

## **CITY COUNCIL AGENDA ITEM**

### CITY OF SHORELINE, WASHINGTON

<b>AGENDA TITLE:</b>	Discussion of Resolution No. 463 - Amending the Employee Handbook
<b>DEPARTMENT:</b>	Human Resources
<b>PRESENTED BY:</b>	Don Moritz, Human Resources Director
<b>ACTION:</b>	<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:**

The Employee Handbook (“Handbook”) contains the City’s personnel policies and practices. It was first adopted in 1996 by Council Resolution No. 104 and is periodically updated as laws or policies change. In 2017, the handbook received a comprehensive review and update. Since then, specific policies have been incorporated into the Handbook through additional updates.

Proposed Resolution No. 463 (Attachment A) brings forward recommended updates to the Employee Handbook that include the following items:

- “housekeeping” changes to language, formatting and structure, including amendments throughout the Handbook to make the language gender neutral;
- clarifications of existing policies to make them more easily understandable to employees and to ensure their consistent application;
- the addition of the Washington State Paid Family and Medical Leave as a policy, which is required by RCW Title 50A; and
- a revision to the City’s Paid Supplemental Leave Benefit to make it supportive of the new Washington State Paid Family and Medical Leave provisions and to reduce its overlap of and duplicative coverage with the State’s plan.

Because of the numerous housekeeping, clarifications, and revisions, a summary of changes is provided as Attachment B for Council’s review. Tonight, Council is scheduled to discuss proposed Resolution No. 463. This proposed Resolution is currently scheduled to be brought back to Council for potential adoption on October 12, 2020.

#### **FINANCIAL IMPACT:**

While there are no direct financial impacts to making the amendments to the City’s Employee Handbook, anticipated cost savings of \$10,000 to \$50,000 annually are expected to be achieved due to the modification of the City’s Supplemental Paid Family Leave policy as outlined in these Employee Handbook amendments.

## **RECOMMENDATION**

No action is required as this item is for discussion purposes only. However, when this item is brought back for Council action on October 12, 2020, staff recommends that Council adopt Resolution No. 463 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 is periodically updated as laws or policies change. In 2017, the handbook received a comprehensive review and update. Since then, specific policies have been incorporated into the Handbook through additional updates. The Handbook was most recently updated earlier this year in July 2020.

Proposed Resolution No. 463 (Attachment A) brings forwards recommended updates to the Employee Handbook that include the following items:

- “housekeeping” changes to language, formatting and structure, including amendments throughout the Handbook to make the language gender neutral;
- clarifications of existing policies to make them more easily understandable to employees and to ensure their consistent application;
- the addition of the Washington State Paid Family and Medical Leave as a policy, which is required by RCW Title 50A; and
- a revision to the City’s Paid Supplemental Leave Benefit to make it supportive of the new Washington State Paid Family and Medical Leave provisions and to reduce its overlap of and duplicative coverage with the State’s plan.

Because of the numerous housekeeping, clarifications, and revisions, a summary of changes is provided as Attachment B for Council’s review. Tonight, Council is scheduled to discuss proposed Resolution No. 463. This proposed Resolution is currently scheduled to be brought back to Council for potential adoption on October 12, 2020.

## **DISCUSSION**

The following sections of the Employee Handbook are being proposed for substantive amendments:

### **III. Definitions**

Multiple definitions have been added to the Handbook and other definitions have been amended for clarity. The majority of the added definitions relate to the new Washington State Paid Family and Medical Leave Benefit Section.

### **IV. Employment Policies: Section F. Employee Orientation**

This section has been modified to note that employees who have been demoted into a lower classification will serve a three-month probationary period if they have never worked in that classification previously.

### **V. General Working Conditions and Personnel Administration: Section J. Classification and Compensation Plan**

This section has been modified to note that an employee who is reclassified is considered to have met the requirements of an orientation period.

V. General Working Conditions and Personnel Administration: Section N. Reasonable Accommodation

This section adds Religious Accommodation to the Reasonable Accommodation section of the Handbook.

VI. Benefits: Section I. Sick Leave – Extra Help Employees

This section adds additional policy clarification regarding the reasons for which Extra Help (temporary) employees may use sick leave, as per RCW 49.46 - Washington State Paid Sick leave provisions.

VI. Benefits: Section K. Washington State Paid Family and Medical Leave (PFML)

This section adds the new Washington State Paid Family and Medical Leave as a policy, as per RCW Title 50A.

VI. Benefits: Section L. Leave under Family and Medical Leave Act (FMLA) 12.

Couples Employed by the City

This section has been modified to allow a married couple, who are both employed with the City, to each take 12 weeks of leave independent of each other for the birth, placement, adoption, or bonding with a new child.

VI. Benefits: Section M. Supplemental Paid Family & Medical Leave (SPFML)

This section modifies the City's existing Paid Supplemental Leave to make it run concurrent with the Washington State Paid Family and Medical Leave as a supplement to the benefits the employee receives from the State. This change eliminates the duplication of coverage and will fill the gap between the State benefit payment, which is capped at \$1000 per week, and the employee's full paycheck.

This policy change was discussed with the Council on July 20, 2020. Following this discussion, Council directed staff to incorporate this change into the Benefit Section of the Employee Handbook. The changes incorporated into proposed Resolution No. 463 carry out this direction. The staff report for the July 20, 2020 Council discussion on the PFML and SPFML can be found at the following link:

<http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2020/staffreport072020-8e.pdf>.

### **FINANCIAL IMPACT**

While there are no direct financial impacts to making the amendments to the City's Employee Handbook, anticipated cost savings of \$10,000 to \$50,000 annually are expected to be achieved due to the modification of the City's Supplemental Paid Family Leave policy as outlined in these Employee Handbook amendments.

### **RECOMMENDATION**

No action is required as this item is for discussion purposes only. However, when this item is brought back for Council action on October 12, 2020, staff recommends that Council adopt Resolution No. 463 to update the Employee Handbook.

## **ATTACHMENTS**

Attachment A: Proposed Resolution No. 463

Exhibit A: Proposed Amendments to the Employee Handbook

Attachment B: Summary of Employee Handbook Amendments

**RESOLUTION NO. 463**

**A RESOLUTION OF THE CITY OF SHORELINE, WASHINGTON,  
ADOPTING REVISIONS TO PERSONNEL POLICIES IN THE  
EMPLOYEE HANDBOOK TO PROVIDE IMPROVED  
READABILITY AND COMPREHENSION; TO PROVIDE FOR  
CLARIFICATION AND REVISION OF EXISTING POLICIES; TO  
INCORPORATE CERTAIN INTERNAL PRACTICES; AND TO  
INCORPORATE REQUIREMENTS IN RELATION TO LEAVE AS  
A RESULT OF STATE AND FEDERAL LEGISLATION AND  
RULES IN RELATION TO COVID-19**

WHEREAS, the City Council has provided for benefits and working conditions in the Employee Handbook which sets forth the City's personnel policies; and

WHEREAS, since its original adoption, the Employee Handbook has been updated from time to time to reflect legislative amendments and other policy updates, with the last update occurring in July 2020; and

WHEREAS, the Human Resource Department reviewed the Employee Handbook and identified certain housekeeping amendments to reflect current practices and/or provide clarity as well as to improve readability, comprehension, and gender neutrality; and

WHEREAS, amendments to Washington's Family and Medical Leave law, Title 50A RCW, and the Federal Family Medical Leave Act, 29 USC Section 2601, et seq., including amendments related to COVID-19, have occurred requiring updates to policies in the Employee Handbook; and

WHEREAS, on September 28, 2020, the City Council discussed the proposed revisions to the Employee Handbook and have given full consideration to the proposed revisions;

**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 set forth in Exhibit A.

**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.

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

**Section 4. Effective Date.** This Resolution shall take effect and be in full force immediately upon passage by the City Council.

**ADOPTED BY THE CITY COUNCIL ON OCTOBER 12, 2020.**

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Will Hall, Mayor

ATTEST:

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Jessica Simulcik Smith, City Clerk



# EMPLOYEE HANDBOOK

Last updated: 07/13/2009/28/20  
Council Resolution No. 462463

## Contents

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>9</b>
<b>II.</b>	<b>APPLICABILITY AND AUTHORITY .....</b>	<b>9</b>
A.	Applicability .....	9
B.	At-Will .....	9
C.	Local, State, Federal Law or Collective Bargaining Agreement .....	9
D.	Authority.....	9
<b>III.</b>	<b>DEFINITIONS .....</b>	<b>10</b>
A.	Accrued Leave.....	10
B.	Alternative Work Schedule .....	10
C.	Anniversary Date.....	10
D.	Base Pay Rate.....	10
E.	Break in Service.....	10
F.	Callback.....	10
G.	City.....	10
H.	City Manager .....	10
I.	Core Hours .....	10
J.	Demotion.....	10
K.	De Facto Parent .....	10
L.	Department Director .....	11
M.	Domestic Partner.....	11
N.	Drugs .....	11
O.	Employment Status Definitions .....	11
1.	Regular Full Time.....	11
2.	Regular Part Time.....	11
3.	Limited Term .....	11
4.	Extra Help .....	11

P.	<b>ESD .....</b>	12
Q.	<b>Exempt Employee.....</b>	12
R.	<b>Fit for Duty .....</b>	12
S.	<b>Flex Schedule .....</b>	12
T.	<b>FMLA.....</b>	12
U.	<b>FMLA Covered Family Member .....</b>	13
V.	<b>Furlough.....</b>	13
W.	<b>Immediate Family .....</b>	13
X.	<b>Insubordination .....</b>	13
Y.	<b>Intern.....</b>	13
Z.	<b>In Loco Parentis.....</b>	13
AA.	<b>Non-Exempt Employee .....</b>	13
V.	<b>Normal Pay .....</b>	14
BB.	<b>PFML.....</b>	14
CC.	<b>PFML Benefit Payment.....</b>	14
DD.	<b>PFML Covered Family Member .....</b>	14
EE.	<b>PFML Qualifying Period .....</b>	14
FF.	<b>Promotion.....</b>	14
GG.	<b>Separation from Service .....</b>	14
HH.	<b>Standby .....</b>	14
II.	<b>Step Increase Date .....</b>	14
JJ.	<b>Supplemental Benefit.....</b>	14
KK.	<b>Time in Paid Status .....</b>	<u>15</u> 14
LL.	<b>Transfer .....</b>	15
MM.	<b>Waiting Period .....</b>	15
NN.	<b>Work Location.....</b>	15

<b>OO.</b>	<b>Work Week .....</b>	<b>15</b>
<b>PP.</b>	<b>Y-Rating.....</b>	<b>15</b>
<b>IV.</b>	<b>EMPLOYMENT POLICIES .....</b>	<b>15</b>
<b>A.</b>	<b>Recruitment and Selection .....</b>	<b>15</b>
1.	External and Internal Recruitment .....	15
2.	Internal Recruitment Only .....	16
<b>B.</b>	<b>Reference Checking.....</b>	<b>16</b>
<b>C.</b>	<b>Subpoenas and Depositions .....</b>	<b><u>17</u><b>16</b></b>
<b>D.</b>	<b>Prohibited Political Activities – Code of Ethics, Appendix A .....</b>	<b>17</b>
1.	Use of City Resources, Property, Authority and Influence .....	17
2.	Coercion.....	17
3.	Elected Office, Commission or Board Service.....	17
4.	Conflict of Interest .....	17
<b>E.</b>	<b>Prohibited Personal Gain - Code of Ethics, Appendix A .....</b>	<b>17</b>
<b>F.</b>	<b>Employee Orientation .....</b>	<b>18</b>
1.	Orientation Period for Initial Hire.....	18
2.	Orientation Period for Promoted, Demoted or Transferred Employees .....	19
<b>G.</b>	<b>Equal Employment Opportunity.....</b>	<b>19</b>
<b>H.</b>	<b>Prohibition of Discrimination and Harassment .....</b>	<b><u>20</u><b>19</b></b>
<b>I.</b>	<b>Discrimination or Harassment Complaint Procedure .....</b>	<b>20</b>
<b>J.</b>	<b>Employment of Immediate Family .....</b>	<b><u>21</u><b>20</b></b>
<b>K.</b>	<b>Personnel Files .....</b>	<b>21</b>
<b>L.</b>	<b>Reporting Improper Governmental Action and Protecting Employees Against Retaliation .....</b>	<b><u>22</u><b>21</b></b>
<b>M.</b>	<b>Outside Employment.....</b>	<b>24</b>
<b>V.</b>	<b>GENERAL WORKING CONDITIONS AND PERSONNEL ADMINISTRATION .....</b>	<b>25</b>
<b>A.</b>	<b>Working Hours.....</b>	<b>25</b>
<b>B.</b>	<b>Breaks.....</b>	<b><u>26</u><b>25</b></b>
1.	Lunch and Rest Breaks .....	<u>26</u> <b>25</b>
2.	Lactation Breaks .....	26
<b>C.</b>	<b>Overtime .....</b>	<b>26</b>
<b>D.</b>	<b>Standby .....</b>	<b>26</b>

<b>E.</b>	<b>Callback .....</b>	<b>26</b>
<b>F.</b>	<b>Compensatory Time .....</b>	<b><u>27</u><u>26</u></b>
<b>G.</b>	<b>Twelve Hour Shift .....</b>	<b><u>27</u><u>26</u></b>
<b>H.</b>	<b>Inclement Weather and Natural Disaster.....</b>	<b>28</b>
<b>I.</b>	<b>Performance Planning and Appraisal.....</b>	<b>29</b>
<b>J.</b>	<b>Classification and Compensation Plan .....</b>	<b>29</b>
1.	Job Classification .....	29
2.	Classification Review .....	<u>30</u> <u>29</u>
3.	Steps and Increases .....	<u>31</u> <u>30</u>
4.	Starting Rates of Pay .....	<u>31</u> <u>30</u>
5.	Promotion.....	31
6.	Transfer.....	31
7.	Demotion.....	<u>32</u> <u>31</u>
8.	Y-Rating .....	<u>32</u> <u>31</u>
9.	Pay Schedule.....	32
10.	Out-of-Class Pay.....	32
<b>K.</b>	<b>Garnishment .....</b>	<b><u>33</u><u>32</u></b>
<b>L.</b>	<b>Employee Training and Development .....</b>	<b><u>33</u><u>32</u></b>
<b>M.</b>	<b>Educational Reimbursement Program .....</b>	<b><u>33</u><u>32</u></b>
<b>N.</b>	<b>Reasonable Accommodation .....</b>	<b><u>34</u><u>33</u></b>
1.	Medical Accommodation.....	<u>34</u> <u>33</u>
2.	Religious Accommodation .....	34
<b>VI.</b>	<b>BENEFITS .....</b>	<b>34</b>
<b>A.</b>	<b>Group Insurance.....</b>	<b><u>35</u><u>34</u></b>
<b>B.</b>	<b>Social Security Replacement Plan.....</b>	<b><u>35</u><u>34</u></b>
<b>C.</b>	<b>457 Plan .....</b>	<b><u>35</u><u>34</u></b>
<b>D.</b>	<b>Retirement.....</b>	<b><u>35</u><u>34</u></b>
<b>E.</b>	<b>Vacation.....</b>	<b>35</b>
1.	Accrual Table .....	35
2.	Carryover Maximum.....	<u>36</u> <u>35</u>
3.	Carryover Exceptions.....	<u>36</u> <u>35</u>
4.	Forfeiture.....	36
5.	Requesting Vacation.....	36
6.	Separation from Service .....	<u>37</u> <u>36</u>
<b>F.</b>	<b>Management Leave .....</b>	<b><u>37</u><u>36</u></b>
<b>G.</b>	<b>Holidays.....</b>	<b>37</b>

