood meeting report will be required for submittal.
- C. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.
- D. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment.
- E. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.

In response to the homelessness crisis, in December 2015 the City Council adopted Resolution No. 379 supporting King County's declaration of emergency due to homelessness, and expressed the City's commitment to work with King County and partner agencies on plans to address homelessness.

On August 26, 2016, the City Manager and other staff met with representatives of churches that have hosted transitional encampments in Shoreline to discuss potential changes to the City's regulations related to Transitional Encampments and how best to assist them in their efforts to host camps. A representative from a Haller Lake Church also attended as they have previously hosted the United We Stand Camp.

Staff presented Transitional Encampment Code Amendments to the Planning Commission on September 15, 2016. The Planning Commission held a public hearing on these potential amendments on October 20, 2016. Links to the public hearing staff report and minutes are here:

<http://www.shorelinewa.gov/home/showdocument?id=29221>

<http://www.cityofshoreline.com/Home/ShowDocument?id=30145>

Much of the public comment at this time expressed concern that the proposed changes to the code, which included changing the permit type from a TUP to a Transitional Encampment Permit, would allow for encampments in back yards of single-family properties. Other public comment was concerned that the code would deter encampments from Shoreline. While these were not the intent of the proposed changes, the Planning Commission continued the public hearing and asked staff to respond to a number of concerns.

Based on the concerns raised at the October 20, 2016, initial public hearing, staff proposed amendments wherein Transitional Encampment applications will not be a listed land use and continue to be processed under a Temporary Use Permit, with added criteria that staff believes will preclude incompatible siting of such encampments, for example, on single-family properties. At the continued public hearing on December 15, 2016, the Planning Commission voted to recommend the revised amendments with a few changes in wording. Links to the staff report and minutes are here:

<http://www.shorelinewa.gov/home/showdocument?id=29809>

<http://www.cityofshoreline.com/Home/ShowDocument?id=30083>

All previously permitted encampments in Shoreline were approved with TUPs only for church sites with adequate space and facilities. Applications will need to meet the criteria for TUP's, and specific additional criteria for transitional encampments, including a requirement that they be located on property owned or leased by a managing agency. Staff is proposing a fee waiver for such applications. In this way, the City will administer transitional encampments in the same manner that it has since 2005 but without the barrier of a fee, and with criteria to increase health, safety, and neighborhood welfare.

DISCUSSION

PROPOSAL & ANALYSIS

The proposed code amendments are shown in Attachment A. The explanation for each amendment is discussed below.

1. Definitions: SMC 20.20.034 & 20.20.048

Add definitions for "Managing Agency" and "Transitional Encampments." The definition states that a Managing Agency is a religious or City-recognized non-profit organization that manages a transitional encampment. This definition is inclusive of religious organizations and secular non-profit agencies such as human service agencies, housing advocacy groups, or a governmental organization. This helps to ensure that there is an entity with responsibility for compliance with the requirements of the encampment. (Note that additional criteria under SMC 20.30.295 proposes that a Managing Agency must either lease or own the land where the encampment is located). A definition of "Transitional Encampments" is added to differentiate it from a back yard camp-out for family members.

2. Neighborhood Meeting 20.30.045

Added under this section is that a neighborhood meeting is required for a TUP for a Transitional Encampment. This is not a new requirement and has been in the indexed criteria since 2005. However, this amendment clarifies the requirement by including it with the other neighborhood meeting requirements for certain Type A proposals. This section (20.30.045) was added to the code after the original transitional encampment (Tent City) indexed criteria were enacted.

3. Temporary Use Permit 20.30.295: Add Section D for Transitional Encampments Criteria under the Temporary Use Permit criteria. Move current indexed criteria from SMC 20.40.535 here and add additional criteria. This will further ensure that an application for a transitional encampment will have to meet all of the criteria for a Temporary Use Permit, plus the additional criteria specific to a Transitional Encampment. See Attachment A for new and relocated Temporary Use Permit criteria. Most of the additional criteria are standard health and safety conditions that have been required for Transitional Encampment TUP's in the past. The additional criteria included in the Planning Commission recommendation are:
 - a. Requirement for the site to be owned or leased by a Managing Agency (religious or non-profit organization).
 - b. Clarify standard timeline for the Temporary Use as 90 days with an opportunity for a 90-day extension, for a total maximum stay of 180 days. Currently, under a Temporary Use Permit, time limits can be extended for up to a year. The practice has been to allow them for 90 days, granting extensions in cases of hardship. Past practice has been to allow extensions only if there have been no reported safety or nuisance issues with the encampment; or if there have been issues, requiring they are dealt with by imposing additional conditions. Sometimes encampments have difficulty lining up a new place to move after just three months. Also, some campers have jobs or children in school which can make moving a difficulty. It was also a recommendation from the churches who have previously hosted the camps to limit the length of hosting to 180 days in order to minimize the potential attraction of unwanted wildlife to the area as a result of the extended out-door living of those in the camp.
 - c. Timeline clarifications also include a provision that Managing Agencies must allow 180 days to elapse (from the final date of permit validity) prior to hosting another transitional encampment on the same site. This will help to mitigate the impact of the transitional encampments on neighborhoods where churches regularly host the encampments.
 - d. The application fee for a TUP for a transitional encampment will be waived. If a fire permit is required, the fee for it will be waived.
 - e. A 20-foot setback from neighboring property lines be established for tents, with the Director's discretion to modify based upon site conditions and ability to meet the established criteria. Of the 23 other jurisdiction's codes that staff researched, 65% of the codes contained a setback requirement of 20 feet to residential properties. The Shoreline code requires commercial developments to maintain a 20 foot setback from single-family (R-4 and R-6 zones) zoned properties. There is also a provision in Shoreline's code that requires a 15 foot setback from single-family zoned properties for developments of three or more units on a single lot.
 - f. Adding a requirement for the site to be restored to its original condition upon termination of the permit.
4. Use Tables (20.40.140, 20.40.150 and 20.40.160): Remove Transitional Encampments as a land use from the land use tables so that they will be

processed only under the Temporary Use Permit provisions, which are used for *“transitional uses not otherwise allowed in the zone.”*

Indexed Criteria 20.40.535. Move indexed criteria under 20.40 (Permitted Uses) to new section under 20.30.295 (Temporary Use Permits for Transitional Encampments).

RESOURCE/FINANCIAL IMPACT

If adopted as proposed, the City would not receive fees for Temporary Use Permits (TUP) for Transitional Encampments. In the past, an average of 1.2 camps per year have applied for TUPs. Given the current fee for a TUP of \$1,500, the lost revenue would average approximately \$1,800 per year.

RECOMMENDATION

No action is required for this discussion. Ordinance No. 762 is scheduled for action on February 27, 2017.

ATTACHMENT

Attachment A: Recommended Transitional Encampment Code Amendments
Attachment B: Draft Ordinance 762

Amendment #1 - Definitions.

20.20.034 M definitions.

Managing agency: Managing agency means a religious or City-recognized non-profit organization that manages a transitional encampment.

20.20.048 T definitions.

Transitional Encampments: Temporary campsites for the homeless, organized by a managing agency.

Amendment #2 Neighborhood meeting

20.30.045 Neighborhood meeting for certain Type A proposals. 

1. A neighborhood meeting is required for Temporary Use Permits for Transitional Encampment proposals.

2. A neighborhood meeting shall be conducted by the applicant for developments consisting of more than one single-family detached dwelling unit on a single parcel in the R-4 or R-6 zones. This requirement does not apply to accessory dwelling units (ADUs). This neighborhood meeting will satisfy the neighborhood meeting requirements when and if an applicant applies for a subdivision (refer to SMC [20.30.090](#) for meeting requirements). (Ord. 695 § 1 (Exh. A), 2014).

Amendment #3 Additional TUP Criteria for Transitional Encampments

20.30.295 Temporary use. 

A. A temporary use permit is a mechanism by which the City may permit a use to locate within the City (on private property or on the public rights-of-way) on an interim basis, without requiring full compliance with the Development Code standards or by which the City may permit seasonal or transient uses not otherwise permitted.

B. The Director may approve or modify and approve an application for a temporary use permit if:

1. The temporary use will not be materially detrimental to public health, safety, or welfare, nor injurious to property and improvements in the immediate vicinity of the subject temporary use;
2. The temporary use is not incompatible in intensity and appearance with existing land uses in the immediate vicinity of the temporary use;
3. Adequate parking is provided for the temporary use and, if applicable, the temporary use does not create a parking shortage for the existing uses on the site;
4. Hours of operation of the temporary use are specified;
5. The temporary use will not create noise, light, or glare which would adversely impact surrounding uses and properties; and

6. The temporary use is not in conflict with the standards of the critical areas regulations, Chapter [20.80](#) SMC, Critical Areas, and is located outside the shoreline jurisdiction regulated by the Shoreline Master Program, SMC Title [20](#), Division II.

C. Except for Transitional Encampments, a temporary use permit is valid for up to 60 calendar days from the effective date of the permit, except that the Director may establish a shorter time frame or extend a temporary use permit for up to one year. (Ord. 724 § 1 (Exh. A), 2015; Ord. 425 § 1, 2006).

D. Additional Criteria for Transitional Encampment. 

1. The site must be owned or leased by a Managing Agency.

2. The application fee for a Temporary Use Permit (TUP) for a transitional encampment is waived.

3. Prior to application submittal, the applicant is required to hold a neighborhood meeting and provide a written summary as set forth in SMC 20.30.045 and 20.30.090.

4. The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.

5. The applicant shall have a code of conduct that articulates the rules and regulation of the encampment. These rules shall include, at a minimum, prohibitions against alcohol and/or drug use and violence; and exclusion of sex offenders. The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment.

6. Site requirements:

a. Tents and supporting facilities within encampments must meet 20-foot setbacks from neighboring property lines. Setbacks may be modified by the Director based on site conditions or in order to bring the site into compliance with the criteria.

b. Screening is required for mitigation of visual appearance to the street and neighboring properties. There shall be screening fence installed wherever the camp is visible from streets or residential properties. The color of the screening shall not be black.

c. A fire permit is required for all tents over 400 square feet. Fire permit fees are waived.

d. All tents must be made of fire resistant materials and labeled as such.

- e. Provide adequate number of 2A-10BC rated fire extinguishers so that they are not more than 75 feet travel distance from any portion of the complex. Recommend additional extinguishers in cooking area & approved smoking area.
- f. Smoking in designated areas only; these areas must be a minimum of 25 feet from any neighboring residential property. Provide ash trays in areas approved for smoking.
- g. Emergency vehicle access to the site must be maintained at all times.
- h. Security personnel shall monitor entry points at all times. A working telephone shall be available to security personnel at all times.
- i. Provide adequate sanitary facilities.

7. The encampment shall permit inspections by City, King County Health Department, and Fire Department inspectors at reasonable times during the permit period without prior notice to ensure compliance with the conditions of the permit.

8. The encampment shall allow for an inspection by the Shoreline Fire Department during the initial week of the encampment's occupancy

9. Encampments may be allowed to stay under the Temporary Use Permit for up to 90 days. A TUP extension may be granted for a total of 180 days, on sites where agencies in good standing have shown to be compliant with all regulations and requirements of the TUP process, with no record of rules violations. The extension request must be made to the City, but does not require an additional neighborhood meeting or additional application materials or fees.

10. Managing Agencies may not host a transitional encampment on the same site within 180 days of the expiration date of the TUP for a transitional encampment.

11. At expiration of the permit, the Managing Agency shall restore the property to the same or similar condition as at permit issuance.


Amendment #4 – Use Tables.

Note: not all rows in tables are shown here in the interest of brevity and clarity.

20.40.120 Residential uses. 

Table 20.40.120 Residential Uses

NAICS #	SPECIFIC LAND USE	R4- R6	R8- R12	R18- R48	TC-4	NB	CB	MB	TC-1, 2 & 3
TEMPORARY LODGING									
721191	Bed and Breakfasts	P-i	P-i	P-i	P-i	P-i	P-i	P-i	P-i
72111	Hotel/Motel						P	P	P
	Recreational Vehicle	P-i	P-i	P-i	P-i	P-i	P-i	P-i	
	Transitional Encampment	P-i	P-i	P-i	P-i	P-i	P-i	P-i	-

20.40.150 Campus uses.  SHARE

NAICS #	SPECIFIC LAND USE	CCZ	FCZ	PHZ	SCZ
	Tent City	P-i	-	-	-
	Wireless Telecommunication Facility	P-i			P-i
P = Permitted Use P-i = Permitted Use with Indexed Supplemental Criteria P-m = Permitted Use with approved Master Development Plan					

Table 20.40.160 Station Area Uses

NAICS #	SPECIFIC LAND USE	MUR-35'	MUR-45'	MUR-70'
RESIDENTIAL				
	Tent City	P-i	P-i	P-i

Amendment #5. Move existing Indexed Criteria from the Use Provisions to the new section under 20.30.295, Temporary Use Permit, Section D, Additional Transitional Encampment Criteria.

20.40.535 Transitional encampment.  SHARE

~~A.— Allowed only by temporary use permit .~~

~~B.— Prior to application submittal, the applicant is required to hold a neighborhood meeting as set forth in SMC 20.30.090. A neighborhood meeting report will be required for submittal.~~

~~C.— The applicant shall utilize only government-issued identification such as a State or tribal issued identification card, driver's license, military identification card, or passport from prospective encampment residents to develop a list for the purpose of obtaining sex offender and warrant checks. The applicant shall submit the identification list to the King County Sheriff's Office Communications Center.~~

~~D.— The applicant shall have a code of conduct that articulates the rules and regulation of the encampment.~~

~~E.— The applicant shall keep a cumulative list of all residents who stay overnight in the encampment, including names and dates. The list shall be kept on site for the duration of the encampment. The applicant shall provide an affidavit of assurance with the permit submittal package that this procedure is being met and will continue to be updated during the duration of the encampment. (Ord. 731 § 1 (Exh. A), 2015; Ord. 368 § 2, 2005).~~

ORDINANCE NO. 762

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE TITLE 20, THE UNIFIED DEVELOPMENT CODE, TO ADDRESS TRANSITIONAL ENCAMPMENTS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington, and planning pursuant to the Growth Management Act, Title 36.70A RCW; and

WHEREAS, the City has traditionally permitted transitional (homeless) encampments through the issuance of a Temporary Use Permit; and

WHEREAS, the application process for a Temporary Use Permit has been considered burdensome by the hosts of such encampments, churches and human service organizations; and

WHEREAS, via the adoption of Resolution No. 379, the City Council directed staff to review policies and development code provisions that may create barriers for those experiencing homelessness; and

WHEREAS, staff worked with interested members of the public, churches, and human service organizations in addition to reviewing regulations of other municipalities; and

WHEREAS, on September 15, 2016, the City of Shoreline Planning Commission reviewed the proposed Development Code amendments; and

WHEREAS, on October 20, 2016, the City of Shoreline Planning Commission held a public hearing on the proposed Development Code amendments so as to receive public testimony; and

WHEREAS, the Planning Commission continued the public hearing so as to allow the staff time to respond to public and commission questions and concerns; and

WHEREAS, on December 15, 2016, at the continued public hearing, the Planning Commission considered revisions to the proposed Development Code amendments and, at the conclusion of public hearing, the Planning Commission, after adopting several revisions to the proposal submitted by staff, recommended approval of the amendments to the City Council; and

WHEREAS, on January 30, 2017, the City Council held a study session on the proposed Development Code amendments; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and the Planning Commission's recommendation; and

WHEREAS, the City provided public notice of the amendments and the public hearing as provided in SMC 20.30.070; and

WHEREAS, the environmental impacts of the proposed amendments resulted in the issuance of a Determination of Non-Significance (DNS) on October 13, 2016, and

WHEREAS, pursuant to RCW 36.70A.370, the City has utilized the process established by the Washington State Attorney General so as to assure the protection of private property rights; and

WHEREAS, pursuant to RCW 36.70A.106, the City has provided the Washington State Department of Commerce with a 60-day notice of its intent to adopt the amendment(s) to its Unified Development Code; and

WHEREAS, the City Council has determined that the amendments are consistent with and implement the Shoreline Comprehensive Plan and serves the purpose of the Unified Development Code as set forth in SMC 20.10.020;

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Title 20 of the Shoreline Municipal Code, Unified Development Code, is amended as set forth in Exhibit A to this Ordinance.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON ____, FEBRUARY, 2017.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 771 – Amendment of Property Tax Exemption Program to Encourage Affordable Housing Application Deadline
DEPARTMENT:	City Manager’s Office
PRESENTED BY:	Dan Eernisse, Economic Development Manager
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input checked="" type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

Proposed Ordinance No. 771 would amend the City's Property Tax Exemption Program (PTE) by changing the deadline for application to the PTE Program from prior to the issuance of the project's first building permit to prior to occupancy. The current deadline, set forth in SMC 3.27.050(B), was set when the PTE Program was being used simply to support multifamily development. For that purpose, a deadline prior to issuance of building permit avoided providing an unnecessary incentive to a project under construction.

With the Adoption of Ordinance No. 694 on February 9, 2015, the Council added significantly to the purpose of the PTE Program by making the provision of affordable housing mandatory in order to qualify for PTE. All participants must now designate at least 20% of the project's units as affordable. This modification made the PTE Program an especially effective tool to increase Shoreline's stock of affordable housing. Currently there are seven designated areas in the City in which PTE is used as an incentive for inclusion of affordable housing in multi-unit developments.

In this context, the proposed amendment, changing the deadline to the project's first certificate of occupancy, improves the PTE Program by offering the incentive to provide affordable housing to applicants for the additional time it takes to construct the project.

Staff is aware of one potential applicant who – though willing to provide 45 units of affordable housing – cannot apply to the PTE program since the project is under construction. Staff anticipates that in the future, others will decide to participate in the PTE Program only after construction has begun; therefore, extending the deadline will result in more affordable housing than if the deadline remains unchanged.

RESOURCE/FINANCIAL IMPACT:

The PTE program provides an exemption to the owner for the *ad valorem* property tax of the value of new or rehabilitated multiple unit housing for the duration of the exemption period (12 Years). When a PTE project is built, the value of the building improvements are not added to the City's assessed value until after the exemption

period ends; therefore, while no tax burden is shifted to other tax payers, the City defers the property tax revenues of the project for the program duration. In addition, staff time is required to process applications, file annual reports to the State and King County, and to monitor compliance with affordable housing requirements.

RECOMMENDATION

No action is required at this time, as this item is for discussion purposes only. However, staff recommends Council adopt Ordinance No. 771 when this item is brought back to the Council for adoption on February 13, 2017.

Approved By: City Manager ***DT*** City Attorney ***MK***

ATTACHMENTS

Attachment A – Ordinance No. 771

ORDINANCE NO. 771

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING SHORELINE MUNICIPAL CODE CHAPTER 3.27, THE PROPERTY TAX EXEMPTION PROGRAM TO AMEND THE DEADLINE FOR APPLYING FOR THE PROGRAM.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, the City has established a Property Tax Exemption (PTE) Program in Shoreline Municipal Code (SMC), Chapter 3.27, as provided in RCW 84.14; and

WHEREAS, SMC 3.27.050 sets for the application procedures for a property owner seeking to benefit from the PTE Program; and

WHEREAS, SMC 3.27.050(B) requires that an application must be filed prior to issuance of the project's first building permit; and

WHEREAS, allowing for an application to be filed prior to a project's certificate of occupancy could provide an incentive for the development of affordable housing within the designated PTE Program areas; and

WHEREAS, on January 30, 2017, the City Council held a study session on the proposed amendment; and

WHEREAS, the City Council has considered the entire public record, public comments, written and oral, and

THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Chapter 3.27 of the Shoreline Municipal Code, Property Tax Exemption Program, is amended as follows:

SMC 3.27.050 Application procedures for conditional certificate.

A. A property owner who wishes to propose a project for a tax exemption shall file an application with the department of planning and community development upon a form provided by that department.

B. The application for exemption must be filed prior to issuance of the project's ~~first building permit~~ first certificate of occupancy, temporary or final.

C. The application shall include:

1. Information setting forth the grounds for the exemption;
2. A description of the project and a site plan, including the floor plan of units;
3. A statement that the applicant is aware of the potential tax liability when the project ceases to be eligible under this chapter;
4. Information describing how the applicant shall comply with the affordability requirements of this chapter;
5. In the case of rehabilitation or where demolition or new construction is required, verification from the department of the property's noncompliance with applicable building and housing codes; and
6. Verification by oath or affirmation of the information submitted by the applicant.

D. Fees. At the time of application under this section, the applicant shall pay a minimum fee deposit of three times the current hourly rate for processing land use permits as provided in Chapter 3.01 SMC, Fee Schedules. Total city fees will be calculated using the adopted hourly rates for land use permits in effect during processing of the tax exemption and any excess will be refunded to the applicant upon approval or denial of the application.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

Section 3. Severability. Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

Section 4. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON _____, _____, 2017.

Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2017
Effective Date: , 2017

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Paid Parental Leave
DEPARTMENT:	Human Resources
PRESENTED BY:	Paula Itaoka, Human Resources Director
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

Council discussed Paid Parental Leave as a potential City policy most recently on December 5, 2016. Such leave would ensure that employees could take up to 12 weeks of paid leave when welcoming a new family member through birth, adoption, or foster care placement. The City Council requested that staff return with a draft policy, mirrored by that piloted by King County who has since decided to continue the program. The draft policy is presented in Attachment A.

