

City of Mukilteo



EMPLOYEE HANDBOOK

(This employee handbook supersedes all past handbooks or personnel manuals)

Effective July 2, 2012; Revised 8/13/2013 by Resolution 2013-12; Revised 3/16/2022 by Resolution 2022-08

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Section 1

Introduction to the City of Mukilteo

About this Handbook

This Handbook is intended to be a source of general information concerning the City of Mukilteo's policies, procedures, practices, and benefits. We hope that it will be a helpful resource for you in the course of your employment and ask that you take time to read it and become familiar with its contents. It should be kept throughout your employment with the City of Mukilteo. It is not possible for any handbook to cover all events or circumstances that can arise. Departments may have additional policies and procedures to be upheld by the employees in those departments.

This Handbook is not intended, and should not be construed, as a promise of specific treatment in any specific circumstance, or as a guarantee of employment for any particular time. Department heads and exempt employees of the City not covered by a union collective bargaining agreement are considered to be "at will". This means that either those employees or the City of Mukilteo can terminate employment relationship at any time, with or without notice or cause.

The policies, procedures, practices and benefits described in this handbook shall apply to all employees of the City of Mukilteo except where otherwise noted herein or unless they conflict with provisions of any binding collective bargaining agreement, civil service rules or law.

All policies, procedures, practices, and benefits in this handbook become effective July 2, 2012. Of course, circumstances may occur that will require the policies, procedures, practices, and benefits described in this Handbook to change from time to time. Except for the at-will employment relationship, which can be altered only by a written agreement signed by the Mayor or his designee, the City of Mukilteo reserves the right to modify, amend, supplement, deviate from, or rescind any or all provisions of this Handbook as it deems appropriate at its sole and absolute discretion.

All interpretations of and changes to the policies, procedures, practices, or benefits in this handbook can be made only by the City Administrator with the approval of the Mayor and City Council. This document should not be construed or relied upon by anyone as a legal document, covenant or contract of any kind.

If you have questions about any part of this Handbook, please feel free to contact Human Resources at any time.

This handbook describes conditions and procedures regarding discipline and termination of employment. Although the City of Mukilteo may follow these conditions and procedures, the City of Mukilteo retains the right to deviate from them as it deems necessary at its sole discretion.

History of the City of Mukilteo

The City of Mukilteo was officially incorporated on May 8, 1947, the City has a historic role in the development of the Puget Sound. The Point Elliott Treaty was signed near the waterfront in Mukilteo between Governor Isaac Stevens and the chiefs of 22 Puget Sound Tribes on January 22, 1855. First settled by Europeans in 1858, Mukilteo was the county seat of Snohomish County from 1861 to 1867.

In its early years, Mukilteo was a fishing village, trading post, and a port-of-entry. Surrounding wooded hills filled with Douglas fir, cedar and hemlock supported a lumber mill and the town also had a cannery, a brewery, and a gunpowder plant.

In 1900, the population was only 350, but in 1901, the federal Lighthouse Board decided to put a light and fog signal at the point in Mukilteo. The Mukilteo Light Station was completed in 1906 and was leased to the City in 1999 by the U.S. Coast Guard. The City is responsible for the maintenance and preservation of this historical landmark.

Population and Land Use

In 2011, Mukilteo has 2 major parks, Lighthouse Park and 92nd Street Park and 9 other smaller parks and open space totaling 507 acres. There are three elementary schools, two middle schools and one high school. The 2011 population was 20,310. Annual census updates are distributed in June.

City Operations

The City operates under a Mayor-Council form of government. Under this system, there are seven elected Councilmembers and the Mayor. The Mayor and Councilmembers are elected at large to serve consecutive four-year terms. The Mayor and Councilmembers hold the only elected positions in the City organization.

The Mayor is the Chief Executive Officer of the City. The City Administrator is appointed by the Mayor and is responsible for the overall administration of the City's operations. The chain of command runs from the Mayor to the City Administrator, department heads, managers, supervisors, to non-supervisory personnel.

The Mayor and City Administrator are responsible for the preparation of the City's annual budget, and the enforcement and implementation of all laws, policies and services of the City, and directing the allocation and organization of the City's resources. The Revised Code of Washington Section 35A.12.090 charges the Mayor with the responsibility for personnel administration. The Mayor may delegate any of these responsibilities to the City Administrator. The Mayor's Office oversees the development and implementation of all policy and program initiatives, including the City Council's top legislative priorities. The functions of this department also include the City Clerk and Human Resources.

Police Department – Is tasked with enforcing local, state and federal laws. In addition, the Police Department is responsible for protecting citizens and their property. The Department is divided into five divisions: the Administration and Support Services, Crime Prevention, Patrol, Training and Special Operations.

Fire Department – Provides, emergency and non-emergency fire suppression, emergency medical with Basic Life Support (BLS) and Advanced Life Support (ALS) services with trained paramedics on staff and rescue services, and fire prevention and public education services.

Public Works Department – Consists of two Divisions: Engineering and Operations with five subdivisions. The Engineering Division provides services for the management of project design and construction for the purpose of building and maintaining the City's infrastructure system which includes rights-of-ways (streets, sidewalks, signage, lights and signals), storm/surface water, buildings (facilities), parks and open space. The Division also reviews, approves and inspects infrastructure improvements related to private development to assure code compliance and also enforces the requirements of the National Pollution Discharge Elimination Permit issued by the State Department of Ecology. The Operations Division carries out the routine maintenance needed on City streets, parks, buildings, open space (mitigation of dangerous trees) and City Hall and public works equipment and vehicles.

Recreation and Cultural Services Department – This department oversees and manages Rosehill Community Center and develops and implements community recreation and cultural service programs. The Department also oversees all City special events/use permits.

Planning and Community Development – Is responsible for all planning and building development activities in Mukilteo. The Development and Permit Services Division provides all development, zoning and permit review services, performs site inspections and investigates code compliance complaints. The Long Range Planning Division is the City's lead for the development of the Comprehensive Plan and land use designations, Zoning Map revisions, development code amendments and annexations.

Finance – This department consists of the accounting and information technology services divisions. The accounting division includes payroll, business licensing, accounts receivable, accounts payable, cash management, prepares and monitors the City's budget, financial reports and the City's long-range financial plan. The information technology division manages and maintains the City's computer hardware, software, networks, applications and systems; ensures the backup, integrity and security of the computer data assets; and maintains equipment including telephone systems, copiers, and fax devices.

Mission Statement

The City of Mukilteo, in partnership with the community we serve, will foster a tradition dedicated to:

- Maintaining a safe, healthy atmosphere in which to live, work and play;
- Guiding development to ensure responsible growth while preserving and enhancing our character, environment and natural amenities;
- Providing for the City's long term stability through promotion of economic vitality and diversity;
- Resulting in a balanced community committed to protection of what is valued today while meeting tomorrow's needs; and
- Continuing transparency of communication between government, employees, and the public.

Philosophy

As City employees, we base the delivery of these services upon the following beliefs:

- We have a desire to help people through serving the public. We want to do a good job.
- We like and respect the type and scale of the environment and community within Mukilteo.
- In our internal and external interactions, we treat people equally, valuing them as individuals. Our communications are friendly, honest, open and candid.
- We offer our best professional expertise on issues facing the City and the development of an effective and professional City organization.
- We believe in the democratic process and value our role as implementers of policies made by elected officials.
- We both anticipate and respond to contemporary and community needs. We take action in a thoughtfully planned manner.
- Careful choices enable us to make wise and efficient use of limited financial resources.
- Within and outside our organization we work with both issues and people; we are participatory and free of bias.
- All City employees collaborate as part of the team and work to support each other, the City Council, and the citizens of Mukilteo.

Section 2

Working for the City of Mukilteo

City Vision and Principles

The City of Mukilteo exists to provide services that are requested by our citizens and mandated by law. Being an employee of the City of Mukilteo means joining a team of people committed to a vision best described by four principles that guide our service delivery:

1. Valuing our employees and helping them to be committed to making our vision happen.
2. Serving our customers well through both attitude and action.
3. Recognizing that the advantages of teamwork show in the delivery of quality products and employee satisfaction.
4. Anticipating and planning for future community needs through a process of continuous improvement and innovation.

The following expands upon these principles and your role as an employee in implementing them.

You Can Make a Difference for Mukilteo

As employees, we would hope that you will be committed to our vision and principles which means:

Believing in the vision - not just accepting it. Making the vision happen by taking an active role in producing and continuously redefining our service products - not waiting for someone else to tell you what to do. Remember that while performing even the most routine activity, you are a representative of the City. Your words and actions leave a lasting impression.

By sharing our commitment to excellence, you acknowledge the importance of government services and the impact your work makes on the thousands of people who treasure Mukilteo as their home or place of business.

Just as important, the pride you show in your work reflects the pride you feel in yourself. So while our commitment to excellence helps us to better serve the community, it also helps us to enjoy a more productive, responsive work environment.

Customer Service

We believe our purpose is to serve our customers well. Excellent service is both an attribute and an attitude. We are realistic about what we can do and we try to exceed our customers' expectations. Our internal and external customers expect to experience us as:

- Respectful.
- Accessible.
- Good listeners.
- Flexible.
- Reliable.
- Interested in feedback/involvement.

This means:

- We treat citizens with dignity even when we disagree.
- We respond to voicemail and email messages promptly.
- We offer assistance to each and every customer waiting for service.
- Well-informed staff will cover front-line positions during vacations and lunch hours to ensure high quality service to the customer.
- When we can't grant a customer's request, we explain why and offer alternatives, if possible.
- Our doors are open and we are ready to serve the public at the stated hours of operation.
- Customer feedback, both internal and external, is requested and used in refining products and services.
- We present ourselves in a professional manner by maintaining organized work areas and dressing appropriately in business casual attire.
- Remember: employees are customers too.

Growth and Ethical Conduct

We believe in personal and professional growth and ethical conduct of all employees. We value:

- Honesty and integrity.
- Skilled employees committed to our customer service vision.
- A diverse workforce as a source of creativity.
- Training that focuses on our technical needs and corporate values.
- Empowering employees to apply their training.