1. Observed Holidays.....	37
2. Personal Days.....	38
3. Holidays for Reason of Faith or Conscience .....	38
<b>H. Sick Leave – Regular and Limited Term Employees.....</b>	<b>3938</b>
1. Purpose.....	3938
2. Use of Sick Leave .....	3938
3. Conversion of Vacation to Sick Leave .....	4039
4. Maximum Balance .....	4039
5. Separation from Service .....	4039
6. Rehired .....	40
7. On-the-job Injury .....	40
<b>I. Sick Leave – Extra Help Employees .....</b>	<b>40</b>
1. Accrual and Eligibility to Use Sick Leave.....	4140
2. Maximum Carryover.....	4140
3. Separation from Service .....	4140
4. Rehired within Twelve Months.....	41
5. On-the-job Injury .....	41
<b>J. Donated Leave .....</b>	<b>41</b>
1. Criteria .....	4244
2. Donation.....	4244
3. Value of Leave .....	4244
4. Treatment of Leave Remaining .....	4244
5. No Cash Out .....	42
<b>K. Washington State Paid Family and Medical Leave (PFML) .....</b>	<b>42</b>
1. Eligibility .....	42
2. Leave Entitlement .....	4342
3. Concurrency With FMLA.....	43
4. Notification Requirements.....	43
5. Coordinaion with Other Health Programs .....	4443
6. Monetary Benefits .....	44
7. Benefit Payment Waiting Period .....	44
8. Supplementing PFML with Your Own Leve Accruals or the City's Supplmenetal Paid Family Leave .....	4544
9. Job Restoration and Return to Work Recertification .....	4544
10. PFML Application Process.....	45
11. Payroll Deductions .....	4645
12. Retirement Service Credit and Paid Family Medical Leave .....	4645
<b>L. Leave under Family and Medical Leave Act (FMLA) .....</b>	<b>4645</b>
1. Length of FMLA and Eligibility .....	4645
2. Reasons for Taking Leave.....	4645
3. Definitions .....	4746
4. Intermittent Leave or Reduced Schedule Leave .....	4847
5. Paid Leave before Unpaid Leave .....	4847
6. Advance Notice.....	4847
7. Certification .....	4948
8. Designation Notice.....	4948
9. Periodic Reporting .....	4948
10. Health Insurance.....	5048
11. Other Insurance .....	5049
12. Couples Employed by the City.....	5049

13. Determining Leave Availability.....	<u>5049</u>
14. Special Rule for Leave Related to Pregnancy .....	<u>5049</u>
15. Job Restoration.....	<u>5149</u>
<b>M. Supplemental Paid Family &amp; Medical Leave (SPFML) .....</b>	<b><u>5149</u></b>
1. Eligibility .....	<u>5150</u>
2. Benefit Amount .....	<u>5250</u>
3. Benefit Period, Frequency, and Concurrency.....	<u>5354</u>
4. Heath Benefits .....	<u>5451</u>
5. Procedure for Requesting Supplemental Paid Family & Medical Leave .....	<u>5451</u>
<b>N. Spousal Military Deployment Leave under Washington State Law.....</b>	<b><u>5451</u></b>
<b>O. Medical Leave of Absence (non FMLA).....</b>	<b><u>5552</u></b>
<b>P. Leave of Absence Without Pay .....</b>	<b><u>5552</u></b>
<b>Q. Continuation of Benefits.....</b>	<b><u>5552</u></b>
<b>R. Bereavement Leave.....</b>	<b><u>5553</u></b>
<b>S. Court and Jury Duty Leave.....</b>	<b><u>5653</u></b>
<b>T. Military Leave.....</b>	<b><u>5653</u></b>
<b>U. Leave for Certain Volunteer Emergency Services Personnel .....</b>	<b><u>5754</u></b>
<b>V. Victims of Domestic Violence Leave .....</b>	<b><u>5754</u></b>
<b>VII. STANDARDS OF EMPLOYEE CONDUCT.....</b>	<b><u>5854</u></b>
<b>A. Personal Appearance and Demeanor .....</b>	<b><u>5855</u></b>
<b>B. Absenteeism and Tardiness.....</b>	<b><u>5855</u></b>
<b>C. Solicitations and Distribution of Literature.....</b>	<b><u>5855</u></b>
<b>D. Drug-Free Workplace .....</b>	<b><u>5955</u></b>
<b>E. Safety.....</b>	<b><u>6057</u></b>
<b>F. Weapons.....</b>	<b><u>6057</u></b>
<b>G. Workplace Violence.....</b>	<b><u>6057</u></b>
<b>H. Tobacco and Vaping Free Workplace.....</b>	<b><u>6158</u></b>
<b>I. General Conduct.....</b>	<b><u>6158</u></b>
<b>J. Searches of Property .....</b>	<b><u>6258</u></b>
<b>K. Corrective Action Procedure.....</b>	<b><u>6258</u></b>

1. Progressive Discipline.....	<u>6258</u>
2. Pre-Disciplinary Hearing.....	<u>6360</u>
<b>L. Complaint Resolution Procedure.....</b>	<b><u>6460</u></b>
1. Resolving Conflict Informally .....	<u>6460</u>
2. Resolving Conflict Formally .....	<u>6460</u>
<b>VIII. SEPARATION FROM EMPLOYMENT.....</b>	<b><u>6561</u></b>
<b>A. Resignation .....</b>	<b><u>6561</u></b>
<b>B. Unauthorized 3 Day Absence .....</b>	<b><u>6562</u></b>
<b>C. Separation Procedures .....</b>	<b><u>6562</u></b>
<b>D. Reduction in Force, Layoff and Recall .....</b>	<b><u>6562</u></b>
1. Notice .....	<u>6562</u>
2. Order of Layoff .....	<u>6662</u>
3. Alternatives to Layoff .....	<u>6662</u>
4. Layoff Support.....	<u>6663</u>
5. Severance.....	<u>6663</u>
6. Rehire List.....	<u>6663</u>
<b>E. Furlough (Temporary Reduction in Hours).....</b>	<b><u>6764</u></b>
1. Impact of Furlough on Work Schedule and Pay .....	<u>6864</u>
2. Impact on Benefits During a Furlough .....	<u>6865</u>
3. Furlough Support .....	<u>6865</u>
4. Employees on Protected Leave.....	<u>6965</u>
5. Appeal Process.....	<u>6965</u>
6. Unemployment Compensation .....	<u>6965</u>
7. Shared Work Program .....	<u>6966</u>
8. Return to Work Following a Furlough .....	<u>6966</u>
<b>IX. CLOSING STATEMENT.....</b>	<b><u>6966</u></b>
<b>X. APPENDIX A - CODE OF ETHICS .....</b>	<b><u>7067</u></b>
<b>XI. CITY OF SHORELINE EMPLOYEE HANDBOOK ACKNOWLEDGMENT.....</b>	<b><u>7269</u></b>

## 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 youan individual 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 havean employee of the City has any questions about any of ourthe City's policies, please ask yourthey should direct those questions to their supervisor or the Human Resources Department.

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

## II. APPLICABILITY AND AUTHORITY

### A. Applicability

This Handbook is applicable to all employees except the City Manager who serves at the discretion of the City Council and except where specifically stated otherwise.

### B. At-Will

At-will positions include specific 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. No provisions of this Handbook shall change at-will status.

### C. Local, State or, Federal Law or Collective Bargaining Agreement

In cases where these policies are in conflict with local, state or, federal law, or a collective bargaining agreement, the provisions of local, state or, federal law, or a collective bargaining agreement 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

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 must be coordinated through Human Resources is required.

### **III. DEFINITIONS**

**A. Accrued Leave**

Leave accruals earned but not yet taken including: sick leave, vacation leave, comp time, management leave, or personal days.

**B. Alternative Work Schedule**

A work schedule which is different from the standard 8:00 a.m.– 5:00 p.m. Monday to Friday schedule.

**A.C. Anniversary Date**

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 unpaid time off.

**B.D. Base Pay Rate**

Pay for scheduled hours of work at 1.0 (one) times the hourly rate of pay.

**C.E. Break in Service**

The period of time between the date an employee separates from employment with the City and the date the employee is rehired.

**D.F. 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.

**E.G. City**

The City of Shoreline, Washington.

**F.H. City Manager**

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

**G.I. Core Hours**

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. Individual departments may establish different core hours for purposes of performing their operations with City Manager approval.

**H.J. Demotion**

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

**I.K. De Facto Parent**

A person who has had their parental rights and responsibilities determined by a court as to a child for whom they are not the legal parent, whether biological, adoptive or otherwise.

**J.L. Department Director**

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

**K.M. Domestic Partner**

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 and 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.

**L.N. Drugs**

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. This does not include prescription and over-the-counter medication used according to prescription or consistent with standard dosage.

**M.O. Employment Status Definitions****1. Regular Full Time**

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**

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.

**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**

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

**a) Seasonal**

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**

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**

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

Maximum Hours:

- 1,040 a year and
- an average of less than 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.

**P. ESD**

Washington State Employment Security Department

**N.Q. 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. and often referred to as salaried employees.

**O-R. Fit for Duty**

Physically and mentally capable of safely performing the essential functions of the job.

**P.S. Flex-Time Schedule**

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

**T. FMLA**

The Federal Family and Medical Leave Act, 29 U.S.C. 2601 et seq., as amended from time to time, or federal regulations or guidance issued under the FMLA.

**U. FMLA Covered Family Member**

An employee may use FMLA to care for the following family members: employee's child, parent, or spouse. An employee may also use FMLA to care for next of kin who has a serious health condition as a result of military service.

**Q.V. Furlough**

A temporary reduction of work hours due to a lack of work, shortage of funding, or for other business reasons.

**R.W. Immediate Family**

Unless defined otherwise in these policies, immediate family is:

- A spouse or domestic partner.
- A child, parent or sibling of the employee, employee's spouse or domestic partner.
  - Child includes adopted, biological, foster, grand, step, child of a legal guardian or a person standing in loco parentis or a de facto parent; regardless of age or dependency status.
  - Parent includes adoptive, biological, foster, grand, step and a person who was a legal guardian or stood in loco parentis or was a de facto parent.
  - Sibling includes adopted, biological, foster, or step.

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.)

**S.X. Insubordination**

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

**T.Y. Intern**

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

**U.Z. In Loco Parentis**

A person who acts in the place of a parent with legal responsibility to take on some of the functions and responsibilities of a parent.

**V.AA. Non-Exempt Employee**

An employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act.—, often referred to an hourly employee.

**V. Normal Pay**

~~Pay for scheduled hours of work at 1.0 (one) times the hourly rate of pay.~~

**BB. PFML**

~~Paid Washington State's Paid Family and Medical Leave Program, Title 50A RCW, enacted by and administered through the State of Washington as amended from time to time, or state regulations or guidance issued under the PFML.~~

**CC. PFML Benefit Payment**

~~Weekly wage replacement benefit paid an employee who is enrolled in and receiving leave benefits through the State of Washington Paid Family and Medical Leave (PFML).~~

**DD. PFML Covered Family Member**

~~An employee may utilize Paid Family and Medical Leave to care for the following family members: employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, sons and daughters-in-law, and the employee's spouse or domestic partner.~~

**EE. PFML Qualifying Period**

~~A qualifying period is the first four of the last five completed calendar quarters or, if that does not get the employee to the required 820 hours, the last four completed calendar quarters immediately preceding the application for leave.~~

**W.FF. Promotion**

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

**X.GG. Separation from Service**

~~Any case where employment ends through death, retirement, resignation, layoff or otherwise other reason that results in a termination of employment.~~

**Y.HH. Standby**

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

**Z.II. Step Increase Date**

~~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 their current position, but adjustments shall be made proportionate to any unpaid time off.~~

**JJ. Supplemental Benefit**

~~The use of accrued leave or Supplemental Paid Medical and Family Leave to cover the difference (gap) between the partial wage replacement payment provided through Washington State Paid Family and Medical Leave and an employee's regular full pay check.~~

**AA.KK. Time in Paid Status**

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.

**BB.LL. Transfer**

Any case where a regular employee moves ~~on a non-temporary basis~~ to a different position ~~classification on an ongoing basis~~ in the same salary range ~~as the classification they are moving from~~.

**MM. Waiting Period**

~~The time period between when one is approved for Paid Family and Medical Leave benefits and when one receives their first wage replacement check.~~

**CC.NN. Work Location**

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

City Hall: 17500 Midvale Avenue North

Hamlin Park Maintenance Yard: 16006 15<sup>th</sup> Avenue N.E.

North Maintenance Facility: 19547 25<sup>th</sup> Avenue NE

Richmond Highlands Recreation Center: 16544 Fremont Avenue N

Shoreline Pool: 19030 1<sup>st</sup> Avenue N.E.

Spartan Recreation Center: 202 NE 185<sup>th</sup> Street

**DD.OO. 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. Other regular work weeks may be established, but where a different workweekwork week is required, the City Manager will define an appropriate workweekwork week and communicate that to the employees.

**EE.PP. Y-Rating**

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

## **IV. 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 providedif they possess the experience and, training and other qualifications listed in the job description for the positionannouncement.

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. All employees who are currently working for the City would be considered internal applicants.

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 providedif they possess the experience and, training and other qualifications listed in the job description for the positionannouncement.

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.

**B. 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. Subpoenas and Depositions**

Sometimes an employee may receive a notice that they are being subpoenaed regarding City business, such as being required to give a deposition. If an employee receives such a notice directly, the employee is to immediately notify the City Attorney's office. The City Attorney's office will assist the employee in preparing for the deposition and will accompany the employee to the deposition, providing the appropriate support for the employee during the deposition as provided by court rule and law.

**D. Prohibited 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**

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. 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.

**2. Coercion**

Employees may not directly or indirectly coerce, attempt to coerce, or command 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**

Employees may not serve 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.

Employees that serve as an elected or appointed official for another governmental entity must comply with the provisions and restrictions of this subsection D.

**4. Conflict of Interest**

If there is a conflict of interest between an employee's elected position outside of the City and 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.

**E. Prohibited Personal Gain - 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 friendly and

courteous service to the public. The Code of Ethics is located in Appendix A of this manual.

Employees are prohibited from:

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.
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.
  - 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.

## F. Employee Orientation

Upon hire or appointment, the Department Director, or their designee and Human Resources shall be responsible for the orientation of each~~the~~ new 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 other City personnel.

### 1. **Orientation Period for Initial Hire**

Upon hire to a regular position, each employee will be at-will while serving in a six-month 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.

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.

An employee may be discharged without cause or notice prior to the completion of the 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.

This section shall not apply to specified senior management positions-at-will, temporary, extra help, and limited term positions.

## **2. Orientation Period for Promoted, Demoted or Transferred Employees**

A promoted-or transferred or demoted employee shall serve a 3-month orientation period in the new position, if they have never worked in nor served an orientation period in the classification previously. 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.

The promoted-or transferred or demoted 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.

If involuntarily removed from their current position, the employee may return to the position from which he or she they were promoted or transferred by providing from, provided that the position is vacant and the employee has provided a written notice request to the Department Director for the former position. This notice request must be provided within 5 days of the notice of failure to complete the orientation period.