An equitable policy alternative for all regular employees, rather than solely parents, may be one that offers supplemental paid family leave to attend to family matters of parallel importance. Although Council's request was focused on Paid Parental Leave, staff has provided an alternative within this staff report that would broaden the benefit for family matters of parallel importance. The alternative draft policy option is presented in Attachment B.

If the Council is interested in providing paid parental leave, staff suggests meeting that interest while simultaneously addressing other equally important family leave needs; thereby ensuring employees enjoy an equal benefit regardless of their parenting status. If any supplemental paid leave policy is adopted, staff suggests a review of that policy in two years.

To adopt a new policy, council needs to amend the Employee Handbook.

RESOURCE/FINANCIAL IMPACT:

Supplemental paid parental/family leave only increases costs if the City needs to backfill an employee's absence to get work done. Assuming 3 to 5 employees might access this benefit for the full 12 weeks and backfill labor is necessary, the cost could range from \$50,000 to \$100,000 a year. If positions are not backfilled, then work load would need to be adjusted to accommodate the absence of an employee.

RECOMMENDATION

No formal action is required at this time. Staff recommends that Council discuss the various aspects of paid parental leave and/or paid family leave. Council should also determine if there are any further questions or information that staff should bring back for Council consideration regarding these proposed programs.

Approved By: City Manager ***DT*** City Attorney ***MK***

BACKGROUND

At the Council's Strategic Planning Workshop in February 2016, Councilmembers asked staff to return with information on paid parental leave for City employees. At the December 5 meeting, Council discussed this and other external workforce regulations. Councils' direction was to bring forward a draft Paid Parental Leave Policy mirrored on the King County pilot program. Materials from the December 5 meeting can be found on the City's website:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2016/staffreport120516-9c.pdf>.

As proposed, Paid Parental Leave would be different from, but run concurrently with, all state and federal laws that provide family leave, such as the federal Family and Medical Leave Act (FMLA), the Washington State Family Leave Act and Family Care Act.

DISCUSSION

If the City were to enact this program for its regular employees, some assumptions would have to be made to calculate the value of leave provided. These assumptions begin with understanding our workforce demographics and existing paid time off benefits; estimating an average hourly rate for wages and benefits; and making an informed guestimate regarding how many employees might access the paid parental leave benefit.

Demographics and Existing Paid Time Off Benefits

46% of our workforce has been with us for less than 5 years and 40% of our workforce has been with us for over 10 years. The size of a person's leave balance is a function of the weeks accrued, used and carried over each year. Sick leave accrues at 2.4 weeks a year and is limited to a balance of 26 weeks. Vacation accrual is tied to length of service, beginning at 2.4 weeks and topping out at 4.6 weeks a year. Vacation is limited to a balance of two years accrual plus current year accruals.

The following displays our current employee length of service and leave accruals.

Completed Years of Service	No. of Employees	% of the Workforce	Total Weeks Accrued per Year (vacation + sick leave)	Actual Lowest Accrual Balance in weeks	Actual Highest Accrual Balance in weeks	Average Accrual Balance in weeks
0	24	16%	4.8	0.09	4.8	1.8
1	17	12%	5	0.0	9.0	4.4
2	14	10%	5.2	0.6	9.8	4.9
3	7	5%	5.4	1.8	13.2	7.2
4	5	3%	5.6	2.9	7.2	5.0
5 - 7	6	4%	5.8	8.2	12.3	10.1
8 - 9	15	10%	6	0.6	15.1	7.4
10 -11	14	10%	6.2	2.1	29.8	12.7
12 - 14	8	5%	6.4	2.3	17.9	8.7
15 or more	36	25%	7	0.09	35.25	14.7

Estimated Value and/or Cost of Paid Parental Leave

The variables in these assumptions include an average hourly value of \$41.65 for wages and benefits, two to five employees using the program and the actual difference between an employee's accrued leave and the maximum of 12 weeks of paid leave. Initial estimates of value range from about \$50,000 to \$100,000 a year depending on these variables.

It is important to note that the value of the leave is not necessarily the cost of the leave. For budgeting purposes, staff is assumed to work a full year and thus there might be no actual increase in cost because of paid parental leave. In other words, in this context, the City will incur the same costs whether the employee is on paid leave status or in the office.

Also important, employees might be out on leave longer if supplemental paid leave were available than if such a program were unavailable as is currently the case. If employees are out of the office for a longer period of time, timelines might have to be delayed, workload spread among other employees or backfilled with temporary workers. Some of this may depend on the specific job held by the employee or the assigned work of the employee.

For example, it would be doubtful that the City could continue operations of the pool without backfilling a life-guard for patron and regulatory safety reasons. On the other hand, there could be another position in which the work could be delayed for three months until the employee returns without direct threat of interrupting day-to-day city operations.

Backfilling would have true additional costs in the form of additional pay for an existing employee or hiring a temporary or contract worker. The City could expect to incur additional costs at a similar rate to that of the employee on leave.

Finally, it's important to provide reasonable limits on the benefit to control potential cost or delayed work. Staff considered how frequently the City could extend supplemental paid leave and still be able to ameliorate the effect of a prolonged absence. Since the City's workforce is only 146 employees, absorbing the work resulting from a three month absence is more of a challenge than it is for larger organizations, such as King County. Staff considered limiting the benefit to 12 weeks in a two or three year period and is recommending a three year period. This means the benefit would be limited to a maximum of twelve weeks of supplemental paid leave over a three year period for qualifying events.

Attachment A is a draft policy for Supplemental Paid Parental Leave

ALTERNATIVE

An equitable policy alternative for all regular employees, rather than solely parents, may be one that offers supplemental paid leave to attend to family matters of parallel importance.

At some point, nearly every City employee will need to take time away from work to attend to the needs of their family, not only for bonding with a new child, but potentially providing care to an immediate family member, or dealing with a serious personal or family illness, or with the exigencies of an impending military leave. Federal and state laws do much to address these needs, generally providing up to 12 weeks of leave. However, these public policies do not provide paid leave. As discussed previously in this staff report, the City of Shoreline, like many employers, provides paid leave in the form of vacation and sick leave accrual. However, our demographics show that while some employees have ample vacation and sick leave to pay for a family leave; many do not. Those who don't have enough paid leave must choose between their compensation and the needs of their family.

A policy option for Supplemental Paid Family Leave could fill the gap when a regular employee has insufficient sick and/or vacation leave to cover a 12 week approved family leave of absence and, could create equity for employees who are not necessarily new parents. This policy option could mirror the reasons for taking leave found within the Federal Family and Medical Leave Act (FMLA). The City's policies comply with the FMLA and provide un-supplemented leave for up to 12 weeks for the following reasons:

- To care for an employee's child after birth or placement for adoption or foster care. Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.

Example: An employee becomes a parent and a new child is welcomed into the family.

- To care for an employee's spouse, child or parent who has a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves a period of incapacity

Example: A doctor has medically certified that an employee's spouse is incapacitated due to an illness and is incapable of self-care, requiring assistance with activities of daily living for seven weeks.

- To care for a spouse, son, daughter, parent or next of kin who has a serious health condition as a result of military service 'military family care'.

Example: A doctor has medically certified that an employee's next of kin is incapacitated due to a war injury and is incapable of self-care, requiring assistance with activities of daily living during 12 weeks recuperation.

- For qualifying exigencies (as defined by the FMLA) when a spouse, parent, son or daughter serving in the military is on, called to, or notified of impending call to covered active duty.

Example: An employee's spouse has been called to active military duty and many urgent things needs to happen in a short amount of time, such as day care arrangements, financial and legal arrangements. The employee says they only need about two weeks to accomplish everything.

- If a serious health condition makes an employee unable to perform the functions of his or her job.

Example: A doctor has medically certified that an employee is unable to perform their job until they recover from a recent serious surgery. The recuperation is expected to last four weeks.

Staff would recommend that an Alternative Supplemental Leave policy be substantially mirrored on the suggested policy for Supplemental Paid Parental Leave and if adopted, be reviewed in two years.

Attachment B is a draft policy for Supplemental Paid Family Leave.

FINANCIAL IMPACT

Supplemental paid parental/family leave only increases cost if the City needs to backfill an employee's absence to get the work done. Assuming 3 to 5 employees might access this benefit for the full 12 weeks and backfill labor is necessary, the cost could range from \$50,000 to \$100,000 a year. If positions are not backfilled, then work load would need to be adjusted to accommodate the absence of an employee.

RECOMMENDATION

No formal action is required at this time. Staff recommends that Council discuss the various aspects of paid parental leave and/or paid family leave. Council should also determine if there are any further questions or information that staff should bring back for Council consideration regarding these proposed programs.

ATTACHMENTS

Attachment A: Draft Supplemental Paid Parental Leave Policy

Attachment B: Draft Alternative Supplemental Paid Family Leave Policy

ATTACHMENT A - Draft Policy – Supplemental Paid Parental Leave

VI BENEFITS - *New Section titled Supplemental Paid Parental Leave*

Supplemental Paid Parental Leave provides new parents the opportunity to bond with their children by supplementing an employee's accrued paid leaves. The employee will receive the equivalent of his or her full pay for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave), to parent a new child through birth, adoption or foster care placement.

Eligibility

Supplemental Paid Parental Leave is available to all leave-eligible employees who have:

1. Worked for the City continuously for at least 12 months and for at least 1,250 hours over the previous 12 months; and
2. Have become a parent through birth, adoption, or foster care placement ("qualifying event"); and
3. Lack enough accrued leave to pay for a 12 week leave of absence.

Benefit Amount

An employee's Supplemental Paid Parental Leave benefit is calculated when an employee's accrued leave balances are down to two weeks or less. Accrued leave balances for purposes of this policy include vacation, sick leave, personal holiday, compensatory time and management leave.

The employee will receive the equivalent of his or her full salary for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave). Regular part time employees will receive this benefit on a pro-rata basis relative to their normal work week. For example:

- If at the time of the qualifying event, the employee has five weeks of accrued leave:
 - Three weeks of accrued leave, plus any accruals added to the balance while on leave, would be applied towards the twelve weeks of Paid Parental Leave.
 - Then, when the employee's accrued leave balance is down to two weeks, the City would provide the employee additional Supplemental Paid Parental leave, for a total of twelve weeks of Paid Parental Leave.

If both parents work for the City and meet the eligibility requirements, the total Supplemental Paid Parental leave available to the couple is 12 weeks. The City may grant leave to only one parent at time.

The employee must use all but two weeks of their accrued leave before using Supplemental Paid Parental leave.

Supplemental Paid Parental Leave may not be cashed out under any circumstance.

Benefit Period, Frequency, and Concurrency

Supplemental Paid Parental Leave must begin and be completed within twelve months of the qualifying event.

An employee may use Supplemental Paid Parental Leave on an intermittent or part-time basis, as long as it is consistent with the department's operational needs, and is approved in writing by the employee's director prior to the leave.

Supplemental Paid Parental Leave will run concurrently with the City's family and medical leave, and federal and state family and medical leave laws, to the fullest extent permitted by law. Supplemental Paid Parental Leave is limited to a maximum of 12 weeks every three years and is calculated on a rolling thirty six month period.

Job Protection and Health Benefits

Supplemental Paid Parental Leave is protected leave. Barring required budget cuts or layoffs, an employee's job cannot be eliminated while the employee is on Supplemental Paid Parental leave. Further, no retaliatory action may be taken against an employee for participating or planning to participate in the program.

The employee will continue to receive health benefits according to the underwriting rules of the relevant health plans and shall continue to accrue vacation and sick leave according to City policy during the period of Supplemental Paid Parental Leave.

Procedure for Requesting Paid Parental Leave

1. Provide notice – In all but a small minority of cases, employees will have advance notice of the need for Supplemental Paid Parental Leave. Except in the rare circumstance when the need for leave is unexpected, at least thirty days' notice must be given to the Human Resources department and the Immediate Supervisor. In the rare case when the need for leave is not foreseeable, employees must provide notice as soon as possible.
2. Discuss your anticipated leave duration and schedule with the Human Resources department and your Immediate Supervisor. If you plan to take intermittent or part-time leave, this must be approved in writing prior to the leave.
3. Complete the Supplemental Paid Parental Leave Request Form.
4. Submit the Supplemental Paid Parental Leave Request Form, along with acceptable documentation of the birth, adoption or foster care placement. If you have been approved for a qualifying FMLA leave, that approval will serve as documentation for your application for Paid Supplemental Parental Leave.

Time Recording

Record your time using the time card codes provided by Payroll.

ATTACHMENT B – Alternative Draft Policy – Supplemental Paid Family Leave

VI BENEFITS - *New Section titled Supplemental Paid Family Leave*

Supplemental Paid Family Leave provides employees an increased ability to attend to family matters by supplementing an employee's accrued paid leaves. The employee will receive the equivalent of his or her full pay for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave), to pay for a qualified family leave.

Eligibility

Supplemental Paid Family Leave is available to all leave-eligible employees who have:

1. Worked for the City continuously for at least 12 months and for at least 1,250 hours over the previous 12 months; and
2. Have a qualifying event under FMLA or under the Victims of Domestic Violence policy; and
3. Lack enough accrued leave to pay for a 12 week leave of absence.

Benefit Amount

An employee's Supplemental Paid Family leave benefit is calculated when an employee's accrued leave balances are down to two weeks or less. Accrued leave balances for purposes of this policy include vacation, sick leave, personal holiday, compensatory time and management leave.

The employee will receive the equivalent of his or her full salary for up to a total of twelve weeks, when combined with the employee's accrued leave (except for two weeks of their accrued leave). Regular part time employees will receive this benefit on a pro-rata basis relative to their normal work week. For example:

- If at the time of the qualifying event, the employee has five weeks of accrued leave:
 - Three weeks of accrued leave, plus any accruals added to the balance while on leave, would be applied towards the twelve weeks of Paid Family Leave.
 - Then, when the employee's balance of accrued leave is down to two weeks, the City would provide the employee Supplemental Paid Family leave, for a total of twelve weeks of Paid Family Leave.

If the qualifying event is the birth, adoption or foster care placement of a child and both parents work for the City and meet the eligibility requirements, the total Supplemental Paid Family leave available to the couple is 12 weeks. The City may grant leave to only one parent at time.

The employee must use all but two weeks of their accrued leave before using Supplemental Paid Family leave.

Supplemental Paid Family Leave may not be cashed out under any circumstance.

Benefit Period, Frequency, and Concurrency

Supplemental Paid Family Leave must begin and be completed within twelve months of the qualifying event.

An employee may use Supplemental Paid Family Leave on an intermittent or part-time basis, as long as it is consistent with the department's operational needs, and is approved in writing by the employee's director prior to the leave.

Supplemental Paid Family Leave will run concurrently with the City's family and medical leave, and federal and state family and medical leave laws, to the fullest extent permitted by law. Supplemental Paid Family Leave is limited to a maximum of 12 weeks in every three years and is calculated on a rolling thirty six month period.

Job Protection and Health Benefits

Supplemental Paid Family Leave is protected leave. Barring required budget cuts or layoffs, an employee's job cannot be eliminated while the employee is on Supplemental Paid Family leave. Further, no retaliatory action may be taken against an employee for participating or planning to participate in the program.

The employee will continue to receive health benefits according to the underwriting rules of the relevant health plans and shall continue to accrue vacation and sick leave according to City policy during the period of Supplemental Paid Family Leave.

Procedure for Requesting Paid Family Leave

5. Provide notice – Unless a leave is unexpected, at least thirty days' notice must be given to the Human Resources department and the Immediate Supervisor. In the case when the need for leave is not foreseeable, employees must provide notice as soon as possible.
6. Discuss your anticipated leave duration and schedule with the Human Resources department and your Immediate Supervisor. If you plan to take intermittent or part-time leave, this must be approved in writing prior to the leave.
7. Complete the Supplemental Paid Family Leave Request Form.
8. Submit the Supplemental Paid Family Leave Request Form, along with acceptable documentation of the qualifying event. If you have been approved for a qualifying FMLA leave, that approval will serve as documentation for your application for Paid Supplemental Family Leave.

Time Recording

Record your time using the time card codes provided by Payroll.

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Proposed Resolution No. 402 Revising the Employee Handbook
DEPARTMENT:	Human Resources
PRESENTED BY:	Paula Itaoka, Human Resources Director
ACTION:	<input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

The Employee Handbook (“Handbook”) contains the City’s personnel policies and practices. It was first adopted in 1996 by Council Resolution No. 104 and periodically updated as laws or policies changed. In 2016, staff conducted a comprehensive review of the Handbook to update all sections as needed. This is a recommendation to adopt modifications which include:

- Housekeeping changes to improve readability and comprehension (e.g.: clerical, formatting, organization, indexing, movement of text, added clarity, and updated data.)
- Moderate and substantial changes to incorporate practices, remove some text, and enable the City Manager to approve Handbook changes as needed.

RECOMMENDATION

No action is required as this item is for discussion purposes only. However, when this item is brought back for Council action, scheduled for February 27, 2017, staff recommends that Council adopt Resolution No. 402 to update the Employee Handbook.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

The Employee Handbook (“Handbook”) contains the City’s personnel policies and practices. It was first adopted in 1996 by Council Resolution No. 104 and periodically updated as laws or policies changed. In 2016, staff conducted a comprehensive review of the Handbook to update all sections as needed. This is a recommendation to adopt edits which include:

- Housekeeping changes to improve readability and comprehension (e.g.: clerical, formatting, organization, indexing, movement of text, added clarity, and updated data.)
- Moderate and substantial changes to incorporate practices, remove some text, and enable the City Manager to approve Handbook changes as needed.

Moderate and substantial changes include Authority, Limited Term Employees, Telecommuting, Telephone, Email, Voice Mail and Other Communication Systems on City Equipment and Personal Equipment, Recruitment and Selection, Classification and Classification Review, Reasonable Accommodation, Vacation Carryover and Vaping. Details follow with changes shown in red strikethrough and underline.

Authority, page 9 of Attachment A

Reason for the change: The Handbook provides the City Manager with authority to take personnel actions but lacks clarity regarding authority to change the Handbook. Staff proposes adding text as follows.

D. Authority

The City Council hereby delegates to the City Manager the authority to make all necessary and appropriate personnel rules, practices and procedures and to thereby modify the Employee Handbook; provided however, the cost must fit within the adopted budget and have a de minimis impact on future costs, and the City Council is informed thirty days in advance of any change.

Authority to take personnel actions is vested in the City Manager. This authority shall include but not be limited to hiring, promoting, demoting, evaluating, reclassifying and terminating employees. Authority for personnel actions is frequently delegated to Department Directors and immediate supervisors; however, coordination of all such actions through Human Resources is required.

Limited Term Definition, page 12 of Attachment A

Reason for the change: The City employs limited term personnel. Staff proposes a definition that follows.

3. Limited Term

A position that has a specific end date, works 20 or more hours a week and is not Extra Help. The maximum term is limited to three years.

Telecommuting and Telephone, Email, Voice Mail and Other Communication Systems on City Equipment and Personal Equipment, pages 10,15, 37- 42, 67- 69 of Attachment A

Reason for the change: These sections have outdated, inaccurate or non-applicable text regarding contemporary City technology, procedure and personnel policy. Staff proposes to delete these sections and create contemporary administrative procedures to address these topics (in cooperation with the Information Technology division, the City Clerk's office and the Human Resources department.) Please refer to Attachment A to view the proposed deletions on pages 10, 15, 37-42, and 67-69.

Recruitment and Selection, page 17 of Attachment A

Reason for the change: The Handbook addresses recruitment and selection; however, lacks some clarity regarding the candidacy of internal applicants. Specifically, that a qualified internal applicant will receive an interview. Staff proposes the following modification:

A. Recruitment and Selection

1. External and Internal Recruitment

Job Posting and Application: Open positions will be posted on the City's web page with links to the application process. The opening will be posted for a minimum of five working days. To ensure internal employees are aware of an open position, Human Resources will announce openings through email.

Selecting Candidates for an Interview: The hiring manager will review the applications and identify candidates that will proceed to an interview. Additionally, all regular employees who applied will be granted an interview provided they possess the experience and training qualifications listed in the job description for the position.

Selecting the Best Candidate: The City's policy is to hire the best candidate for any job vacancy. The best candidate is an applicant who meets the minimum qualifications for the position and has the strongest match between their knowledge, skills and abilities and the work responsibilities of a position. The best candidate will be determined based upon a review of application materials, the results of tests and/or background checks required by positions, an evaluation of responses to interview questions, and favorable references.

2. Internal Recruitment Only

The Department Director, after consultation with the Director of Human Resources, will determine if an opening will be available internally only.

Job Posting and Application: Human Resources will announce openings through email, directing interested employees to apply through the City's web page with links to the application process. The opening will be posted for a minimum of five working days, any employee may apply.

Selecting Candidates for an Interview: The hiring manager will review the applications and identify candidates that will proceed to an interview. All regular employees who applied will be granted an interview provided they possess the experience and training qualifications listed in the job description for the position.

Selecting the Best Candidate: The City's policy is to hire the best candidate for any job vacancy. The best candidate is an applicant who meets the minimum qualifications for the position and has the strongest match between their knowledge, skills and abilities and the work responsibilities of a position. The best candidate will be determined based upon a review of application materials, the results of tests and/or background checks required by positions, an evaluation of responses to interview questions, and favorable references. If there is not an internal candidate who has a strong match between their knowledge, skills and abilities and the work responsibilities of the position; the position may be re-posted and made available to external applicants.