This means:

- We train all employees in our vision and values.
- Technical training is rooted in the goal of improving service delivery.
- We motivate employees by rewarding achievement.
- We address conflict among employees directly and constructively without burdening our customers.
- We do not discriminate through giving of special privileges to customers, self, or family, nor do we accept favors or benefits from customers that might be construed as influencing government duties and decisions.

Teamwork

Encouraging teamwork affords us great value and advantages. These advantages are:

- Broader work opportunities.
- Skill diversity.
- Creativity.
- Empowerment.
- Building relationships

This means:

- We don't allow departmental lines to become barriers in assembling a team.
- We look to all employees, regardless of title, training or degree, to contribute ideas and actions leading us toward our vision and goals.
- We support and create an enjoyable work environment.
- We look for non-traditional ways to create new and better products.
- Experimentation is O.K.
- We don't say, "It's not in my job description."

When we see something that needs to be done, we just do it if we can, rather than report it. For example, any City employee who sees a branch on the sidewalk would move it.

Government's Role

We believe government's role in the future requires innovation today. To prepare for a changing future we encourage:

- Responsible risk taking.
- A creative, diverse work environment.
- Keeping current on technology trends and standards.
- Goal setting and work planning.
- Continuous evaluation and improvement of services.
- Public enterprise.

This means:

- We explore using our specialized skills and knowledge to expand our revenues.
- We define our goals and quantify our services.

A Vision for Mukilteo Employment

Throughout America, and including Mukilteo, society's expectation of the role of government has changed over the years. For the most part, we are expected to do more with less. Taxpayers and elected officials expect achievement of greater flexibility and efficiency through public sector innovation and enterprise and private sector service delivery.

Locally, the Mukilteo Mayor and City Council is committed to maintaining high quality services with responsible and accountable staffing levels. The City's existing positions will be continually

reviewed for re-design, not only as they become vacant through retirements and resignations, but also as work demands decrease or change.

Future considerations of staffing levels, pay and employment status will be made based on performance, work demands, City financial goals, entrepreneurial solutions, and labor market realities.

Local governments in general, including the City of Mukilteo, now operate in an environment of constantly changing service demands, rising service expectations and declining resources. Taxpayers and elected officials are looking to solve this paradox through more efficient and effective performance of their government organizations. This directly translates to the performance of managers, supervisors and employees.

In making its employment decisions, the City will consider all these things – work demands, financial constraints and market factors. And, the City will take seriously issues of performance when trying to achieve new levels of efficiency and effectiveness. Productivity, attendance, teamwork skills, customer services, lifetime learning, versatility and flexibility are among the numerous performance qualities to which the City and its employees aspire.

The City of Mukilteo is known as a quality employer. Our policies support families, healthy lifestyles, assistance with problems outside the workplace, and training and development. The City is committed to excellence as an employer on behalf of its various employee groups. Likewise, the City is also committed to making the best possible business decisions on behalf of its owners – the Mayor, City Council and Mukilteo residents. At times, the demands for making difficult decisions drive the need for making difficult employment decisions. Reductions in force, changes in classification and work responsibilities, and changes in compensation are all examples of where these commitments converge.

In working through these difficult decisions, the City is committed to seeking a balance between achieving necessary business goals while trying to address the personal and professional needs of employees.

Job Categories

Your position at the City is categorized in several ways:

Regular full-time employee: Any person hired who regularly works a minimum of forty (40) hours per week and is eligible for one hundred percent (100%) of the benefits as provided by the City. This is a budgeted full-time equivalent (FTE) position.

Regular part-time employee 20 hours/week or more: Any person hired who regularly works a minimum of twenty (20) and no more than (39) thirty-nine hours per week are eligible for one hundred percent (100%) of the benefits on a pro-rated basis as provided by the City. Overtime or compensatory-time are not calculated in the pro-rated percentage. In order to accrue prorated vacation, sick leave and holiday benefits as described elsewhere in this Handbook, regular part-time employees must work a minimum of 20 hours per week. In order to receive retirement benefits through the State Retirement System, regular part-time employees must work in an eligible position for a minimum of 70 hours per month for more than 5 months in any consecutive 12-month period.

Regular part-time employee less than 20 hours/week: Any person hired who regularly works a less than twenty (20) hours per week are not eligible for healthcare benefits, but will participate in the State Retirement System.

In order to receive retirement benefits through the State Retirement System, regular part-time employees must work in an eligible position for a minimum of 70 hours per month for more than 5 months in any consecutive 12-month period.

Temporary employee: Any non-represented full-time or part-time employee, hired for a limited period of time with set starting and ending dates, whose compensation is hourly. This employee may or may not be eligible for benefits.

Seasonal/Hourly employee: Any non-represented employee hired for a limited period of time who works a flexible schedule consistent with Fair Labor Standards Act provisions, and is compensated by an hourly wage. This employee receives only unemployment insurance and Workers' Compensation benefits.

Working under an Employment or Professional Service Agreement: Any person hired for a defined period of time under the terms of a written contract regarding scope of work and length of service. This person may or may not receive the benefits of a regular or part-time employee as defined by the written agreement.

Exempt employee: Any employee who meets the criteria outlined under the Federal Labor Standards Act (FLSA) for exempt status employment. Exempt employees are paid on a salary basis, regardless of the number of hours worked per week and are not paid overtime for working more than 40 hours in one week.

Non-Exempt employee: Any employee who does not meet the criteria outlined under the Federal Labor Standards Act (FLSA) for exempt status employment. Non-Exempt employees are paid on an hourly basis and are paid overtime wages or receive compensatory time (in lieu of overtime pay),

at the employee's request) at a rate of 1-1/2 times their regular hourly rate for any hours worked over 40 in one week. Non-exempt employees are not allowed to accumulate more than forty (40) hours of compensatory time.

Represented employee: Any employee who occupies a position that is subject to a collective bargaining agreement, such as Firefighters, Law Enforcement Officers, Law Enforcement Support Employees, Office-Clerical-Technical Employees, and Public Works Employees.

Non-represented employee: Any employee who is not in a position which is subject to a collective bargaining agreement.

Essential Employee: Identified as commissioned law enforcement officers, firefighters and firefighter/paramedics, and public works crewmembers.

Non-Essential Employee: All other employees both regular and part-time not designated as Essential Employees.

New Employee Orientation

Each newly hired regular full-time and part-time employee will receive a new employee orientation. Human Resources will conduct an orientation of City policies and general practices as well as an orientation to the City's benefit programs for those eligible for benefits. Orientations are scheduled within the first week of employment. The hiring department will orient the new employee to their work group, their position and their job duties.

Office Hours

City Hall offices are open from 7:30 a.m. to 5:00 p.m. Monday through Thursday and 7:30 p.m. to 4:30 p.m. on Friday. Flexible work schedules may be permitted depending on the employee's position and departmental needs. Police Officers, Firefighters and Paramedics provide service 24- hours a day, seven days a week.

Dress Guidelines

All City employees are expected to present a professional image to other employees and to visitors and citizens visiting City Hall and other City premises. A professional image means dressing and conducting yourself in a manner intended to promote an overall image of professionalism for you and the City. Given the varied nature of work performed by City employees, there are considerable differences in the standards of dress. If you have a question about how to dress appropriately for your position, please talk to your department head. Employees working within City offices are expected to present themselves professionally and appropriately in professional or business-casual attire Monday through Thursday. The following items are considered unacceptable for the workplace (this list is not all inclusive):

- Casual and sports clothing unless otherwise approved by a department head; e.g., T-shirts, shorts, jogging suits, sweat pants, leggings, spandex, lycra, and sweatshirts (except for City logo

wear).

- Revealing or provocative clothing for either men or women; e.g., low cut tops with plunging necklines, halter tops, see-through tops, tops with open backs, miniskirts, pants that allow undergarments or bare skin to show such as low cut hip-huggers and loose fitting pants that expose boxer shorts.
- Any torn, ripped, ill-fitting or disheveled clothing.

Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat as working conditions permit. Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms or City- logo clothing, depending on the nature of the job.

On Fridays, the City of Mukilteo allows employees who are not required to wear a uniform to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat and professional appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

The departments of Public Works, Police and Fire have dress codes specific to their respective departments.

An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

Job Description

All jobs in the City have a job description that outlines the primary duties and responsibilities for each position. Job descriptions are considered a summary of each position and serve as the basis for setting the salary range for each job. Your immediate supervisor may provide you with a more specific description of your duties and responsibilities.

Work Assignments

Every employee of the City will be subject to the direction of the Mayor through the City Administrator and his/her department head. The Mayor (or their designee) has the right to assign work to non-represented employee to non-bargaining work, even if the work may be of a different nature or performed in a different department or division of the City from that in which the employee normally works.

Probation Period

All newly hired employees, former employees returning to work, and newly promoted employees will serve a 6-month probation period unless otherwise defined in a collective bargaining agreement. The probation period is considered an extension of the hiring process designed to give the City an opportunity to decide whether the employee has the ability to perform the work duties and responsibilities in a satisfactory manner. In some cases the probationary period may be extended before its expiration date as determined by the department head and approved by the City Administrator. The probation period does not alter the at-will relationship; any at-will employment relationship can be ended at any time, with or without notice and with or without cause, even after the expiration of the probationary period.

An employee may be discharged at any time during the probationary period with or without cause stated and without recourse to the grievance process or any other remedy in law or equity. Successful completion of the probationary period does not confer additional rights unless otherwise specified in a collective bargaining agreement, civil service rules, or a written employment agreement or contract. The City retains the right to require a probation period as part of a disciplinary action, without regard to length of employment.

Work Breaks

Employees are entitled to one 15-minute break in the morning and one 10-minute break in the afternoon. Where the nature of the work allows employees to take intermittent rest periods, equivalent to fifteen minutes for each four hours worked, scheduled breaks are not required. Employees may not stack breaks back-to-back or add the time to a meal period, or skip a break and then leave early at the end of the day.

Meal Periods

Employees are entitled to one meal period during an 8-hour shift. The meal period should not exceed 30 minutes or one hour depending on the type of work schedule (i.e. 9/80 work week or 40 hour workweek). The department head schedules meal periods so that City business is not interrupted. Non-exempt employees must take their meal period no less than two hours or more than five hours after the beginning of their shift. Employees working three or more hours longer than a normal work day shall be allowed at least one thirty-minute meal period prior to or during the overtime period. Meal periods and breaks cannot be combined. The employee cannot skip a meal period and then leave early at the end of the day.