During the orientation period, the promoted or transferred employee may request to voluntarily return to the 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 filled, the Department Director, after consulting with Human Resources and any other affected department, may approve the return.

This section shall not apply to at-will positions.

## **G. 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 their rights under this provision have been violated, he or she they should follow the complaint reporting and resolution process outlined in the Section IV.I, Discrimination Complaint Procedure.

#### **H. Prohibition of Employee Discrimination and Harassment**

The City expressly prohibits any form of unlawful employee discrimination or harassment based on race, color, religion, sex, national origin, marital status, age, sexual identity, 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 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:

1. Unwelcome sexual advances; requests for sexual favors; and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where:
  - a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
  - b) Submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
  - c) Such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Offensive comments, jokes, innuendoes, and other sexually oriented statements or displays.

#### **I. Discrimination or Harassment 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~~they have experienced any job related discrimination or harassment based upon sex, race, color, religion, national origin, marital status, age, sexual orientation or disability, or ~~believes he or she has~~believe they have been treated in an unlawful, discriminatory manner, the employee should promptly:

1. Report the incident to ~~his or her~~their 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.
  - a) If an employee believes it would be inappropriate to discuss the matter with ~~his or her~~their 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.
2. The complaint will be kept confidential to the extent possible.

3. If the City determines that an employee is guilty of harassing or discriminating against another employee, appropriate disciplinary action will be taken against the offending employee, up to and including termination of employment.
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.
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.

**J. Employment of Immediate Family**

1. Members of the immediate family of City elected officials will not be employed by the City in any capacity.
2. Members of the immediate family of employees will not be hired if:
  - a) One individual would have the authority or power to influence decisions, supervise, hire, remove or discipline the other;
  - b) One individual would be responsible for financially auditing the work of the other;
  - c) One individual would handle confidential material that creates improper or inappropriate exposure to that material by the other; or
  - d) The member of the immediate family would be employed in the same department as the employee with the following two exceptions:
    - (1) Extra help employees may be employed in the same department as an immediate family member if no conflict of interest exists, including those outlined above.
    - (2) Spouses may be employed in the same department if no conflict of interest exists, including those outlined above.
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.

**K. Personnel Files**

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

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

**L. Reporting Improper Governmental Action and Protecting Employees Against Retaliation**

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.

**2. Key Definitions:**

- a) **Improper Governmental Action** is any action by a City officer or employee that is:
  - (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
  - (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.
- 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.
- c) **Emergency** means a circumstance that, if not immediately changed, may cause damage to persons or property.

**3. Reporting Mechanism**

- a) 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.

**4. Investigation**

- a) –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.

**5. Confidentiality**

- a) –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 their identity in writing.
- 6. 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.
- 7. 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.

**8. Protection against Retaliatory Actions**

– As provided in Washington's Local Government Whistleblower Protection Act, chapter 42.41 RCW, tThe City is prohibited from taking retaliatory action against an employee because he or she hasthey have in good faith reported an improper government action in accordance with this policy.

- a) An employee who believes he or she hasthey have 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.
- b) The City Manager shall have 30 days to respond to the charge.

**9. 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).

**10. Relief Granted under Chapter 42.41 RCW Under The Act**

- a) Reinstatement, with or without pay.

- b) Injunctive relief necessary to return the employee to the position ~~he or she~~  
~~they~~ held before the retaliatory action and to prevent the recurrence of retaliation.
- c) Costs and reasonable attorneys' fees.
- d) Penalty assessed against each individual retaliator or up to \$3,000 plus recommendation to City Manager that retaliator be suspended or dismissed.
- e) State law does not provide for general economic damages or damages for emotional distress.

## 11. 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:

<u>City of Shoreline</u>	<u>King County</u>	<u>State of Washington</u>
City Attorney or City Manager Shoreline City Hall 17500 Midvale Ave. N. Shoreline, WA 98133 206-801-2700 Web: <a href="http://www.shorelinewa.gov">www.shorelinewa.gov</a>	Ombudsman or Prosecuting Attorney 516 Third Ave Seattle, WA 98104 206-477-1050 or 206-296-9000 Web: <a href="http://www.kingcounty.gov">www.kingcounty.gov</a> <a href="http://www.kingcounty.gov">www.kingcounty.gov</a>	Auditor's Office 302 Sid Snyder Avenue SW Olympia, WA 98504-0021 Web: <a href="http://www.sao.wa.gov">www.sao.wa.gov</a>
		Human Rights Commission 711 South Capitol Way, St 402 Olympia, WA 98504-2490 Web: <a href="http://www.hum.wa.gov">www.hum.wa.gov</a>
		Dept. of Ecology 3190 - 160th SE Bellevue, WA 98008-5852 Web: <a href="http://www.ecy.wa.gov">www.ecy.wa.gov</a>
		Dept. of Labor & Industries PO Box 44000 Olympia, WA 98504 Web: <a href="http://www.lni.gov">www.lni.gov</a>

## M. Outside Employment

1. 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) Occur during working hours;
  - b) Detract from the efficiency of the employee while performing City duties;
  - c) Constitute a conflict of interest or create an appearance of impropriety as determined by the City Manager;
  - 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) Take preference over extra duty required by City employment;
  - f) Interfere with emergency callout duty;

- g) Tend to impair independence of judgment or action in performance of official duties;
  - h) Involve the use of any City resources such as copiers, telephones, supplies, other equipment, or time; or
  - 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~~their 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~~their 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~~their outside employment, ~~he/she~~they should consult with ~~his or her~~their 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.
    - 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. GENERAL WORKING CONDITIONS AND PERSONNEL ADMINISTRATION

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

## **B. Breaks**

### **1. 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 their shift, and scheduled as close to the 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 lunch and rest 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. 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. A private space for this purpose will be established at all City work locations. ~~If you need~~For more information on the designated lactation space at your work location, an employee should contact a her supervisor or Human Resources.

## **C. Overtime**

This section applies to non-exempt employees. Employees will receive compensation for approved time in paid status in excess of 40 hours in a work week. ~~Employees receiving who have been authorized for and who earned~~ 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 cellular phone so that they may be reached to conduct official business. 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 must make every attempt to report to work within 60 minutes, but no later than within 90 minutes of notification. If an employee on standby status fails to respond to a call to return to work, the employee may be subject to disciplinary action.

## **E. Callback**

This section applies to non-exempt employees. Employees called back to work shall be paid a minimum of three hours at a rate of time and one-half. Hours

worked on callback beyond the three-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. Compensatory Time**

This section applies to non-exempt employees. Limited amounts of compensatory time may be granted. An 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. Twelve Hour Shift**

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 pmp.m. The employee normally takes a half hour lunch at noon. At 11:00 ama.m. the City Manager declares a 12-hour shift. The employee, assigned to the night shift, is sent home at 11:00 a.m. to rest and report to work at 9:00 pmp.m. for the night shift. The employee receives 4½ hours pay—1 hour from 11:00 a.m. to noon and 3½ hours from 12:30 pmp.m. – 4:00 pmp.m.
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 ama.m. – 4:00 pmp.m. (with an hour unpaid lunch break).
  - Employee A is assigned to the 9:00 pmp.m. – 9:00 ama.m. night shift. For each full night shift worked, Employee A will receive 10 hours of shift differential pay from 9:00 pmp.m. until 7:00 ama.m. 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 ~~a.m.~~ – 9:00 ~~p.m.~~ day shift. For each full day shift worked, Employee B will receive 5 hours of shift differential pay from 4:00 ~~p.m.~~ until 9:00 ~~p.m.~~ 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.

3. Pay for meal breaks. During the declared 12-hour shifts, employees shall be paid for required meal breaks.
4. Premium Pay for work on days when the City is closed. In the event that the City Manager closes the City 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 is closed shall receive straight time “comp time” for the time that the City is closed, in addition to their pay for their shift. For the purposes of a full day City 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 for the entire work day on Wednesday. In addition the City Manager closes the City 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).

#### **H. Inclement Weather and Natural Disaster**

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.

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 with approval, may 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, , or their designee. Inclement weather or natural disaster tardiness in excess of that allowed by the City Manager shall be charged as provided above.
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. Performance Evaluations Planning and Appraisal**

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

**J. 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.

**1. Job Classification**

The Job Description and Salary Range assigned to the responsibilities of a position is the 'job classification.' A job description includes a job title and statements that define the position, including 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. Salary range assignments are recommended by the Human Resources Director to the City Manager, with input from the

Department Director. Periodically, the City may revise job classifications as needed or 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.

### a) Requesting a Classification Review

- (1) **Management Requested 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, or if they believe the position duties being performed are outside of the current classification specifications next calendar month.
- (2) **Employee Requested Classification Review:** An employee who does not believe that their classification accurately reflects the current duties of the position may request in writing to the Human Resources Director a classification review if it has been more than one year since the last classification review and the majority of duties have changed.

### b) Performing the Classification Review

- (1) 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.
- (2) 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's request for a classification review will be retroactive to the date of written submittal of the request for review to the Human Resources Director. An employee who is reclassified is considered to have met the requirements of an orientation period and will not need to serve an orientation period in their newly reclassified position. In the event that a classification review results in a denial of a change in classification but also results in a determination the employee was working out of class, the employee will be awarded out of class pay. The out of class pay will be effective on the date the employee submitted the written request for classification review and end on the date the Out-of-Class duties are no longer performed and will be based on Section 5, the Out-of-Class Pay provisions noted in this handbook.

### **3. Steps and Increases**

The compensation plan consists of six salary steps which are referred ranging from Step 1 to Step 6, as a reflected in the annual salary rangeschedule. Step 10 is the minimum; Step 6 considered a training step. In general, there is the top. Thea 2.5% difference between ranges, and a 4% difference between steps are set at 4% increments. within a range.

Regular employees not at the top step are eligible for advancement to the next step annually. The step increase will be effective on one year following the most recent 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.

### **4. Starting Rates of Pay**

New employees generally will begin their employment at step 1 of the salary range for the 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 or their designee.

Circumstances that support hiring above step 1 include:

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

### **5. Promotion**

A regular employee receiving a promotion shall be placed in the firstclosest 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 new 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:

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

### **6. Transfer**

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

## **7. Demotion**

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 annual step increase date.

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 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, if the employee has not reached the top step of the salary range, 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.

## **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 salary range increases enough to include that rate. At that time, the employee shall be placed at the equivalent rate of pay in the first step new range that does not provide for result in a decrease. No COLA Cost-of-Living Adjustment 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. Out-of-Class Pay**

When a Department Director or the City Manager assigns a regular employee substantially higher ~~paid responsibilities level duties that fall~~ outside the scope of ~~his or her~~their job classification and the assignment exceeds ten (10) 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~~agrees, they may recommend to the City Manager a higher placement. Circumstances that support ~~a~~an exception to the 5% placement greater than a 5% increase areinclude:

- a) Additional and directly applicable education or experience above ~~The duties the minimum requirements;~~
- a) ~~Market conditions that support employee is performing is of a significantly higher starting salary classification;~~
- b) The proposed higher salary will not create inequities with existing internal salaries;

- c) The proposed higherout-of-class salary is not higher than would be awarded if the employee were promoted into the position.

**K. Garnishment**

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

**L. 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.institution, but are subject to approval based on operational needs and budget availability.

**M. 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 hertheir 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 issuesubject 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.

## **N. Reasonable Accommodation**

### **1. Medical 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~~they have a mental or physical impairment substantially limiting one or more of the major life activities) and requires a reasonable accommodation, the employee ~~must~~will 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 representative will meet and begin engage in an interactive process. The interactive process will include discussing the disability, limitations, and possible reasonable accommodations that may enable the employee to perform the essential functions of ~~his or her~~their 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.

### **2. Religious Accommodation**

Employees whose religious beliefs, practices or observances conflict with work requirements may request an accommodation. Upon notice of a request to reasonably accommodate, Human Resources will examine the request and respond to the employee.

## **VI. BENEFITS**

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. Vacation**

Applies to: Regular and limited term employees.

Employees accrue paid time off for vacation. Regular and limited term part-time employees receive prorated vacation accrual based on the ratio of their normally scheduled work week to a forty-hour week.

**1. Accrual Table**

Vacation shall be accrued monthly as follows:

Years of Employment Completed	Days of Vacation per Year	Hours Accrued per Month
0 – 12 Months	12	8.0
1	13	8.6
2	14	9.3
3	15	10.0

4	16	10.6
5	17	11.3
8	18	12.0
10	19	12.6
12	20	13.3
15	23	15.3

## 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' vacation accrual accumulation.

## 3. Carryover Exceptions

Employees with a vacation balance in excess of the carryover maximum should reduce the balance to the maximum. carryover allowable. If an employee ~~perceives they~~ cannot use vacation because City operations have prevented it, the employee should discuss the matter with their supervisor well ahead of requesting a carryover exception. 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. Requests for vacation carryover shall be made in writing by the employee and submitted to the Human Resources Director. The request will include a plan for bringing the vacation accrual balances within the accrual cap during the next year. The request will be reviewed by the Department Director and is subject to approval by the City Manager.~~ An employee will not be granted an exception two years in a row.

## 4. Forfeiture

Unused vacation leave in excess of the carryover maximum shall be forfeited at the end of the calendar year unless a carryover exception has been granted.

## 5. Requesting Vacation

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~~impact the business ~~needs~~operations of the City. ~~In ease of cases where there is~~ a conflict in scheduling vacation leave, ~~normally~~ among employees, the earliest request shall be given ~~supervisor will determine~~ the preferred criteria for approving vacation choice. ~~requests based on a fair and equitable methodology.~~

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

Vacation hours earned for a new employee shall accrue but shall not be usedavailable for use until after an initial six months of employment with the City unless special authorization has been granted by the City Manager. Employees who have moved to a new classification, and who have already

served a six month orientation period in a previous position with the City, may request use of vacation leave accruals immediately. An orientation period may be extended to account for leaves (unpaid, vacation, etc.) taken during that period of time. The City Manager is authorized to negotiate higher accrual levels and/or starting balances of vacation with individual staff members.

An employee may cash out accrued vacation leave 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 base 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-out for any accrued vacation earned and not taken. Payout of accrued vacation leave will be at the base hourly rate and not include out-of class pay or other premium rates. 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.

## F. Management Leave

Applies to: Exempt Regular and Exempt Limited Term Employees.

On January 1st of each year, each 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 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. Exempt staff must use management leave in full day increments.

## G. 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. Observed holidays are:

New Year's Day	January 1
Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4

Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11
Thanksgiving	4 <sup>th</sup> Thursday in November
Native American Heritage Day	Day after Thanksgiving
Christmas	December 25

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, it shall be observed on the work day immediately preceding or following the holiday as determined by the City Manager.

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

~~Nonexempt~~Non-exempt 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~~they make 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 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. Employees must submit a request in advance, but no less than two calendar weeks prior to the start date of the requested leave. The leave requires the approval of the Human Resources Director and the Department Director. Regular employees may use a personal day, vacation, compensatory time, accrued leave or leave without pay, if all accruals are exhausted. Extra help employees may use leave without pay.

#### **H. Sick Leave – Regular and Limited Term Employees**

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.

##### **1. Purpose**

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. 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.