4.01 Selection

The City's policy is to hire the best candidate for any job vacancy. The best candidate is determined by the strongest match between the knowledge, skills and abilities of the individual and the work responsibilities of a position.

In order to provide consideration for a current City employee who applies for an open position to promote or transfer, an interview will be granted provided he or she is a good match of knowledge, skills and abilities for the open position

4.02 Job Posting

The City encourages promotion from within the organization. All openings will be posted internally via e-mail so employees may become aware of openings and apply for positions for which they are interested and qualified.

The Department Director, after consultation with the Director of Human Resources, will determine if a position will be posted internally for regular employees only, or posted both internally and externally. If posted internally only, it will be open for 5 working days; if no qualified internal candidates apply; it will then go into the regular external recruitment process.

Classification and Compensation, page 33 of Attachment A

Reason for the change: The Handbook refers to job classification review but lacks clarity on the process. Staff proposes added text as follows.

1. Job Classifications.

~~The Job Description and Salary Range assigned to the responsibilities of a position is the 'job classification.'~~ A classification description job description includes a job title and statements that define the position, including -consisting of an appropriate title, description of essential and marginal job functions and qualifications for knowledge, ability, experience and training. The experience and training qualifications in the job description are considered to be minimum qualifications. duties, statement of minimum education, experience and training is prepared and maintained for all regular positions within the City. Salary range assignments are recommended by the -Each classification is assigned a salary grade and corresponding salary range by the Human Resources Director to the and the City Manager, with input from the appropriate Department Director. Periodically, the City may revise its job classifications as needed or classification descriptions and re-evaluate individual jobs as part of a compensation study.

2. Classification Review

Positions sometimes evolve as a result of changed duties and responsibilities assigned by a supervisor. A classification review studies these changes to determine if a different job description and salary range assignment is appropriate. Importantly, not all changes warrant a different salary range assignment, the majority of the assigned duties must be a different type or complexity that is compensated at a different level to warrant a different salary range assignment.

Requesting a Classification Review

A Department Director, with the approval of the City Manager, may request a classification review when planning to change the assigned duties of a position within the next calendar month.

~~-An employee who does not believe that his or her~~ their ~~classification accurately reflects the current duties of the position may request in writing a classification review if it has been more than one year since the last classification review and the majority of duties have changed.~~ -of his/her classification

Performing the Classification Review

The Human Resources department performs the classification review and will ask the requestor for updated job information which may include the use of a job analysis questionnaire.

~~r by the Department Director.~~—After review by the Department Director and the Human Resources Director, any changes shall be recommended to the City Manager for reclassification as appropriate. The City Manager retains the final authority to approve or disapprove changes in classifications, within budgetary guidelines, and/or assignment of duties to employees. Any changes resulting from an employee request for a classification review ~~in classification that would increase an employee's pay rate~~ will be retroactive to the date of submittal of the request for review. In the event that a classification review results in a denial of a change in classification ~~the reclassification request, but~~ also results in a determination the employee was working out of class ~~during the period of the classification review~~, the employee will be awarded out of class pay. The out of class pay will be effective for the qualifying out of class work (based on 5.08 Out of Class Pay) performed between the time the ~~on the date the~~ employee submitted the written request for classification review and ~~the date of the denial of the reclassification request~~ end on the date the out of class duties are no longer performed and will be based on Section 5, Out of Class Pay.

Reasonable Accommodation, pages 42-43 of Attachment A

Reason for the change: The Handbook doesn't have a section on reasonable accommodation. Staff proposes a new section as follows:

O. Reasonable Accommodation

The City of Shoreline does not discriminate against qualified individuals with a disability with regard to any aspect of employment and is committed to complying with the American with Disabilities Act.

The City recognizes some individuals with disabilities may require reasonable accommodations. If an employee is disabled or becomes disabled (meaning he or she has a mental or physical impairment substantially limiting one or more of the major life activities) and requires a reasonable accommodation, the employee must contact the Human Resources Department to begin the interactive process. Accommodation requests may be made orally or in writing to the Human Resources Department. Requests may be made by the employee, the employee's supervisor or someone on behalf of the employee.

A reasonable accommodation is assistance or changes to a position or working conditions that will enable an employee with a disability to perform the essential functions of their job. The City will provide reasonable accommodation to employees with medically certified disabilities, unless doing so would pose an undue hardship.

Human Resources will meet with the employee to review the accommodation process, answer questions and provide the necessary forms which include a Medical Certification form to be completed by the employee's physician.

If the Medical Certification does not confirm that the employee has a disability, Human Resources will seek clarification from the medical provider and the employee before rejecting the request. If the Medical Certification confirms that the employee has a disability, the employee, supervisor and human resources will meet and begin an interactive process. The interactive process will include discussing the disability, limitations, and possible reasonable accommodations that may enable the employee to perform the functions of his or her position, make the workplace readily accessible to and usable by the employee, or otherwise allow the employee to enjoy equal benefits and privileges of employment. Following the interactive process, a decision will be made and the employee will be notified if the accommodation is approved or denied.

Vacation Carryover Exception Requirements, pages 45-46 of Attachment A

Reason for the change: The Handbook doesn't fully reflect the expectation that vacation should be used and carry over exceptions won't be granted two years in a row. Staff proposes added text as follows:

3. Carryover Exceptions

Employees with a vacation balance in excess of the carryover maximum should reduce the balance to the maximum. If an employee perceives they cannot use vacation because ~~In cases where~~ City operations have prevented it, the employee should discuss the matter with their supervisor well ahead of requesting a carryover exception. ~~an employee from using vacation time, t~~If the employee and supervisor are unable to plan for the employee to take the time off, they may request a carryover exception. The Department Director with the approval of the City Manager may allow a carryover exception of unused accrual in excess of the carryover maximum ~~amount specified above to be carried over.~~ An employee will not be granted an exception two years in a row. ~~carryover exception granted in one year will not be granted again in the next year.~~

Tobacco and Vaping Free Workplace, page 66 of Attachment A

Reason for the change: Vaping is akin to the actions of smoking or other forms of tobacco use. Staff proposes to prohibit vaping as follows:

H. 3.09—Tobacco and Vaping Free Policy Workplace

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, use of all tobacco products, including smoking and smokeless tobacco, and vapor products is prohibited at all City work sites locations and property, and in City owned vehicles. Smoking and vaping is prohibited within 25 feet of all building entrances, windows that open and ventilation intakes. Violation of this policy may be grounds for disciplinary action, up to and including termination.

FINANCIAL IMPACT

There is no cost associated with the recommended updates.

RECOMMENDATION

No action is required as this item is for discussion purposes only. However, when this item is brought back for Council action, scheduled for February 27, 2017, staff recommends that Council adopt Resolution No. 402 updating the personnel policies in the Employee Handbook.

ATTACHMENTS

Attachment A: Resolution No. 402

Exhibit A: Revised Employee Handbook

RESOLUTION NO. 402

A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON, ADOPTING REVISIONS TO PERSONNEL POLICIES TO PROVIDE FOR IMPROVED READABILITY AND COMPREHENSION, TO INCORPORATE CERTAIN PRACTICES, AND TO AUTHORIZE THE CITY MANAGER TO APPROVE NECESSARY UPDATES TO THE HANDBOOK IN THE FUTURE.

WHEREAS, the City Council has provided for benefits and working conditions in the Employee Handbook first adopted in 1996 with the adoption of Resolution No. 104 which sets forth the City's personal policies; and

WHEREAS, since its original adoption, the Employee Handbook has been updated on several occasions to reflect legislative amendments and court decisions, to clarify policies, and to modified policies as necessary; and

WHEREAS, the Human Resource Department has done a comprehensive review of the Employee Handbook and identified certain housekeeping amendments to improve readability and comprehension; and

WHEREAS, the Human Resource Department has also identified several policies that should be moderately or substantially revised so as to reflect current practices, delete outdated policies, and/or provide clarity; and

WHEREAS, moderate or substantial revisions include policies related to Limited Term Employees; Telecommuting; Telephone, Email, Voice Mail and Other Communication Systems on City Equipment and Personal Equipment; Recruitment and Selection; Classification and Classification Review; Reasonable Accommodation, Vacation Carryover and Tobacco Use; and

WHEREAS, the Human Resource Department has also identified that given the City Manager's authority over personnel actions, future updates to the Employee Handbook could be approved by the City Manager subject to prior notice to the City Council; and

WHEREAS, the City Council, having given full consideration to the proposed revisions to the Employee Handbook;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Employee Handbook Revision. The Employee Handbook is revised as provided in Exhibit A and shall be the personnel policies for the City of Shoreline.

Section 2. Corrections by City Clerk. Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this resolution, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or resolution numbering and section/subsection numbering and references.

ADOPTED BY THE CITY COUNCIL ON February ____, 2017.

Christopher Roberts, Mayor

ATTEST:

Jessica Simulcik Smith, City Clerk



EMPLOYEE HANDBOOK

Last updated: ~~12-2014~~[x/xx/2017](#)

Attachment A

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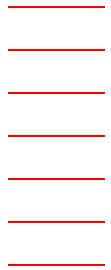
I. INTRODUCTION

The Handbook is prepared so that employees will better understand how the City operates and what is expected of employees. It is a summary of the City's personnel policies and practices, and is intended as a general guide to how the organization functions. We want to create a work environment that allows individuals to maximize their contribution to the organization and results in personal satisfaction. We believe that when consistent personnel policies are known and communicated to all, the chances are increased for greater job satisfaction.

While the City hopes that the employment relationship will be positive, things do not always work out as planned. Either party may decide to terminate the employment relationship. No supervisor, manager or representative of the City, other than the City Manager, has the authority to enter into any agreement with you for employment for any specified period or to make any promises or commitments contrary to the contents of this handbook. This handbook is not intended as a contract, express or implied, or as a guarantee of employment for any specific duration. As the need arises, the City may from time to time modify these policies. The City also reserves the right, at its sole discretion, to depart from the guidelines outlined in this handbook, in order to meet the business needs of the City. If you have any questions about any of our policies, please ask your supervisor or Human Resources.

We wish you success in your position and hope that your employment relationship with the City will be a personally rewarding experience.

Attachment A



II. ~~2.00~~ APPLICABILITY AND AUTHORITY

A. Applicability

~~A. Except as hereafter set forth, t~~his Handbook is applicable to all employees of the City except the City Manager who serves at the discretion of the City Council and except where specifically stated otherwise.

B. At Will

~~B. At will positions include specific The City Manager has designated, in writing, specified~~ senior management positions designated by the City Manager; temporary, extra help and limited term positions; and regular employees who have not yet completed the orientation period. whose employment is "at will" and employees in those positions shall serve at the discretion of the City Manager. -No provisions of this Handbook shall change ~~that~~ at will status.

C. Local, State or Federal Law

~~C.~~ In cases where these policies are in conflict with local, state or federal law, the provisions of local, state or federal law will govern. If any provision of these policies or their application to any person or circumstance is held invalid, the remainder of the policies will not be affected.

D. Authority

The City Council hereby delegates to the City Manager the authority to make all necessary and appropriate personnel rules, practices and procedures and to thereby modify the Employee Handbook; provided however, the cost must fit within the adopted budget and have a de minimis impact on future costs, and the City Council is informed thirty days in advance of any change.

Authority to take personnel actions is vested in the City Manager. This authority shall include but not be limited to hiring, promoting, demoting, evaluating, reclassifying and terminating employees. Authority for personnel actions is frequently delegated to Department Directors and immediate supervisors; however, coordination of all such actions through Human Resources is required.

Attachment A

~~3.00~~ III. DEFINITIONS

~~3.01—Alternate Workplace~~

~~The place designated for the employee to work when not working at the regular office.~~

A. Anniversary Date

~~3.02—~~

The date used for the purpose of calculating leave benefits and length of service. Usually the anniversary date is the date the employee began work for the City, but adjustments to the anniversary date shall be made proportionate to any ~~for~~ unpaid time off ~~or other purposes~~.

B. Break in Service

~~3.03—~~

The period of time between the date an employee separates from service and the date the employee is rehired.

~~Callback~~

C. Callback

All time worked in excess of a scheduled shift, which is not an extension of that shift, and is unanticipated, unforeseen, and not a regular function of the employee's work schedule.

D. City

~~3.04—~~

The City of Shoreline, Washington.

~~3.05—City Hall Campus~~

~~The property including City Hall, the City Parking Garage and all adjacent City owned grounds not subject to lease.~~

E. City Manager

The individual appointed by the City Council to serve in this capacity or his or her designee.

F. Core Hours

~~3.06—~~

Those hours during which City offices are open to the public and during which staffing is available to provide service to our customers. Core hours for the City are 8:00 a.m. to 5:00 p.m. Monday through Friday.

Attachment A

G. Demotion

~~3.07~~

Any case where a regular employee moves on a non-temporary basis to a different position in a lower salary range with the exception of such movement resulting from a compensation study or salary survey.

H. Department Director

~~3.08~~

An individual appointed by the City Manager to serve as Assistant City Manager, Administrative Services ~~Finance~~ Director, City Attorney, Human Resources Director, Parks ~~and Recreation~~ and Cultural Services Director, Planning and Community Development ~~Services~~ Director or Public Works Director or ~~his or her~~ designee.

I. Domestic Partner

~~3.09~~

The individual named in a current, valid Affidavit of Marriage/Domestic Partnership on file with the City's Human Resources Department. The Partnership may be of the same or opposite sex. The Partnership must satisfy the following criteria:

- Partners shall not be part of another Domestic Partnership or marriage.
- Partners shall be mentally competent, 18 years of age or older, not related by blood closer than permitted for marriage under RCW 26.04.020.1a and .2.
- Partners share a regular and permanent residence and living expenses.

J. Drugs

~~3.10~~

Includes any substance which is controlled in its distribution by federal or state law, including but not limited to, narcotics, depressants, stimulants, hallucinogens, cocaine and cannabis. Does not include prescription and over-the-counter medication used according to prescription or consistent with standard dosage.

3.11K. Employment Status Definitions

1. Regular Full Time

~~3.11.1~~ : A regular position established by the City budget that is expected to be ongoing and to work a 40 hour week.

2. Regular Part Time

~~3.11.2~~ : A regular position established by the City budget that is expected to be ongoing and to work at least 20 but less than 40 hours per week.

Attachment A

3. Limited Term

A position that has a specific end date, works 20 or more hours a week and is not Extra Help. The maximum term is limited to three years.

4. Extra Help

3.11.3 ÷ A position that is employed in activities related to seasonal programs, variable intermittent workloads, or ongoing work of less than 20 hours a week, further defined below.

a) Seasonal

3.11.3.1 ÷ Work that is seasonal beginning approximately the same season of each calendar year, customarily less than six months in duration.

Maximum Hours:

- 1,040 hours a year with no limit on weekly hours if all work is seasonal.
- If some of the work is not seasonal then all hours worked count toward a maximum average of 29 per week in the first 3 months of employment and during 12 months of employment.

Break in Service Requirement before Rehire:

- 13 weeks, or
- Longer than the employee was employed, or
- With approval from Human Resources based on an evaluation of employment status including measurement period implications.

b) Variable-hour

3.11.3.2 ÷ Work that is not seasonal but is intermittent and/or hours that are unpredictable from week to week.

Maximum Hours:

- 1,040 a year and
- an average of 29 per week during the first 3 months of employment and during 12 months of employment.

Break in Service Requirement before Rehire:

- 13 weeks, or
- Longer than the employee was employed, or
- With approval from Human Resources based on an evaluation of employment status including measurement period implications.

c) Less than 20 Ongoing

3.11.3.3 ÷ Work that is ongoing and consistent with few hours but regularly scheduled each week.

Maximum Hours:

- 1,040 a year and
- an average of 20 per week during the first 3 months of employment and during 12 months of employment.

Break in Service Requirement before Rehire:

- 13 weeks, or
- Longer than the employee was employed, or
- With approval from Human Resources based on an evaluation of employment status including measurement period implications.

Attachment A

•

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~~Exempt Employee~~

L. Exempt Employee

An employee exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA) as defined by that Act or applicable state law and designated as such by the City Manager. Exempt positions are so indicated on the salary table adopted by the City Council~~A list of exempt positions is maintained by Human Resources.~~

—

M. Flex-Time

~~3.12~~

A work schedule that permits flexible starting and quitting times or other alternative work schedules within limits set by the respective Department Director.

—

N. Immediate Family

~~3.13~~

Unless defined otherwise in these policies, the employee’s grandparent, parent, parent-in-law, foster parent, spouse, domestic partner, biological child, adopted child, step child, child of domestic partner, foster child, a legal ward or child of a person standing in loco parentis if the child is younger than 18, grandchild, sister, sister-in-law, brother or brother-in-law. ~~Domestic Partner is an individual named in a current, valid Affidavit of Marriage/Domestic Partnership on file with the City’s Human Resources Department and the Partnership shall satisfy the following criteria:~~

- ~~• Partners may be of the same or opposite sex;~~
- ~~• Partners shall be unmarried, mentally competent, 18 years of age or older and not related by blood closer than permitted for marriage under RCW 26.04.020;~~
- ~~• Share a regular and permanent residence and living expenses; and~~
- ~~• Partners shall not be a part of another Domestic Partnership.~~

In appropriate circumstances, an employee may believe that another individual should be considered a member of the immediate family for the purpose of applying these policies. The employee shall make a written request explaining to Human Resources why the employee believes that this individual should be considered a member of the immediate family. If Human Resources concurs, they shall forward a recommendation to the City Manager for approval. The City Manager shall decide to approve or deny the request. (If the definition of immediate family is different in certain approved benefit plans or policies; the provisions of those plans or policies will govern.)

—

O. Insubordination

~~3.14~~

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Expressed hostility or contempt for an employee's supervisor or willful disregard of a supervisor's reasonable directive.

—
P. Intern

~~3.15~~

A position that is a form of on-the-job training that may be either voluntary or on paid status.

—
Q. Non-Exempt Employee

~~3.16~~

An employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.

—
R. Promotion

~~3.17~~

Any case where a regular employee moves on a non-temporary basis to a different position in a higher salary range with the exception of such movement resulting from a compensation study or salary survey.

—
~~3.18 Regular Office~~

~~The office to which an employee is generally assigned.~~

—
S. Standby

~~3.19~~

Specific assignment of an employee during off-hours to be available to come to work if needed. Standby is not considered as time worked.

—
T. Step Increase Date

~~3.20~~

The date that is used for the purpose of annual performance review and step increase. Usually the step increase date is the date the employee began work in his or her current position, but ~~Adjustments shall be made proportionate to any for unpaid time off or other purposes.~~

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~~—
—
—**Telecommuter**~~

~~3.21~~

~~—
—**An employee who has entered into a current Telecommuting Agreement.**~~

~~—
—**Telecommuting**~~

~~3.22~~

~~—
—**Working arrangements in which the workplace is located at least part time at an alternate location, such as the employee's home and which are expected to last longer than one month. A telephone may be the only equipment needed; however, in some cases employees may use special telecommunications equipment such as telephone answering devices, computers, faxes and modems.**~~

U. Time in Paid Status

~~3.23~~

The period of hours during a pay cycle for which an employee receives compensation including hours worked, vacation, sick, holiday, management, personal or other paid leaves.

V. Transfer

~~3.24~~

Any case where a regular employee moves on a non-temporary basis to a different position in the same salary range.

W. Work Location

Work locations are the places employees work. The locations include city owned buildings, adjacent structures and parking lots, and grounds.

- City Hall: 17500 Midvale Avenue North
- Hamlin Park Maintenance Yard: 16006 15th Avenue N.E.
- North Maintenance Facility, 19547 25th Ave NE
- Richmond Highlands Recreation Center: 16544 Fremont Avenue N
- Shoreline Pool: 19030 1st Avenue N.E.
- Spartan Recreation Center: 202 NE 185th Street

X. ~~3.28~~ Work Week

A fixed and regularly recurring period of seven (7) consecutive twenty-four (24) hour periods. The standard workweek for employees consists of the period from 12:01 a.m. Sunday to 12:00 midnight the following Saturday. Where a different

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workweek is required, the City Manager will define an appropriate workweek and communicate that to the employees.

—
Y. Y-Rating

~~3.29~~—

The continuation of a regular employee's salary above the highest step of a new salary range as a result of the salary range for the position being lowered due to a market survey or other factors.

IV. ~~4.00~~ EMPLOYMENT POLICIES

A. Recruitment and Selection

1. External and Internal Recruitment

Job Posting and Application: Open positions will be posted on the City's web page with links to the application process. The opening will be posted for a minimum of five working days. To ensure internal employees are aware of an open position, Human Resources will announce openings through email.

Selecting Candidates for an Interview: The hiring manager will review the applications and identify candidates that will proceed to an interview. Additionally, all regular employees who applied will be granted an interview provided they possess the experience and training qualifications listed in the job description for the position.

Selecting the Best Candidate: The City's policy is to hire the best candidate for any job vacancy. The best candidate is an applicant who meets the minimum qualifications for the position and has the strongest match between their knowledge, skills and abilities and the work responsibilities of a position. The best candidate will be determined based upon a review of application materials, the results of tests and/or background checks required by positions, an evaluation of responses to interview questions, and favorable references.

2. Internal Recruitment Only

The Department Director, after consultation with the Director of Human Resources, will determine if an opening will be available internally only.