Pay Day Schedule

City employees are paid on the 5th and 20th of the month by Direct Deposit to the employee's designated bank, credit union, etc. Payroll deductions are listed on the check stub. Questions concerning pay should be directed to the employee's department head, Human Resources, or to Payroll in the Finance Department.

Smoking

Smoking is not permitted in City buildings, facilities, vehicles, or within 25 feet of any City building entrance, window that opens, or vent. Violation of this smoking policy may result in disciplinary action, up to and including termination.

Workplace Privacy

Desks, lockers, computers, drawers, vehicles, file cabinets, storage devices (physical or electronic), PDAs, cell phones, and other furniture, tools, equipment, electronic devices and communication devices furnished to employees by the City or used by employees to do their work (collectively "Work Property") are not private even if they have locks on them or require passwords, and the City has the right to search, monitor, copy, take possession of, and delete or destroy any information or property that is located in or on Work Property, subject to the limitations of due process, record retention requirements or other applicable law. For employees' security, the activities of employees and visitors to the City's premises may also be monitored or recorded through the use of access cards and security cameras. Additionally, the City may obtain, review, store, or copy information or records on any communication or recording device that is used for City business even if it is not owned by the City, such as if an employee uses his or her personal cell phone, computer, tablet, PDA, etc. for City business. The City cannot assume responsibility for any theft or damage to the personal belongings of City employees. Therefore, the City requests that employees avoid bringing valuable personal articles or property to work. Employees are solely responsible for ensuring that their personal belongings are secure while at work in the City.

Overtime

Occasionally an employee may be asked to work overtime. Overtime for employees other than certain fire protection employees, police officers, and paramedics who are subject to different FLSA 7(k) work periods is defined as any hours worked in excess of 40 hours per week by a non-exempt employee. All overtime must have prior authorization from the employee's supervisor or department head. A non-exempt employee has the option of receiving compensatory (comp) time in the amount of 1.5 times the hours of overtime or 1.5 times the regular rate of pay for time worked in excess of 40 hours for that week. A non-exempt employee may not work overtime without prior authorization. Unauthorized overtime worked by an employee may be subject to disciplinary action up to and including termination.

Exempt employees are not eligible to receive overtime pay or compensatory time. However, exempt employees may be eligible to receive paid administrative leave. Exempt employees, which may be determined from time to time by the City Administrator and applicable laws and regulations, may annually receive fifty-four (54) hours of administrative leave that will be credited at the beginning of the year for ease of administration and those hired after the first of the year will receive a pro-rata number of hours based on the accrual rate of four and one-half (4.5) hours each month. Paid administrative leave must be used within the calendar year it accrues or it will be forfeited. Those who leave City employment will be charged for any administrative hours taken should their time taken exceed the accrual rate of 4.5 hours each month and length of service for that year.

Personnel File

Personnel files are considered confidential and the only persons authorized to access files are the employee, Mayor, City Administrator, City Attorney, Human Resources, and the employee's department head and direct supervisor. External requests for personal data will be provided only with the employee's written permission or if required by state or federal law. The Public Records Act currently requires certain disclosure of records relating to discipline and also, under certain circumstances, investigation records even if disciplinary action has not been imposed. No information from the personnel file will be provided over the telephone except to confirm employment unless the employee has provided a written release. All such telephone inquiries should be forwarded to Human Resources in Administration.

Medical information is kept in a separate confidential medical file, available only to authorized personnel.

If an employee wishes to view their personnel file, they may contact Human Resources to set up an appointment for that purpose.

It is important that an employee notify the Human Resources of any change of address, telephone number, emergency contact, or change in dependents within one week of a change. These changes must be made on the appropriate forms (i.e. healthcare forms, emergency contact forms, etc.).

Performance Evaluation

As an organization, the City recognizes that one of the major points of job satisfaction for an employee is to know the work they do is considered worthwhile, essential and appreciated, and to learn areas where changes or improvements are needed. The supervisor or manager should provide this information in an informal, verbal way when the occasion presents itself. A formal performance evaluation is a written documentation that recognizes these basic points and lets the employee know how he/she is doing on the job. The purposes of a performance evaluation are to:

1. Establish objective standards by which the employee and supervisor can measure performance and gauge growth.
2. Increase productivity both by providing praise for a job well done and by focusing employee efforts on new objectives.
3. Strengthen relationships between an employee and a supervisor by opening communication and increasing employee confidence.
4. Give valuable feedback to the supervisor about ways in which he or she may be able to improve their managerial skills.
5. Provide important documentation of an employee's performance history, including both positive performance and areas where performance needs attention.

A performance evaluation should be scheduled at the mid-point and near the conclusion of the probation period for each employee. Evaluations may occur earlier and more frequently at the discretion of the department head. After the probation period, each employee should receive a

performance evaluation every year, preferably within one month of the anniversary date of employment in the current position. A department head may elect to conduct more frequent performance evaluations and/or implement a performance improvement plan to identify areas where improvement is needed and to establish objective standards by which the employee and supervisor can measure performance and gauge improvement.

An employee's job performance will be documented on performance evaluation and objective development forms provided by Human Resources. If the evaluating department wishes to use another evaluation form or process, the form or process will be approved by Human Resources and the City Administrator before implementation. Each evaluation will be signed by the employee and their supervisor or team leader, and department head prior to submitting to Human Resources for the City Administrator's review and signature. Human Resources will process and file the evaluations in personnel files.

If there are questions about a performance evaluation, or any other aspect of the expectations of work, employees should feel free to seek out additional information from their supervisor or department head. When managers, supervisors or team leaders are faced with one or more employee performance issues, they are encouraged to submit a draft performance evaluation document to Human Resources for review before delivering the final performance evaluation to their respective employee.

Salary Adjustments and Market Increases

The Human Resources Department may conduct a market study on non-represented and represented positions on a periodic basis or as indicated by collective bargaining agreement. When conducting a market study, Human Resources will compare the job duties and salaries for matching positions from benchmark organizations in the public sector and the private sector when appropriate.

Service Award Program

Years of Service Awards

Service awards are provided to all regular full-time and part-time City employees at 5, 10, 15, 20, 25, 30, and 35 years of service. At the beginning of the year an employee reaches a milestone anniversary, they will be notified that they will receive a service award on or near their anniversary date. The employee selects the award of their choice from a catalog of awards. At each milestone anniversary, the employee's choice of awards is expanded. Catalogs of the award choices are available in Human Resources.

Retirement/Departure Awards

The City provides Retirement/Departure Awards to employees in good standing who have worked for the City for at least 10 years. This policy provides a consistent, routine and quality program to suitably award an employee's service to the City. When an employee announces their departure, Human Resources will be responsible for ordering the departure award designating the employee's years of service.

Code of Ethics

All employees, including regular full and part-time, represented, employees working under an employment agreement, and temporary and seasonal/hourly employees are considered "public officers and employees" of the City for purposes of this code of ethics. As declared in State law, high moral and ethical standards among public servants are essential to the conduct of government in order to eliminate conflicts of interest, improve standards of public service and promote and strengthen the faith and confidence of our citizens in their government.

The public trust prohibits employees from giving or receiving any compensation, gift, reward, or gratuity for any matter connected with or related to their services as an officer or employee of the City. Gifts and/or compensation must be immediately returned to the donor.

The following are definitions of some of the terms used in the City's ethics policy:

Gift: Anything of economic value, not including the following: campaign contributions, informational materials exclusively for official or office use, memorials, trophies, and plaques

If no commercial value, gifts of \$25.00 or less for bona fide, non-recurring, ceremonial occasions.

Compensation: Anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

Except as authorized by law and in the course of their official duties, no City employee may use the power or authority of their position with the City in a manner intended to induce or coerce any other person to provide a City employee or any other person with any compensation, gift or other thing of value directly or indirectly.

Similarly, employees may not disclose confidential information gained by reason of their official position, or otherwise use such information for their or any other person's gain or benefit.

City employees, acting in their official capacity, may not transact business with any business entity of which the employee or member of the employee's immediate family is an officer, agent, employee, member or part owner. For the purposes of this policy, "immediate family" includes an employee's immediate family (spouse, registered domestic partner, parent, sibling, step-parent, parent-in-law, child, step-child, child-in-law, grandparent, or grandchild).

This policy is not intended to address all prohibited behaviors that may constitute conflicts of interest for employees. For those situations not addressed in this ethics policy, employees should refer to the following "ethics commandments" to guide their actions:

1. Don't take advantage of your job or position for personal gain.
2. Know the rules and follow them. If the rules are unclear, read items 3 through 7 below

to help decide your course of action.

3. If it feels unethical, it probably is. For example, if you get a gift and you like it, you should probably send it back.
4. Do what is in the public's best interest.
5. Does the action you are about to take withstand the test of "reportability?" That is, would it be embarrassing to you or the City if it were printed on the front page of the local newspaper?
6. Be aware of how others would think and feel about your action.
7. For all issues, ask yourself, "Does it meet these tests?" Regarding big issues, or any issues you have doubts or questions about, seek the help of an "ethical buddy" -- someone with whom you can discuss the ethics of the issue or discuss the matter with the City Administrator. The "ethical buddy" should be someone in a management position in the City.

Reporting to Work During Inclement Weather (Regular Hours)

Check in to see if your department is operating under normal or curtailed conditions. Employees must contact their supervisor if they are unable to report to work. City employees are expected to use reasonable measures to ensure they will be able to report to work during snowy or stormy weather on regular workdays, if they can do so safely. Employees who report to work will receive their regular pay for that day. This will apply even if the employees are late to work or are released early by the authority of the Mayor or the Mayor's designee. Employees who do not report to work must use accrued vacation, personal leave, comp time or unpaid leave.

Should conditions prevail that require the Mayor to announce curtailment of City operations for the safety and welfare of City employees due to a storm or other emergency event, no pay may be deducted for time lost during the first two (2) days of lost that any work time is lost during such curtailment of operations, nor may employees be required to use vacation or compensatory time for such two (2) day period unless the employee had already scheduled the time as vacation or compensatory time off. Accrued vacation or compensatory time off may be used if the curtailment of City operations lasts more than all or part of two work days as deemed appropriate by the Mayor. For purposes of this policy, if operations are restored for a period of seven days or less and then are curtailed again, such multiple curtailments will all be treated as a single event and employees will not be entitled to additional paid time off during such events beyond any time off from work during the initial two days of the initial period of curtailment. The pay of exempt employees will not be reduced if operations are curtailed for less than a work week unless such reduction is allowed by applicable law.