##### **2. Use of Sick Leave**

###### **a) Employee**

Sick leave may be used in the following circumstances:

- when an employee is ill, injured, disabled experiencing a physical or mental illness, injury, disability (including a disability due to pregnancy or childbirth), or diagnosable health condition, or
- when an employee 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**

Sick leave may be used to care for a member of the immediate family who is ill, injured or disabled. Sick leave may also be used for qualifying Family Leave provided for in the Family Leave section, or when the employee's workplace or employee's child's school or place of care has been closed for any health-related reason by order of a public official.

Sick leave may also be used for qualifying family and medical leave provided for in the Washington State Paid Family and Medical Leave (PFML) or Leave under Family and Medical Leave Act (FMLA) sections.

**c) Doctor's Note**

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 the supervisor or Department Director.

**d) Notification**

Each employee, or someone on their behalf, should inform 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**

The maximum banked balance of sick leave is 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.

**5. Separation from Service**

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.

**6. Rehired**

Employees who are rehired within twelve months of a separation in service shall have their unused sick leave balance restored.

**7. On-the-job Injury**

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 their 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.

**I. Sick Leave – Extra Help Employees**

~~This section becomes effective January 1, 2018.~~

Extra Help employees perform work that is seasonal, variable, intermittent, or part time for a few hours each week; their sick leave benefit is based on actual hours worked.

### **1. Accrual and Eligibility to Use Sick Leave**

Employees will accrue one hour of sick leave for every forty hours worked.

Beginning on the ninetieth calendar day after being hired, employees may use accrued sick leave for ~~an illness or disability that requires the employee to be absent from their scheduled work hours. The illness or disability may be their own or that of an immediate family member.~~ following reasons:

- Own mental or physical illness, injury, or health condition, or when seeking a medical diagnosis or preventative medical care.
- Family member's need for care for a mental or physical illness, injury, or health condition, or when seeking a medical diagnosis or preventative medical care.
- When employee's workplace or employee's child's school or place of care has been closed for any health-related reason by order of a public official.
- When absent from work for reasons that qualify for leave under the state's Domestic Violence Leave Act (DVLA).

### **2. Maximum Carryover**

The maximum unused sick leave that may be carried over from one calendar year to the next is forty hours.

### **3. Separation from Service**

Sick leave hours are not cashed out upon separation from service and may not be used to extend employment beyond the last scheduled day of work.

### **4. Rehired within Twelve Months**

Employees who are rehired within twelve months shall have their unused sick leave balance restored and will have satisfied their eligibility to use sick leave as required in section one of this policy.

### **5. On-the-job Injury**

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~~their pay for scheduled hours of work. If an employee is awarded time loss payments for a period that the employee has already used sick leave, the employee shall submit the L & I check to Finance and 'buy back' the equivalent amount of sick leave used. While on time loss, the employee's pay may not exceed the employee's normal pay when not on time loss.

### **J. Donated Leave**

Applies to: Regular and limited term employees.

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~~they find that the employee meets all of the following criteria.

### **1. Criteria**

- 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
- b) The employee does not qualify for other available leave benefits and has depleted all of ~~his or her~~their available leave time; and
- c) The employee has abided by all applicable policies regarding sick leave use; and
- d) The employee has been found ineligible for benefits under Worker's Compensation as governed by state law.

### **2. Donation**

An employee may donate up to 25 hours annually of 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**

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

### **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.

## **K. Washington State Paid Family and Medical Leave (PFML)**

### **1. Eligibility**

Under PFML, employees may be eligible for paid leave when needing time off for covered reasons. Eligibility requirements are:

- a) Monetary Benefits: In order to be eligible to receive monetary benefits from the Washington State Employment and Security Department, the individual must be currently employed with the City of Shoreline and have worked 820 hours in Washington for any employer or combination of employers during the year preceding the application for leave claim.
- b) Job Protection: In order to be eligible for job protection under PFML, an employee must have worked for the City of Shoreline for at least 12 months and have worked 1250 hours in the last year.

## **2. Leave Entitlement**

PFML eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave, for a total of 18 weeks, may be available in the event the employee's leave involves incapacity due to her pregnancy. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought. This minimum claim requirement of eight consecutive hours of leave also applies to part-time employees. The employee may use the leave within 52 weeks from the date that the leave was approved by the State or for a year following the birth/placement of the employee's child.

### **PMFL leave may be taken for the following reasons:**

- a) Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, child birth recovery, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.
- b) Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies where an employee needs time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.
  - (1) If both parents work for the City of Shoreline, the leave entitlement for bonding with a new child or for a new child placement into their home is independent of each other. Each employee is entitled to the full leave amount, less any PFML or FMLA leave the employee has already taken during the current claim year.
- c) If an employee faces multiple events in a year, they may be eligible to receive up to 16 weeks, and up to 18 weeks if they experience a serious health condition during pregnancy that results in incapacity.

## **3. Concurrency With FMLA**

PFML will run concurrently (at the same time) with FMLA when an absence is covered by both leave benefits and the employee meets the eligibility requirements of both leave programs. Hours taken under PFML will be deducted from the 12 weeks of FMLA entitlement.

## **4. Notification Requirements**

An employee must provide written notice to the Human Resources Department of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written

notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the City of Shoreline, ESD will temporarily deny PFML benefits.

If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt business operations.

Employees should follow the instructions provided by the payroll office regarding how to report their time during a leave.

## **5. Coordinaion with Other Health Programs**

While using PFML, health benefits will remain intact and will continue to be provided by the City as normal.

If an employee is on PFML but does not meet the eligibility requirements for FMLA and is not supplementing PFML with other leave accruals or the City of Shoreline Supplemental Paid Leave, the employee is deemed to be in an unpaid status for purposes of City of Shoreline policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City of Shoreline policies and subject to any other leave provisions that require continuation of health benefit coverage.

For any unpaid portion of a leave the 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 from the leave will be required to pay back both the employee and the City portion of the insurance premiums unless failure to return to work was beyond the employee's control.

## **6. Monetary Benefits**

Washington State Employment Security Department is responsible for making benefit payments directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage. Currently, the maximum weekly benefit amount is \$1000 per week and the minimum is \$100, but this is subject to adjustments by the State.

## **7. Benefit Payment Waiting Period**

With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. An employee may use leave during this waiting period, but such usage of accruals must be reported to ESD.

## **8. Supplementing PFML with Your Own Leave Accruals or the City's Supplemental Paid Family Leave**

Employees who meet the eligibility requirements for PFML may use their own leave accruals and the City of Shoreline Supplemental Paid Family Leave to make up the difference between the PFML benefit received from ESD and their regular full pay for a week in which PFML leave is taken as follows:

- a) When the PFML is for the employee's own serious health condition: The employee must use and exhaust all their leave accruals prior to using Supplemental Paid Family leave.
- b) When PFML is to care for a family member or for child bonding/placement: The employee must exhaust their sick leave accruals but may reserve 80 hours of their earned accrued vacation leave for future use, prior to using Supplemental Paid Family Leave.
- c) The use of Supplemental Paid Family Leave is contingent on the employee receiving their weekly PFML benefit and submitting proof of payment to the payroll office. Payroll will then calculate the amount of supplemental paid leave needed to bring the employee to their regular full pay for that week and issue payment to the employee in the next payroll process.
- d) Supplemental Paid Family Leave may only be used after PFML benefits have been received by an employee and reported to the payroll office, except if it is being used for the initial waiting period.
- e) Regular accrued leave such as sick leave or vacation leave can be used for the initial waiting period.
- f) Employees must inform payroll and HR when they no longer are receiving PFML benefits from the Employment and Security Department or when their need for the leave has ended.

## **9. Job Restoration and Return to Work Recertification**

An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave).

An employee may be required to provide a return-to-work certification from a health care provider before returning to work following PFML leave where the employee has taken leave for their own serious health condition.

If an employee taking PFML leave determines they will not be returning to work for any reason, the employee must inform their supervisor and Human Resources immediately.

The City reserves the right to collect the cost of benefits from an employee if the employee does not return to work following their leave of absence.

## **10. PFML Application Process**

An employee must submit an application to ESD in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website: <https://paidleave.wa.gov/login/>. Eligibility determinations will be made

by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

## **11. Payroll Deductions**

The PFML program is funded through premiums collected by ESD via payroll deductions and City of Shoreline contributions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the City of Shoreline will modify payroll practices to reflect those statutory changes.

## **12. Retirement Service Credit and Paid Family Medical Leave**

PFML is considered an unpaid, authorized leave of absence. PFML program participants will not receive retirement service credits for the wage replacement payments received through ESD. An employee will receive retirement service credit for any time that they are using their own leave accruals or the City of Shoreline Supplemental Paid Family Medical Leave (SPFML) leave benefits while on a PFML.

## **L. Leave under Family and Medical Leave Act (FMLA)**

Applies to: All employees meeting FMLA eligibility criteria.

The City complies with the Federal Family and Medical Leave Act and all applicable state laws 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 LeaveFMLA and Eligibility**

Eligible employees may take up to 12 weeks of unpaid, family and medical 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**

FamilyFMLA leave is provided for any of the following reasons:

- For a serious health condition that makes the employee unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal medical care.
- 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.
- To care for an employee's spouse, child or parent who has a serious health condition.
- For qualifying exigencies arising out of the fact that a spouse, parent, son or daughter is a military member on covered active duty or called to covered active duty. Eligible employees may take up to 26 workweeks to care for a spouse, son, daughter, parent or next of kin who is a covered service

member and 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 caregiver leave). An eligible employee unable is limited to perform the functions a combined total of his or her job.~~26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period.

### 3. Definitions

For the purposes of Family Leave, the following definitions apply:

- **Child:** A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis (in place of the parent) if the child is younger than 18; or a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis if the child is 18 or older and incapable of self-care because of a mental or physical disability.
- **Military Family CareCaregiver Leave:** Caring for a spouse, parent, son, daughter or next of kin with a serious injury or illness as a result of military service.
- **Parent:** A biological parent of an employee or an individual who stood in loco parentis to that employee when the employee was a child.
- **Next of Kin:** A servicemember's nearest blood relative, other than the servicemember's spouse, parent, son, or daughter.
- **Serious Health Condition:** An injury, illness, impairment or physical or mental condition that involves:
  - **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
  - **absencesIncapacity 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 visits to 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~~the first day of health care services under orders of, or on referral by, a health care providerincapacity; or 2) treatment by a health care provider on at least 1 occasion, within 7 days of the first day of incapacity, which results in a regimen of continuing treatment under the supervision of a health care provider;
  - **Pregnancy:** any period of incapacity due to pregnancy or for prenatal care; or
  - **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 at least twice a year; 2) continues over an extended period of time; and 3) may cause episodic rather than a continuing period of incapacity;

- **Permanent/or 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;
- **Multiple treatmenttreatments (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 than three consecutive calendar days in the absence of medical intervention or treatment.
- **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 offrom the fact thatforeign deployment of 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.

#### 4. Intermittent Leave or Reduced Schedule Leave

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. **Paid Leave before Unpaid Leave**

When an employee has paid leave or comp time available, that paid leave must be exhausted before unpaid leave is allowed as family or medical leave.

#### 6. **Advance Notice**

An employee shall provide advance notice of the need for family or medical 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. When foreseeable, notice must be provided at least 30 days in advance of the need to take FMLA leave. The employee should make reasonable efforts to schedule the leave to not unduly disrupt the City's operations. If the leave 30 days advance notice is not possible because the foreseeable situation has changed or the employee or the employee's representative shall does not know exactly when leave will be required, the employee must provide notice within 1 or 2 working days, except in extraordinary circumstances of the need for leave as soon as possible and practical.~~

## **7. Medical Certification**

The City requires the provision of a medical certification within 15 calendar days to support a request for FMLA 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 and expense. When incomplete and insufficient certification is submitted, employees are required to correct deficiencies in the certification within 7 calendar days.

Employees may be asked for a periodic recertifications or when circumstances described by the previous certifications have significantly changed.

The City may require all employees on familyFMLA 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, dependent on the circumstance as it relates to the employees duties.

Employees requesting qualifying exigency leave or military caregiver leave may submit related certification forms or a copy of the duty orders (for exigency leave only).

## **8. Designation Notice**

A written Designation Notice will be sent to the employee requesting family or medical leave informing them that the requested leave will be designated as FMLA leave and setting out the requirements applicable while the employee is on leave. The Notice may be used to deny the leave request or inform the employee that additional information is needed.

### **8.9. Periodic Reporting**

If an employee takes leave for more than two weeks Depending on the employee's circumstances and/or medical documentation, the City may require

the employee to periodically report on his or her ~~their~~ status and intent to return to work.

#### **9.10. Health Insurance**

~~During an FMLA of absence, while~~ When an employee is provided group health insurance, the employee is entitled to the continuation of the insurance coverage during FMLA leave. If 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, employees covered by the City's group health plan (medical, dental or vision) will continue to receive health insurance during ~~family~~FMLA 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 portion of the insurance premiums unless failure to return to work was beyond the employee's control as governed by FMLA regulations.

#### **10.11. Other Insurance**

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.

#### **11.12. Couples Employed by the City**

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. each parent will have 12 weeks of leave available to them independent of each other. The scheduled leave time off must be coordinated between the two employees and their supervisors so as not to cause an operational hardship.~~

#### **12.13. Determining Leave Availability**

Family ~~or medical~~ 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 backward from the first date any family leave is used. The employee is required to notify the City if any leave qualifies as ~~family~~FMLA leave. All leave qualifying for ~~family~~FMLA leave shall be designated and tracked as ~~family leaves~~such upon the request of the employee.

#### **13.14. Special Rule for Leave Related to Pregnancy**

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 Family Leave**

#### **15. Job Restoration**

When an employee returns to work after ~~family~~FMLA leave :

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; the return is subject to bona fide changes in compensation or work duties; the employee does not have return rights if:

- the City eliminates the employee's position by a bona fide restructuring or reduction-in-force; or
- the employee takes another job; or
- 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.M. Supplemental Paid Family & Medical Leave (SPFML)**

Applies to: Regular employees ~~including Limited Term Employees~~ Supplemental Paid Family & Medical Leave provides ~~(SPFML) affords~~ employees an increased ability to attend to ~~their own health needs or those of their family matters by supplementing an employee's accrued paid leaves. The employee will receive the equivalent of his or her full pay for up~~ providing additional pay as a supplement to a total of twelve weeks, when combined with ~~the partial wage replacement benefit received from~~ the employee's accrued leave (except for two weeks of their accrued leave), to pay for a qualified family leave. Refer to Section VI Benefits, Family Leave under FMLA or Victims of Domestic Violence leave to learn what constitutes a qualifying event.