Job Posting and Application: Human Resources will announce openings through email, directing interested employees to apply through the City's web page with links to the application process. The opening will be posted for a minimum of five working days, any employee may apply.

Selecting Candidates for an Interview: The hiring manager will review the applications and identify candidates that will proceed to an interview. All regular employees who applied will be granted an interview provided they possess the experience and training qualifications listed in the job description for the position.

Selecting the Best Candidate: The City's policy is to hire the best candidate for any job vacancy. The best candidate is an applicant who meets the minimum qualifications for the position and has the strongest match between their knowledge, skills and abilities and the work responsibilities of a position. The best candidate will be determined based upon a review of application materials, the results of tests and/or background checks required by positions, an evaluation of responses to interview questions, and favorable references. If

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there is not an internal candidate who has a strong match between their knowledge, skills and abilities and the work responsibilities of the position; the position may be re-posted and made available to external applicants.

4.01 Selection

~~The City's policy is to hire the best candidate for any job vacancy. The best candidate is determined by the strongest match between the knowledge, skills and abilities of the individual and the work responsibilities of a position.~~

~~In order to provide consideration for a current City employee who applies for an open position to promote or transfer, an interview will be granted provided he or she is a good match of knowledge, skills and abilities for the open position~~

4.02 Job Posting

~~The City encourages promotion from within the organization. All openings will be posted internally via e-mail so employees may become aware of openings and apply for positions for which they are interested and qualified.~~

~~The Department Director, after consultation with the Director of Human Resources, will determine if a position will be posted internally for regular employees only, or posted both internally and externally. If posted internally only, it will be open for 5 working days; if no qualified internal candidates apply, it will then go into the regular external recruitment process.~~

B. 4.03 Reference Checking

All requests for information regarding past or present employees shall be directed to the Human Resources Department. Human Resources will then release information stating job title, length of service and eligibility for rehire. If the employee has signed a statement releasing the City from liability, additional information may be given.

C. Prohibited 4.04 Political Activities – Code of Ethics, Appendix A

While all employees have the right to participate in political or partisan activities of their choosing, employees are stewards of the public's trust in matters of City government. Political activity may not adversely affect the responsibilities of employees in their official duties. Because of the sensitive nature of the services in which the City is engaged, the following activities are prohibited:

1. Use of City Resources, Property, Authority and Influence

~~A. Use of City resources and property for political activity.~~ Employees may not campaign on City time or in City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

~~B. Use of City authority or influence~~ Employees may not use City authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office. Violation of this policy

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2. Coercion

~~B.~~ Employees may not ~~D~~irectly or indirectly coerceing, attempting to coerce, or commanding a state or local officer or employee to pay, lend, or contribute anything of value to any party, committee, organization, agency, or person for political purposes.

3. Elected Office, Commission or Board Service

~~C.~~ Employees may not ~~S~~erve ice as an elected official of the City, a member of a City commission, or a member of a City board while an employee of the City.

4. Conflict of Interest

If there is a conflict of interest between an employee’s elected position outside of the City and his/her/their position with the City, the employee must resign from one of the positions.

Violation of any part of this policy may be grounds for disciplinary action, up to and including termination.

D. ~~4.05 Conflict of Interest Prohibited Personal Gain and~~ Code of Ethics, Appendix A

The following standards are established for all City employees for conducting business within the guidelines of the Code of Ethics and providing ~~Employees shall emphasize~~ friendly and courteous service to the public. ~~and seek to improve the quality and image of public service.~~ The Code of Ethics is located in Appendix A of this manual.

-Employees are prohibited from:

~~A.1.~~ 1. -Receiving proceeds or having any financial interest in any sale to the City of any service or property when such proceeds or financial interest was received with the prior knowledge that the City intended to purchase such property or obtain such service.

~~B.2.~~ 2. Soliciting or accepting anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the City; provided, that the such prohibitions shall not apply to:

- a. Attendance at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where attendance is appropriate as a staff representative.
- b. An award publicly presented in recognition of public service.

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- c. Attendance at a hosted meal where general information is being presented, but where no active consideration of a contract is being discussed.

- d. Advertising items of no material value which are widely distributed to others under essentially the same business relationship with the donor or any other gift that is deemed by the City Manager to be of insignificant value such that it does not present a conflict of interest.

- 3. -Disclosing confidential information (except as provided for under public disclosure regulations), participating in the making of a contract, accepting private employment or providing private services that would be in conflict or incompatible with the performance of official duties as a City employee.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

E. 4.06—Employee Orientation

Upon hire or appointment, the Department Director and Human Resources shall be responsible for the orientation of each employee. Orientation may include explanation of the organization and services of the City, work and safety rules, personnel manual and procedures, departmental rules and procedures, completion of payroll forms and introduction to City personnel.

1. —4.07—Orientation Period for Initial Hire

- A. Upon hire to a regular position, each employee will be at will while serving in ~~go through~~ a six-month ~~period of~~ orientation period. Upon the recommendation of the Department Director and the Human Resources Director, the orientation period may be extended up to an additional 6 months at the discretion of the City Manager.
- B. The orientation period is part of the selection process and affords the employee and the City an opportunity to evaluate whether the match between the job and the employee is appropriate.
- C. -An employee may be discharged without cause or notice prior to the completion of the ~~6-month~~ orientation period. Successful completion of the orientation period means a regular employee is no longer at will; however, this should not be construed as creating a contract or as guaranteeing employment for any specific duration.
- D. This section shall not apply to specified senior management positions at will, temporary, extra help, and limited term positions ~~at will employees~~.

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~~2. 4.08~~ **Orientation Period for Promoted or Transferred Employees**

- ~~A.~~ A promoted or transferred employee shall serve a 3 month orientation period in the new position. Upon the recommendation of the Department Director and the Human Resources Director, the orientation period may be extended up to an additional 3 months at the discretion of the City Manager.
- ~~B.~~ The promoted or transferred employee may be removed from the new position at any time prior to the completion of the orientation period by the Department Director giving written notice of failure to complete the orientation period. The Department Director shall consult with Human Resources before making the decision to remove an employee.
- ~~C.~~ If removed, the employee may return to the position from which he or she promoted or transferred by providing written notice to the Department Director for the former position. This notice must be provided within 5 days of the notice of failure to complete the orientation period.
- ~~D.~~ During the orientation period, the promoted or transferred employee may request to voluntarily return to the ~~to~~ former position by making a written request to the Department Director for the former position. If the position has not yet been offered to a new employee, the Department Director, after consulting with Human Resources and any other affected department, may approve the return.
- ~~E.~~ This section shall not apply to at will positions.

F. 4.09 Equal Employment Opportunity

It is the intent of the City to provide equal employment opportunity for all employees and applicants for employment without regard to race, color, religion, gender, national origin, marital status, age, sexual orientation or disability (as defined under state and federal law). This policy applies to all terms and conditions of employment, including, but not limited to: hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training. If an employee believes that his or her rights under this provision have been violated, he or she should follow the complaint reporting and resolution process outlined in Section ~~4.11~~ Discrimination Complaint Procedure.

G. 4.10 Prohibition of Employee Harassment

The City expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, marital status, age, sexual orientation or disability (as defined under state and federal law) which includes behavior by co-workers, supervisors, vendors, citizens, or any other individual or group with whom an employee may come in contact in the course of ~~his/her~~their job duties. Improper interference with the ability of employees to perform their jobs will not be tolerated.

With respect to sexual harassment, the City expressly prohibits the following:

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~~1. A.~~ Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:

~~1.a)~~ Submission to such conduct is made either explicitly or implicitly a term or condition of employment;

~~2.b)~~ Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or

~~3.c)~~ Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

~~B.2.~~ Offensive comments, jokes, innuendoes, and other sexually oriented statements or displays.

4.11H. Discrimination Complaint Procedure

Each member of management is responsible for creating and maintaining an atmosphere free of discrimination and harassment, sexual or otherwise. Further, employees are responsible for respecting the rights of all co-workers.

If an employee believes he or she has experienced any job related harassment based upon sex, race, color, religion, national origin, marital status, age, sexual orientation or disability, or believes he or she has been treated in an unlawful, discriminatory manner, the employee should promptly:

~~A.1.~~ Report the incident to his or her supervisor. The supervisor will immediately report the information to the Department Director who will consult with Human Resources and together they will determine how to investigate the matter and ensure that appropriate action is taken. Human Resources shall also report the information to the City Manager.

~~B.a)~~ If an employee believes it would be inappropriate to discuss the matter with his or her supervisor, the employee may bypass the supervisor and report the complaint directly to the Department Director or to Human Resources or to the City Manager. The person receiving the report shall consult with other appropriate parties, and together they will determine how to undertake an investigation and ensure appropriate action is taken.

~~C.2.~~ The complaint will be kept confidential to the extent possible.

~~D.3.~~ If the City determines that an employee is guilty of harassing or discriminating against another employee, appropriate disciplinary action will be

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taken against the offending employee, up to and including termination of employment.

~~E.4.~~ The City prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation.

~~F.5.~~ Any employee who makes a complaint in bad faith, who provides false information regarding a complaint or who engages in any form of retaliation will be subject to disciplinary action, up to and including termination.

~~I. 4.12~~ **Employment of Immediate Family**

~~A.1.~~ Members of the immediate family of City elected officials will not be employed by the City in any capacity.

~~B.2.~~ Members of the immediate family of employees will not be hired if:

~~1.~~
~~a)~~ One individual would have the authority or power to influence decisions, supervise, hire, remove or discipline the other;

~~2.~~
~~b)~~ One individual would be responsible for financially auditing the work of the other;

~~3.c)~~ One individual would handle confidential material that creates improper or inappropriate exposure to that material by the other; or

~~4.d)~~ The member of the immediate family (~~other than a spouse~~) would be employed in the same department as the employee with the following two exceptions:

~~i.(1)~~ Extra help employees may be employed in the same department as an immediate family member if no conflict of

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interest exists, including those outlined ~~above~~ in **Section 4.12, B.1-3**

~~ii.~~(2) Spouses may be employed in the same department if no conflict of interest exists, including those outlined above. ~~ne of the conflicts outlined in Section 4.12, B. 1-3 exist.~~

3. If two employees marry, enter into a domestic partnership or become related, and in the judgment of the City Manager, the problems noted above exist or could exist, one of the employees will be required to terminate employment unless some step can be taken to eliminate the problem. The decision to define and implement steps to eliminate the problem is at the sole discretion of the City Manager. A decision as to which employee will remain must be made by the two employees within 30 days of the date they marry, enter into a domestic partnership or become related. If the parties do not make a decision within 30 days, the City Manager shall make the determination.

J. ~~4.13~~ **Personnel Files**

Official personnel files are maintained by Human Resources. An employee has the right to inspect his or her personnel file at reasonable times during regular business hours. An employee wishing to see his or her personnel file should contact Human Resources. An employee has the right to have a copy of any information in his or her personnel file.

Personnel files are kept confidential to the maximum extent permitted by law.

K. ~~4.14~~ **Reporting Improper Governmental Action and Protecting Employees Against Retaliation**

~~A.~~1. It is the policy of the City to encourage reporting by City employees of ~~improper governmental action~~ and to protect City employees who have ~~reported improper governmental action~~ in accordance with City policy ~~by providing remedies for retaliation.~~

~~B.~~2. Key Definitions:

~~1.~~a) **Improper Governmental Action** is any action by a City officer or ~~employee~~ that is:

~~a.~~(1) undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and

~~b.~~(2) in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and a specific danger to

the public health or safety, or is a gross waste of public funds. "Improper governmental action" does not include personnel actions. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

~~2.~~**b) Retaliatory Action** means (a) any adverse change in a City _____ employee's employment status, or in the terms and conditions of _____ employment including: denial of adequate staff to perform duties, _____ frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated _____ letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reductions _____ in pay, denial of promotion, suspension, dismissal, or any other _____ disciplinary action, not independently justified by factors _____ unrelated to the reporting of improper government action; or (b) hostile actions by another employee that were encouraged by a supervisor or manager.

~~3.~~**c) Emergency** means a circumstance that if not immediately _____ changed may cause damage to persons or property.

~~C.~~**2. Reporting Mechanism:** An employee who becomes aware of improper governmental action shall report the action to the Department Director. If the employee reasonably believes that the improper governmental action involves the Department Director, then the employee shall report the action to the City Manager. If the employee reasonably believes that the improper governmental action involves the City Manager, then the employee shall report the action to the Mayor. The person receiving the report shall notify the City Attorney. In an emergency, the employee may report the improper governmental action directly to the government agency with responsibility for investigating the improper action.

~~D.~~**3. Investigation**—: The person receiving the report shall confer with the City Attorney and they shall agree upon an appropriate method of investigation. The person receiving the report shall ensure that prompt action is taken to properly investigate.

~~E.~~**4. Confidentiality**—: The investigation should be conducted as confidentially as possible. Until the investigation is final, the identity of all employees involved shall be kept confidential to the extent permitted by law. At all times, the identity of the reporting employees shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

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~~F.5.~~ When the investigation is completed, the person receiving the report shall advise all employees involved in the investigation of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

~~G.6.~~ If an employee fails to make a good faith attempt to follow the provided reporting mechanism, the employee shall not be entitled to receive the protection against retaliation provided by this policy. Any false or frivolous claims or reporting will be subject to disciplinary action up to and including termination.

~~H.7.~~ **Protection Against Retaliatory Actions.** The City is prohibited from taking retaliatory action against an employee because he or she has in good faith reported an improper government action in accordance with this policy.

~~1.a)~~ An employee who believes he or she has been retaliated against _____ shall provide written notice of the charge of retaliatory action to _____ the City Manager (or to the City Attorney if the charge is against _____ the City Manager) within 30 days of the alleged retaliatory action. _____ The notice shall specify the alleged retaliatory action and the _____ relief requested.

~~2.b)~~ -The City Manager shall have 30 days to respond to the charge.

~~I.8.~~ **Appeal to the State.** Upon receipt of the City Manager's response, or after the 30 day response period, the employee may request a hearing before a state administrative law judge for the purpose of establishing that a retaliatory action occurred and to obtain appropriate relief provided by law. The employee must submit the request for a hearing to the City Manager within 15 days of delivery of the City Manager's response, or within 15 days after the response period has expired.

Within 5 working days of receipt of a request for hearing, the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge (ALJ).

~~J.9.~~ **Relief Granted Under The Act**

~~1.a)~~ Reinstatement, with or without pay.

~~2.b)~~ Injunctive relief necessary to return the employee to the position he or she held before the retaliatory action and to prevent the recurrence of retaliation.

~~3.c)~~ Costs and reasonable attorneys' fees.

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~~4.d)~~ Penalty assessed against each individual retaliator or up to \$3,000 plus recommendation to City Manager that retaliator be suspended or dismissed.

~~5.e)~~ State law does not provide for general economic damages or _____ damages for emotional distress.

~~K.10.~~ **List of Agencies:** The following is a partial list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the following:

City of Shoreline

City Attorney or
City Manager
Shoreline City Hall
17500 Midvale Ave. N.
Shoreline, WA 98133
206-801-2700
Web: www.shorelinewa.gov

King County

Ombudsman or
Prosecuting Attorney
516 Third Ave
Seattle, WA 98104

206-477-1050 or
206-296-9000
Web: www.kingcounty.gov

State of Washington

Auditor's Office
302 Sid Snyder Avenue SW
Olympia, WA 98504-0021
Web: www.sao.wa.gov

Human Rights Commission
711 South Capitol Way, St 402
Olympia, WA 98504-2490
Web: www.hum.wa.gov

Dept. of Ecology
3190 - 160th SE
Bellevue, WA 98008-5852
Web: www.ecy.wa.gov

Dept. of Labor & Industries
PO Box 44000
Olympia, WA 98504
Web: www.lni.gov

L. Outside Employment

The City expects that it shall be the primary employer for all regular employees. Therefore, employees shall not engage in employment or render services for pay for any public or private interest (including self-employment) when such activity may:

~~A.a)~~ Occur during working hours;

~~B.b)~~ Detract from the efficiency of the employee while performing City duties;

~~C.c)~~ Constitute a conflict of interest or create an appearance of impropriety as determined by the City Manager;

~~D.d)~~ -Utilize confidential information or contacts made during City employment which would give an unfair insider advantage or would otherwise be an inappropriate use or disclosure of such information or contacts;

~~E.e)~~ Take preference over extra duty required by City employment;

~~F.f)~~ Interfere with emergency callout duty;

~~G.g)~~ Tend to impair independence of judgment or action in performance of official duties;

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- ~~H.h)~~ h) Involve the use of any City resources such as copiers, telephones, supplies, other equipment, or time; or
- ~~H.i)~~ i) Interfere in any other manner with the employee's provision of quality customer service.

- 2. In order to protect the interests of both the City and the employee, it is important that an employee and his or her Department Director have an opportunity to discuss any outside employment with the goal of avoiding any possible conflicts between the City and the other employment.
 - a) Prior to engaging in any outside employment, an employee shall provide his or her Department Director with written notice of his or her intent to engage in the outside work. If an employee is unsure as to these criteria or the effect of his or her outside employment, he/she should consult with his or her Department Director or the Human Resources Director for clarification.
 - (1) After receiving the employee's request, the Department Director shall consult Human Resources and if the request complies with this policy, the Director may approve the outside employment.
 - (2) If the Department Director, in consultation with the Human Resources Director, determines that the outside employment interferes with or reduces the efficiency of City employment, then the Director shall recommend to the City Manager that the request to engage in the employment shall be denied.
 - ~~a)b)~~ b) After considering the employee's written request and the recommendation of the Department Director and Human Resources, the City Manager shall make a decision approving or denying the request.
- 3. Failure to comply with these provisions concerning outside employment may be grounds for disciplinary action, up to and including termination.

V. ~~5.00~~—GENERAL WORKING CONDITIONS AND PERSONNEL ADMINISTRATION

A. ~~5.01~~—Working Hours

- 1. The workweek for regular, full-time employees is 40 hours. The daily hours of work shall be set by the Department Director with respect to each department as necessary for the efficient operation of the City. Employees may be requested to work different schedules, including varying shifts, weekends, holidays and overtime to meet the needs of the City or of specific departments. Varying schedules or overtime may also be required in emergency situations as defined by the City Manager.
- 2. Employees may request to work flex time or to job share. Flex time and job share arrangements may not interfere with efficient City operation and must provide for effective service delivery. Flex time and job share must be

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approved by the Department Director, after consultation with Human Resources.

B. ~~5.02~~ Breaks

1. ~~A.~~ Lunch and Rest Breaks:

-All employees working an 8 hour day shall be entitled to at least a one half hour unpaid meal period within five hours of the beginning of ~~his/her~~their shift, and scheduled as close to the ~~mid-point~~midpoint of the day as possible. In addition, employees are entitled to a paid ten minute rest break for each four hours of working time. Employees who are able to take a break as needed do not have to take a formally scheduled break and it is the employees' responsibility to take these breaks. Breaks shall be arranged so as not to interfere with normal business operations. All breaks should be taken away from the employee's immediate work area. Breaks cannot be combined or saved until the end of the day in order to arrive at work late or to leave work early.

2. ~~B.~~ Lactation Breaks

:-For one year after her child's birth, nursing employees are allowed to take reasonable breaks to express breast milk whenever the nursing employee feels it is necessary to do so. ~~Lactation breaks will be treated as outlined under Section 5.02A.~~ A private space for this purpose ~~has been~~will be established at all City work ~~locations~~sites. If you need information on the space at your work ~~site~~location contact a supervisor or Human Resources.

~~5.03~~ Overtime, Standby and Callback (non-exempt employees)

C. Overtime

This section applies to non-exempt employees. :-~~All n~~E~~on-exempt~~ employees will receive compensation for approved time in paid status in excess of 40 hours in a work week. Employees receiving overtime will be paid at one and one-half the regular hourly rate of pay. All overtime must be authorized in advance by the supervisor.

D. Standby

This section applies to non-exempt employees. :-A department may assign an employee who may be needed to work during off-hours to be on standby. Standby assignment normally will be rotated among similarly situated employees. An employee placed on standby shall be provided with a paging device to enable the employee to conduct his or her personal business within range of the paging device. Each employee on standby will receive compensation at the currently established rate for those hours on standby, and this allowance will be suspended when callback commences. Standby is not to be counted as hours worked for purposes of computing overtime or eligibility to receive benefits. Employees on standby will be expected to report for work within an hour of a request. If an employee on standby status fails to respond to a call to return to work, he or she may be subject to disciplinary action.

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E. Callback

This section applies to non-exempt employees. ~~E:~~ Employees called back to work shall be paid a minimum of two hours at a rate of time and one-half. Hours worked on callback beyond the 2 hour minimum shall be paid at the overtime rate of pay, unless such time is part of the employee's regularly scheduled work shift.

F. ~~5.04~~ 5.04—Compensatory Time (Non-Exempt Employees)

This section applies to non-exempt employees. Limited amounts of compensatory time may be granted. An ~~non-exempt~~ employee who is in paid status more than 40 hours in a work week may earn compensatory time at one and one-half times the straight time, instead of paid overtime, when requested by the employee and approved by the employee's supervisor. Compensatory time may not accumulate beyond 40 hours, and must be used within six months of award. Compensatory time not used within six months will be paid.

G. ~~5.045~~ 5.045—Twelve Hour Shift Policy (Non-Exempt Employees)

This section applies to non-exempt employees. From time to time the City Manager may determine the need to assign City employees to work 12-hour shifts in order to effectively respond to inclement weather, natural disasters or other similar emergency events. The provisions of this policy apply in the case where the City Manager makes a declaration assigning employees to a "City Manager designated 12-hour shift".