Reporting to Work During an Emergency (After Hours)

If the Mayor or the Mayor's designee or a member of the Emergency Operations Center (EOC) determines that an emergency may develop after regular business hours (such as a storm, landslide,

etc.), employees may be notified that they are on “stand-by” for emergency duty. When this occurs, employees may be asked to stay at work after regular hours, or employees may be directed to check their voicemail or email on a regular basis throughout the evening or weekend to listen for a message advising them of whether they need to report for duty. In most circumstances, checking the City’s main telephone lines or voicemail messages every 1-2 hours should be sufficient depending on the situation. If you are asked to report for duty at any time during a “stand-by” situation, non-exempt employees will be paid at their overtime rate.

If an emergency, event or disaster occurs during non-working hours; all Essential City employees are considered to be on “stand-by” for emergency duty. First, take care of your personal and family emergency responsibilities, and then check your email or voicemail to see if there is a message requiring you to report for duty. If the phone lines are down and you are able to provide essential services (such as Police, Fire, or Public Works employees) then report to work if you are able, after checking to make sure the transportation routes are reported to be intact. Washington State’s Primary Entry Pointe Broadcast station for the Puget Sound area: For purposes of determining road conditions and weather information, employees should check KIRO Radio 710 AM

Section 3

Employee Benefits

Benefits Overview

Your medical, dental, vision, life, and long-term disability insurance coverage is administered through several different plan providers. Complete plan information booklets are available from Human Resources. These benefits may otherwise be specified in provisions of an applicable collective bargaining agreement.

Eligibility for Medical, Dental and Vision Insurance Plans

You are eligible for medical, dental, and vision insurance benefits beginning the first day of the month following your hire date. The City pays a monthly premium (on behalf of each employee for medical, dental and vision premium costs. If hired after the 15th of the month, you must authorize the City to deduct any premiums owed for healthcare benefits from your paycheck payable on the 5th of the month following hire (example: Time card for July 16 – 31st payable on August 5th). You are responsible to pay any amount of premium that exceeds the City paid portion of the premiums or as defined in a collective bargaining agreement.

Eligible dependents are your lawful spouse, registered domestic partner pursuant to Chapter 26.60 RCW, and unmarried dependent children (including stepchildren, foster children and legally adopted children) from birth to an age as outlined in the individual plans. Over-age dependents are eligible for a continuation of coverage through COBRA, which would be directly billed to the responsible party.

Dual Medical Insurance Incentive Program

The Dual Medical Insurance Incentive Program is available to City of Mukilteo non-represented and represented (check your collective bargaining unit agreement) employees for their dependent(s) enrolled in the Association of Washington Cities (AWC) health benefits trust medical plan. Opting out of the City's self-insured dental/vision plan is not an option at this time. All employees are required to retain coverage through the City.

The employee will receive 50% of the monthly medical premium that would have been paid on the employee's behalf for their eligible dependent(s), which will be paid through payroll procedures established by the Finance Department. The monthly premium paid to the employee will be based on actual enrollment (i.e. Spouse, spouse and one child, etc.). Form and procedures are available through Human Resources.

Choosing the Pre-tax Deduction Benefit

If your monthly premiums exceed the City portion of the premiums, you may choose to have this payroll deduction taken out of your paycheck on a pre-tax basis, unless you are covering a registered domestic partner and/or his/her dependents. This will be accomplished by completing and signing the Flexible Spending form discussed later in this document. This could exempt you from paying up to 35% in taxes on the money that pays for your portion of the premiums. Additional income will be reported to the Internal Revenue Service (IRS) in the Employee's name of those covering registered domestic partners and/or his/her dependents. Applicable taxes will be withheld, for the premiums paid for the coverage for the enrolled registered domestic partner and his/her eligible, enrolled children. An exception will be made when the IRS has ruled that the registered domestic partner is reliant upon the employee for support and is an eligible dependent.

Flexible Spending Accounts

Under a flexible spending account agreement, you may elect to set aside up to \$5,000 for medical costs that are not covered by an insurance plan, and up to \$5,000 for dependent care (e.g. daycare) costs. The amount of money that you decide to set aside will come out of your paycheck equally over the calendar year on a pre-tax basis, which means you do not pay any Social Security, Medicare and Federal Income taxes on the amount that comes out of your paycheck.

A complete explanation of how the flexible spending account works and the forms necessary are available from Human Resources.

Life and Accidental Death Insurance

Life, accidental death and disability insurance ensure that you and your family have some security to fall back on if something were to happen to you. (A copy of the policy is in Human Resources - the City's intranet.)

Life, accidental death and disability insurance is provided to all employees except that these benefits for represented employees may be set in the respective collective bargaining agreement.

Long-Term Disability Insurance

The City provides long-term disability insurance for all employees except that these benefits for represented employees may be set in the respective collective bargaining agreement. (A copy of the policy is in Human Resources - the City's intranet.)

State Retirement Plans - PERS & LEOFF

Because you work for a public employer in the State of Washington, if you work over 70 hours per month for more than five (5) months every year, you are required to participate in the Washington State Department of Retirement System (DRS). The City of Mukilteo's employees participate in either PERS 1, PERS 2, PERS 3 (Public Employees Retirement System, plans 1, 2, or 3), LEOFF 1, or LEOFF 2 (Law Enforcement Officers and Fire Fighters, plans 1 or 2).

A summary of the retirement benefits included in each of the DRS plans is available from Human Resources. DRS provides retirement planning workshops each year to assist employees in preparing for their retirement from any of the State plans.

If you have a change in your personal status throughout the year, it is recommended that you update your retirement address records and plan beneficiary if applicable.

Direct Deposits to More than One Bank or Credit Union

An Employee may elect to have direct deposit portions of their paycheck directed to more than one bank or credit union account.

Employee Assistance Program (EAP)

The Employee Assistance Program is a free, confidential service designed to assist employees of the City and their families who are experiencing personal or job-related problems. The program is available to you and your family at no cost. The program addresses any problems associated with marital, family, emotional, drug, alcohol, financial, job, legal, and stress issues. Through the EAP you are eligible to receive counseling or professional problem assessment up to 11 sessions per issue (except for legal and financial) per year. In addition, the EAP offers referrals to community resources, supervisor training and consultation, and follow-up. –EAP also offers- 24 hour Adult and Elder Referral and Consulting Services to all regular employees of the City. This service provides answers to your questions regarding caring for an elderly adult such as: medical issues, caregiver support, homes for older adults, insurance for older adults, transportation and safety issues, legal and financial help, medication questions, mental health issues, death, dying and grieving, etc.

The program is available at all times and any contact of the EAP is treated in the strictest confidence and will not become part of your personnel record. The City is not notified of the names of the employees who visit the EAP. Utilization of the EAP will in no way jeopardize your job. Confidentiality is subject to state and federal laws.

Contact Human Resources or obtain the information from the Association of Washington Cities website at www.awcnet.org . You may call any time, day or night, seven days a week, for confidential and voluntary counseling and referral.

Workers' Compensation

With the exception of those employees who are covered by the LEOFF 1 retirement system, all City employees are covered by State Industrial Insurance and Medical Aid through the State of Washington's Department of Labor and Industries, commonly referred to as "Workers' Compensation."

Social Security

City employees participate in the Social Security system. The exception is that Firefighters opted out of social security when the Fire Department was formed and are participating in a Municipal Employees' Benefit Trust (MEBT) Plan.

Section 4

Leave Benefit Programs

These benefits may otherwise be specified in provisions of an applicable collective bargaining agreement.

Holidays

The following holidays are granted as paid days off to all full-time employees except as otherwise specified in the provisions of an applicable collective bargaining agreement.

New Year's Day	January 1
Martin Luther King, Jr. Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	4th Friday in November
Christmas Day	December 25
Floating Holiday	Two days of employee's choice with mutual agreement of Employer

When a holiday falls on a Saturday, the Friday before is observed as a holiday. When a holiday falls on a Sunday, the following Monday is observed as a holiday.

Floating Holiday

Except as otherwise specified in the provisions of any applicable collective bargaining agreement, employees may choose one day a year as a Floating Holiday. To be eligible to take a floating holiday, the employee must have been continuously employed by the City for more than 6 months. The request for a floating holiday must be given to the employee's supervisor or department head at least one week in advance unless otherwise specified in a collective bargaining agreement, so that the number of employees requesting a particular day off does not prevent the City from providing continued services to the public. The floating holiday must be used during the calendar year or it will be forfeited. All requests for a floating holiday must be approved by the department head.

Employees hired after August 1st will not be given credit for a floating holiday until the following January 1st.

Notification of Absence

If you are going to be absent or late to work it is your responsibility to contact your supervisor or department head promptly so arrangements may be made to provide uninterrupted services during your period of absence. You should make every effort to notify your supervisor, at the latest, within 30 minutes after the start of your work shift. If your supervisor or department head is not available, you should leave a voicemail or email message. Irregular attendance or repeated tardiness may result in disciplinary action, up to and including termination.

Absences for reasons other than personal leave, sick leave, emergency family medical leave, and bereavement leave must be approved by a supervisor before the initial day of planned leave. Failure to obtain such approval may result in denial of the leave request and/or disciplinary action, up to and including termination.

Vacation Leave

The purpose of vacation leave is to provide employees with a period of time away from the routine and pressures of work. Employees are encouraged to take vacation leave at least one full week at a time.

Vacations will be approved by supervisors to ensure that essential City functions are maintained. Vacation accruals and procedures for requests for vacation time vary by collective bargaining unit. An employee's current collective bargaining agreement outlines vacation leave, accumulation and may govern vacation requests. All requests are subject to the department head's approval.

Vacation Leave for Represented Employees

Employees who work under the terms of a collective bargaining agreement should refer to their contract for information regarding earned vacation.