##### **1. Eligibility**

~~Supplemental Washington State Paid Family Leave and Medical Leave (PFML) program. This benefit is used to fill the gap between what the employee receives as a benefit from the PFML and their regular full pay.~~

~~SPFML is used only in conjunction with and concurrently (at the same time) as the Washington State Paid Family and Medical Leave (PFML) and as noted below, with the exception if use is for a victim of domestic violence:~~

##### **1. Eligibility**

~~SPFML is available to all regular eligible employees who:~~

- a) ~~Are the victim of domestic violence and have requested time off as a victim of domestic violence; or~~
- b) ~~Worked for Are currently employed with the City continuously for and have worked at least 42six months and for at least 1,250with the City or the equivalent of 1040 hours over the previous 12 months;(pro-rated for part-time employees) and have successfully passed their orientation period, and~~

- c) ~~Have Experienced a qualifying event under FMLA or under as defined by the Victims of Domestic Violence policy; and Washington State Paid Family and Medical Leave (PFML); or, and~~
- ~~Lack enough accrued leave to maintain a balance of two weeks and to pay for a leave of absence of up to 12 weeks.~~
- d) ~~Are eligible for, have applied to, and have been approved for PFML or be in the initial waiting week of the leave; and~~
- e) ~~Have not exhausted the 12 weeks of SPFL in the current calendar year; and~~
- f) ~~Have depleted available leave accruals:~~
  - (1) ~~Must have exhausted all available leave accruals including sick leave, vacation, personal days, management leave, and accrued comp time if the leave request is for the employee's own serious health condition, childbirth recovery, or as a victim of domestic violence.~~
  - (2) ~~Must have exhausted all available leave accruals but may reserve a bank of 80 hours of accrued vacation leave, if the leave request is to care for a family member; in response to a military exigency; or when bonding after birth or placement of a child into their home.~~

#### **4.2. 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 sick leave, vacation, personal holiday, compensatory time and management leave. Employees may choose which type of leave they use first but are encouraged to use any personal holidays, management leave or compensatory time first because those leaves expire at the end of the year.~~

- a) ~~An employee's SPFML benefit is calculated based on the difference between what is received from Washington State PFML benefit and what the employee normally would receive in their regular check.~~
- b) ~~The employee will receive the equivalent of their full salary through use of supplemental paid leave for up to a total of twelve (12) weeks, when combined with payments received from the employee's accrued leave (except for two weeks of their accrued leave). Washington State PFML.~~
- c) ~~SPFML will cease after using a total of 12 weeks in a calendar year or at the expiration of the approved PFML, whatever occurs first.~~

~~Regular part time employees will receive this benefit on a pro-rata basis relative to based on their normal work week. The following is an example:~~

*~~An employee has an FMLA qualifying event that documents the need for a twelve week family leave of absence. At the time of the qualifying event, the employee has five weeks of accrued leave and will accrue an additional 1.2 weeks (6 days) of vacation and sick leave during the leave of absence. With the five weeks of accrued leave on the books at the time of the qualifying event and with the additional 1.2 weeks of accrual, the employee will have a~~*

~~total of 6.2 weeks of accrued leave. In this example, the following would happen:~~

~~4.2 weeks of the employee's accrued leave would be applied towards the twelve weeks of Paid Family Leave.~~

- a)d) ~~Then, when the employee's balance of accrued leave is down to two weeks, the City would provide the employee with 5.8 weeks of Supplemental Paid Family Leave, so that the employee's twelve week family leave may be a fully paid leave budgeted FTE.~~
- b)e) ~~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. both parents will independently have the equivalent of 12 weeks available to them for bonding with a new child or for child placement. In these circumstances the employees should coordinate with their supervisors to ensure that there is no negative impact to business operations for their requested time off. Any overlap of both parents taking the same time period off for bonding should be coordinated with their supervisor(s) in advance.~~
- c)f) ~~In no circumstances may an employee must use all but two weeks of SPFML in combination with PFML and receive more than their accrued leave before using Supplemental Paid Family leave regular paycheck amount.~~
- d)g) ~~Supplemental Paid Family Leave SPFML may not be cashed out under any circumstance.~~
- h) ~~If using SPFML during the initial waiting week, or while waiting for the leave approval, and the leave is denied from the State, the employee will be required to pay back any Supplemental monetary benefit that has been received.~~

### **2.3. Benefit Period, Frequency, and Concurrency**

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

- a) ~~An employee may use Supplemental Paid Family Leave used on an a continuous or 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. PFML.~~
- b) ~~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 PFML.~~
- c) ~~Is limited to a maximum of 12 weeks a per calendar year, calculated on a rolling 12 month.~~
- b)d) ~~May be used to cover the waiting period from (first week) of PFML if the start of the supplemental paid family employee lacks enough leave accruals.~~

## **2. Job Protection and Health Benefits**

### **3.4. Heath 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.

~~For any unpaid portion of a leave the 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 from the leave will be required to pay back both the employee and the City portion of the insurance premiums unless failure to return to work was beyond the employee's control.~~

### **4.5. Procedure for Requesting Supplemental Paid Family & Medical Leave**

- a) Provide notice – Unless a leave is unexpected, at least thirty days' notice must be given to the Employees who anticipate the need to use SPFML should notify 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.
- b) 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.
- c) Complete the Supplemental Paid Family Leave Request Form.
- b) Submit the Supplemental Paid Family Leave Request Form along with the completed paperwork to request an FMLA leave; or along with your request to Human Resources.
- d) SPFML will not be approved until verification has been received from the State that the employee has applied for PFML. If the employee has received any SPFML payments from the City and their State PFML is denied, the employee will be required to repay the City for a leave under the Victims of Domestic Violence policy those payments received.

## **3. Time Recording**

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

## **L.N. 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. If applicable, this leave will run concurrently concurrent with FMLA leaves for deployment of a family member.

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

**N.P. 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.

**O.Q. 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.

**P.R. Bereavement Leave**

Applies to: Regular and limited term employees

Employees may be granted up to three days of paid leave per occasion 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. The amount of time provided for bereavement leave will be based on the employee's regular daily work schedule, if working 8 hours, they would receive 8 hours of bereavement leave. If working an alternative schedule, they receive the number of hours they normally work on those days.

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

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.

#### **Q.S. 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 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. The amount of time provided for jury duty will be based on the employee's regular daily work schedule, if working 8 hours, they would receive 8 hours of jury duty leave. If working an alternative schedule, they receive the number of hours they normally work on those days.

An employee must inform 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.

#### **R.T. Military Leave**

##### **1. Military Training**

Applies to: Regular and limited term employees

An employee may take up to twenty-one ~~work days~~workdays per year for ~~active~~required military duty training, trainings or drills if he/she~~the employee~~ 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~~their 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. Active Duty Military Service**

### **U. Leave for Certain Volunteer Emergency Services Personnel**

Applies to: Regular and limited term employees

~~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 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. 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.~~

An employee may take necessary time to respond to call to an emergency service operation as unpaid firefighters, reserve officers, or civil air patrol members.

Participation in trainings or other non-emergency activities are excluded from the provisions of this article.

Eligible employees may use their accrued leave to stay in a paid status.

### **S.V. Victims of Domestic Violence Leave**

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, Supplemental Paid Family and Medical Leave, 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.

## VII. STANDARDS OF EMPLOYEE CONDUCT

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.

### A. **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. **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. **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 physically distribute literature, email, 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 they supervise or otherwise exercises exercise 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 solicitation of any purpose type.

Employees may utilize such things as an 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-employees are prohibited from distributing material or soliciting employees on City premises at any time.

#### **D. Drug-Free Workplace**

1. It is the policy of the City to maintain a drug-free workplace. 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.
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:
  - 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".duty, as defined in this handbook.
  - 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 hertheir 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.
  - c) An employee convicted of a controlled substance-related violation must inform the City within five days of such conviction.
  - 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.

- 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.
  - 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. In addition to previous sections, candidates applying for positions which require a valid Commercial 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. 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 Safety and Accident Prevention Policy and departmental Safety Manuals.

**F. Weapons**

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. Workplace Violence**

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.

To ensure City objectives are attained, the City is committed to the following:

1. To provide a safe and healthful work environment, in accordance with the City safety policy.
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.
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.
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 supervisor, 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. Tobacco and Vaping Free 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 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. 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:

1. Insubordination (as defined in Section 3);
2. Theft or other criminal activity;
3. General dishonesty including falsifying employment or other City records;
4. Failing to maintain confidentiality of City information;
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. Searches of Property**

Employees should be aware that all offices, desks, files, computers, City-issued cell phones, 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 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.

**K. 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 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

**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 their behavior after previous discipline or if there is a serious violation of City standards of conduct where immediate termination is warranted. Prior to a decision to terminate an employee, a pre-disciplinary hearing must be held.

Other examples of disciplinary methods that may be used include withholding a scheduled pay increase, pay reduction and demotion; these also require a pre-disciplinary hearing before the decision is made.

**2. Pre-Disciplinary Hearing.**

This section does not apply to at will employees or to employees who have not completed their initial orientation period.

When considering discipline that would deprive an employee of pay, such as a step 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~~ they should not be disciplined before the decision is finalized.

**a) Notice to the Employee**

The employee shall be provided with a notice of the pre-disciplinary hearing.

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**

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**

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. 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 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~~they have not been treated according to the personnel policies, or other rules or regulations.

**b) 30 Days to Initiate a Complaint**

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**

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**

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~~they 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.

## VIII. SEPARATION FROM EMPLOYMENT

**A. Resignation**

The City expects a resigning employee to give written notice to their supervisor at least ~~14 days~~two calendar weeks in advance of the final working day.

**B. 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. 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. Reduction in Force, Layoff and Recall**

The City retains the sole and exclusive right to decide whether a reduction in force or layoff is necessary and to select the operational unit(s) in which layoffs will occur. This shall include, but not be limited to, circumstances where there are changes in duties, a reorganization or change in operational structure position(s) or service(s) are abolished, there is a lack of work, shortage of funding or for other legitimate business reasons.

**1. Notice**

When a layoff is anticipated, employees whose jobs are affected will be notified in advance and will be provided an opportunity to meet with the Department Director prior to implementation of the layoff. The purpose of this meeting is to give the affected employee an opportunity to ask questions and to better understand the business reason why management selected that position for

layoff. The employee may also offer additional information for consideration prior to a final decision being made and before the layoff is implemented.

## **2. Order of Layoff**

Layoffs are determined by classification on an organization-wide-basis.

Extra help employees performing similar work will be terminated prior to regular employees being laid off.

Regular employees will be retained based on their ability to perform work needed to meet program and organizational needs.

Where there is no demonstrable difference in ability to perform, employees with longer service will be retained.

## **3. Alternatives to Layoff**

The City retains the right to mitigate the need for layoffs by transferring employees who would otherwise be impacted by layoffs to equivalent available vacant positions. Additional options such as part-time work schedules, job sharing, voluntary demotions and voluntary time and/or pay reductions, or furloughs may also be explored, at the discretion of the City Manager.

## **4. Layoff Support**

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.
- b) Limited time off for interviewing, subject to the approval of the Department Director.

## **5. Severance**

Regular full-time and regular part-time employees are eligible for severance. Extra-help and limited term employees are not eligible for severance. After the layoff takes effect, the employee shall be eligible to receive a severance package based on their budgeted FTE consisting of the following:

<u>Years of Service</u>	<u>Severance Package</u>
1 – 4 years	2 weeks salary + 10% sick leave
5 – 9 years	4 weeks salary + 10% sick leave
10 – 14 years	6 weeks salary + 10% sick leave
15 – 19 years	8 weeks salary + 10% sick leave
20+ years	10 weeks salary + 10% sick leave

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 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).

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.

#### **E. Furlough (Temporary Reduction in Hours)**

A furlough is a temporary reduction of work hours due to a lack of work, shortage of funding, or for other business reasons. The City retains the sole and exclusive right to decide whether a temporary reduction in force is necessary and to select the operational unit(s) and positions for which furloughs will occur. During a furlough, the employment relationship remains intact and the individual who is furloughed continues to be an employee of the organization and will resume their regular position duties at the conclusion of the furlough. During a furlough, the employee is in an unpaid leave of absence status. A furlough differs from a layoff in that with a layoff, the employment relationship is severed. An employee who is laid off is no longer employed with the organization; they are separated from employment and considered terminated.

**Increments of Furlough:** Furloughs may occur in increments of a work day, a partial work week or full workweek, or months.

**FLSA Exempt Status Change:** FLSA exempt (salaried) employees may have their FLSA status temporarily changed to non-exempt (hourly) status during a partial workweek furlough.

**Restriction to Work:** During a furlough an employee is prohibited from performing work of any kind.

**Notice:** When a furlough is anticipated, employees whose jobs are affected will be notified in advance to allow time to make any necessary personal financial arrangements and to minimize the impact due to the anticipated loss of income.

### 1. Impact of Furlough on Work Schedule and Pay

Furloughs are considered a leave without pay. Time while furloughed will not count toward the calculation of overtime.

Overtime is not to be used as a method for making up time and earnings lost due to a furlough.

Employees may not substitute paid leave for mandatory furlough days.

However, if an employee is absent on the scheduled furlough day(s) due to a Worker's Comp injury, alternative furlough day(s) will be arranged.

If an employee is on a furlough day and is requested to return to work, they will be paid according to the applicable City policy and an alternative furlough day(s) will be scheduled.

### 2. Impact on Benefits During a Furlough

While on a furlough an employee does not earn sick or vacation leave accruals for any period of unpaid time.

All leave accruals earned prior to a furlough will be retained and will be available for use upon return from furlough.

An employee's anniversary date will be adjusted for any furloughs greater than three (3) consecutive months.

Health insurance benefits and premiums paid by the City remain intact and uninterrupted during a furlough of three (3) or less consecutive months. Employees will be required to self-pay or reimburse the City for their portion of any benefit premium that would otherwise be deducted from their regular paycheck.

For furloughs greater than three consecutive months in length, the employee will have the option to continue health benefits through COBRA.

### 3. Furlough Support

Regular full time and regular part time employees who are subject to a furlough may be eligible for additional support services including:

- Access to the Employee Assistance Program while on furlough.
- Unemployment compensation and worker retraining services.

**4. Employees on Protected Leave**

An employee who is on protected leave (e.g., family medical leave) may also be furloughed; however, under no circumstances may an employee be furloughed because they are on protected leave.

**5. Appeal Process**

Unless otherwise provided for under City policies, a collective bargaining agreement, or the law, reductions in force and furloughs are not subject to the grievance process nor subject to appeal.

**6. Unemployment Compensation**

Eligibility for unemployment compensation is subject to evaluation and determination by the Washington State Employment Security Department. Employees are directed to contact the Washington State Employment Security Department to determine eligibility in the event of a reduction in work hours due to furlough.

**7. Shared Work Program**

The City of Shoreline participates in the Shared Work program, administered by the Washington State Employment Security Department. This program provides eligible employees an opportunity to receive unemployment benefits when their regular work hours are reduced due to a furlough.

**8. Return to Work Following a Furlough**

At the completion of the furlough period employees will be returned to the same position they held prior to the furlough except when it is determined by the City Manager that further action is needed or if a reduction in force and layoff process is initiated.

## **IX. CLOSING STATEMENT**

Welcome We are pleased that you have chosen to be part of our Shoreline team. If you have any questions about the information contained in this handbook, please ask your supervisor or visit Human Resources.

## X. APPENDIX A - 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.

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. 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.

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.

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. 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. 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 unbefitting a public official.

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~~their supervision, or for the benefit of ~~his or her~~their 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 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 affect the operation of the City.

7. Conduct business of the city in a manner which is not only fair in fact, but also in appearance.

**Guidelines**

**Personal Relationships:** In 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.

Not knowingly violate any Washington statutes, City ordinance or regulation in the course of performing their duties.

## XI. CITY OF SHORELINE EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I understand that the information contained in the Employee Handbook represents guidelines only and that the City reserves the right to modify, amend or terminate these policies at any time.

I understand that these policies are not a contract of employment, express or implied, or a guarantee of employment for any specific duration between me and the City and I should not view it as such.

I acknowledge receipt of these policies and have read and understand their contents.