1. Pay to transition assigned employees into the 12-hour shift. When employees are working at the time the City Manager declares a 12-hour shift, night shift employees shall be sent home with pay to rest and prepare for the night shift. This period of pay shall cover the time between the declaration of the 12-hour shift until the end of their regularly scheduled work day. Example: An employee is at work and is scheduled to work until 4:00 pm. The employee normally takes a half hour lunch at noon. At 11:00 am the City Manager declares a 12-hour shift. The employee, assigned to the night shift, is sent home at 11:00 to rest and report to work at 9:00 pm for the night shift. The employee receives 4½ hours pay—1 hour from 11:00 to noon and 3½ hours from 12:30 pm – 4:00 pm.

A.2. Shift Differential. In recognition of the inconvenience of having to work unusual hours with very little notice and under conditions that are generally difficult due to weather or other uncomfortable conditions, employees assigned to the declared 12-hour shift shall receive an additional \$3 per hour shift differential for all hours worked beyond their normal assigned shift. When an employee is working a 12-hour shift on a day they are not normally scheduled to work, all hours worked shall be considered to be "beyond their normal assigned shift". An example of how the policy would apply: Assume the following facts:

- Both Employee A and Employee B normally work a schedule of 7:00 am – 4:00 pm (with an hour unpaid lunch break).

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- Employee A is assigned to the 9:00 pm – 9:00 am night shift. For each full night shift worked, Employee A will receive 10 hours of shift differential pay from 9:00 pm until 7:00 am to compensate for hours that Employee A does not normally work. This same amount of differential pay will apply regardless of which day of the week the work is being performed.
- Employee B is assigned to the 9:00 am – 9:00 pm day shift. For each full day shift worked, Employee B will receive 5 hours of shift differential pay from 4:00 pm until 9:00 pm to compensate for hours that Employee B does not normally work. This same amount of differential pay will apply regardless of which day of the week the work is being performed.

B.3. Pay for meal breaks. During the declared 12-hour shifts, employees shall be paid for required meal breaks.

2.4. Premium Pay for work on days when the City Hall is closed. In the event that the City Manager closes the City Hall for any period of time during any normal work day during the period of the declared 12-hour shift, any employee assigned to the 12-hour shift who works during the calendar day the City Hall is closed shall receive straight time “comp time” for the time that the City Hall is closed, in addition to their pay for their shift. For the purposes of a full day City Hall closure, the “time closed” shall be 8 hours.

- Example: The City experiences severe snow storms and the City Manager declares a 12-hour shift beginning on Monday and the 12-hour shifts continue through the weekend. During the work week, due to the snow, the City Manager closes the City Hall for the entire work day on Wednesday. In addition the City Manager closes the City Hall 2 hours early on Thursday to allow employees at work to drive home safely.
- Employee A is assigned to the night shift and works the night shift on both Wednesday and Thursday as scheduled. In addition to appropriate pay for the hours worked, Employee A will receive 10 hours of comp time. (8 hours for having worked on Wednesday and 2 hours for having worked on Thursday).
- Employee B is assigned to the day shift and works the day shift both Wednesday and Thursday as scheduled. In addition to appropriate pay for the hours worked, Employee B will receive 10 hours of comp time. (8 hours for having worked on Wednesday and 2 hours for having worked on Thursday).
- Employee C is assigned to the day shift and is scheduled to work both Wednesday and Thursday; however, Employee C works Wednesday but then calls in sick and does not work as scheduled Thursday. Employee C will receive 8 hours comp time. (8 hours for having worked on Wednesday but 0 hours for Thursday).

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H. ~~5.05~~ Inclement Weather

1. The City is in the business of providing vital public services and therefore does not cease operations during times of inclement weather or natural disasters. The City may be the only organization providing essential services to citizens. Therefore, all employees are asked to make every reasonable effort to report to work during such times even if it is inconvenient.
- ~~4.2.~~ A non-exempt employee who is unable to get to work or who leaves work early because of weather or natural disaster conditions may either charge the time missed against accrued vacation leave, compensatory time, or take leave without pay for the time missed. Tardiness due to an employee's inability to report for scheduled work because of severe weather conditions may be allowed up to one hour at the beginning of the work day or at the discretion of the City Manager. Inclement weather or natural disaster tardiness in excess of that allowed by the City Manager shall be charged as provided above.
- ~~2.3.~~ In the event that the City Manager advises employees not to report to work or to leave early due to inclement weather or natural disaster, such time off will be paid time off and not charged to accrued vacation leave or compensatory time. Non-exempt employees who are available and report to work or continue to work in this situation, if requested by the City Manager, shall either be paid time and one-half for the actual hours worked or be given compensatory time off, at another time mutually agreed upon by the employee and the supervisor.

I. ~~5.06~~ Performance Evaluations

1. Each regular employee's performance will be evaluated by his or her supervisor on an ongoing basis. The City also has a formal performance evaluation system.
2. Employees who disagree with their formal performance evaluations may provide comments on the evaluation form itself and may also submit a rebuttal in writing that will be attached to a copy of their performance evaluation and kept in their official personnel file. Employees may also appeal pursuant to Section 8. ~~15~~ Complaint Resolution Procedure.

J. ~~5.07~~ Classification and Compensation Plan

The City has a strong interest in attracting and retaining excellent employees. It is the policy of the City to maintain a comprehensive classification and compensation program. Within budget limitations, the City endeavors to pay salaries competitive with those paid within comparable jurisdictions and within the applicable labor market.

The City Manager shall be responsible for the administration of the classification and compensation plan. All changes in classifications and changes in assignment of classifications to salary ranges must be approved by the City Manager.

Attachment A**1. Job Classification**

The Job Description and Salary Range assigned to the responsibilities of a position is the 'job classification.' ~~A classification description~~ job description includes a job title and statements that define the position, including ~~consisting of an appropriate title, description of essential and marginal job functions and qualifications for knowledge, ability, experience and training.~~ The experience and training qualifications in the job description are considered to be minimum qualifications. ~~duties, statement of minimum education, experience and training is prepared and maintained for all regular positions within the City.~~ Salary range assignments are recommended by the ~~Each classification is assigned a salary grade and corresponding salary range by the~~ Human Resources Director to the ~~and the~~ City Manager, with input from the ~~appropriate~~ Department Director. Periodically, the City may revise ~~its job classifications as needed or classification descriptions and re-evaluate individual jobs~~ as part of a compensation study.

2. Classification Review

Positions sometimes evolve as a result of changed duties and responsibilities assigned by a supervisor. A classification review studies these changes to determine if a different job description and salary range assignment is appropriate. Importantly, not all changes warrant a different salary range assignment, the majority of the assigned duties must be a different type or complexity that is compensated at a different level to warrant a different salary range assignment.

Requesting a Classification Review

A Department Director, with the approval of the City Manager, may request a classification review when planning to change the assigned duties of a position within the next calendar month.

~~An employee who does not believe that his or her~~ their classification accurately reflects the current duties of the position may request in writing a classification review if it has been more than one year since the last classification review and the majority of duties have changed. ~~of his/her classification~~

Performing the Classification Review

The Human Resources department performs the classification review and will ask the requestor for updated job information which may include the use of a job analysis questionnaire.

~~r by the Department Director.~~ After review by the Department Director and the Human Resources Director, any changes shall be recommended to the City Manager for reclassification as appropriate. The City Manager retains the final authority to approve or disapprove changes in classifications,

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within budgetary guidelines, and/or assignment of duties to employees. Any changes resulting from an employee request for a classification review~~in classification that would increase an employee's pay rate~~ will be retroactive to the date of submittal of the request for review. In the event that a classification review results in a denial of a change in classification~~the reclassification request, b~~ but also results in a determination the employee was working out of class ~~during the period of the classification review~~, the employee will be awarded out of class pay. The out of class pay will be effective ~~for the qualifying out of class work (based on 5.08 Out of Class Pay) performed between the time the~~ on the date the employee submitted the written request for classification review and ~~the date of the denial of the reclassification request~~ end on the date the out of class duties are no longer performed and will be based on Section 5, Out of Class Pay.

3. Steps and Increases

—The compensation plan consists of ~~minimum and maximum salaries and~~ six salary steps which are referred to as a salary range. ~~for each class of positions.~~ Step 1 is the minimum; Step 6 is the top. The steps are set at 4% increments. ~~Each step is an annual step. Once the top step is reached, the employee remains in the top step as long as the employee remains in the position.~~

Regular employees not at the top step are eligible for advancement to the next step annually. The step increase will be effective on the step increase date. Once the top step is reached, the employee remains in the top step as long as the employee remains in that position.

~~A.~~

4. Starting Rates of Pay

—New employees generally will begin their employment at ~~step~~ Step 1 of the salary range for the ~~classification~~ position. At the request of a Department Director, the Human Resources Director may recommend to the City Manager that a new employee start at a higher step. The City Manager must give approval prior to offering a salary above step 1. Offers will be extended by either the Human Resources Department or the Department Director.

Circumstances that support hiring above Step 1 include:

- ~~1.~~a) Additional and directly applicable education or experience above the minimum requirements;
- ~~2.~~b) Market conditions, including the applicant's current salary, that support a higher starting salary;
- ~~3.~~c) The proposed higher salary will not create inequities with existing internal salaries.

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~~E. Step Increase. Regular employees not at the top step will be considered annually for advancement to the next step. The step increase will be effective on the step increase date.~~

5. Promotion

~~F.~~ —A regular employee receiving a promotion shall be placed in the first step in the new salary range that provides for at least a 5% increase or the top step of the new salary range if there is not a step that allows at least a 5% increase. The employee's promotion date becomes the employee's step increase date.

If the Department Director believes that circumstances warrant an exception to the 5% placement rule, and if the Human Resources Director concurs, they may recommend to the City Manager a higher placement. Circumstances that support a placement greater than a 5% increase are:

- ~~1.a)~~ Additional and directly applicable education or experience above the minimum requirements;
- ~~2.b)~~ Market conditions that support a higher starting salary;
- ~~3.c)~~ The proposed higher salary will not create inequities with existing internal salaries.

6. Transfer

~~G.~~ —A regular employee receiving a transfer shall remain in the same step and retain the same step increase date.

~~H.7.~~ **Demotion.**

- ~~1.a)~~ Disciplinary Demotion. If the demotion is a result of a disciplinary action, the employee shall be placed in the highest step in the new salary range that provides for a decrease. The demotion date will become the employee's new step increase date.
- ~~2.b)~~ Any Other Demotion. If the demotion is a result of any reason other than discipline and the employee's current salary is within the new ~~pay~~ salary range, the employee shall remain at the same rate of pay until the employee's next step increase date. On the step increase date, the employee shall move to the next step in the new salary range that provides for an increase. The employee shall retain the same step increase date.

If the employee's current salary is higher than the top step of the new salary range, the employee shall be placed in the top step of the new salary range.

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8. Y-Rating

—When a regular employee's position has been y-rated, the employee will remain at the same rate of pay until the ~~pay~~ salary range increases enough to include that rate. At that time, the employee shall be placed in the first step that does not provide for a decrease. No COLA or step increase will be awarded during this period.

9. Pay Schedule

The City is on a bi-weekly pay schedule that provides the equivalent of 26 paydays during a standard year (52 weeks divided by two).

~~10. 5.08~~ Out of Class Pay

When a Department Director or the City Manager assigns a regular employee substantially higher paid responsibilities outside the scope of his or her job classification and the assignment exceeds ten working days, the employee shall be paid an additional 5% for the entire period of the out of class work. The assignment and the out of class pay must be in writing and approved by Human Resources prior to the Department Director making the assignment.

—If the Department Director believes that circumstances warrant an exception to the 5% placement rule, and if the Human Resources Director concurs, they may

1. recommend to the City Manager a higher placement. Circumstances that support a placement greater than a 5% increase are:
 - ~~1.a)~~ Additional and directly applicable education or experience above the minimum requirements;
 - ~~2.b)~~ Market conditions that support a higher starting salary;
 - ~~3.c)~~ The proposed higher salary will not create inequities with existing internal salaries;
 - ~~4.d)~~ The proposed higher salary is not higher than would be awarded if the employee were promoted into the position.

K. ~~5.09~~ Garnishment

The City will honor and process any legally served writ of garnishment against any employee without prejudice towards the employee.

L. ~~5.10~~ Employee Training and Development

It is the intent of the City to provide training opportunities to employees for building of skills directly related to the job. These opportunities may include in-house workshops, or workshops and seminars sponsored by other agencies or institutions.

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M. 5.11—Educational Reimbursement Program

The City has established an educational reimbursement program to help eligible regular employees develop their skills and upgrade their performance. All full time regular employees who have completed a minimum of one year of service are eligible to participate in the program.

1. Under the program, and within budget guidelines, educational reimbursement is provided for courses offered by approved institutions of learning, such as accredited colleges, universities and secretarial and trade schools. Courses must be, in the City's opinion, directly or reasonably related to the employee's present job or consistent with the employee's performance development plan. Courses must not interfere with job responsibilities and must be taken on the employee's own time.
2. Reimbursement covers actual costs of tuition and registration fees only and is limited to a maximum of six credits per semester or nine credits per quarter for approved courses. The employee must pass the course in order to receive reimbursement.
3. Employees eligible for reimbursement from any other source (e.g., a government sponsored program or a scholarship) may seek assistance from this program but will be reimbursed only for the difference between the amount received from the other funding source and the actual course cost up to the maximum reimbursement allowable under this policy.
4. To be eligible for reimbursement, the employee must submit a tuition reimbursement form to his or her supervisor prior to the scheduled commencement of the course(s), receive written approval from the Department Director and Human Resources in advance, be actively employed by the City at the time of course completion and pass the course. The employee should also have raised the issue of pursuing this education as part of the performance development planning discussions of the Performance Management System.
5. On completion of the course, the employee must submit to the Human Resources Department an official transcript from the school, indicating grade received and a receipt or other official proof of payment.

5.12—Telecommuting Policy

- A. General Policy. Telecommuting is a management program that may be used to reduce employee commute trips, to accommodate special needs of employees, to increase employee motivation and/or productivity. The City encourages the use of telecommuting as a work option in situations where it will work to the mutual benefit of the employee, the City and the City's customers.
- B. Purpose. The purpose of this Policy is to define the telecommuting program and the guidelines and rules under which it will operate. Situations may arise where an employee may work at home on a temporary, short term basis to accomplish a

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~~particular assignment or project. A temporary arrangement planned for less than one month duration is within management's discretion and does not require compliance with this Policy. All managers, supervisors and telecommuters should be familiar with the contents of this Policy.~~

~~C. Terms of Employment. Telecommuting does not change salaries, benefits, job responsibilities, sick leave, vacation leave policies or any other basic terms of employment.~~

~~D. Selection. Telecommuting is only feasible for those tasks within a job which are amenable to being performed away from the regular office. Selection of employees shall not be arbitrary, but shall be based on specific, written work related criteria established by management. Selection may be based upon reasonable accommodation provisions for employees with disabilities. Employee participation in telecommuting is voluntary. Final selection decisions shall be within the sole discretion of the City.~~

~~Criteria. In deciding whether to approve telecommuting arrangements for an employee, managers must consider:~~

- ~~1. the nature of the employee's job and~~
- ~~2. the employee's demonstrated performance.~~

~~a. Job Characteristics A job that is appropriate for telecommuting typically has the following characteristics:~~

- ~~• Face-to-face interactions can be scheduled.~~
- ~~• Internal and external customer needs can be satisfied from the alternate workplace~~
- ~~• Use of resources that must stay at the regular office can be scheduled (such as reference materials or special equipment)~~
- ~~• Clear objectives can be set and tasks can be clearly defined~~
- ~~• Work flow can be scheduled~~
- ~~• Certain tasks can best be completed during quiet, uninterrupted time.~~
- ~~• Telecommuting can occur without negatively impacting customer service or other employees' work.~~

~~b. Performance Characteristics Before allowing an employee to work at an alternate workplace, the manager should determine that the employee has demonstrated the following kinds of performance characteristics:~~

- ~~• Completes assignments independently and on time, meeting the manager's standards for quality~~
- ~~• Asks for assistance when it is needed~~

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- Communicates effectively with supervisor, co-workers, support staff and customers
- Sets appropriate priorities, changes priorities as needed and maintains a suitable alternate workplace
- Demonstrates dependability and responsibility
- Operates, adjusts and/or repairs computer or other equipment independently, to the degree required at the alternate workplace

F. Scheduling. Telecommuters need regular contact with supervisors and co-workers and access to specialized files and/or equipment. In addition, the supervisor must take actions to prevent the telecommuter from becoming isolated from the regular office staff. Therefore, telecommuters should spend the majority of their work time in the regular office, except under unusual conditions.

Office needs take precedence over telecommute days. A telecommuter must forgo telecommuting if needed in the office on the regularly scheduled telecommute day.

G. Hours of Work and Overtime. All work schedules are discretionary and require management approval. Any work schedule may be approved for an individual telecommuter as long as the work schedule is consistent with the requirements of the employee's position and agreed to by the Department Director. A telecommuter may telecommute for part of a day to avoid peak commute periods.

Overtime and call back must be authorized by management in accordance with these personnel policies. Compensatory time off will be authorized by management in accordance with these personnel policies.

As with any work schedule, changes in work schedules may be made to meet management needs or to accommodate an employee's request and shall be at the discretion of the City.

Normal leave policies apply to any instance where the telecommuter does not perform work at the alternative workplace as scheduled.

Equipment and Software

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- ~~1. Voucher. At the start of telecommuting, the City will provide the telecommuter with a one time voucher to be used to purchase or to modify necessary equipment and software. The voucher is paid as reimbursement to the telecommuter for actual purchases and shall be supported by appropriate receipts. The maximum amount of the voucher shall be \$750. In order to be eligible for the voucher, the telecommuter must receive prior written approval of the purchases/modifications and the amount by the manager.~~
- ~~2. Owner. The equipment and software purchased by the telecommuter shall become the property of the telecommuter. Any expenses beyond the amount of the voucher shall be the responsibility of the telecommuter.~~
- ~~3. Reimbursement. If the telecommuting relationship ends prior to the completion of one year, the employee shall reimburse the City the full amount of the voucher. If the telecommuting relationship ends after one year, but prior to the completion of two years, the employee shall reimburse the City one-half the amount of the voucher. After more than two years of telecommuting, the employee shall not owe the City any reimbursement upon termination of telecommuting.~~
- ~~4. Network Connections. Telecommuters connecting their own personal computer equipment to City equipment must obtain advance approval and must follow instructions provided by the City. If the telecommuter makes changes to the computer that result in an incompatible or unsupported PC configuration, the telecommuting agreement may be terminated. The telecommuter must take adequate measures to protect against computer viruses, including scanning any disks for viruses prior to using.~~
- ~~5. Maintenance, Repair and Replacement. In the event of equipment malfunction, the telecommuter must notify his/her supervisor immediately. The City will not provide onsite assistance at the alternative workplace, but may be able to provide troubleshooting assistance over the telephone. If repairs will take some time, the telecommuter may be asked to report to the regular office until the equipment is usable.~~
- ~~Repairs to telecommuter owned equipment will be the responsibility of the telecommuter. If necessary equipment is stolen or malfunctions and the telecommuter determines not to replace or repair the equipment, the telecommuting agreement shall be terminated.~~

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~~I. Confidential and Sensitive Information. As with all employees, telecommuters are expected to adhere to all laws, policies, regulations and procedures regarding security and confidentiality for the computer, its data and information and any other information handled in the course of work. Telecommuters must protect confidential information and irreplaceable documents.~~

~~J. The Alternate Workplace Environment. Alternate workplaces must be clean and free of safety hazards. The alternate workplace must be in compliance with all building codes. The facility must be free of hazardous materials. The telecommuter is responsible for ensuring his or her alternate workplace complies with these health and safety requirements. Management may deny an employee the opportunity to telecommute or may rescind a telecommuting agreement based on safety of the alternate workplace. Management may also have the alternate workplace inspected for compliance with health and safety requirements. Inspections will be by appointment only.~~

~~If a telecommuter incurs a work-related injury while telecommuting, worker's compensation law and policies apply. Telecommuters must notify their supervisors immediately and complete all necessary and/or management requested documents regarding the injury.~~

~~The opportunity to participate in the telecommuting program is offered with the understanding that it is the telecommuter's responsibility to ensure a proper work environment is maintained. Telecommuting is not a substitute for dependent care and the telecommuter must make regular dependent care arrangements. Personal disruptions such as non-business telephone calls and visitors must be kept to a minimum. Failure to maintain a proper work environment, as determined by management, provides cause for an employee's immediate termination from the telecommute program.~~

~~K. Termination~~

~~1. Termination of Telecommuting Program. Management may terminate the City's Telecommuting Program for any reason, at any time, with advance written notice to the employees.~~

~~2. Termination of Individual Telecommuter's Participation in Program. Because participation in telecommuting is a bilateral voluntary agreement, management~~

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~~may terminate an individual telecommuter's participation in the program, without cause, at any time, with advance written notice. Termination of a telecommuter's participation for cause may be immediate and does not require advance written notice. The telecommuter may also request to terminate participation, without cause, at any time. Management will make arrangements for the employee to begin working at the regular office as quickly as possible~~

~~— **Telecommuting opportunities are based upon program requirements as determined by management. Therefore, employees previously participating in a telecommuting assignment are not assured of a telecommuting assignment when returning from a leave of absence or after a job transfer.**~~

~~— **Telecommuter's Agreement and Supervisor's Checklist. The Telecommuter's Agreement documents the mandatory policies in effect and the results of any other agreements between the supervisor and the telecommuter. This Agreement must be signed by both parties prior to the start of telecommuting and must be reviewed and renewed at least annually to ensure that the guidelines for participating in the program are well understood. The Supervisor's Checklist provides a way to verify that all essential parts of the start-up of a telecommuting arrangement with an employee have been covered prior to the actual start of telecommuting.**~~

~~— **Renewal of Telecommuting Agreements. Each Agreement should be discussed and renewed at least annually, whenever there is a major job change or whenever the telecommuter or supervisor changes positions. Because telecommuting was selected as a feasible work option based on a combination of job and performance characteristics, a change in any one of these elements may require a review of the telecommuting arrangement.**~~

N. Reasonable Accommodation

The City of Shoreline does not discriminate against qualified individuals with a disability with regard to any aspect of employment and is committed to complying with the Americans with Disabilities Act.