Full-time, Non-represented Employees

Non-represented full-time employees earn vacation as follows:

YEARS OF SERVICE	MONTHLY HOURS EARNED	WORKDAYS PER YEAR
0-5 years	8.67 hours	13 days (104 Hours)
6-10 years	10.0 hours	15 days (120 hours)
11-15 years	12.0 hours	18 days (144 hours)
16 years or more	13.33 hours	20 days (159.96 hours)

Non-represented full-time employees may not carry over more than two years' worth of accrued vacation to the next calendar year. Any vacation earned that exceeds the maximum accumulation allowable will be forfeited by the employee. Vacation leave is earned and may be used during the probationary period as approved by the department head.

Upon initial employment an employee will earn prorated vacation leave as follows during his/her first month of employment:

Date of hire between the:

- 1st and 10th = 1 day (8.67 hours)
- 10th and 20th = 1/2 day (4.33 hours)
- after the 20th = no vacation leave

The following month, vacation leave is accrued at the regular rate of eight (8.67) hours for each full month of service.

Regular part-time employees who work at least eight (20) hours per week earn vacation leave on a prorated basis. Overtime or comp time are not included in the pro-rated balance. Regular part-time employees who work under (20) hours per week do not earn vacation leave.

Employees who work under the terms of a collective bargaining agreement should refer to their contract for vacation leave provisions.

Temporary and seasonal employees do not earn vacation leave.

No vacation leave is earned by any employee while on leave without pay.

Vacation time may be taken as accrued and agreed to by the department head. Unpaid leave may be taken by approval of the department head and City Administrator.

Vacation schedules must be approved by the employee's supervisor or department head. Vacation preference may be scheduled among employees by seniority based upon the needs of the Department.

Upon termination of employment, an employee will be paid for vacation accrued as of the termination date at their current rate of pay. In the event of a regular employee's death, compensation for accrued vacation will be paid to the employee's designated beneficiary or to the employee's heirs or estate in accordance with state law.

Sick Leave

The purpose of sick leave is to give employees financial protection for time lost from work due to an illness or an accident. Unless otherwise specified in a collective bargaining agreement or by state law, sick leave accrues at the rate of one day (8 hours) for each full month of City service. Upon

initial employment an employee will earn prorated sick leave as follows during his/her first month of employment:

Date of hire between the:

- 1st and 10th = 1 day (8 hours)
- 10th and 20th = 1/2 day (4 hours)
- after the 20th = no sick leave

The following month, sick leave is accrued at the regular rate of eight (8) hours for each full month of service.

Regular part-time employees who work at least 8 hours per week earn sick leave on a prorated basis. Overtime or comp time are not included in the pro-rated balance. Regular part-time employees who work under (20) hours per week do not earn sick leave.

Temporary and seasonal employees do not earn sick leave.

No sick leave is earned by any employee while on leave without pay.

It is each employee's responsibility to promptly notify his or her supervisor or team leader when an illness prevents work attendance. Failure to notify your supervisor in a timely fashion may result in denial of sick leave pay. The City Administrator or department head may require a doctor's statement to support the use of any amount of sick leave from any employee.

Accrued sick leave and any accrued leave the employees may have may also be used by an employee: To care for a spouse, domestic partner, parent (biological, adoptive, or someone who regularly acted as the employee's parent when the employee was a child), parent-in-law, or grandparent of the employee who has a serious health condition as defined in WAC 296-130-020 or an emergency condition as defined in WAC 296-130-020. Under unusual circumstances, the City Administrator may construe this definition more broadly to include other members of the immediate family who do not live within the employee's immediate household.

To care for an employee's child (biological, adopted, foster child, stepchild, legal ward, or child for whom the employee regularly acts as the child's parent) with a health condition that requires treatment or supervision if the child is either under 18 years of age, or 18 years of age or older but incapable of self-care because of a mental or physical disability.

Spouses or registered domestic partners of military personnel (National Guard, active duty, or reservists) deployed or on leave from deployment during times of military conflict may take 15 days unpaid leave from work per deployment, but accrued leave may be substituted at the choice of the employee. This leave does not apply at the end of deployment. Use of leave for this purpose is limited to employees who work an average of 20 hours or more a week.

Any leave use that also qualifies for federal Family Medical Act (FMLA) leave or state Family Leave Act (FLA) leave shall count as FMLA leave and /or FLA leave.

Annual Sick Leave Sellback for Non-Represented Employees

Each November, employees who have accumulated more than four hundred eighty (480) hours of sick leave, may elect to convert the amount in excess of 480 hours into vacation leave or the cash equivalent, up to a maximum each year of 96 hours vacation leave or pay.

Sick Leave Sellback Upon Separation for Non-Represented Employees

Employees who honorably separate from the City (e.g., voluntary resignation or disability or service retirement) may receive payment for unused accumulated sick leave in accordance with the following schedule:

Less than 5 Years Full-time Service:	33.33%
Between 5 Years and 10 Years Full-time Service:	66.67%
More than 10 Years Full-time Service:	100%

However, in no event may an employee receive more than 480 hours of pay from selling back unused sick leave at separation.

Sick Leave Sellback for Represented Employees

Employees who work under the terms of a collective bargaining agreement should refer to their contract for sick leave sellback provisions.

Shared Leave Program

The purpose of shared leave is to permit City employees, at no additional cost to any City fund other than administrative costs of administering the program, to come to the aid of a fellow City employee who is suffering from or has a spouse, registered domestic partner, or child (who resides with the employee) suffering from an extraordinary or severe illness, injury, impairment, or physical or mental conditions which have caused or are likely to cause the employee to take leave without pay or to terminate his or her employment.

The City Administrator at his or her sole discretion, with the Mayor's concurrence, may approve an employee to receive shared leave if:

1. The employee suffers, or has a spouse or child (who resides with the employee) suffering from an illness, injury, impairment, or physical or mental conditions which are of an extraordinary or severe nature and which have caused, or are likely to cause, the employee to go on leave without pay status or to terminate his or her employment with the City, and
2. The employee has completed the applicable City probationary period, and
3. The employee has depleted or will shortly deplete his or her total available paid leave. Paid leave accrual is defined as vacation leave, sick leave, accrued compensatory time or floating holidays.
4. Prior to the use of shared leave, the employee has abided by the City's sick leave policy, and
5. The use of shared leave will not significantly increase that cost of any fund, except for those costs which would otherwise be incurred in the administration of this program.

The City Administrator at his or her sole discretion, with the concurrence of the Mayor, may determine the amount of shared leave, if any, which an employee may receive. The employee may be required to provide appropriate medical justification and documentation both of the necessity for the leave and time which the employee can reasonably be expected to be absent due to the condition. An employee may not receive more than a total of six months (131 working days) of shared leave throughout the employee's employment. To the extent possible, shared leave should be used on a consecutive basis.

Donor employees may request the City Administrator to approve the transfer of a specified amount of accrued vacation leave to an employee who is authorized to receive shared leave as provided herein. In order to be eligible to donate vacation leave, a donor employee must have a total of more than ten (10) days of accrued vacation leave, have taken at least ten (10) days within the calendar year or have a total of accrued and used vacation leave of greater than ten (10) days for the calendar year. In no event may a transfer of leave be approved which would result in a donor employee reducing his or her total vacation leave in a calendar year to less than ten (10) days. The City Administrator may not transfer vacation leave in excess of the amount specified in the request. All donations of leave may be voluntary. The City Administrator may determine that no significant increase in City costs will occur as a result of a donation of leave.

A donor employee may remain anonymous to reserve the right of confidentiality of their donation. However, the donor may specifically request that their donation be made public.

While an employee is using shared leave, he or she will continue to be classified as a City employee and may receive the same treatment, in respect to salary and benefits, as the employee would otherwise receive if using vacation leave, provided that:

1. All salary and benefit payments made to the employee on shared leave may be made by the department employing the person using the shared leave.
2. The employee's salary rate may not change as a result of being on shared leave nor, under any circumstances may the total of the employee's salary and other benefits, including but not limited to the state industrial insurance or any other benefit received as a result of payment by the City to an insurer or health care provider exceed the total salary and benefits which the employee would have received had he or she been in regular pay status.
3. Employees using shared leave are not entitled to receive State of Washington retirement service credit during the period they are using the shared leave hours.
4. Employees using shared leave are not entitled to receive service credit from the City for purposes of meeting time-in-grade requirements for promotional examinations or positions during the period they are using shared leave hours.

Vacation leave may be transferred on a dollar per dollar basis. The minimum allowable transfer of vacation leave by the transferring employee may be in no less than one-hour increments. The value of the leave donated may be determined at the current hourly wage of the transferor and the leave available to the receiving employee may be calculated at the receiving employee's hourly wage.

The City Administrator may monitor the use of shared leave with the objective of establishing uniform administration of this program for all employees of the City. The Finance Director may

determine the appropriate fund transfers and budget amendments as needed for City Council action. Records of all leave time transferred must be maintained.

Where practical, unused leave will be redistributed on a pro rata basis to the contributing personnel at the discretion of the City Administrator.

Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave. In no event may any unused shared leave be paid to the employee in the event of leaving City service.

Termination of the program and coordination with other statutory rights. If, at the sole discretion of the City Administrator the application of this program in any specific situation would impair the efficient or economical delivery of service to the citizens of Mukilteo, the City Administrator may discontinue or suspend that specific application of the program. Nothing herein may be interpreted to expand or to limit the rights created under the American with Disabilities Act, the Washington Law Against Discrimination, the Family Medical Leave Act or similar statutes defining leave, disability accommodation or similar rights under state and federal law. This program may not be interpreted to permit the transfer of benefits to a LEOFF 1 employee eligible for disability leave under state law.

Administrative Leave for Exempt (Non-Represented) Employees

Exempt employees are not eligible to receive overtime pay or compensatory time. However, exempt employees are eligible to receive Administrative Leave.

Exempt employees, which may be determined from time to time by the City Administrator and applicable laws and regulations, may annually receive fifty-four (54) hours of administrative leave that will be credited at the beginning of the year for ease of administration, and those hired after the first of the year will receive a pro-rata number of hours based on the accrual rate of four and one-half (4.5) hours each month. Paid administrative leave must be used within the calendar year it is earned or it will be forfeited. Those who leave City employment will be charged for any administrative hours taken should their time taken exceed the accrual rate of 4.5 hours each month and length of service for that year.