Employee's  
Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

Subject/Location	Revisions Made	Comment
II. Applicability and Authority – Local, State or Federal Law	In cases where these policies conflict with local, state, federal law, <a href="#">or a collective bargaining agreement</a> , the provisions of local, state, federal law or <a href="#">a collective bargaining agreement</a> will govern.	Added collective bargaining agreement as superseding handbook
Gender Reference (he/she, him/her) Throughout Document	<a href="#">Employee, They, Their</a>	Changed to gender neutral reference
III. Definitions	<p><b>A. <u>Accrued Leave</u></b>  <u>Leave accruals earned but not yet taken including: sick leave, vacation leave, comp time, management leave, or personal days.</u></p> <p><b>B. <u>Alternative Work Schedule</u></b>  <u>A work schedule which is different from the standard 8:00 – 5:00, Monday to Friday schedule.</u></p> <p><b>H. <u>Core Hours</u></b>  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. <a href="#">Individual departments may establish different core hours for purposes of performing their operations with City Manager approval.</a></p> <p><b>I. <u>Demotion</u></b>  Any case where a regular employee moves <del>on a non temporary basis</del> to a different <a href="#">an ongoing regular</a> position in a <a href="#">classification in a</a> lower salary range <del>with the exception of,</del> <a href="#">except for</a> such movement resulting from a compensation study or salary survey.</p> <p><b>L. <u>Domestic Partner</u></b>  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. <a href="#">The Partnership and</a> must satisfy the following criteria:</p> <ul style="list-style-type: none"> <li>• Partners shall not be part of another Domestic Partnership or marriage.</li> <li>• 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.</li> <li>• Partners share a regular and permanent residence and living expenses.</li> </ul>	New definition  New definition added  Existing policy clarification  Existing policy clarification  Existing policy clarification

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>N. <u>Employment Status Definitions</u></b></p> <p>4. <b>Extra Help</b> A position that is employed in activities related to seasonal programs, variable intermittent workloads, <u>short duration</u>, or ongoing work of less than 20 hours a week, further defined below.</p> <p>c) <b>Less than 20 Ongoing</b> Work that is ongoing and consistent with few hours but regularly scheduled each week. Maximum Hours:<ul style="list-style-type: none"><li>• 1,040 a year and</li><li>• an average of <u>less than</u> 20 per week during the first 3 months of employment and during 12 months of employment.</li></ul></p> <p><b>O. <u>ESD:</u></b> <a href="#"><u>Washington State Employment Security Department.</u></a></p> <p><b>P. <u>Exempt Employee</u></b> 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. <u>and often referred to as salaried employees.</u></p> <p><b>R. <u>Flex-time schedule</u></b> A work schedule that permits flexible starting and quitting times or other alternative work schedules within limits set by the respective Department Director.</p> <p><b>S. <u>FMLA</u></b> <a href="#"><u>Family and Medical Leave Act enacted by the U.S. Federal Government.</u></a></p> <p><b>T. <u>FMLA Covered Family Member</u></b> <a href="#"><u>An employee may use FMLA to care for the following family members: employee's child, parent, or spouse. An employee may also use FMLA to care for next of kin who has a serious health condition as a result of military service.</u></a></p> <p><b>Z. <u>Non-Exempt Employee</u></b> An employee covered by the minimum wage and overtime provisions of the Fair Labor Standards Act. <u>often referred to an hourly employee.</u></p> <p><b>AA. <u>Normal Pay Base Pay Rate</u></b> Pay for scheduled hours of work at 1.0 (one) times the hourly rate of pay.</p>	<p>Existing policy clarification</p> <p>Added as part of new WA State Paid Family Leave policy</p> <p>Existing policy clarification</p> <p>Existing policy clarification</p> <p>New definition added</p> <p>New definition added</p> <p>Existing policy clarification</p> <p>Existing policy clarification</p>
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>BB. PFML</b> <u>Paid Family and Medical Leave enacted by and administered through the State of Washington.</u></p> <p><b>CC. PFML Benefit Payment:</b> <u>Weekly wage replacement benefit paid an employee who is enrolled in and receiving leave benefits through the State of Washington Paid Family and Medical Leave (PFML).</u></p> <p><b>DD. PFML Covered Family Member</b> <u>An employee may utilize Paid Family and Medical Leave to care for the following family members: employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, sons and daughters-in-law, and the employee's spouse or domestic partner.</u></p> <p><b>EE. PFML Qualifying Period</b> <u>A qualifying period is the first four of the last five completed calendar quarters or, if that does not get the employee to the required 820 hours, the last four completed calendar quarters immediately preceding the application for leave.</u></p> <p><b>FF. Promotion</b> Any case where a regular employee moves <u>on a non-temporary basis</u> to a different position <u>classification on an ongoing basis</u> in a higher salary range, with the exception of such movement resulting from a compensation study or salary survey.</p> <p><b>GG. Separation from Service</b> Any case where employment ends through death, retirement, resignation, layoff or <u>otherwise other reason that results in</u> a termination of employment.</p> <p><b>II. Step Increase Date</b> The date that is used for the purpose of annual performance review and a step increase. Usually the step increase date is the date the employee began work in <u>his or he their</u> current position, but adjustments shall be made proportionate to any unpaid time off.</p> <p><b>JJ. Supplemental Benefit</b> <u>Use of accrued leave and Supplemental Paid Medical and Family Leave to cover the difference (gap) between the partial wage replacement payment provided through Washington State Paid Family and Medical Leave and an employee's regular full pay check.</u></p>	Added as part of new WA State Paid Family Leave policy  Added as part of new WA State Paid Family Leave policy  Added as part of new WA State Paid Family Leave policy  Added as part of new WA State Paid Family Leave policy  Existing policy clarification  Existing policy clarification  Existing policy clarification  Added as part of WA State Paid Family Leave policy
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>LL. Transfer</b> Any case where a regular employee moves <del>on a non temporary basis</del> to a different position <u>classification on an ongoing basis</u> in the same salary range <u>as the classification they are moving from.</u></p> <p><b>MM. Waiting Period</b> <u>The time period between when one is approved for Paid Family and Medical Leave benefits and when one receives their first wage replacement check.</u></p> <p><b>NN. Work Location</b> Work locations are the places employees work. The locations include city-owned buildings, adjacent structures and parking lots, and grounds. <u>Current work locations include:</u> City Hall: 17500 Midvale Avenue N Hamlin Park Maintenance Yard: 16006 15<sup>th</sup> Avenue NE North Maintenance Facility: 19547 25<sup>th</sup> Avenue NE Richmond Highlands Recreation Center: 16544 Fremont Avenue N <del>Shoreline Pool: 19030 1<sup>st</sup> Avenue N.E.</del> Spartan Recreation Center: 202 NE 185<sup>th</sup> Street</p> <p><b>OO. Work Week</b> 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. <u>Other regular work weeks may be established, but</u> where a different workweek is required, the City Manager will define an appropriate workweek and communicate that to the employees.</p> <p><b>PP. Y-Rating</b> The continuation of a regular employee's salary above the highest step of a <u>new salary range when a classification is reassigned to a lower</u> salary range as a result of <del>the salary range for the position being lowered due to a market survey or other factors.</del></p>	Existing policy clarification  Added as part of WA new State Paid Family Leave policy  Updated list of City facilities
IV. Employment Policies	<p><b>A. Recruitment and Selection</b></p> <ol style="list-style-type: none"> <li><b>1. External and Internal Recruitment</b> <u>Selecting Candidates for an Interview:</u> 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</li> </ol>	Existing policy clarification

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><del>provided if they possess the experience and training, and other qualifications listed in the job description for the position announcement.</del></p> <p><b>2. Internal Recruitment Only</b>  The Department Director, after consultation with the Director of Human Resources, will determine if an opening will be available internally only. <u>All employees who are currently working for the City would be considered internal applicants.</u></p> <p><u>Job Posting and Application:</u> 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 <del>any employee may apply.</del></p> <p><u>Selecting Candidates for an Interview:</u> 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 <del>provided if they possess the experience and training and other qualifications listed in the job description for the position. announcement.</del></p>	Existing policy clarification
	<p><b>D. Prohibited Political Activities</b></p> <p><b>3. Elected Office, Commission or Board Service</b>  Employees may not serve 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. <u>Employees that serve as an elected or appointed official for another governmental entity must comply with the provisions and restrictions of this subsection D.</u></p>	Existing policy clarification
	<p><b>F. Employee Orientation</b></p> <p><b>2. Orientation Period for Promoted, Demoted or Transferred Employees</b>  A promoted, <del>or transferred or demoted</del> employee shall serve a 3-month orientation period in the new position <del>if they have never worked in nor served an orientation period in the classification previously.</del> 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.</p> <p>The promoted, <del>or transferred or demoted</del> employee may be removed from the new position at any time prior to the completion of the orientation period by</p>	Existing policy clarification

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>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.</p> <p>If <u>involuntarily</u> removed, the employee may return to the position from which <del>he or she</del><u>they were</u> promoted or transferred <del>by providing</del><u>from, if the position is vacant, and the employee has provided a</u> written notice <u>request</u> to the Department Director for the former position. This <del>notice-request</del> must be provided within 5 days of the notice of failure to complete the orientation period.</p> <p>During the orientation period, the promoted or transferred employee may request to voluntarily return to the former position by making a written request to the Department Director for the former position. If the position has not yet been <del>offered to a new employee</del><u>filled</u>, the Department Director, after consulting with Human Resources and any other affected department, may approve the return.</p> <p><del>This section shall not apply to at-will positions.</del></p>	
	<p><b>H. Prohibition of Employee Discrimination and Harassment</b></p> <p>The City expressly prohibits any form of unlawful <del>employee</del><u>discrimination or</u> harassment based on race, color, religion, sex, national origin, marital status, age, <u>sexual identity</u>, 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 their job duties. Improper interference with the ability of employees to perform their jobs will not be tolerated.</p> <p><b>I. Discrimination or Harassment Complaint Procedure</b></p> <p>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 <del>he or she has</del><u>they have</u> experienced any job related <u>discrimination or</u> harassment based upon sex, race, color, religion, national origin, marital status, age, sexual orientation or disability, <del>or believes he or she has</del><u>believe they have</u> been treated in an unlawful, discriminatory manner, the employee should promptly:</p>	<p>Existing policy clarification</p> <p>Existing policy clarification</p>

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>I. Performance Evaluations <a href="#">Planning and Appraisal</a></b>          Each regular employee's performance will be <del>evaluated</del> <a href="#">reviewed</a> by <del>his or her</del> <a href="#">their</a> supervisor on an ongoing basis. The City also has a formal performance <a href="#">evaluation appraisal</a> system.</p> <p>Employees who disagree with their formal performance <a href="#">evaluations appraisal</a> may provide comments on the evaluation form itself and may also submit a rebuttal in writing that will be <a href="#">physically or electronically</a> attached to a copy of their performance <a href="#">evaluation appraisal</a> and kept in their official personnel file.</p>	Existing policy clarification
	<p><b>J. Classification and Compensation Plan</b></p> <p><b>2. Classification Review</b>  <u>Requesting a Classification Review</u></p> <p><b>Management Requested Classification Review:</b> A Department Director, <del>with the approval of the City Manager</del>, may request a classification review when planning to change the assigned duties of a position <del>within, or if they believe position duties being performed are outside of the current classification specifications</del> <a href="#">within the next calendar month</a>.</p> <p><b>Employee Requested Classification Review:</b> An employee who does not believe that their classification accurately reflects the current duties of the position may request in writing to the Human Resources Director a classification review if it has been more than one year since the last classification review and the majority of duties have changed.</p> <p><u>Performing the Classification Review</u></p> <p>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.</p> <p>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 <del>an employee a</del> request for a classification review will be retroactive to the date of <a href="#">written</a> submittal of the request for review <a href="#">to the Human Resources Director</a>. <a href="#">An employee who is reclassified is considered to have met the requirements of an</a></p>	Existing policy clarification

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><u>orientation period and will not need to serve an orientation period in their newly reclassified position.</u></p> <p><b>3. Steps and Increases</b> The compensation plan consists of six-salary steps which are referred to <u>ranging from Step 1 to Step 6</u>, as <u>reflected in the annual salary range schedule</u>. Step 40 is the minimum; Step considered a training step. In general, there is <u>a 2.5% difference between ranges, and a 4% difference between steps are set at 4% increments</u>. <u>within a range</u>.</p> <p><b>4. Starting Rates of Pay</b> Circumstances that support hiring above step 1 include:</p> <ul style="list-style-type: none"><li>a) Additional and directly applicable education or experience above the minimum requirements;</li><li>b) Market conditions, <u>including the applicant's current salary</u>, that support a higher starting salary;</li><li>c) The proposed higher salary will not create inequities with existing internal salaries.</li></ul> <p><b>5. Promotion</b> A regular employee receiving a promotion shall be placed in the <u>first closest</u> 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 <u>new</u> step increase date.</p> <p><b>7. Demotion</b> <u>Disciplinary Demotion</u>. 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 <u>annual</u> step increase date.</p> <p><u>Any Other Demotion</u>. If the demotion is a result of any reason other than discipline and the employee's current salary is within the new 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, <u>if the employee has not reached the top step of the salary range</u>, 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.</p>	Existing policy clarification  Existing policy clarification  Existing policy clarification  Existing policy clarification  Existing policy clarification
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>8. Y-Rating</b> When a regular employee's position has been y-rated, the employee will remain at the same rate of pay until the salary range increases enough to include that rate. At that time, the employee shall be placed <u>at the equivalent rate of pay</u> in the <del>first step-new range</del> that does not provide for <u>result in</u> a decrease. No <u>COLA Cost-of-Living Adjustment</u> or step increase will be awarded during this period.</p> <p><b>10. Out-of-Class Pay</b> When a Department Director or the City Manager assigns a regular employee substantially higher paid responsibilities <u>level duties that fall</u> outside the scope of his or her <u>their</u> job classification and the assignment exceeds ten <u>(10)</u> 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 <u>concurs/agrees</u>, they may recommend to the City Manager a higher placement. Circumstances that support <u>a—an exception to the 5%</u> placement greater than a 5% increase <u>are include:</u> a)Additional and directly applicable education or experience above <u>The duties</u> the minimum requirements; a)Market conditions that support <u>employee is performing is of a significantly</u> higher starting salary <u>classification</u>; b)The proposed higher salary will not create inequities with existing internal salaries; c)The proposed higher <u>out-of-class</u> salary is not higher than would be awarded if the employee were promoted into the position.</p> <p><b>L. Employee Training and Development</b> 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 <u>institutions</u> <u>institution but are subject to approval based on operational needs and budget availability.</u></p>	Existing policy clarification  Existing policy clarification  Existing policy clarification
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>N. <u>Reasonable Accommodation</u></b></p> <p><b>1. <u>Medical Accommodation</u></b> 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.</p> <p><b>2. <u>Religious Accommodation</u></b> <u>Employees whose religious beliefs, practices or observances conflict with work requirements may request an accommodation, unless the accommodation would create an undue hardship. Upon notice of a request, to reasonably accommodate, Human Resources will examine the request and respond to the employee.</u></p>	<p>New section title</p> <p>Addition of Religious Accommodation as a reasonable accommodation to our policy</p>
IV. Benefits	<p><b>E. <u>Vacation</u></b></p> <p><b>2. <u>Carryover Maximum</u></b> 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' <u>vacation accrual</u> accumulation.</p> <p><b>3. <u>Carryover Exceptions</u></b> Employees with a vacation balance in excess of the carryover maximum should reduce the balance to the maximum <u>carryover allowable</u>. If an employee <del>perceives they</del> cannot use vacation because City operations have prevented it, the employee should discuss the matter with their supervisor well ahead of requesting a carryover exception. If the employee and supervisor are unable to plan for the employee to take the time off, they may request a carryover exception. <del>The Department Director with the approval of the City Manager may allow a carryover exception of unused accrual in excess of the carryover maximum. Requests for vacation carryover shall be made in writing by the employee and submitted to the Human Resources Director. The request will include a plan for bringing the vacation accrual balances within the accrual cap during the next year. The request will be reviewed by the Department Director and is subject to approval by the City Manager.</del> An employee will not be granted an exception two years in a row.</p> <p><b>5. <u>Requesting Vacation</u></b> 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</p>	<p>Existing policy clarification</p> <p>Existing policy clarification .</p> <p>Existing policy clarification</p>