The City recognizes some individuals with disabilities may require reasonable accommodations. If an employee is disabled or becomes disabled (meaning he or she has a mental or physical impairment substantially limiting one or more of the major life activities) and requires a reasonable accommodation, the employee must contact the Human Resources Department to begin the interactive process. Accommodation requests may be made orally or in writing to the Human Resources Department. Requests may be made by the employee, the employee's supervisor or someone on behalf of the employee.

A reasonable accommodation is assistance or changes to a position or working conditions that will enable an employee with a disability to perform the essential functions of their job. The City will provide reasonable accommodation

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to employees with medically certified disabilities, unless doing so would pose an undue hardship.

Human Resources will meet with the employee to review the accommodation process, answer questions and provide the necessary forms which include a Medical Certification form to be completed by the employee's physician.

If the Medical Certification does not confirm that the employee has a disability, Human Resources will seek clarification from the medical provider and the employee before rejecting the request. If the Medical Certification confirms that the employee has a disability, the employee, supervisor and human resources will meet and begin an interactive process. The interactive process will include discussing the disability, limitations, and possible reasonable accommodations that may enable the employee to perform the functions or his or her position, make the workplace readily accessible to and usable by the employee, or otherwise allow the employee to enjoy equal benefits and privileges of employment. Following the interactive process, a decision will be made and the employee will be notified if the accommodation is approved or denied.



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VI. 6.00 EMPLOYEE BENEFITS AND TIME OFF

All benefits apply to regular and limited term employees and selected benefits apply to extra help employees and paid interns. These benefits contribute to total compensation. Complete descriptions of these benefits are available from Human Resources.

A. Group Insurance

Applies to: Regular and limited term employees.
Employees and their dependents are generally eligible for medical, dental, vision, long term disability, life insurance, and the employee assistance program as defined by the City and as authorized by the carrier. The City makes contributions to the cost of these benefits as authorized by the City Council by resolution. Regular and limited term part-time employees and their dependents, if eligible, receive City contributions for such insurance prorated based on the ratio of their normally scheduled work week to a forty hour week.

The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, and will make reasonable attempts to give prior notice to employees of any changes.

B. Social Security Replacement Plan

Applies to: All employees.
All employees must participate in a Social Security Replacement Plan (401 a) and Medicare.

C. 457 Plan

Applies to: Regular and limited term employees.
The City provides a 457 Deferred Compensation program for eligible employees. Employees must defer funds into this plan which have been allocated for benefits by the City but are not used by the employee. In addition, an employee may make personal contributions to this plan through payroll deduction, up to the limits set by law.

D. Retirement

Applies to: All employees determined to be eligible by state law.
The City contributes to the Washington State Public Employees Retirement System (PERS) as prescribed by law. State law determines employee eligibility. For more information, contact Human Resources or the Washington State Department of Retirement Systems.

E. 6.01 Annual Vacation

Applies to: Regular and limited term employees.
~~Regular and limited term e~~Employees ~~accrue shall be given annual~~ paid time off for vacation. Regular ~~and limited term~~ part-time employees ~~receive prorated vacation accrual shall accrue vacation~~ based on the ratio of their normally

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scheduled work week to a forty hour week. ~~Extra help employees are not eligible for these benefits/vacation benefits.~~

1. Accrual Table

Vacation ~~for regular and limited term full time employees~~ shall be accrued monthly as follows:

<u>Years of Employment Completed</u>	<u>Days of Vacation</u>	<u>Hours Accrued per Month</u>
<u>0 – 12 Months</u>	<u>12</u>	<u>8.0</u>
<u>1</u>	<u>13</u>	<u>8.6</u>
<u>2</u>	<u>14</u>	<u>9.3</u>
<u>3</u>	<u>15</u>	<u>10.0</u>
<u>4</u>	<u>16</u>	<u>10.6</u>
<u>5</u>	<u>17</u>	<u>11.3</u>
<u>8</u>	<u>18</u>	<u>12.0</u>
<u>10</u>	<u>19</u>	<u>12.6</u>
<u>12</u>	<u>20</u>	<u>13.3</u>
<u>15</u>	<u>23</u>	<u>15.3</u>

~~Time _____ Days _____ Hours/month~~

~~Zero to 12 months _____ 12 days of vacation _____ 8.0 hours
 After 1 year employment _____ 13 days of vacation _____ 8.6 hours
 After 2 years employment _____ 14 days of vacation _____ 9.3 hours
 After 3 years employment _____ 15 days of vacation _____ 10.0 hours
 After 4 years employment _____ 16 days of vacation _____ 10.6 hours
 After 5 years employment _____ 17 days of vacation _____ 11.3 hours
 After 8 years employment _____ 18 days of vacation _____ 12.0 hours
 After 10 years employment _____ 19 days of vacation _____ 12.6 hours
 After 12 years employment _____ 20 days of vacation _____ 13.3 hours
 After 15 years employment _____ 23 days of vacation _____ 15.3 hours~~

2. Carryover Maximum

The maximum number of vacation hours that may be carried over from December 31 of one year to January 1 of the next year is equal to two years' accumulation.

3. Carryover Exceptions

Employees with a vacation balance in excess of the carryover maximum should reduce the balance to the maximum. If an employee perceives they cannot use vacation because ~~In cases where~~ City operations have prevented it, the employee should discuss the matter with their supervisor well ahead of requesting a carryover exception. , an employee from using vacation time, t ~~if the employee and supervisor are unable to plan for the employee to take the time off, they may request a carryover exception.~~ The Department Director with the approval of the City Manager may allow a carryover exception of unused accrual in excess of the

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~~carryover maximum amount specified above to be carried over. An employee will not be granted an exception two years in a row. carryover exception granted in one year will not be granted again in the next year.~~

4. Forfeiture

~~Unused~~ ~~V~~vacation leave ~~not used in excess of the carryover maximum~~ shall be forfeited at the end of the calendar year unless a carryover exception has been granted. ~~in conformance with the above.~~

5. Requesting Vacation

~~A.~~ In requesting vacation, employees should consider the City's needs to conduct the public business and to have time to plan for vacation coverage. Managers should respect employees' needs to take vacation. An employee's reasonable request for vacation should be approved unless the granting of the vacation would negatively compromise the business needs of the City. In case of conflict in scheduling vacation leave, normally the earliest request shall be given the preferred vacation choice.

~~B.~~ An exempt employee shall not have deductions taken for vacation absences of less than a full day.

Vacation for a new employee shall accrue ~~at the above rates~~ but shall not be used until after six months unless special authorization has been granted by the City Manager. The City Manager is authorized to negotiate higher accrual levels and/or starting balances of vacation with individual staff members.

~~C.~~ An employee may cash out accrued vacation one time each calendar year. To be eligible for the cash out, an employee must have used at least 80 hours of vacation since the first of the year and the maximum cash out shall be 40 hours. The amount of the cash out shall be based upon the employee's hourly rate/salary at the time of the written request. If approved by the department director, the 80 hour minimum threshold may include vacation approved for the current calendar year, but not yet taken. In this case, the employee may receive the cash out just prior to leaving on the approved vacation. Cash out requirements for part time regular employees shall be prorated based upon the employee's authorized FTE.

6. Separation from Service

In the event of separation from service for any reason other than at retirement the employee shall be paid for any accrued vacation earned and not taken. In the case of separation for any reason when the employee is eligible for retirement as defined by the rules and regulations of the Washington State Public Employees Retirement System the maximum cash out shall be 240 hours.

6.02F. Management Leave

Applies to: Exempt Regular and limited term employees.

On January 1st of each year, each ~~exempt~~ employee shall receive 3 days of management leave. A new exempt employee hired before July 1 shall receive all 3 days. A new exempt employee hired between July 1 and October 1 shall receive 1 day; a new exempt employee hired after October 1 shall not receive any

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days of management leave until the next calendar year. The leave is to be used each year; any management leave not used during the calendar year shall not be carried into the next year.

G. 6.03—Holidays

1. Observed Holidays

Applies to: Regular and limited term employees.

Employees receive paid time off for holidays. Regular and limited term part-time employees receive prorated holiday benefits based on the ratio of their normally scheduled work week to a forty hour week. ~~The following holidays are granted to regular employees as the normal workday off with full pay:~~

<u>New Year's Day</u>	<u>January 1</u>
<u>Martin Luther King's Birthday</u>	<u>3rd Monday in January</u>
<u>President's Day</u>	<u>3rd Monday in February</u>
<u>Memorial Day</u>	<u>Last Monday in May</u>
<u>Independence Day</u>	<u>July 4</u>
<u>Labor Day</u>	<u>1st Monday in September</u>
<u>Veteran's Day</u>	<u>November 11</u>
<u>Thanksgiving</u>	<u>4th Thursday in November</u>
Day after Thanksgiving <u>Native American Heritage Day</u>	<u>Day after Thanksgiving</u>
<u>Christmas</u>	<u>December 25</u>

- ~~New Years Day~~ ————— ~~January 1st~~
- ~~Martin Luther King's Birthday~~ ————— ~~3rd Monday in January~~
- ~~President's Day~~ ————— ~~3rd Monday in February~~
- ~~Memorial Day~~ ————— ~~Last Monday in May~~
- ~~Independence Day~~ ————— ~~July 4th~~
- ~~Labor Day~~ ————— ~~1st Monday in September~~
- ~~Veteran's Day~~ ————— ~~November 11th~~
- ~~Thanksgiving~~ ————— ~~4th Thursday in November~~
- ~~Day after Thanksgiving~~ ————— ~~Day after Thanksgiving~~
- ~~Christmas~~ ————— ~~December 25th~~
- ~~Personal Day~~ ————— ~~Two (2) days~~

~~Extra help employees are not eligible for these benefits.~~

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~~A. A personal day needs to be scheduled by mutual agreement of the employee and the supervisor and may be used for any reason, or as an extension of vacation or sick leave. Non-exempt staff may use these days as a full normal workday or as 16 hours in increments of one or more hours. Exempt staff must utilize a full day at a time.~~

~~B. Personal Days will be awarded effective January 1 of each year. An employee hired July 1 or later will receive only one personal day in that calendar year. Any personal days not used by the end of the calendar year will be forfeited.~~

If a designated holiday falls on a Saturday, the preceding Friday shall be observed and if the holiday falls on a Sunday, the following Monday shall be observed. If a designated holiday falls on any other regularly scheduled day off, ~~the holiday~~ it shall be observed on the work day ~~either the~~ immediately preceding or ~~immediately~~ following the holiday work day, as determined by the City Manager.

~~C. Employees must be in a paid~~ status on the workday prior to and ~~the workday~~ following a holiday to be eligible for holiday pay.

~~D. Regular part-time employees shall observe the established holidays and be compensated for same on a pro-rata basis.~~

~~E. If an employee's religious beliefs include observance of a holiday or leave is needed to attend a religious activity of faith or conscience that is not a City holiday, the employee may, with approval of the Department Director, take the day off using a personal day, vacation, compensatory time, or leave without pay unless the leave would create an undue hardship for the City as defined in WAC 82-56-010 or a risk to public safety.~~

F. Nonexempt regular employees working on a holiday (either the actual holiday or the City recognized holiday) shall be paid at time and a half for all hours worked. In the case that an employee works both the actual holiday and the corresponding City recognized holiday, the employee shall only receive the holiday pay for one of the days. The pay shall be for the hours worked on actual holiday, unless the employee makes a written request for pay for the City recognized holiday instead of the actual day. Example: Independence Day falls on Sunday, July 4th; the City recognized holiday is Monday, July 5th. Employee A works Sunday and receives time and a half for all hours worked. Employee B works Monday and receives time and a half for all hours worked. Employee C works both Sunday and Monday and will be paid time and a half only for the hours worked on Sunday, unless he or she makes a written request to be paid time and a half for the hours worked Monday, instead of Sunday.

2. Personal Days

Applies to: Regular and limited term employees

Employees receive paid time off for two (2) personal days a year. Regular and limited term part-time employees receive prorated personal day benefits based on the ratio of their normally scheduled work week to a forty hour week.

A personal day needs to be scheduled by mutual agreement of the employee and the supervisor and may be used for any reason. Non-exempt staff may use these

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days as normal workdays or in increments of one or more hours (up to the total hours of two normal work days.) Exempt staff must use a full day at a time.

Personal days will be awarded effective January 1 of each year. An employee hired July 1 or later will receive only one personal day in that calendar year. Any personal days not used by the end of the calendar year will be forfeited.

3. Holidays for Reason of Faith or Conscience

Applies to: All Employees

If an employee's religious beliefs include observance of a holiday or leave is needed to attend a religious activity of faith or conscience that is not a City holiday, the employee may take up to two days off per calendar year, unless the leave would create an undue hardship for the City as defined in WAC 82-56-020 or a risk to public safety. The leave requires the ~~with a~~ approval of the Department Director. Regular employees may use ~~, take the day off using~~ a personal day, vacation, compensatory time, or leave without pay, extra help employees may use leave without pay. ~~unless the leave would create an undue hardship for the City as defined in WAC 82-56-020 or a risk to public safety.~~

H. 6.04 — Sick Leave

— Accrual

Applies to: Regular and limited term employees

~~Regular and limited term full time e~~ Employees accrue paid time off for sick leave at the rate of eight hours for each month worked. Regular and limited term part-time employees receive prorated sick leave accrual based on the ratio of their normally scheduled work week to a forty hour week. The City Manager is authorized to negotiate starting balances of sick leave with individual staff members. ~~Extra help employees are not eligible for sick leave benefits.~~

1. Purpose

Policy: The purpose of sick leave is to provide an “insurance policy” of a bank of paid leave to be used in the event that an employee or immediate family member experiences an illness or disability that requires an employee to be absent from work. Employees who are ill or disabled are expected to use sick leave to recover and to not report to work when they could expose co-workers to illness. ~~All regular and limited term e~~ Employees shall use leave to account for any sick leave related absence whether full or partial day unless they have otherwise made up the time in the same work week.

Sick leave is earned and to be used under the following conditions:

2. Use of Sick Leave

a) Employee

~~A. — Full time regular employees shall accrue sick leave at the rate of eight hours for each month worked. Regular part-time employees shall accrue sick leave based on a pro-rata amount to reflect their normally~~

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~~scheduled workweek as compared to a full-time workweek of 40 hours. Extra help employees are not eligible for these benefits.~~

Sick leave may be ~~taken~~ used when an employee is ill, injured, disabled (including a disability due to pregnancy or childbirth) or has been exposed to a contagious disease where there is a risk to the health of others, or for medical or dental examinations or treatment when such appointments cannot be scheduled outside of working hours, or when the use of a prescription drug impairs job performance or safety.

b) Immediate Family Members

~~B. Sick leave may also be used to care for a member of the immediate family under these conditions.~~

~~A regular employee may use sick leave who is ill, injured or disabled. Sick leave may also be used for qualifying Family Leave provided for in the Section 6. Family Leave section.~~

c) Doctor's Note

~~C. — for family leave as provided in Section 6.06, Family Leave.~~

~~D. — A regular employee may use sick leave when the use of a prescription drug impairs job performance or safety.~~

~~E.~~ After three days of sick leave an employee may be asked to provide a doctor's note or other evidence of inability to work at the discretion of ~~your~~ the supervisor or Department Director.

d) Notification

~~F.~~ Each employee, or someone on ~~his/her~~ their behalf, should inform ~~his/her~~ their supervisor if unable to come to work. This notification should be done each day prior to the scheduled starting time unless on long-term leave, so arrangements can be made to cover the absence.

3. Conversion of Vacation to Sick Leave

If an employee on approved vacation is hospitalized or experiences a similar extraordinary sick leave event, the employee may make a written request to the City Manager to convert the sick leave connected time from vacation leave to sick leave. The City Manager shall consider the facts involved and shall approve or deny the request.

4. Maximum Balance

~~G. The maximum banked balance of Sick-sick leave accrual is capped at 1040 hours. Regular and limited term part time employees maximum banked balance will be prorated based on the ratio of their normally scheduled work week to a forty hour week. or a pro-rata share for part-time employees.~~

5. Separation from Service

~~H.~~ Upon separation, if an employee is eligible for retirement as defined by the rules and regulations of the Washington State Public Employees Retirement System, an employee shall be paid for 10% of their accrued but unused sick leave.

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6. On-the-job Injury

~~J.~~ An employee who has an on-the-job injury and receives time loss payments from the Washington Department of Labor and Industries (L & I) may not use sick leave for the same hours for which the employee receives the time loss payment. An employee may use sick leave to supplement the time loss payment for the purpose of continuing to receive his or her normal salary. If sick leave is exhausted, the City will use other available leave to supplement the time loss, unless the employee otherwise notifies Payroll in writing. If an employee is awarded time loss payments for a period that the employee has already used sick leave or other available leave, the employee shall submit the L & I check to Finance and “buy back” the equivalent amount of leave used. While on time loss, the employee’s salary may not exceed the employee’s normal salary when not on time loss.

6.05I. Donated Leave

Applies to: Regular and limited term employees.

—Criteria.

~~—~~A Department Director, after consulting with Human Resources, may recommend that the City Manager allow a regular employee to receive donated sick leave from another regular employee. The City Manager may approve the donated leave if he or she finds that the employee meets all of the following criteria.:

1. Criteria

~~1.a)~~ The employee needs leave that qualifies for sick leave, which is of an extraordinary or severe nature and that has caused, or is likely to cause, the employee to either go on leave without pay or to terminate employment; and

~~2.b)~~ The employee has depleted all of his or her available leave time; and

~~3.c)~~ The employee has abided by all applicable policies regarding sick leave use; and

~~d)~~ The employee has been found ineligible for benefits under ~~Chapter 51.32 RCW~~ (Worker’s Compensation as governed by state law).

~~4. Donated sick leave hours are not eligible for the cash out provisions of Section 6, Separation from Service.~~

2. Donation

~~B.~~ —An employee may donate up to 25 hours annually of ~~his/her~~their sick leave balance. An employee is not eligible to donate sick leave hours unless a balance of 80 hours will be maintained. An employee may also choose to donate accrued vacation leave. The donating employee in either case shall submit a written request to Human Resources.

3. Value of Leave.

~~C.~~ -Donated hours will be used on an hour for hour basis with no consideration given to the dollar value of the leave donated.

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4. Treatment of Leave Remaining

—If more leave is donated than is used, the hours of leave that remain shall be returned to the employee(s) donating the leave on a pro rata basis.

5. No Cash Out

Donated sick leave hours are not eligible for the cash out provisions in the Separation from Service section.

~~D. Sick leave hours so transferred shall not be utilized for the purposes authorized in Section 6.04 I.~~

6.06J. Family Leave under FMLA

Applies to: All employees meeting FMLA eligibility criteria.

A. The City complies with the Federal Family and Medical Leave Act of 1993 (the FMLA – 29 U.S.C.A., 2611) and all applicable state laws (RCW 49.78, RCW 49.12.265, WAC 296-130) related to family and medical leave. This policy provides detailed information concerning the terms of FMLA. State laws may have additional requirements and provide additional protections; please check with Human Resources for details.

1. Length of Family Leave and Eligibility

B. —Eligible employees may take up to 12 weeks of unpaid, family leave every 12 months for certain family and medical reasons, or up to 26 weeks of unpaid, family leave every 12 months for military family care leave. To be eligible, an employee must have worked for the City for at least 12 months and for at least 1,250 hours over the previous 12 months.