Fair Labor Standards Act and Compensatory Time

The City of Mukilteo operates its pay systems based on principles of public accountability. Those principles generally state that government employees should not be paid for time not worked due to the need to be accountable to the taxpayers for the expenditure of public funds.

The following policy is in keeping with the current legal interpretation of FLSA and state law requirements, and is subject to change based on federal and/or state law.

Exempt Employees

1. When a project or program requires extended hours for successful completion, flexible scheduling is available to allow an exempt employee to vary his or her schedule on a day-to-day and week-to-week basis. Flexible scheduling is subject to general controls at the department level, and the employee must be accountable to their department head to follow applicable policies regarding advance notice and approval for absences.
2. Hours worked over 40 per week may not be accumulated as overtime or compensatory time.
3. Absences of less than half a day (4 hours) for sick, vacation, and personal leave will not be charged to an exempt employee's accrued paid leave balances.

Non-Exempt Employees

1. Non-exempt employees are entitled to overtime pay for hours worked in excess of 40 hours per week, but they may ask for compensatory (comp) time off instead of receiving a cash payment. Compensatory time off may be granted at the request of the employee and with the approval of the department head. An employee may decline comp time and be paid overtime, and the department head may deny a comp time request if time off is not practical, and instead overtime will be paid.
2. If the comp time option is exercised, the employee is credited with one and one-half times the hours worked over 40 hours in one work week, as comp time.
3. Comp time accrual will not exceed 40 hours. When the maximum accrual is reached, any subsequent overtime hours must be paid in cash at the overtime rate.
4. Employees should be encouraged to use comp time accrued within 90 days of earning it whenever possible. Department heads may require employees to use accrued comp time within a shorter time period (i.e. within 30 or 60 days) or may extend the 90 day limit if necessary.

Comp time may be cashed out at any time at the request of the employee. Upon termination, non-exempt employees will be paid for unused comp time on their final paycheck.

Use and Recording of Compensatory (Comp) Time

Requests to use comp time are made in the same manner as vacation. The department head evaluating requests should consider the desires of the employee, scheduled work, anticipated peak work-loads, response to unexpected emergencies, and the availability of a qualified substitute (if needed). Comp time should normally be used in short blocks of time, such as an afternoon or a full day. Each department must maintain records of overtime and comp time. These records should reflect the following:

1. Date overtime was worked and the number of hours worked.
2. Comp time hours earned if not taken in overtime wages.
3. Date comp time was taken and the number of hours used.
4. Current balance of comp time accrued.

Family and Medical Leaves

The City of Mukilteo's family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy will be administered in accordance with the federal Family and Medical Leave Act (FMLA) and the Washington Family Leave Act (FLA). A notice entitled "Employee Rights and Responsibilities Under the Family and Medical Leave Act" is posted on the employee notification billboards located at each City worksite. Nothing in this policy affects or supersedes any federal or state law or collective bargaining agreement that may provide greater entitlements to medical or family leave than those set forth in this policy.

This document is a summary; there are additional details covering each type of leave described in this document. For details on how each type of leave may apply in a specific situation, contact the Human Resources Department for assistance.

Eligibility

To be eligible for leave under this family and medical leave policy, an employee must have worked for the City for at least one year, and must have worked at least 1,250 hours in the preceding 12 months.

Leave Entitlement

The FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for one or more of the following reasons:

- For incapacity due to pregnancy, prenatal care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for an employee's spouse, registered domestic partner, son, daughter or parent, who has a serious health condition;
- For a serious health condition that makes the employee unable to perform the employee's job; or
- For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings.

The City defines leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. If a husband and wife (or domestic partners) are both employed by the City and are both eligible for FMLA or FLA leave, their leave is limited to a combined total of 12 weeks of leave during any 12-month period for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. For example, if each spouse or domestic partner took six weeks of leave to care for a healthy newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care

for a covered service member who is the employee's spouse, parent, child or next of kin. A covered service member is a current member of the Armed Forces, including National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. Unless otherwise required by the FLA, the combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

Serious Health Condition

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Intermittent or Reduced Work Schedule Leave

In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with permission from both the department director and Human Resources. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the City's operations. Where an employee needs intermittent or reduced- schedule leave based on planned medical treatment, including a period of recovery, the City may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

Employee Responsibilities

Employees must provide the City with 30 days' advance notice of the need to take FMLA leave when the need for leave is foreseeable. When 30 days' advance notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the City's normal call-in procedures. When requesting leave, employees must provide sufficient information to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continued treatment by a health care provider, or circumstances supporting the need for military family leave. Employees must also inform Human Resources if the requested leave is for a reason for which FMLA

leave was previously taken or certified. Employees may also be required to provide a certification and periodic recertification supporting the need for leave. The City may require a second or third opinion (at the City's expense) and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to the City operations.

Employees who need leave for a qualifying exigency arising from a family member's military leave must provide a certification confirming the need for leave.

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.

Continuation of Pay and Benefits

FMLA leave is unpaid leave. However, employees are required to substitute any accrued paid leave for unpaid FMLA leave, which means that the accrued paid leave will run concurrently with the unpaid FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the City's normal paid leave policies.

During FMLA leave, the City will continue to pay the employer's portion of health insurance premiums on the same terms as if the employee had continued to work, provided that the employee continues to pay their share of insurance premiums, if any. Failure of the employee to pay their portion of the premium may result in cancellation of health insurance. Under certain circumstances, if an employee fails to return to work at the end of the leave, the employee may be responsible to pay back the City for the employer portion of the health insurance premiums. Leaves such as vacation and sick leave will continue to accrue during paid leave, but not during unpaid leave. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Job Restoration Upon Return from Leave

Upon return from family and medical leave, an employee generally will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. For example, if a shift has been eliminated, overtime has been decreased, if an employee was hired for a specific term or only to perform work on a discrete project and the employment term or project is over and the City would not otherwise have continued to employ the employee. The City may also deny job restoration to certain key employees if such denial is necessary to prevent substantial and grievous economic injury to the City's operations; or the City may delay restoration to an employee who fails to provide a fitness-for-duty certificate to return to work under certain conditions. If the employee chooses not to return to work for any reason, the employee should notify Human Resources as soon as possible.

Employer Responsibilities

The City must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility. The City also must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the City determines that the leave is not FMLA-protected, the City must notify the employee.

The FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Leave for Pregnancy Disability and to Care for Newborn

In addition to leave under the federal FMLA described above, state law provides certain additional leave rights in connection with pregnancy-related disability and to care for a newborn. Regardless of whether an employee is eligible for FMLA leave, she is entitled Pregnancy Disability leave for the period of time that she is temporarily disabled because of pregnancy or childbirth. Medical certification may be required to confirm the need for leave. If the employee is eligible for FMLA leave, the Pregnancy Disability leave will run concurrently with FMLA leave. Pregnancy Disability leave is unpaid and health benefits are not automatically continued (unless the employee is also eligible for FMLA leave); however, accrued leave may be used and the employee may continue insurance coverage at her expense.

The Washington Family Leave Act (FLA) provides certain additional leave benefits to care for a newborn. The FLA largely mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. In most situations, leave under the FLA runs concurrently with FMLA leave. However, the FLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee time off to care for her newborn once she has recovered from the Pregnancy Disability. For example, the FMLA and FLA-eligible employee works up to her delivery date, and needs six weeks of Pregnancy Disability leave to recover from childbirth. This six-week period is also covered by FMLA leave. At that point, where the employee is no longer disabled from childbirth, the employee also has up to 12 weeks of FLA leave available to care for the newborn. The remaining six weeks of FMLA leave would run concurrently with the FLA leave. Thus, the total leave entitlement in this case would be 18 weeks: six weeks of Pregnancy Disability leave (running concurrently with the first six weeks of FMLA leave) followed by 12 weeks of FLA leave (running concurrently with the remaining six weeks of FMLA leave).

For Guidance

For more information on any of these leave policies, or if you think you may need to take a Family and Medical Leave, please contact Human Resources. The leave laws, particularly those applicable to

pregnancy and childbirth, can be confusing. Employees are encouraged to contact Human Resources with any questions about how the various laws are coordinated in a particular situation.

Family Care/Use of Accrued Leave to Care for Sick Family Member

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

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

- An employee may use available paid time off when a spouse, registered domestic partner, parent, parent-in-law, or grandparent has a “serious health condition,” which means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities); or an “emergency health condition,” which means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

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

Family Care/Use of Accrued Leave to Care for a Well Baby

A husband and wife or domestic partners who are eligible for FMLA leave and are both employed by the City may take a combined total of 12 weeks of FMLA leave during any 12-month period if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. If an employee's spouse or registered domestic partner is not employed by the City, for the period of time following child birth when the mother is not considered sick/temporarily disabled, and both parents would like to stay home to care for a well-baby, an employee may not use accrued sick leave. During this period of time, an employee may cover time off to bond with a well-baby with any accrued leave other than sick leave, for up 12 weeks. This 12-week period will run concurrently with any FMLA leave the employee is entitled to take.

Military Leave

Every employee who is a member of the Washington National Guard or of the U.S. Army, Navy, Air Force, Coast Guard or Marine Corps, or of any organized reserve of the United States, will be granted military leave in accordance with state and federal law. Employees who take military leave will have whatever rights to reinstatement, seniority, vacation, layoffs, and compensation as are provided by applicable law.

Paid Leave of 21 Days Per Year. Under Washington law, a public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1st and ending the following September 30th. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the 21 days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available paid time off during the period of military leave. New federal or state legislation may change the leave period.

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty, and provide the supervisor with a copy of the military orders. **Leave for Spouses and Domestic Partners of Military Personnel (non-FMLA)**

During a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code, an employee who is the spouse or registered domestic partner of a member of the Armed Forces of the United States, National Guard or Reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to a total of fifteen days of unpaid leave per deployment after the military spouse/registered domestic partner has been notified of an impending call or order to active duty and before deployment or when the military spouse/registered domestic partner is on leave from deployment. An employee who takes this leave is entitled: (a) To be restored to a position of employment in the same manner as an employee entitled to state military leave is restored to a position of employment, and (b) to continue benefits in the same manner as an employee entitled to state military leave continues benefits.