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>negatively compromise <u>impact</u> the business needs <u>operations</u> of the City. In case of cases where there is a conflict in scheduling vacation leave, normally among employees, the earliest request shall be given supervisor will determine the preferred criteria for approving vacation choice. requests based on a fair and equitable methodology.</p> <p>An exempt employee shall not have deductions taken for vacation absences of anything less than a full day.</p> <p>Vacation <u>hours earned</u> for a new employee shall accrue but shall not be used <u>available for use</u> until after <u>an initial</u> six months of employment with the City unless special authorization has been granted by the City Manager. <u>Employees who have moved to a new classification, and who have already served a six-month orientation period in a previous position with the City, may request use of vacation leave accruals immediately. An orientation period may be extended to account for leaves (unpaid, vacation, etc.) taken during that period of time.</u> The City Manager is authorized to negotiate higher accrual levels and/or starting balances of vacation with individual staff members.</p> <p>An employee may cash out accrued vacation <u>leave</u> 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 <u>base</u> hourly rate/salary at the time of the written request.</p> <p><b>6. Separation from Service</b> In the event of separation from service for any reason other than at retirement the employee shall be paid-out for any accrued vacation earned and not taken. <u>Payout of accrued vacation leave will be at the base hourly rate and not include out of class pay or other premium rates.</u> 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.</p> <p><b>F. Management Leave</b> Applies to: Exempt Regular and <u>Exempt</u> Limited Term Employees. On January 1st of each year, each 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 days of management leave until the next calendar year. The leave is to be used each</p>	Existing policy clarification . Existing policy clarification
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>year; any management leave not used during the calendar year shall not be carried into the next year. <a href="#">Exempt staff must use management leave in full day increments.</a></p>	
	<p><b>G. Holidays</b></p> <p><b>3. Holiday for Reasons of Faith or Conscience</b>  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. <a href="#">Employees must submit a request in advance, but no less than two calendar weeks prior to the start date of the requested leave.</a> The leave requires the approval of the <a href="#">Human Resources Director and the Department Director</a>. Regular employees may use <del>a personal day, vacation, compensatory time, accrued leave</del> or leave without pay <a href="#">if all accruals are exhausted.</a></p> <p><b>H. Sick Leave – Regular and Limited Term Employees</b></p> <p><b>2. Use of Sick Leave</b></p> <p>a) Employee  Sick leave may be used <a href="#">in the following circumstances:</a></p> <ul style="list-style-type: none"> <li>• when an employee is <del>ill, injured or disabled</del> <a href="#">experiencing a physical or mental illness, injury, disability</a> (including a disability due to pregnancy or childbirth), <a href="#">or diagnosable health condition</a>, or</li> <li>• <a href="#">when an employee</a> has been exposed to a contagious disease where there is a risk to the health of others, or</li> <li>• for medical or dental examinations or treatment when such appointments cannot be scheduled outside of working hours, or</li> <li>• when the use of a prescription drug impairs job performance or safety.</li> </ul> <p>b) Immediate Family Members  Sick leave may be used to care for a member of the immediate family who is ill, injured or disabled. <a href="#">Sick leave may also be used for qualifying Family Leave provided for in the Family Leave section</a> <a href="#">or when the employee's workplace or employee's child's school or place of care has been closed for any health-related reason by order of a public official.</a></p>	<p>Existing policy clarification</p> <p>Existing policy clarification</p>

## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><u>Sick leave may also be used for qualifying family and medical leave provided for in the Washington State Paid Family and Medical Leave (PFML) or Leave under Family and Medical Leave Act (FMLA) sections.</u></p> <p><b>I. Sick Leave – Extra Help Employees</b></p> <p><b>1. Accrual and Eligibility to Use Sick Leave</b></p> <p>Employees will accrue one hour of sick leave for every forty hours worked.</p> <p>Beginning on the ninetieth calendar day after being hired, employees may use accrued sick leave for <del>an illness or disability that requires the employee to be absent from their scheduled work hours. The illness or disability may be their own or that of an immediate family member</del> following reasons:</p> <ul style="list-style-type: none"><li>a) <u>Own mental or physical illness, injury, or health condition, or when seeking a medical diagnosis or preventative medical care.</u></li><li>b) <u>Family member's need for care for a mental or physical illness, injury, or health condition, or when seeking a medical diagnosis or preventative medical care.</u></li><li>c) <u>When employee's workplace or employee's child's school or place of care has been closed for any health-related reason by order of a public official.</u></li><li>d) <u>When absent from work for reasons that qualify for leave under the state's Domestic Violence Leave Act (DVLA).</u></li></ul> <p><b>J. Donated Leave</b></p> <p>Applies to: Regular and limited term employees.</p> <p>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 <del>he or she finds</del> <u>they find</u> that the employee meets all of the following criteria.</p> <p><b>1. Criteria</b></p> <ul style="list-style-type: none"><li>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</li><li>b) The employee <u>does not qualify for other available leave benefits and</u> has depleted all of <del>his or her</del><u>their</u> available leave time; and</li><li>c) The employee has abided by all applicable policies regarding sick leave use; and</li></ul>	Existing policy clarification  Existing policy clarification
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>d) The employee has been found ineligible for benefits under Worker's Compensation as governed by state law.</p> <p><b>K. Washington State Paid Family Leave (PFML)</b></p> <p><b>1. Eligibility</b></p> <p>Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are:</p> <p>a) Monetary Benefits: In order to be eligible to receive monetary benefits from ESD, the individual must be currently employed with the City of Shoreline and have worked 820 hours in Washington for any employer or combination of employers during the year preceding the application for leave claim.</p> <p>b) Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the Employer for at least 12 months and have worked 1250 hours in the last year).</p> <p><b>2. Leave Entitlement</b></p> <p>PFML eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave, for a total of 18 weeks, may be available in the event the employee's leave involves incapacity due to her pregnancy. PFML leave may be taken intermittently, provided that there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought. This minimum claim requirement of eight consecutive hours of leave also applies to part-time employees. The employee may use the leave within 52 weeks from the date that the leave was approved by the State or for a year following the birth/placement of the employee's child.</p> <p><b>PMFL leave may be taken for the following reasons:</b></p> <p>a) Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, child birth recovery, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.</p> <p>b) Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12</p>	Addition of the new State law into the Handbook.
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><u>months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies where an employee needs time to prepare for a family member's pre- and post-deployment activities, as well as time for childcare issues related to a family member's military deployment.</u></p> <ul style="list-style-type: none"><li>○ <u>If both parents work for the City of Shoreline, the leave entitlement for bonding with a new child or for a new child placement into their home is independent of each other. Each employee is entitled to the full leave amount, less any PFML or FMLA leave the employee has already taken during the current claim year.</u></li><li>c) <u>If an employee faces multiple events in a year, they may be eligible to receive up to 16 weeks, and up to 18 weeks if they experience a serious health condition during pregnancy that results in incapacity.</u></li></ul> <p><b>3. Concurrency With FMLA</b> <u>PFML will run concurrently (at the same time) with FMLA when an absence is covered by both leave benefits and the employee meets the eligibility requirements of both leave programs. Hours taken under PFML will be deducted from the 12 weeks of FMLA entitlement.</u></p> <p><b>4. Notification Requirements</b> <u>An employee must provide written notice to the Human Resources Department of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the City of Shoreline, ESD will temporarily deny PFML benefits.</u>  <u>If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt business operations.</u>  <u>Employees should follow the instructions provided by the payroll office regarding how to report their time during a leave.</u></p>	Addition of the new State law into the Handbook.
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>5. Coordination with Other Health Programs</b> <u>While using PFML health benefits will remain intact and will continue to be provided by the City as normal</u>  <u>If an employee is on PFML but does not meet the eligibility requirements for FMLA and is not supplementing PFML with other leave accruals or the City of Shoreline Supplemental Paid Leave, the employee is deemed to be in an unpaid status for purposes of City of Shoreline policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City of Shoreline policies and subject to any other leave provisions that require continuation of health benefit coverage.</u>  <u>For any unpaid portion of a leave the 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 from the leave will be required to pay back both the employee and the City portion of the insurance premiums unless failure to return to work was beyond the employee's control.</u>  <b>6. Monetary Benefits</b> <u>Washington State Employment Security Department is responsible for making benefit payments directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage. Currently, the maximum weekly benefit amount is \$1000 per week and the minimum is \$100, but this is subject to adjustments by the State.</u>  <b>7. Benefit Payment Waiting Period</b> <u>With the exception of leave taken in connection with the birth or placement of a child, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. An employee may use leave during this waiting period, but such usage of accruals must be reported to ESD.</u>  <b>8. Supplementing PFML with Your Own Leave Accruals or the City's Supplemental Paid Family Leave</b> <u>Employees who meet the eligibility requirements for PFML may use their own leave accruals and the City of Shoreline Supplemental Paid Family Leave to</u></p>	Addition of the new State law into the Handbook.
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><u>make up the difference between the PFML benefit received from ESD and their regular full pay for a week in which PFML leave is taken as follows:</u></p> <ul style="list-style-type: none"><li>a) <u>When the PFML is for the employee's own serious health condition: The employee must use and exhaust all their leave accruals prior to using Supplemental Paid Family leave.</u></li><li>b) <u>When PFML is to care for a family member or for child bonding/placement: The employee must exhaust their sick leave accruals but may reserve 80 hours of their earned accrued vacation leave for future use, prior to using Supplemental Paid Family Leave.</u></li><li>c) <u>The use of Supplemental Paid Family Leave is contingent on the employee receiving their weekly PFML benefit and submitting proof of payment to the payroll office. Payroll will then calculate the amount of supplemental paid leave needed to bring the employee to their regular full pay for that week and issue payment to the employee in the next payroll process.</u></li><li>d) <u>Supplemental Paid Family Leave may only be used after PFML benefits have been received by an employee and reported to the payroll office, except if it is being used for the initial waiting period.</u></li><li>e) <u>Regular accrued leave such as sick leave or vacation leave can be used for the initial waiting period.</u></li><li>f) <u>Employees must inform payroll and HR when they no longer are receiving PFML benefits from the Employment and Security Department or when their need for the leave has ended.</u></li></ul> <p><b>9. Job Restoration and Return to Work Recertification</b></p> <p><u>An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave).</u></p> <p><u>An employee may be required to provide a return-to-work certification from a health care provider before returning to work following PFML leave where the employee has taken leave for their own serious health condition.</u></p> <p><u>If an employee taking PFML leave chooses not to return to work for any reason, the employee should notify their supervisor and Human Resources as soon as possible.</u></p> <p><u>The City reserves the right to collect the cost of benefits from an employee if the employee does not return to work following their leave of absence.</u></p>	Addition of the new State law into the Handbook.
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>10. PFML Application Process</b>  <u>An employee must submit an application to ESD <a href="https://paidleave.wa.gov/login/">https://paidleave.wa.gov/login/</a> in order to seek PFML benefits. For guidance on the application process, please refer to the ESD website <a href="https://paidleave.wa.gov/login/">https://paidleave.wa.gov/login/</a>. Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.</u></p> <p><b>11. Payroll Deductions</b>  <u>The PFML program is funded through premiums collected by ESD via payroll deductions and City of Shoreline contributions. The premium rate is established by law; employees are currently responsible for two-thirds of the total premium amount. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the City of Shoreline will modify payroll practices to reflect those statutory changes</u></p> <p><b>12. Retirement Service Credit and Paid Family Medical Leave</b>  <u>PFML is considered an unpaid, authorized leave of absence. PFML program participants will not receive retirement service credits for the wage replacement payments received through ESD. An employee will receive retirement service credit for any time that they are using their own leave accruals or the City of Shoreline Supplemental Paid Family Medical Leave (SPFML) leave benefits while on a PFML.</u></p> <p><b>L. Leave under Family and Medical Leave Act (FMLA)</b>  <u>Applies to: All employees meeting FMLA eligibility criteria. The City complies with the Federal Family and Medical Leave Act and all applicable state laws 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.</u></p> <p><b>1. Length of Family Leave FMLA and Eligibility</b>  <u>Eligible employees may take up to 12 weeks of unpaid, family <u>and medical</u> 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.</u></p>	Addition of the new State law into the Handbook.
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>2. Reasons for Taking Leave</b></p> <p>Family <u>FMLA</u> leave is provided for any of the following reasons:</p> <ul style="list-style-type: none"> <li>a) <u>For a serious health condition that makes the employee unable to perform the essential functions of his or her job, including incapacity due to pregnancy and for prenatal medical care.</u></li> <li>b) 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.</li> <li>c) To care for an employee's spouse, child or parent who has a serious health condition.</li> <li>d) <u>For qualifying exigencies arising out of the fact that a spouse, parent, son or daughter is a military member on covered active duty or called to covered active duty. Eligible employees may take up to 26 workweeks to care for a spouse, son, daughter, parent or next of kin who is a covered service member and has a serious health condition as a result of military service 'military family care'.</u></li> <li>e) <u>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).</u></li> <li>f) <u>If a serious health condition makes an <u>An eligible</u> employee <u>unable is limited</u> to perform the functions <u>a combined total</u> of his or her job.<u>26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period.</u></u></li> </ul> <p><b>3. Definitions</b></p> <p>For the purposes of Family Leave, the following definitions apply:</p> <ul style="list-style-type: none"> <li>a) Child: A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis (in place of the parent) if the child is younger than 18; or a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis if the child is 18 or older and incapable of self-care because of a mental or physical disability.</li> <li>b) <b>Military Family Care Caregiver Leave:</b> Caring for a spouse, parent, son, daughter or next of kin with a serious injury or illness as a result of military service.</li> <li>c) <b>Parent:</b> A biological parent of an employee or an individual who stood in loco parentis to that employee when the employee was a child.</li> </ul>	<p>Existing policy clarification</p> <p>Existing policy clarification</p>
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>d) <u>Next of Kin:</u> A servicemember's nearest blood relative, other than the servicemember's spouse, parent, son, or daughter.</p> <p>e) <b>Serious Health Condition:</b> An injury, illness, impairment or physical or mental condition that involves:</p> <ul style="list-style-type: none"><li>i. <u>hospital care:</u> 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</li><li>ii. <u>absences incapacity plus treatment:</u> 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) <del>treatment-2 or more times by visits to</del> a health care provider within 30 days, <del>by a nurse or physician's assistant under direct supervision of a health care provider or by a provider the first day of health care services under orders of, or on referral by, a health care provider incapacity;</del> or 2) treatment by a health care provider on at least 1 occasion, <u>within 7 days of the first day of incapacity,</u> which results in a regimen of continuing treatment under the supervision of a health care provider;</li><li>iii. <u>pregnancy:</u> any period of incapacity due to pregnancy or for prenatal care; or</li><li>iv. <u>chronic conditions requiring treatments:</u> 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 <u>at least twice a year</u>; 2) continues over an extended period of time; and 3) may cause episodic rather than a continuing period of incapacity;</li><li>v. <u>permanent or long-term conditions requiring supervision:</u> 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;</li><li>vi. <u>multiple treatment treatments (non-chronic conditions):</u> 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 than three consecutive calendar days in the absence of medical intervention or treatment.</li></ul>	
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>vii. <u>incapacity</u>: inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from.</p> <p>f. <b>Qualifying Exigency</b>: An urgent need that arises <del>out of</del> from the fact that <u>foreign deployment of</u> 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.</p> <p><b>4. Intermittent Leave <u>or Reduced Schedule Leave</u></b>  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.</p> <p><b>5. Paid Leave before Unpaid Leave</b>  When an employee has paid leave or comp time available, that paid leave must be exhausted before unpaid leave is allowed as family <u>or medical</u> leave.</p> <p><b>6. Advance Notice</b>  An employee shall provide advance notice of the need for family <u>or medical</u> leave along with the requested dates for the leave. Taking leave, or reinstatement after leave, may be denied if these requirements are not met.</p> <p><del>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.</del></p> <p><del>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. When foreseeable, notice must be provided at least 30 days in advance of the need to take FMLA leave.</del> The employee should make reasonable efforts to</p>	<p>Existing policy clarification</p> <p>Existing policy clarification</p> <p>Existing policy clarification</p>
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>schedule the leave to not unduly disrupt the City's operations. <del>If the leave 30 days advance notice is not possible because the foreseeable situation has changed or the employee or the employee's representative shall does not know exactly when leave will be required, the employee must provide notice within 1 or 2 working days, except in extraordinary circumstances of the need for leave as soon as possible and practical.</del></p> <p><b>7. Medical Certification</b> The City requires the provision of a medical certification <del>within 15 calendar days</del> to support a request for <u>FMLA</u> leave because of a qualifying event. <del>whenever the leave is expected to extend beyond three consecutive working days or will involve intermittent or part-time leave.</del> The City may require second or third opinions, at its option and expense. <u>When incomplete and insufficient certification is submitted, employees are required to correct deficiencies in the certification within 7 calendar days.</u> <u>Employees may be asked for a periodic recertifications or when circumstances described by the previous certifications have significantly changed.</u> The City may require all employees on family <u>FMLA</u> 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, dependent on the circumstance as it relates to the employees duties. <u>Employees requesting qualifying exigency leave or military caregiver leave may submit related certification forms or a copy of the duty orders (for exigency leave only).</u></p> <p><b>8. Designation Notice</b> <u>A written Designation Notice will be sent to the employee requesting family or medical leave informing them that the requested leave will be designated as FMLA leave and setting out the requirements applicable while the employee is on leave. The Notice may be used to deny the leave request or inform the employee that additional information is needed.</u></p> <p><b>9. Periodic Reporting</b> <del>If an employee takes leave for more than two weeks Depending on the employee's circumstances and/or medical documentation,</del> the City may require the employee to periodically report on his or her <u>their</u> status and intent to return to work.</p>	Existing policy clarification  Existing policy clarification  Existing policy clarification
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><b>10. Health Insurance</b>  <del>During an FMLA of absence, while When an employee is provided group health insurance, the employee is entitled to the continuation of the insurance coverage during FMLA leave.</del> If 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...</p> <p><b>12. Couples Employed by the City</b>  <del>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. each parent will have 12 weeks of leave available to them independent of each other. The scheduled leave time off must be coordinated between the two employees and their supervisors so as not to cause an operational hardship.</del></p> <p><b>13. Determining Leave Availability</b>  Family <u>or medical</u> 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 <u>backward</u> from the first date any family leave is used. The employee is required to notify the City if any leave qualifies as <u>family FMLA</u> leave. All leave qualifying for <u>family FMLA</u> leave shall be designated and tracked as <u>family leave such</u> upon the request of the employee.</p> <p><b>14. Special Rule for Leave Related to Pregnancy</b>  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.</p> <p><b>15. Job Restoration</b>  When an employee returns to work after <u>family FMLA</u> leave 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; the return is subject to bona fide changes in compensation or work duties; the employee does not have return rights if:</p>	Existing policy clarification  Existing policy clarification  Existing policy clarification  Existing policy clarification  Existing policy clarification
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>a) the City eliminates the employee's position by a bona fide restructuring or reduction-in-force; or</p> <p>b) the employee takes another job; or</p> <p>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.</p> <p><b>M. Supplemental Paid Family &amp; Medical Leave (SPFML)</b></p> <p>Applies to: Regular employees, including Limited Term Employees</p> <p>Supplemental Paid Family &amp; Medical Leave provides (SPFML) affords employees an increased ability to attend to their own health needs or those of their family matters by supplementing an employee's accrued paid leaves. The employee will receive the equivalent of his or her full pay for up providing additional pay as a supplement to a total of twelve weeks, when combined with the partial wage replacement benefit received from the employee's accrued leave (except for two weeks of their accrued leave), to pay for a qualified family leave. Refer to Section VI Benefits, Family Washington State Paid Family and Medical Leave under FMLA or Victims of Domestic Violence leave to learn (PFML) program. This benefit is used to fill the gap between what constitutes a qualifying event the employee receives as a benefit from the PFML and their regular full pay.</p> <p>4. Eligibility</p> <p>Supplemental SPFML is used only in conjunction with and concurrently (at the same time) as the Washington State Paid Family and Medical Leave (PFML) and as noted below.</p> <p>1. Eligibility</p> <p>SPFML is available to all regular eligible employees who:</p> <ul style="list-style-type: none"> <li>a) Are the victim of domestic violence and have requested time off as a victim of domestic violence; or</li> <li>b) Worked for Are currently employed with the City continuously for and have worked at least 12-months and for at least 1,250 with the City or the equivalent of 1040 hours over the previous 12 months. (pro-rated for part-time employees) and have successfully passed their orientation period, and</li> <li>c) Have Experienced a qualifying event under FMLA or under the Victims as defined by the Washington State Paid Family and Medical Leave (PFML); or, and</li> <li>d) Are eligible for, have applied to, and have been approved for PFML or be in the initial waiting week of Domestic Violence policy the leave; and</li> <li>• Lack enough accrued leave to maintain a balance of two weeks and to pay for a leave of absence of up to 12 weeks.</li> </ul>	<p>Existing policy clarification</p> <p>Modification of existing policy to align with provisions of the Washington State Paid Family Leave provisions</p>
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>e) <u>Have not exhausted the 12 weeks of SPFL in the current calendar year; and</u>  f) <u>Have depleted available leave accruals:</u></p> <ul style="list-style-type: none"> <li>a. <u>Must have exhausted all available leave accruals including sick leave, vacation, personal days, management leave, and accrued comp time if the leave request is for the employee's own serious health condition, childbirth recovery, or as a victim of domestic violence.</u></li> <li>b. <u>Must have exhausted all available leave accruals but may reserve a bank of 80 hours of accrued vacation leave, if the leave request is to care for a family member; in response to a military exigency; or when bonding after birth or placement of a child into their home.</u></li> </ul> <p>2. <b>Benefit Amount</b></p> <p>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 sick leave, vacation, personal holiday, compensatory time and management leave. Employees may choose which type of leave they use first but are encouraged to use any personal holidays, management leave or compensatory time first because those leaves expire at the end of the year.</p> <ul style="list-style-type: none"> <li>a) <u>An employee's SPFML benefit is calculated based on the difference between what is received from Washington State PFML benefit and what the employee normally would receive in their regular check.</u></li> <li>b) The employee will receive the equivalent of their full salary <u>through use of supplemental paid leave</u> for up to a total of twelve (12) weeks, when combined with <u>payments received from</u> the employee's accrued leave (except for two weeks of their accrued leave). <u>Washington State PFML</u>.</li> <li>c) <u>SPFML will cease after using a total of 12 weeks in a calendar year or at the expiration of the approved PFML, whatever occurs first.</u></li> </ul> <p>Regular part time employees will receive this benefit on a pro-rata <u>rated</u> basis <u>relative to</u> <u>based on</u> their <u>budgeted FTE</u>, <u>normal work week</u>. The following is an example:</p> <p><i>An employee has an FMLA qualifying event that documents the need for a twelve week family leave of absence. At the time of the qualifying event, the employee has five weeks of accrued leave and will accrue an additional 1.2 weeks (6 days) of vacation and sick leave during the leave of absence. With the five weeks of accrued</i></p>	Modification of existing policy to align with provisions of the Washington State Paid Family Leave provisions
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><del>leave on the books at the time of the qualifying event and with the additional 1.2 weeks of accrual, the employee will have a total of 6.2 weeks of accrued leave. In this example, the following would happen:</del></p> <p><del>4.2 weeks of the employee's accrued leave would be applied towards the twelve weeks of Paid Family Leave.</del></p> <ul style="list-style-type: none"> <li>a. <del>Then, when the employee's balance of accrued leave is down to two weeks, the City would provide the employee with 5.8 weeks of Supplemental Paid Family Leave, so that the employee's twelve week family leave may be a fully paid leave</del></li> <li>d) 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. <u>both parents will independently have the equivalent of 12 weeks available to them for bonding with a new child or for child placement. In these circumstances the employees should coordinate with their supervisors to ensure that there is no negative impact to business operations for their requested time off. Any overlap of both parents taking the same time period off for bonding should be coordinated with their supervisor(s) in advance.</u></li> <li>e) <u>The In no circumstances may an employee must use all but two weeks of SPFML in combination with PFML and receive more than their accrued leave before using Supplemental Paid Family leave regular paycheck amount.</u></li> <li>f) <u>Supplemental Paid Family Leave SPFML</u> may not be cashed out under any circumstance.</li> <li>g) <u>If using SPFML during the initial waiting week, or while waiting for the leave approval, and the leave is denied from the State, the employee will be required to pay back any Supplemental monetary benefit that has been received.</u></li> </ul> <p>3. Benefit Period, Frequency, and Concurrency  <del>Supplemental Paid Family Leave must begin and be completed within twelve months of the qualifying event.</del></p> <p>a. An employee may use Supplemental Paid Family Leave <u>May be used</u> on an <u>a continuous or</u> intermittent or part time basis, as long as it is</p>	<p>Modification of existing policy to align with provisions of the Washington State Paid Family Leave provisions</p>
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>consistent with the department's operational needs, and is approved in writing by the employee's director prior to the leave. <a href="#">PFML</a>.</p> <p>b. 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 <a href="#">PFML</a>.</p> <p>c. Is limited to a maximum of 12 weeks a year, calculated on a rolling 12 month <a href="#">per calendar</a>.</p> <p>d. <a href="#">May be used to cover the waiting period from (first week) of PFML if the start of the supplemental paid family employee lacks enough leave accruals.</a></p> <p>4. Job Protection and Health Benefits</p> <p>5. 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.</p> <p>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.</p> <p><a href="#">For any unpaid portion of a leave the 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 from the leave will be required to pay back both the employee and the City portion of the insurance premiums unless failure to return to work was beyond the employee's control.</a></p> <p>6. Procedure for Requesting Supplemental Paid Family &amp; Medical Leave</p> <p>a) Provide notice – Unless a leave is unexpected, at least thirty days' notice must be given to the <a href="#">Employees who anticipate the need to use SPFML should notify</a> 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.</p> <p>b) Discuss your anticipated leave duration and schedule with the Human Resources department and your Immediate Supervisor. If you plan to</p>	Modification of existing policy to align with provisions of the Washington State Paid Family Leave provisions
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><del>take intermittent or part-time leave, this must be approved in writing prior to the leave.</del></p> <p>e) Complete the Supplemental Paid Family Leave Request Form.</p> <p>d) Submit the Supplemental Paid Family Leave Request Form along with the completed paperwork to request an FMLA leave; or along with your request to Human Resources.</p> <p>e) <u>SPFML will not be approved until verification has been received from the State that the employee has applied for PFML. If the employee has received any SPFML payments from the City and their State PFML is denied, the employee will be required to repay the City for a leave under the Victims of Domestic Violence policy. those payments received.</u></p> <p><u>2. Time Recording</u>  <u>Record your time using the time card codes provided by Payroll.</u></p> <p><b>N. Spousal Military Deployment Leave under Washington State Law</b>          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. <u>If applicable, this leave will run concurrently concurrent with FMLA leaves for deployment of a family member.</u></p> <p><b>R. Bereavement Leave</b>          Applies to: Regular and limited term employees          Employees may be granted up to three days of paid leave <u>per occasion</u> 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. <u>The amount of time provided for bereavement leave will be based on the employee's regular daily work schedule, if working 8 hours, they would receive 8 hours of bereavement leave. If working an alternative schedule, they receive the number of hours they normally work on those days.</u></p> <p><b>S. Court and Jury Duty Leave</b>          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. <u>The amount of time provided for jury duty</u></p>	<p>Modification of existing policy to align with provisions of the Washington State Paid Family Leave provisions</p> <p>Existing policy clarification</p> <p>Existing policy clarification</p> <p>Existing policy clarification</p>
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p><u>will be based on the employee's regular daily work schedule, if working 8 hours, they would receive 8 hours of jury duty leave. If working an alternative schedule, they receive the number of hours they normally work on those days.</u></p> <p><b>T. Military Leave</b> An employee may take up to <u>21</u>twenty-one work days <u>workdays</u> per year for active <u>required military</u> duty training, <u>trainings or drills</u> if he/she <u>the employee</u> 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.</p> <p><b>U. Leave for Certain Volunteer Emergency Services Personnel</b> Applies to: Regular <u>and limited term</u> employees <del>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 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. 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.</del> <del>Reinstatement following active duty will be in compliance with state and federal laws at the time of the return to work. An employee may take necessary time to respond to call to an emergency service operation as unpaid firefighters, reserve officers, or civil air patrol members. Participation in trainings or other non-emergency activities are excluded from the provisions of this article. Eligible employees may use their accrued leave to stay in a paid status.</del></p>	Existing policy clarification  Existing policy clarification
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## SUMMARY OF CHANGES TO EMPLOYEE HANDBOOK – ATTACHMENT B

	<p>V. <b><u>Victims of Domestic Violence Leave</u></b>          While leave is unpaid, Regular employees may <del>elect to</del> use paid sick, vacation, <u>Supplemental Paid Family and Medical Leave</u>, or other accrued paid time off while on leave.</p>	Existing policy clarification
VII. STANDARDS OF EMPLOYEE CONDUCT	<p>C. <b><u>Solicitations and Distribution of Literature</u></b>          In the interest of maintaining a proper business environment and preventing interference with work and inconvenience to others, employees may not <u>physically</u> distribute literature, <u>email</u>, 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 <del>he or she supervises</del><u>they supervise</u> or otherwise <u>exercises</u><u>exercise</u> 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 <u>solicitation</u> of any purpose<u>type</u>.</p> <p>J. <b><u>Searches of Property</u></b>          Employees should be aware that all offices, desks, files, <u>computers</u>, <u>City-issued cell phones</u>, 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 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 conducted by more than one person</p>	Existing policy clarification  Existing policy clarification