2. Reasons for Taking Leave

C. —Family leave is provided for any of the following reasons:

- 1. • To care for an employee’s child after birth or placement for adoption or foster care. Leave to care for a child after birth or placement for adoption or foster care must be concluded within 12 months of the birth or placement.
- 2. • To care for an employee’s spouse, child or parent who has a serious health condition.
- 3. • To care for a spouse, son, daughter, parent or next of kin who has a serious health condition as a result of military service (“military family care”).
- For qualifying exigencies (as defined by the FMLA) when a spouse, parent, son or daughter serving in the military is on, called to, or notified of impending call to covered active duty.
- If a serious health condition makes an employee unable to perform the functions of his or her job.
- 4. —

3. Definitions

D. —For the purposes of ~~this policy~~ Family Leave, the following definitions apply:

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- **Child:** ~~a)~~ A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco ~~parentis~~~~parent is~~ (in place of the parent) if the child is younger than 18; or
- ~~b)~~ A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco ~~parent is~~~~parentis~~ if the child is 18 or older and incapable of ~~self~~~~self~~-care because of a mental or physical disability.
- ~~2.~~ **Military Family Care:** Caring for a spouse, parent, son, daughter or next of kin with a serious injury or illness as a result of military service.
- ~~2.~~ **Parent:** A biological parent of an employee or an individual who stood in loco ~~parent is~~~~parentis~~ to that employee when the employee was a child.
- ~~4.~~ **Serious Health Condition:** An injury, illness, impairment or physical or mental condition that involves:
 - a) ~~a.~~ hospital care: any period of incapacity or subsequent treatment connected with or consequent to inpatient care (an overnight stay) in a hospital, hospice or residential medical care facility; or
 - b) ~~b.~~ absences plus treatment: any period of incapacity of more than three consecutive calendar days including any subsequent treatment or period of incapacity relating to the same condition that also involves 1) treatment 2 or more times by a health care provider within 30 days, by a nurse or physician's assistant under direct supervision of a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider; or 2) treatment by a health care provider on at least 1 occasion which results in a regimen of continuing treatment under the supervision of a health care provider;
 - e) ~~c.~~ pregnancy: any period of incapacity due to pregnancy or for prenatal care; or
 - e) ~~d.~~ chronic conditions requiring treatments: a chronic condition which 1) requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under the direct supervision of a health care provider; 2) continues over an extended period of time; and 3) may cause episodic rather than a continuing period of incapacity;
 - e) ~~e.~~ permanent/long term conditions requiring supervision: a period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider;
 - f) ~~f.~~ multiple treatment (non-chronic conditions): any period of absence to receive multiple treatments (including any period of recovery there from) by a health care provider or by a provider of health care services under orders of or on referral by, a health care provider, whether for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more

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than three consecutive calendar days in the absence of medical intervention or treatment.

~~g. 5. Incapacity~~ ~~incapacity~~: ~~:-~~ inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from.

- Qualifying Exigency: An urgent need that arises out of the fact that a covered military member is on, called to, or notified of impending call to covered active duty status. The most common qualifying exigencies include attending military functions, making financial and legal arrangements, and arranging for child care. The Department of Labor maintains a complete list of qualifying exigencies.

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4. Intermittent Leave

~~E.~~ ~~:-~~ Under some circumstances, family leave may be taken in separate blocks of time or by reducing a normal weekly or daily work schedule. Family leave may be taken intermittently if medically necessary because of a serious health condition (the employee's, or that of a spouse, child or parent). If family leave is for birth or placement for adoption or foster care, use of intermittent leave is subject to Department Director approval.

5. Substitution of Paid Leave Before Unpaid Leave

~~F.~~ ~~:-~~ When paid leave or comp time is available that paid leave must be exhausted before unpaid leave is allowed as family leave. Accrued sick leave ~~must~~ may be substituted in the circumstances where City policies allow employees to use sick leave.

6. Advance Notice

~~G.~~ ~~:-~~ An employee shall provide advance notice of the need for family leave along with the requested dates for the leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.

Notice must be provided at least 30 days in advance of the leave if the reason for the leave is birth, placement for adoption or foster care. If 30 days notice is not possible due to the employee taking physical custody of the child at an unanticipated time, notice must be given as soon as possible and at least within 5 working days of the placement. The employee shall adhere to the dates of leave requested unless the birth is premature, the mother is incapacitated by the birth and is unable to care for the child, the employee takes physical custody at an unanticipated time or the employee and Department Director agree to alter the dates. If there is a premature birth, incapacity or unanticipated placement, the employee must give notice of revised dates as soon as possible and at least within 5 working days.

Notice must be provided at least 14 days in advance of the leave if the reason for the leave is a serious health condition and the leave is foreseeable. The employee should make reasonable efforts to schedule the leave to not unduly

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disrupt the City's operations. If the leave is not foreseeable, the employee or the employee's representative shall provide notice within 1 or 2 working days, except in extraordinary circumstances.

7. Medical Certification

~~H.~~ ÷ The City requires the provision of a medical certification to support a request for leave because of a qualifying event whenever the leave is expected to extend beyond three consecutive working days or will involve intermittent or part-time leave. The City may require second or third opinions, at its option, ~~at City and~~ expense.

The City may require all employees on family leave due to the employee's serious health condition or due to the birth of a child to provide a medical certification of fitness for duty prior to return to work after a medical leave, ~~dependant~~ dependent on the circumstance as it relates to the employees duties.

8. Periodic Reporting

~~I.~~ ÷ If an employee takes leave for more than two weeks, the City may require the employee to periodically report on his or her status and intent to return to work.

9. Health Insurance

~~J.~~ ÷ During an FMLA of absence, while an employee is in an unpaid status and unable to pay their portion of contributions for health insurance, the City will pay the City's portion and the employee's portion of the cost as governed by FMLA regulations. ~~Therefore, E~~ employees covered by the City's group health plan (medical, dental or vision) will continue to receive ~~paid~~ health insurance during family leave on the same basis as during regular employment. An employee will be required to pay back the employee portion of cost paid by the City through a repayment plan regardless of whether the employee returns to work or does not. Employees that do not return to work after the leave will be required to pay back both the employee and the City ~~the~~ portion of the insurance premiums ~~paid by the City~~ unless failure to return to work was beyond the employee's control as governed by FMLA regulations.

10. Other Insurance

~~K.~~ ÷ For employees covered by other insurance plans through the City, those coverages will continue during paid leave on the same basis as during regular employment. For any period of unpaid leave, the employee wishing the insurance to continue must pay for the coverage on a monthly basis prior to the month of coverage. Check with Human Resources for current information and costs for coverages.

11. Couples Employed by ~~The~~ the City

~~L.~~ ÷ If employees married to each other request leave for the birth, adoption or foster care placement of a child, the total family leave available to the couple is 12 weeks. The City may grant leave to only one parent at time. If the leave requested is due to a serious health condition (the employee's or that of the child, spouse or parent), each employee is independently entitled to 12 weeks.

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12. Determining Leave Availability

M. ÷ Family leave is available for up to 12 weeks during a 12-month period. For purposes of calculating leave availability, the 12-month period is a rolling 12-months measured from the first date any family leave is used. The employee is required to notify the City if any leave qualifies as family leave. All leave qualifying for family leave shall be designated and tracked as family leave upon the request of the employee.

13. Special Rule for Leave Related to Pregnancy

N. — Leave taken for the disability phase of pregnancy or childbirth when physically unable to work, is counted against the 12-week FMLA family leave allowance. In some cases, state law may entitle the disabled employee to leave beyond the standard 12-week period. Human Resources can provide information concerning the state law and its applicability.

14. Return Rights ~~After~~ after Family Leave

O. ÷ When an employee returns to work after family leave:

- 1.** the City shall place the employee in the same position the employee held when the leave began or in another City position with equivalent benefits and pay;
- 2.** the return is subject to bona fide changes in compensation or work duties;
- 3.** the employee does not have return rights if:
 - a.)** the City eliminates the employee's position by a bona fide restructuring or reduction-in-force; or
 - b.)** the employee takes another job; or
 - c.** the employee fails to provide the required timely notice of family leave or fails to return on the established ending date of the leave.

K. Spousal Military Deployment Leave under Washington State Law

Applies to: All employees

An employee who works an average of twenty or more hours a week and who is a spouse of a military service member may take up to fifteen days of unpaid leave while the military service members is on leave from deployment, or before and up to deployment, during times of military conflict declared by the President or Congress. An employee must provide Human Resources with notice of their intent to take leave within five business days of receiving official notice of leave from deployment or of an impending call to duty. Leave will run concurrently with FMLA leaves for deployment of a family member.

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L. 6.07—Medical Leave of Absence (non FMLA)

Applies to: Regular and limited term employees.

In addition to or in lieu of family leave, an unpaid leave of absence of up to six months may be granted in the case of an employee's disability when approved by the City Manager and when the leave will not adversely impact City operations. The request must be supported by a physician's certificate of necessity and

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reasonable expectation of a timely return to duty. Prior to application for a medical leave of absence, an employee's accrued sick leave, vacation leave, compensatory time, management leave and personal days must be exhausted.

M. Leave of Absence Without Pay

Applies to: Regular and limited term employees

Leave without pay is a temporary nonpaid status and absence from duty that occurs when an employee doesn't have enough, or does not qualify to use, paid time off for the absence. All paid leave banks must be exhausted prior to authorizing unpaid leave except when the reason for the leave does not qualify for paid sick leave or the leave is otherwise covered by Leave for Active Duty Military Service.

Leave without pay for an illness not covered by FMLA requires the Department Director approval. If such an absence exceeds three consecutive work days, the absence requires notification to the Human Resources Director and approval by the City Manager.

The City Manager may approve leave without pay for other personal reasons not covered by family leave, such as parenting or caring for an ill relative; other reasons in the best interest of the City and not solely for the employee's personal gain or profit. To request a leave of absence without pay for personal reasons, the employee shall submit a written request to the Department Director that states the reason for and the proposed length of the leave. If the Department Director approves of the leave, the Director will forward the request to the City Manager for consideration and provide a copy to the Human Resources Director. If the leave is approved, the employee and City Manager will enter into an agreement detailing the terms and conditions of the leave and a copy will be filed with Human Resources and payroll.

N. ~~6.08~~ Continuation of Benefits

Applies to: Regular and limited term employees.

Employees on any paid leave shall continue to receive all benefits including the accrual of vacation, sick leave, holiday pay, pension, and all insurance benefits. Employees in unpaid status shall not be entitled to and shall not accrue any of the benefits of the City, except as provided under family leave, FMLA.—

O. ~~6.09~~ Bereavement Leave

Applies to: Regular and limited term employees

~~Full-time regular and limited term~~ employees may be granted up to three days of paid leave to make arrangements for or to attend the funeral of, or memorial service for, a member of their immediate family. If more than three days leave is necessary, earned vacation, sick leave, personal days, management leave or compensatory time may also be used.

If while on approved vacation an employee has a death in his or her immediate family requiring the employee to engage in activities typically covered by

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bereavement leave, the employee may make a written request to the City Manager to convert the bereavement leave connected time from vacation leave to bereavement leave. The City Manager shall consider the facts involved and shall approve or deny the request.

~~Part-time regular employees shall be entitled to a pro-rata share of bereavement leave, based upon their regular scheduled work hours.~~ Regular and limited term part time employees will receive bereavement leave prorated based on the ratio of their normally scheduled work week to a forty hour week.

P. 6.10—Court and Jury Duty Leave

Applies to: Regular and limited term employees

Employees called to jury duty are strongly encouraged to fulfill their legal and civic responsibility. A regular or limited term employee will be granted leave at ~~his/her~~their regular rate of pay. Days during the period of summons when reporting to the court is not required are not covered by this leave.

During the regular work shift, an employee must report to work when not required to be in court. If the court pays the employee for the jury service, that payment must be turned in to the City. An employee is permitted to retain any mileage reimbursement received from the court.

An employee must inform ~~his/her~~their supervisor as soon as a summons is received, and on a daily basis as to court schedule.

Employees who have been subpoenaed for a job related matter shall be compensated as for any other working time.

Q. 6.11—Military Leave

1. ~~(Military Training)~~

Applies to: Regular and limited term employees

Any ~~regular~~ employee may take up to twenty one work days per year for active duty training if he/she is a member of the Washington National Guard, the Army, Navy, Air Force, Coast Guard or Marine Corps Reserves of the United States. This leave is in addition to regular vacation leave. For purposes of this section, “year” shall mean from October 1 to September 30.

An employee will continue to receive his or her normal pay during such active duty training, provided a written copy of the orders is submitted to the supervisor prior to leave and a written copy of the release is submitted upon return. If the active duty exceeds fifteen working days, the employee will be required to take the excess time first as compensatory time, vacation, and then leave without pay.

2. ~~6.12—Leave for Active Duty Military Service~~

Applies to: Regular employees

~~Regular e~~Employees who are called to, or volunteer for active duty military service will be placed on an indefinite unpaid leave of absence for the entire time the

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employee is in an active duty status with any branch of the United States Armed Forces or state militia. The employee may, at his or her option, use any or all accrued vacation leave or comp time prior to moving to the unpaid status. Any unused leave accruals remaining at the time the unpaid leave begins will be held until return to active employment with the City. Vacation and sick leave will not accrue during the time of the unpaid leave. The employee may choose to continue dependent medical coverage under the City's health plans to the extent allowed under the underwriting rules of those plans. While the employee is in an unpaid status and unable to pay their portion of contributions for dependent health insurance, the City will pay the City's portion and the employee's portion of the cost. An employee will be required to pay back the employee portion of cost paid by the City through a repayment plan upon their return from active duty leave of absence. ~~have the City continue to pay for the cost of dependent medical coverage;~~ an employee choosing to do so needs to contact Human Resources to arrange the coverage and the payment plan prior to leaving for active duty.

Reinstatement following active duty will be in compliance with state and federal laws at the time of the return to work.

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- ~~6.13 Leave of Absence Without Pay~~
 - ~~Leave without pay is a temporary nonpaid status and absence from duty that occurs when an employee doesn't have enough, or does not qualify to use, paid time off for the absence. All paid leave banks must be exhausted prior to authorizing unpaid leave except when the reason for the leave does not qualify for paid sick leave.~~
 - ~~Leave without pay for an illness not covered by FMLA requires the Department Director approval. If such an absence exceeds three consecutive work days, the absence requires notification to the Human Resources Director and approval by the City Manager.~~
 - ~~The City Manager may approve leave without pay for other personal reasons not covered by family leave, such as parenting or caring for an ill relative; other reasons in the best interest of the City and not solely for the employee's personal gain or profit; or fulfilling a lengthy military obligation. To request a leave of absence without pay for personal reasons, the employee shall submit a written request to the Department Director that states the reason for and the proposed length of the leave. If the Department Director approves of the leave, the Director will forward the request to the City Manager for consideration and provide a copy to the Human Resources Director. If the leave is approved, the employee and City Manager will enter into an agreement detailing the terms and conditions of the leave and a copy will be filed with Human Resources and payroll.~~
 - ~~The City Manager may grant regular employees a leave of absence without pay for an absence not covered by religious leave (6.03(F)), family leave (6.06(F)) or medical leave of absence (6.07) if all leave balances are exhausted. Examples of situations for which leave without pay may be~~

Attachment A

~~granted include personal reasons not covered by family leave, such as parenting or caring for an ill relative; other reasons in the best interest of the City and not solely for the employee's personal gain or profit; or fulfilling a lengthy military obligation.~~

~~— To request a leave of absence without pay under this section, the employee shall submit a written request to the City Manager. The request shall state the reason for and the proposed length of the leave. If the leave is approved, the employee and City Manager will enter into an agreement detailing the terms and conditions of the leave.~~

~~— 6.14 — Spousal Military Deployment Leave~~

~~— An employee who works an average of twenty or more hours a week and who is a spouse of a military service member may take up to fifteen days of unpaid leave while the military service members is on leave from deployment, or before and up to deployment, during times of military conflict declared by the President or Congress. An employee must provide Human Resources with notice of his/hertheir intent to take leave within five business days of receiving official notice of leave from deployment or of an impending call to duty.~~

R. 6.15 — Leave for Victims of Domestic Violence Leave and Their Family Members

Applies to: All employees

Employees who are victims of domestic violence, sexual assault, or stalking may take reasonable unpaid leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance, or mental health counseling. Employees who are qualifying family members of a domestic violence victim are also eligible for leave under this policy.

While leave is unpaid, regular employees may elect to use paid sick, vacation or other accrued paid time off while on leave.

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

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

For purposes of this section only, family member means child, spouse, parent, parent-in-law, grandparent or person the employee is dating. The City may request verification of family relationship.

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~~6.16 Exigency Leave~~

~~An eligible employee may take up to a total of 12 workweeks of unpaid leave during the normal 12-month period for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard, Reserves and the Regular Armed Forces. Qualifying exigency leave may be taken intermittently or on a reduced leave schedule.~~

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~~7.00 HEALTH AND WELFARE BENEFITS~~

~~All number of benefits are provided apply to regular and limited term regular employees and selected benefits apply to Extra Help employees and paid Interns. These benefits that contribute to total compensation. Complete descriptions of these benefits are available from Human Resources. These benefits that you may receive are as follows:~~

~~7.01 Social Security Replacement Plan~~

~~Applies to: All employees.~~

~~All regular employees must participate in a Social Security Replacement Plan (401 a) and Medicare. Extra help employees and interns are also covered by this program.~~

~~7.02 Group Insurance~~

~~Applies to: Regular and limited term employees who are full or part time.~~

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~~Regular and limited term employees and their dependents are generally eligible for medical, dental, vision, long term disability, and life insurance, and the employee assistance program as defined by the City and as authorized by the carrier. The City makes contributions to the cost of these benefits. Regular and limited term Part-time regular employees and their dependents, if eligible, receive City contributions for such insurance on a pro-rata basis. Extra help employees and interns are not eligible for these benefits, prorated based on the ratio of their normally scheduled work week to a forty hour week.~~

~~The City provides an employee assistance program (EAP) for its employees. The program is provided as part of the group medical coverage.~~

~~The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, and will make reasonable attempts to give prior notice to employees of any changes.~~

~~_____ 7.03 Retirement~~

~~Applies to: All employees determined to be eligible by state law. The City contributes to the Washington State Public Employees Retirement System (PERS) as prescribed by law. State law determines employee eligibility. For more information, contact Human Resources or the Washington State Department of Retirement Systems.~~

~~_____ 7.04 457 Plan~~

~~Applies to: Regular and limited term employees who are full or part time. The City provides a 457 Deferred Compensation program for eligible regular and limited term employees. Employees must defer funds into this plan which have been allocated for benefits by the City but are not used by the employee. In addition, an employee may make personal contributions to this plan through payroll deduction, up to the limits set by law. Extra help employees and interns are not eligible for this benefit.~~

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VII. 8.00 STANDARDS OF EMPLOYEE CONDUCT

~~_____ **8.01 General Policy**~~

The City expects all employees to strive for excellence, to exhibit the City Values in their work, to accomplish organizational and individual performance goals and to provide superior customer service.

Attachment A

A. ~~8.02~~ Personal Appearance and Demeanor

Employees are expected to dress in attire appropriate to their job tasks and to behave in a professional, businesslike manner at all times.

Employees failing to adhere to City standards with respect to appearance and demeanor are subject to disciplinary action, up to and including termination.

B. ~~8.03~~ Absenteeism and Tardiness

Employees are expected to report for work promptly and maintain good attendance. The supervisor must be advised of absence or late arrival prior to the beginning of the shift. Absenteeism or tardiness that is unexcused may be grounds for disciplinary action, up to and including termination.

C. ~~8.04~~ Solicitations and Distribution of Literature

In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not distribute literature or post materials, sell merchandise, solicit financial contributions or otherwise solicit for any cause during working hours. Employees who are not on working time (for example on lunchtime or break) may not solicit employees who are on working time. An employee (including any employee with management responsibility) shall not directly solicit any employee he or she supervises or otherwise exercises some element of control over. All employees shall recognize that any employee has the right to say "no" to any solicitation.

E-mail shall not be used to solicit employees for any purpose.

Employees may utilize such things as an ~~the~~-employee newsletter or the employee lunch room bulletin board if approved by the City Manager's Office for personal messages of this nature. Violation of this policy may be grounds for disciplinary action, up to and including termination.

~~Non-~~Non-employees are prohibited from distributing material or soliciting employees on City premises at any time.

D. ~~8.05~~ Drug-Free Workplace

~~A.~~ It is the policy of the City to maintain a drug-free workplace, ~~in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988, other state and federal regulations and in keeping with the City's own standards.~~ Actions in violation of this policy are inconsistent with the behavior expected of employees, subject all employees and visitors to our facilities to unacceptable safety risks and undermine the City's ability to operate effectively and efficiently.

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~~A-2.~~ The unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance, alcohol or other intoxicant in the workplace or while engaged in City business on or off the premises or in a City vehicle is strictly prohibited. Such conduct is also prohibited to the extent that in the opinion of the City, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of the City. Therefore:

Attachment A

1.a) When employees are on the job, they are expected to be physically free from any impairment or substance that could contribute to an injury, property damage, or interfere with productivity. An employee shall not consume any alcohol during lunch or any other break occurring prior to the end of that employee's work day. Workday in this context includes any evening meeting or other similar activity on behalf of the City. Employees are to be free of illegal drugs or potentially impairing levels of legal substances. In short, all City employees are expected to be "fit for work".

2.b) Use or possession of prescription or non-prescription medication is not prohibited when taken in accord with prescription or standard dosage recommendations. However, employees shall notify their supervisors when they are taking over-the-counter or prescription drugs that could prevent the employee from performing his or her job safely and effectively. The employee and supervisor shall work together to determine the employee's fitness for duty or to establish a light duty assignment if available and appropriate. If no agreement is reached, the fitness for duty determination shall be made by the Department Director, after consulting Human Resources.

3.c) An employee convicted of a controlled substance-related violation must inform the City within five days of such conviction.

4.d) Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. The City may require employees who violate this policy to successfully complete a drug abuse rehabilitation program as a condition of continued employment.

5.e) Employees may be required to submit to alcohol, drug or controlled substance testing when: an employee's work performance causes reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use; testing is required prior to appointment to a position; as a result of a job related accident when reasonable cause exists or if required by the Department of Transportation; or in cases where employment has been conditioned, in a return to work agreement, upon remaining alcohol, drug or controlled substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action up to and including termination. Testing information shall be confidential unless used in an employer action with regard to the employee.