Spousal military leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave. The purpose of this leave is to support the families of military personnel serving in military conflicts and to assure that these families are able to spend time together after being notified of an impending call or order to active duty and before deployment and during a military member's leave from deployment. An employee must work an average of 20 hours per week to be eligible for this spousal/domestic partner military leave.

An employee who seeks to take spousal/domestic partner military leave must provide the City with notice of their intent to take leave within five business days of receiving official notice that the employee's spouse or domestic partner will be on leave or of an impending call to active duty. The employee may elect to substitute any available accrued leave for any part of this spousal/domestic partner military leave.

Jury or Witness Duty

If an employee is called for jury duty or is required to testify as part of his or her regular City job, the employee will receive his or her regular pay for time spent testifying, but must turn in to the City witness or jury fees received. Employees subpoenaed to testify in other cases may be excused from attendance at their City job, but must use vacation or compensatory time for all work time missed. Notwithstanding the above, exempt employees will not receive any deduction in pay that would violate state or federal law. An employee released from jury duty for part of a day may report to work. If less than two (2) hours remain in the work shift, the employee may call their work supervisor for instruction. Upon completion of jury/court witness service, the employee must forward any money received from the court or party issuing the subpoena to the Payroll office immediately upon receipt. The employee may retain expense money for meals, mileage and/or lodging.

Other Unpaid Leave

Subject to operational and other considerations, the City may grant a leave of absence without pay for an absence not covered by any other type of leave. Any available accrued leave must be exhausted before an unpaid leave will be approved.

Administrative Leave

On a case-by-case basis, the City may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is authorized by law in any collective bargaining agreement, and in the City's best interest, such as during the pendency of an investigation.

Religious Holidays

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with their department head's approval, take the day off using vacation or leave without pay. Employees should seek approval for such absences well in advance to ensure work coverage.

Bereavement (Compassionate) Leave

In the event of a death in an employee's immediate family (spouse, registered domestic partner, parent, sibling, step-parent, parent-in-law, child, step-child, child-in-law, grandparent, or grandchild), 3 days (24 hours) off with pay may be granted. Upon approval of the department head, additional days up to 6 days (48 hours) beyond the three days may be taken and applied to accrued sick leave. If an employee needs additional time off, the employee may use accrued leave or leave without pay subject to the approval of the employee's department head.

When requesting bereavement leave, employees should inform their immediate supervisor as to who died and the date of death.

Domestic Violence/Sexual Assault Leave

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, registered domestic partner parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a “reasonable” amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use accrued paid leave (e.g., vacation, sick leave, compensatory time) in connection with such leave.

Domestic Violence/Sexual Assault Leave may be taken for the following purposes:

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

When possible, employees must give advance notice of the intention to take leave. If advance notice is not possible, employees (or their designees) must give notice of the need for this leave no later than the end of the first day the employee takes the leave. The City may require verification to support the need for the leave. Depending on the situation, verification can take the form of police reports, court documents, or the employee’s own written statement of the need for the leave. Except where disclosure is authorized or required by law, the City will maintain confidentiality of all information provided by the employee in conjunction with Domestic Violence/Sexual Assault Leave.

Section 5

Employment Process

Hiring Process

It is the City's goal to recruit, hire and retain qualified employees. In order to ensure a fair and equitable hiring process, the following procedures have been established as guidelines. These guidelines are advisory only and may be modified by the City Administrator or department head based on the individual requirements of the open position.

To begin the hiring process, the department head will receive approval from the City Administrator regarding the open position and will recommend any necessary changes to the position or job duties. If it is a new position, other approval and funding processes may need to be obtained from Finance Director as directed by the City Administrator.

Upon the City Administrator's approval, Human Resources, with the help of the department head will produce a job announcement that will contain a detailed job description and language pertaining to equal employment opportunity, job skills testing, the possibility of requiring a physical examination and drug and alcohol testing.

The recruitment and advertising process will be conducted as a cooperative process between Human Resources and the hiring department. Job announcements may be posted in-house only, or in-house and outside simultaneously, at the department head's discretion. The City Administrator retains the right to assign non-represented staff to non-bargaining work on different projects or to work for a different department without a formal recruitment process in order to best accomplish the goals of the City.

Recruitment Process for In-House Applicants

Applications from current employees will be received during any designated in-house only, or a simultaneous in-house/outside recruitment process. All current employees who wish to apply for an open position must comply with all the application requirements as specified in the recruitment process. Candidates who do not submit a complete application or who do not meet the minimum job qualifications may be excluded from continuing in the interview and selection process.

Once all the candidates are interviewed and all of the testing requirements and references checks are completed, the hiring department head will make a hiring decision. The hiring department head will discuss with Human Resources and/or the City Administrator the salary and any terms and conditions of employment. The hiring manager or Human Resources will inform all interviewed applicants of the hiring decision.

If no selection is made from the recruitment process, another recruitment may commence as soon as possible. The City retains the right to reassign existing personnel into vacant positions without conducting a formal recruitment process.

Human Resources Responsibilities

The responsibilities of Human Resources vary with each job opening. Usually, the duties include drafting the job announcement, placing advertisements, receiving and tracking applications, assisting in the screening of applications, working with the hiring department to develop interview questions, assisting in the design of an effective interview process, participating in the interview process, facilitating the candidate evaluation process, and serving as a primary contact for job applicants throughout the process.

Hiring Department Responsibilities

The hiring department has a crucial role in the hiring process. The hiring department head is responsible for defining the job and updating the job description. Usually, the hiring department is also responsible for identifying specific recruitment sources such as professional associations or trade magazines. The department head is responsible to ensure that:

1. The screening and evaluation of applications is completed using a uniform rating system that directly relates to the job requirements and essential functions of the position.
2. The interviews are conducted professionally using standardized questions and a uniform rating system.
3. At least two (2) references are called before making a hiring decision.
4. The position is offered to the final candidate after receiving the City Administrator's approval of salary and any other special terms and conditions of employment and with the Mayor's final approval. All job offers are contingent of the outcome of any required medical examinations, drug and alcohol testing, driver's record and criminal history check, and the applicant meeting the requirements of the Immigration Reform and Control Act (completing an I-9 Form).

Employment Applications

All applications for public employment and the contents of employment applications, including names of applicants, resumes and other related materials are exempt from public disclosure laws so they cannot be copied or given out upon request. This exemption also includes residential addresses and residential telephone numbers of employees or volunteers held by the City in personnel records, employment or volunteer rosters or mailing lists of employees or volunteers. The only exception to this is when the information is requested by a lawfully issued subpoena, a proper litigation discovery request, or a court order from a court of competent jurisdiction.

All applicants who complete an employment application must sign a statement indicating they understand that falsification, misrepresentation or material omission on the application will be grounds for elimination from further consideration or, if already employed with the City, will be grounds for immediate termination at any time. Applicants selected for an interview must also complete an Authorization to Check Background Form. Additionally, applicants must complete and sign a waiver giving the City authorization to check employment references.

Pre-Employment Test Requirements

Medical Examinations

Pre-employment, post-offer medical examinations may be required when all employees in a particular job classification (such as police officers, firefighters, Public Works CDL employees) are subjected to an examination, regardless of a known disability. Information obtained concerning the medical condition or history of an applicant or employee will be kept in a confidential medical information file separate from employee personnel files and will only be shared with department heads, managers, or supervisors who need to be informed of work restrictions of individuals with disabilities who need special accommodation. Government agencies and representatives who are investigating compliance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act or other state and local laws may also have access to pre-employment, post-offer medical test results.

All employment offers are contingent on the newly hired person's ability to successfully pass the medical examination when all employees in that particular job (such as police officers, firefighters, Public Works CDL employees) are required to pass a medical examination related to the job duties. In certain instances, failure to pass a pre-employment, post-offer medical examination may be cause for withdrawal of the job offer or immediate termination.

Drug and Alcohol Testing

The City of Mukilteo has a policy to maintain a work environment free of substance abuse. This policy applies to all current and prospective employees. Drug and alcohol testing is required for employees in safety sensitive positions and employees whose jobs require a commercial driver's license (CDL). This requirement applies even if the employee has not yet obtained a CDL. All employment offers are contingent on the newly hired person, who is required to have a CDL, or is in a safety-sensitive position, successfully passing a drug and alcohol test.

Positive test results will be defined as an alcohol concentration over 0.02 or a positive test result for marijuana, opiates, cocaine, amphetamines or phencyclidines. Candidates who test positive will be immediately terminated from consideration for employment.

Eligibility Lists

Positions within the Police and Fire departments are filled from an eligibility list established by the Mukilteo Civil Service Commission, in accordance with rules and regulations established by that Commission.

Nepotism – Employment of Family Members

The City permits the employment of family members of City employees (parents, children, spouse, registered domestic partner, or siblings) in regular or temporary positions unless:

1. The result would be one family member hiring, firing, supervising or auditing the work of another.
2. The family members would report to the same supervisor. (Except in the case of temporary and/or seasonal employees).
3. One family member would have access to confidential materials or records of the other family member.
4. In any other situation where the City, in its sole discretion, believes a conflict of interest would arise.

Family members of all City employees are allowed to offer their services as volunteers. Family members must apply for open positions and participate in the interview, testing and selection process just as any other candidate, and will be treated on the same basis as all other applicants.

Outside Employment

The City of Mukilteo prohibits regular full time employees from accepting outside employment when it interferes with or conflicts with their regular duties and responsibilities with the City. Employees must notify their department head of outside employment. Employees will not engage in, accept private employment from, or render services for private interest when such activity may:

1. Occur during employee's working hours.
2. Detract from the efficiency of the employee while performing City duties.
3. Constitute a conflict of interest or create an appearance of impropriety as determined by the City Administrator.
4. Stem from information or contacts made during City employment.
5. Take preference over extra duty required by City employment.
6. Interfere with emergency call-out duty.
7. The judgment or performance of official duties is impaired.
8. Involve the use of any City resources such as copiers, telephones, office supplies, materials, other equipment, or City work time.

Only in those circumstances where none of these conditions occur may the employee accept outside employment.

Engaging in outside employment that interferes with or reduces the efficiency of City employment may be grounds for disciplinary action up to and including termination.

City employees are not eligible to be appointed to a City advisory board or commission.