Attachment A

~~6-f)~~ Employees who voluntarily enter treatment programs for drug or alcohol addiction shall not be subject to discrimination or retaliation. Such occurrences will be regarded as medical conditions with regard to City provided benefits and rights. However, the City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances. The City has an employee assistance referral center to assist employees in dealing with personal problems. Details are available from the Human Resources Department.

3. C.—In addition to previous sections, ~~A and B~~ candidates applying for positions which require a valid Commercial ~~Drivers~~ Driver's License (CDL) will be subject to passing a pre-employment drug screening. All City employees in positions requiring a CDL must comply with the City's Drug and Alcohol Policy and Procedures Manual.

E. ~~8.06~~ **Safety**

The City is committed to providing a safe and healthful working environment. The City makes every effort to comply with applicable federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies and programs conducive to such an environment. Safety policy is contained in the Accident Prevention and Safety Manual.

F. ~~8.07~~ **Weapons Policy**

No employee is authorized to carry a weapon, concealed or not, on City premises, in City vehicles, or while representing the City. An employee carrying a weapon in violation of this policy is subject to disciplinary action, up to and including termination.

G. ~~8.08~~ **Workplace Violence**

~~The City is concerned about the increased violence in society, which has filtered into many workplaces throughout the United States.~~—It is the policy of the City to have zero tolerance of any acts or threats of violence by any employee in or about City facilities or elsewhere at any time. The City will not condone any acts or threats of violence against employees, customers or visitors in or about City premises at any time or while they are engaged in business with or on behalf of the City off City premises.

~~In keeping with the spirit and intent of this policy and t~~I~~o ensure City objectives in this regard~~ are attained, the City is committed to the following:

A.1. To provide a safe and healthful work environment, in accordance with the City safety policy.

B.2. To take prompt remedial action up to and including immediate termination against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive or threatening language or gestures.

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~~C.3.~~ To take appropriate action when dealing with customers or other visitors to City facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.

~~D.4.~~ To prohibit employees from bringing unauthorized firearms or other weapons onto City premises.

In furtherance of this policy, employees have a “duty to warn” their supervisors, managers or Human Resources of any suspicious workplace activity or situations or incidents that they observe or that they are aware of that involve themselves or other employees, customers or visitors and that appear problematic. This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, threatening or offensive comments or remarks and the like. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The City will not condone any form of retaliation against any employee for making a report under this policy.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

H. 8.09 — Tobacco and Vaping Free Policy Workplace

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, use of all tobacco products, including smoking and smokeless tobacco, and vapor products is prohibited at all City work ~~sites~~ locations and property, and in City owned vehicles. Smoking and vaping is prohibited within 25 feet of all building entrances, windows that open and ventilation intakes. Violation of this policy may be grounds for disciplinary action, up to and including termination.

I. ~~8.10~~ — General Conduct

Employees are expected to conduct themselves in an appropriate, professional manner. Examples of behavior that are inappropriate include, but are not limited to:

~~A.1.~~ Insubordination (as defined in Section ~~3.17~~);

~~B.2.~~ Theft or other criminal activity;

~~C.3.~~ General dishonesty including falsifying employment or other City records;

~~D.4.~~ Failing to maintain confidentiality of City information;

~~E.5.~~ Unwillingness or inability to maintain an acceptable level of work performance.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

J. 8.11 — Searches of Property

Employees should be aware that all offices, desks, files, lockers and vehicles are the property of City and are issued for the use of employees only during their employment with the City. It may be necessary to conduct searches of employee personal property in City facilities or vehicles. In addition, the City reserves the right to search any employee’s office, desk, files, locker or any other area or article

Attachment A

on City premises. Searches may be conducted at any time without advance notice. Searches must be conducted by and authorized by the City Manager. Where reasonable, the search will be conducted by more than one person.

Employees may not use a personal lock on City property or lockers, unless authorized and only if a copy of the key or combination is retained by the City.

Violation of this policy may be grounds for disciplinary action, up to and including termination.

~~8.12 Telephone, E-Mail, Voice Mail and Other Communication Systems on City Equipment and Personal Equipment~~

~~A. City Equipment~~

~~City Equipment~~

~~Computers, electronic mail, telephones, mobile computing devices (tablets/smartphones), voice mail, facsimile machines, copy machines and other information related City equipment are provided to employees to be used for City business purposes and may be accessed by other City staff. Supervisors are responsible for regular monitoring of phone call identification logs to enforce this policy and message or file monitoring by the City may occur with prior permission of the City Manager or for purposes of public records production.~~

~~Employees are not to attempt to gain access to another employee's computer file, e-mail messages or voice mail messages without that employee's permission.~~

~~Employees shall not negligently or willfully damage City equipment nor engage in unauthorized use including use that is disruptive or offensive to others, supports any profit-making business or outside employment, solicits contributions for any cause or advocates for or against any ballot measure or candidate.~~

~~For the convenience of the employee, it is permissible to place or receive occasional personal calls or e-mail not excluded above, but such use should be minimized. Long distance calls and cellular calls must be accounted for on a regular basis, with reimbursement provided to the City for personal use outside the following exceptions:~~

- ~~◆ De minimus activity not to exceed \$2.00 per billing cycle~~
- ~~◆ Placing calls to notify family of emergencies or unexpected changes in a work schedule.~~

~~Employees shall not place or receive text messages on City cellular phones. This includes both City business-related text messages and personal text messages.~~

Attachment A

~~Employees shall not download applications that serve no official City function or purpose on City mobile computing devices. This includes, but is not limited to, games, documents, mobile services, entertainment/recreational applications, etc. If a mobile application is to be used in the course of official City business, the employee shall receive approval from their Department Director and the Information Technology (IT) Division Manager prior to downloading the application on a City device. If there is a cost for the application, the employee must also receive approval from their Department Director for the cost expenditure and the cost must be paid using funds from the employee's Department. All applications used in the course of official City business that are downloaded on City devices are the property of the City and must always be accessible.~~

~~**B. Public Disclosure of Records Located on City Equipment/Accounts and Personal Equipment/Accounts**~~

~~As a public agency, all City business records, even if located on personal equipment, are public records and can be protected from disclosure only if a specific exemption in the Public Records Act exempts the record from disclosure. As a result, e-mails and text messages, phone and text messaging logs, and all other documents related to City business located either on City equipment or on personal equipment or personal accounts are subject to public disclosure, if requested. Employees should not expect any right to privacy in the public records located on their City equipment or on their personal equipment.~~

~~Entirely personal records located on City equipment or on personal equipment are not considered public records and are not subject to disclosure.~~

~~No text messaging for City business is allowed. No City funds may be used to purchase City-approved applications on personal mobile computing devices. Personal phones and personal computers may only be used for City business under the following circumstances:~~

- ~~1. The phone call is made to a City phone; or~~
- ~~2. The document or email is saved on the City's server.~~

~~An employee may be approved by their Department Director to use a personal cell phone for City business under circumstances other than those designated above that will assure record retention and production in compliance with the Public Records Act including:~~

- ~~• The employee shall be responsible for retaining phone records associated with personal phones that reflect City business~~

Attachment A

~~communications for a minimum of one year from the date the call is made or received.~~

- ~~• In the event of a public records request for City-related records located on an employee's personal equipment or personal account, employees must cooperate with the City and produce those records for disclosure.~~

~~Records that mix both City business and personal business are considered public records and are subject to disclosure in their entirety. The Public Records Act does not allow redaction of personal information within a public record.~~

~~No City business may be conducted on private social media (tweets, blogs, web posts). City business may be conducted on a City sponsored social media.~~

~~Violation of this policy may be grounds for disciplinary action, up to and including termination.~~

K. 8.13 Corrective Action Procedure

1. Progressive Discipline

In taking disciplinary action, managers and supervisors may use a variety of measures. Where appropriate, managers and supervisors will follow a program of progressive discipline designed to give the employee the opportunity to correct behavior before it becomes a serious problem. Supervisors and managers also have the responsibility to provide behaviorally-specific feedback, either orally or in writing as appropriate, to employees to enable them to ~~who~~ make improvements in their performance or correct the behavior that was a problem.

Please note that any or all of the steps outlined below or other appropriate measures may be utilized, depending upon individual circumstances and the nature of the offense. Serious discipline, including immediate termination may occur even on the first offense, in some circumstances, depending on the severity of the situation.

The degree of corrective action depends on the severity of the situation. It is the responsibility of the supervisor to objectively evaluate the circumstances and facts involved and to consult with the Human Resources Director before beginning such action.

The City may use administrative leave with pay while conducting an investigation into an alleged wrongdoing. This leave may be used when it is necessary to remove the employee from the work place pending the outcome of the investigation.

The following are examples of a pattern of progressive discipline

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a) Step One: Verbal Warning

∴ This step is used for relatively minor offenses and problems. The supervisor verbally discusses the concerns with the employee and lets the employee know the nature of the problem. Written documentation of the verbal warning shall be placed in the employee's personnel file.

b) Step Two: Written Warning

∴ This step is used for a repeated offense where the discipline in Step 1 has failed to correct the problem or behavior, or for more serious problems that initially require stronger action. Under this step, a written warning is given to the employee and put in the employee's personnel file documenting the problem.

c) Step Three: Suspension

∴ This step is used for repeated offenses where Steps 1 and 2 have failed to correct the problem or behavior, or for more serious problems that initially require stronger corrective action than the above steps. An employee is sent home without pay for a specified period of time. For an exempt employee, unpaid suspensions shall be in increments of workweeks. An exempt employee may also be given a period of time off with pay to make a personal decision as to whether to change behavior and continue employment with the City. Prior to a decision to suspend an employee, a pre-disciplinary hearing must be held.

d) Step Four: Termination

∴ This step is to be used for instances where an employee has failed to correct ~~his/her~~their behavior after previous discipline or if there is a serious violation of City standards of conduct where immediate termination is warranted.

Other examples of disciplinary methods that may be used include withholding a scheduled pay increase, pay reduction and demotion. Prior to a decision to terminate an employee, a pre-disciplinary hearing must be held.

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2. 8.14 ~~Pre-Disciplinary Hearing.~~

~~A.~~ This section does not apply to at will employees or to employees who have not completed their initial orientation period.

~~B.~~ When considering ~~discipline termination or other discipline~~ that would deprive an employee of pay, such as a step 3 three suspension or step four termination, the City will conduct a pre-disciplinary hearing. The hearing serves as a check against a mistaken decision and as an opportunity for an employee to furnish reasons why he or she should not be disciplined before the decision is finalized.

a) Notice to the Employee

~~B.~~ The employee shall be provided with a notice of the pre-disciplinary hearing.

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The notice shall include an explanation of the charges on which the potential discipline is based, and the time and date for the hearing.

b) At the Hearing

~~C.~~ The hearing will be presided over by the Department Director or a designated representative. The hearings are intended to be informal. The employee will be given an opportunity to explain why the serious discipline should not be taken. The employee may bring one person to the hearing as a representative. If the employee fails or refuses to appear, the Department Director shall determine the discipline without the employee's input.

c) After the Hearing

~~D.~~ After the hearing, the Department Director will consider the information provided and will consult with the Human Resources Director. As soon as possible, the director will issue the decision. A longer review period may be required in more complex situations, and the employee will be so informed.

L. 8.15—Complaint Resolution Procedure

1. Resolving Conflict Informally

It is natural to have misunderstandings and conflict in organizations. The purpose of this procedure is to provide a method for the resolution of such matters in a positive and constructive manner and to give employees a means of airing complaints regarding their employment. Employees and supervisors are encouraged to resolve the causes of conflict or disputes between themselves informally whenever possible.

2. Resolving Conflict Formally

~~When informal resolution if such efforts fails,~~ an employee may file a complaint in a more formal manner following the procedure outlined below. No retaliation, disciplinary action or discrimination shall occur because of the filing of a bona fide complaint under this procedure. The procedure should not, however, be construed as preventing, limiting, or delaying the City from taking disciplinary action against any employee up to and including termination where disciplinary action is deemed appropriate.

An employee who has been involuntarily separated from employment with the City has the right to participate in this process pursuant to the terms outlined below. Any complaint by a terminated employee must begin with step 3.

a) Complaint Definition

÷A complaint is a written allegation by an employee or former employee who has been involuntarily terminated that he or she has not been treated according to the personnel policies, or other rules or regulations.

Attachment A

b) 30 Days to Initiate a Complaint

~~A.~~ Complaints must be initiated within 30 days of the alleged act and a copy of the complaint provided to Human Resources.

c) Step 1 Present Complaint to Supervisor

~~B.~~ —An employee should present the complaint to the supervisor and request time to meet and discuss the complaint. In consultation with Human Resources, the supervisor shall consider the complaint and all relevant information and respond to the employee in a timely manner.

d) Step 2 if Needed

~~C.~~ —If the problem is not resolved at Step 1, the employee shall next request a meeting with the Department Director. In consultation with Human Resources, the Department Director will conduct an investigation and review the matter with appropriate persons. The Department Director shall respond to the employee within 10 working days, unless the response will take longer, in which case the director will keep the employee informed when the response will be available.

e) Step 3 Final Step if Needed

—If the problem is not resolved at Step 2 and the employee wishes to pursue the complaint, he or she shall request a meeting with the City Manager. The City Manager shall meet with the employee. The City Manager shall also conduct an investigation or otherwise consider information relevant to the complaint.

The City Manager shall issue a decision within 15 working days unless more time is needed, in which case the City Manager shall keep the employee informed of when the response will be available. The City Manager’s decision shall be final and binding on the parties.

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VIII. ~~9.00~~ **SEPARATION FROM EMPLOYMENT**

A. ~~9.01~~ **Resignation**

The City expects a resigning employee to give written notice to ~~his/her~~their supervisor at least 14 days in advance of the final working day.

B. ~~9.02~~ **Unauthorized 3 Day Absence**

Unauthorized absence from work for a period of three consecutive days will be considered as a voluntary resignation, unless the employee can provide a reasonable explanation to the Department Director.

C. ~~9.03~~ **Separation Procedures**

The Human Resources Department will verify an employee’s separation date and notify payroll. A final paycheck will be issued to the employee on the next regular payday after completion of the following: exit interview, return of City keys, car, ID card, credit cards, bus pass, tools and equipment, uniforms, printed materials, and any other property or resources which had been made available to the employee. In addition, Human Resources will resolve the status of retirement plans, insurance conversions, and deferred compensation programs, and will conduct an exit interview.

D. ~~9.04~~ **Layoff (Reduction in Force)**

The City may lay off employees where there are changes in duties, reorganization of work or positions, a position or service is abolished, there is a lack of work, shortage of funding or for other legitimate business reasons.

1. Notice

~~A.~~ Whenever a layoff is anticipated, employees whose jobs may be affected will be notified of the situation, and options available, as soon as possible to allow time to make necessary arrangements.

2. Order of Layoff

~~B.~~ Layoffs are determined by classification on an organization-wide-basis.

~~C.~~ Extra help employees performing similar work will be laid off first.

~~D.~~ Regular employees will be retained on the basis of their ability to perform work needed to meet program needs.

~~E.~~ Where there is no demonstrable difference in ability to perform, employees with longer service shall be retained.

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3. Options

Options such as part-time work schedules, job sharing and voluntary time and/or pay reductions, or furloughs may also be explored, at the discretion of the City Manager.

F.4. Layoff Support for Laid Off Employees.

4. Regular full time and regular part time employees are eligible for Layoff Support. Once the employee has been notified of the future layoff, the employee shall be eligible for:

a) Job search assistance, tailored to the particular circumstances and authorized by the City Manager.

a.b) Limited time off for interviewing, subject to the approval of the Department Director.

5. Severance

2. Regular full time and regular part time employees are eligible for severance.

After the layoff takes effect, the employee shall receive a severance package consisting of four (4) ~~weeks~~weeks' pay and 10% of the employee's sick leave balance. If the employee leaves employment at the City prior to the layoff date, the employee is not eligible for the severance package.

6. Rehire List.

Any regular employee who is laid off shall be placed on a City rehire list for a period of one year from the date of layoff. An employee shall not be placed on the rehire list if the employee leaves employment at the City prior to the layoff date. The City will honor an employee's written request to not be placed on or to be removed from the list.

An employee on the Rehire List shall be deemed eligible for an open regular position when:

- The employee meets the minimum qualifications listed on the classification specification based on the information contained in the employee's personnel file; and
- The position is in a salary range equal to or lower than the salary range of the position the employee was in on the date of layoff.

When hiring for any vacancy, the Department Director shall first consult Human with Resources to determine if any employee on the rehire list is eligible for the vacancy. If there is an eligible employee on the rehire list, the employee shall be offered the position. In the case of more than one eligible employee on the rehire list, the position shall first be offered to the employee with the longest term of service with the City.

The employee has seven calendar days from the time the offer is sent to accept the offer; failure to do so will be considered a refusal.

An employee accepting a demotion to a position in a lower salary range shall remain on the list for the remainder of the year (based on the original layoff date).

[Attachment A](#)

An employee shall be removed from the list upon rehire by the City, a third refusal of a City job offer or the expiration of one year, whichever comes first.

If a department has a need to hire extra help while the City has any employees on the Rehire List, the Department Director shall first contact Human Resources before taking any other steps to hire the extra help. The extra help opportunity shall first be offered to any employees on the rehire list meeting the minimum requirements (in order of service with the City – longest first). Only if all eligible employees on the Rehire List refuse the extra help opportunity may the department proceed to outside hire. Neither acceptance nor refusal of an extra help opportunity shall affect an employee's status on the Rehire List.

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IX. CLOSING STATEMENT

Welcome to the City of Shoreline. ~~We wish you successful employment with the City.~~ If you have any questions about this handbook, please ~~direct your questions to~~ ask your supervisor or visit ~~to~~ Human Resources.

Attachment A

X. APPENDIX A - CODE OF ETHICS

~~CITY OF SHORELINE~~

~~CODE OF ETHICS~~

The purpose of the City of Shoreline Code of Ethics is to strengthen the quality of government through ethical principles which shall govern the conduct of the City's elected and appointed officials, and employees, who shall:

~~1.~~ Be dedicated to the concepts of effective and democratic local government.

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Guidelines:

~~Democratic Leadership:~~ Officials and staff shall honor and respect the principles and spirit of representative democracy and set a positive example of good citizenship by scrupulously observing the letter and spirit of laws, rules and regulations.

2. ~~2.~~ Affirm the dignity and worth of the services rendered by government and maintain a deep sense of social responsibility as a trusted public servant.

~~3.~~ Be dedicated to the highest ideals of honor and integrity in all public and personal relationships.

3.

~~Guidelines:~~

~~Public Confidence:~~ Officials and staff shall conduct themselves so as to maintain public confidence in city government and in the performance of the public trust.

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~~_____~~ Impression of Influence. Officials and staff shall conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

4. ~~4.~~ Recognize that the chief function of local government at all times is to serve the best interests of all the people.

Guidelines

~~_____~~ Public Interest.: Officials and staff shall treat their office as a public trust, only using the power and resources of public office to advance public interests, and not to attain personal benefit or pursue any other private interest incompatible with the public good.

5. ~~5.~~ Keep the community informed on municipal affairs; encourage communication between the citizens and all municipal officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

Guidelines

~~_____~~ Accountability.: Officials and staff shall assure that government is conducted openly, efficiently, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold city officials accountable.

~~_____~~ Respectability.: Officials and staff shall safeguard public confidence in the integrity of city government by being honest, fair, caring and respectful and by avoiding conduct creating the appearance of impropriety or which is otherwise unbecoming a public official.

6. ~~6.~~ Seek no favor; believe that personal benefit or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines

~~_____~~ Business Interests.: Officials and staff shall have no beneficial interest in any contract which may be made by, through or under his or her supervision, or for the benefit of his or her office, or accept directly or indirectly, any compensation, gratuity or reward in connection with such contract unless allowed under State law.

~~_____~~ Private Employment.: Officials and staff shall not engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business when such employment, service or business creates a conflict with or impairs the proper discharge of their official duties.

~~_____~~ Confidential Information.: Officials and staff shall not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

~~_____~~ Gifts.: Officials and employees shall not directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form - under the following circumstances: (a) it could be reasonably inferred or expected that the gift was intended to influence the performance of

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official duties; or (b) the gift was intended to serve as a reward for any official action on the official's or employee's part.

~~Investments in Conflict with Official Duties~~: Officials and employees shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with their official duties.

~~Personal Relationships~~: Personal relationships shall be disclosed in any instance where there could be the appearance of a conflict of interest.

~~Business Relationships~~: Officials and staff shall not use staff time, equipment, or facilities for marketing or soliciting for private business activities.

~~Reference Checking~~: Reference checking and responding to agency requests are a normal function of municipal business and is not prohibited if it does not adversely ~~effect~~ affect the operation of the City.

7. 7.—Conduct business of the city in a manner which is not only fair in fact, but also in appearance.

Guidelines

~~Personal Relationships~~: In ~~a~~ quasi-judicial proceedings elected officials shall abide by the directives of RCW 42.36 which requires full disclosure of contacts by proponents and opponents of land use projects which are before the City Council. Boards and Commissions are also subject to these fairness rules when they conduct quasi-judicial hearings.

~~8.~~ Not knowingly violate any Washington statutes, City ordinance or regulation in the course of performing their duties.