Non-Discrimination

It is the policy of the City of Mukilteo to provide equal employment opportunities to all employees and applicants for employment. The City complies with all applicable federal, state and local laws regarding non-discrimination on the basis of race, gender, age, sex, sexual-orientation, color, religion, national origin, creed, disability (if able to perform the essential functions of the position, with or without reasonable accommodation), veteran status, marital status, genetic information, and all other protected classes. Employment and promotion decisions are based solely on the individual qualifications and the valid job requirements of the City.

Accommodation of Physical or Mental Disabilities

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

In order to provide a reasonable accommodation, the City of Mukilteo may seek to communicate with you and your medical provider(s) to gain a better understanding of any limitations you possess, and given those limitations, the means by which an accommodation would allow you to perform the essential functions of the position. Direct communication with your medical provider will occur only after you have given written consent unless otherwise allowed by law.

An employee may be subject to immediate removal from the work place if his or her physical and/or mental condition renders that employee unable to safely and adequately perform his or her assigned duties or if the employee presents a danger to himself or other City employees. Depending on the circumstances, the employee may also be placed on FMLA leave, required to undergo a fitness for duty evaluation, and/or required to engage in an interactive process to determine if the individual can perform the essential functions of his or her position with or without reasonable accommodation. If the employee has engaged in any of the conduct listed below, the employee may also be subject to discipline up to and including termination.

Accommodation for Religious Beliefs or Practices

The City of Mukilteo complies fully with its duty to provide reasonable accommodation of any employee's sincerely held religious beliefs, unless the City believes such an accommodation would create an undue hardship. For example, if an employee requires a certain work schedule, or to dress or attire oneself in a way that varies from any dress code adopted by the City, please inform your department head or supervisor or Human Resources of your request for accommodation.

Volunteers

The City recognizes the advantages of utilizing the rich skills and talents of the community and the community's desire to enhance their way of life. The City's objective is to utilize these individuals and organizations to benefit the community without adding undue or unnecessary liability to the citizens of the City.

The following guidelines will apply to any volunteer service:

Scope of Work. Every individual and/or organization will receive a complete scope of work for each project including the duties of the work assigned; the supervisor's responsibilities; training and orientation required, if any; personal protective equipment, if any; name and phone number of contact person; and any other relevant information.

Background Checks. As set forth by RCW 43.43.830-839, as now existing or hereafter amended, all persons coming into unsupervised contact with children, disabled persons or vulnerable adults will have complete criminal background checks performed and must truthfully and completely fill out a detailed application form regarding their history as it may relate to their fitness to work with such individuals.

Liability Coverage. The City strongly recommends against using volunteers under the age of 14 years of age. Organizations whose membership consist of children under this age could be allowed to perform volunteer services if the organization provides proof of liability insurance to the City and provides all the adult supervision necessary to perform the work safely.

Unless waived by the City, all organizations performing volunteer services shall provide proof of commercial general liability coverage, naming the City as an additional named insured. All organizations must sign a waiver holding the City harmless for any injuries and claims of any kind resulting from their actions, and provide all necessary supervision for the project.

If an organization does not have commercial general liability insurance available through their organization, they can volunteer as individuals and be directly supervised by City staff.

Organizations providing volunteer service are solely responsible for medical care for injuries incurred to its members or volunteers while performing any volunteer work. The organization must provide proof of medical insurance to the City.

Volunteer Hours. All volunteer workers' hours should be recorded by the supervisor and recorded as volunteer hours. Each department head is responsible for maintaining the name, address, social security number, emergency contact, outline of assigned duties and a log of hours each volunteer performs duties for the City. The Department is required to submit a separate monthly report to the Payroll office showing the number of hours of active service performed by unpaid volunteers and community service workers. Documentation for each report must be maintained for three years in Department files.

Volunteer Agreements. Organizations should sign an “Organization Volunteer Agreement” and individual volunteers should sign an “Individual Volunteer Agreement”, in form and content acceptable to the City Attorney. (agreement to be developed)

Protective Equipment. If required by the Washington Industrial Safety and Health Act, the City will provide personal protective equipment. If a volunteer uses personal protective equipment, the City will provide adequate training in its proper use and care and document all training provided to volunteers. Training documents will be provided to Human Resources.

Community Service Workers. The supplying court or agency must provide to the City a skills/limitations/accommodations assessment which will include any physical or other limitations and necessary accommodations for each community service worker. The community service worker will be required to sign an “Agreement regarding Community Service” in form and content acceptable to the City Attorney which will include holding the City harmless for any actions or claims which might result from performing any services for the City. Community service workers will not use dangerous equipment. Community service workers will receive adequate instruction and supervision on the work to be performed. Community service workers assigned under the City’s Municipal Court may be provided medical coverage through the State Labor and Industries coverage for volunteer workers. For community service workers other than those workers ordered through the City’s Municipal Court, the contracting court agency will provide any required medical coverage. (form to be developed)

Vehicles. City policy discourages a volunteer from using his or her own vehicle while performing service for the City. In those instances when a volunteer must use his or her own vehicle, it is the responsibility of the department head to ensure the volunteer has a valid Washington State Driver’s License, the volunteer’s vehicle is insured for liability and the volunteer is advised that the City will not be responsible for collision and/or comprehensive loss.

Reduction in Force

Should a layoff or reduction in force become necessary for certain positions, procedures will be followed as outlined here or in the collective bargaining agreements with represented employees of the City.

Whenever, in the judgment of the City Administrator, it becomes necessary, due to the lack of work, lack of funds, other economic reasons, or because the business necessity for a position or service no longer exists, the City Administrator may eliminate any position or employment. Reduction in force will be accomplished through attrition of employees whenever possible. However, an employee holding a position or employment with the City may be laid off or demoted without disciplinary action and without the right of appeal, unless such right of appeal is provided in a collective bargaining agreement. Employees to be laid off will be given at least two (2) weeks’ notice of the pending action.

Regular full-time employees will be retained on the basis of seniority of continuous service with the City when job performance and qualifications are judged to be equal. Job performance will be

determined by the department head on the basis of the director's assessment of performance, skills and training. The City may retain a less-senior employee when the department head determines that that employee has specific job skills required by the City or the less-senior employee is a better performer than the more senior employee.

Temporary employees with less than one year of service, or employees working under an employment agreement who are not in a budgeted FTE position will be laid off before regular employees.

Represented employees should refer to their respective collective bargaining agreement for seniority provisions in the event of a reduction in force.

Demotion

Demotion may be implemented:

1. In lieu of layoff.
2. As a disciplinary action.
3. When an employee becomes physically or mentally incapable of performing the duties of his or her position with or without reasonable accommodation
4. When an employee's performance falls below the standard required for effective job performance.

No employee may be demoted to a position for which he or she does not possess the minimum qualifications. An employee must be given a minimum of two (2) weeks written notice prior to the effective date of the demotion.

Consideration may be given to the placement of laid-off employees in the next lower classification in which the employee has previously served, provided the employee's work has been satisfactory in his or her latest assignment. When a vacancy occurs in a position from which an employee has taken a lower classification assignment, that employee will be given first opportunity to return to the former classification, provided the employee is still in the City's service, the employee's work has been satisfactory and the employee is qualified for the position. The department head will determine whether an employee is qualified based on: (1) the knowledge, abilities and skills required for the position as described in its job description and (2) the employee's ability to perform the work without further training.

Termination of Employment

The termination of employment may result from voluntary termination (caused by an employee's resignation or retirement) or an involuntary termination (caused by a reduction in force or disciplinary action).

Voluntary Resignation

An employee who plans to voluntarily resign or retire is encouraged to give at least two (2) weeks written notice prior to the effective date of termination. Unless otherwise provided in a collective bargaining agreement, the City will pay for accrued vacation leave to an employee who separates from the City in good standing. When an employee gives two (2) or more weeks of notice, the final paycheck will be issued on the last day of employment. If less than two (2) weeks of notice is given, the final paycheck may be mailed to the terminating employee within two (2) weeks after leaving the City.

Involuntary Termination

An involuntary termination occurs as a result of a reduction in force or a disciplinary action. Unless an employment contract or collective bargaining agreement provides to the contrary, the City is not required to give advance notice of termination in the case of disciplinary situations. Depending on the severity or nature of the offense, the City retains the right to terminate employment immediately.

Pre-Disciplinary Hearing

Employees who are not employed at-will who are facing a disciplinary termination or suspension without pay will be given a pre-disciplinary hearing, sometimes referred to as the Loudermill Hearing. At the hearing a union employee may bring a union representative. During the course of the hearing, the employee is given an opportunity to present any information that they wish management to consider before taking disciplinary action.

Exit Interview

Human Resources will schedule an exit interview for all terminating regular full-time and part-time employees. Human Resources will offer terminating employees the opportunity to describe their work experience at the City and any suggestions they may have for the next person who would be filling their position. The employee has the right to decline an exit interview. Information gathered during the feedback component of the exit interview may not be confidential and may be shared with the terminating employee's department head and City Administrator.

Section 6

Policies and Programs

Flexible Work Schedule Program

Program Overview

The City of Mukilteo has approved the use of compressed work week schedules when it benefits both the City and its employees. The Flexible Work Schedule Program can help the City meet its goals for sustainability and reducing commute trips within the region, as well as to expand its hours of operation. Employees gain greater flexibility in balancing their work and personal lives, and the extra day off may help to increase morale and productivity.

Each department head may administer the Flexible Work Schedule Program on a case-by-case basis to ensure the efficient use of resources to provide effective, quality service to our citizens and other internal work groups. Changes in workload, seasonal work changes, staffing, funding, legal mandates, peak vacation times, or other unforeseen circumstances may cause the City or a department to modify, temporarily suspend or cancel a flexible work schedule. Some positions are not suited for flexible work hours and each department head will make that determination for each position.

Definitions

Standard Work Week - the standard work week for most non-represented employees is Monday-Friday from 8:00 a.m. - 5:00 p.m. There are some positions in which the standard work week includes evenings and/or weekends. Department heads will determine the standard work week for each position.

Flexible Work Schedule - a work schedule which permits flexible starting and quitting times, other than the standard work week established for that position with a required number of hours that must be worked each pay period.

Compressed Work Week - is a work schedule which permits employees to increase the length of each work day so as to provide one day off every one or two weeks. Possible work schedules include:

- a. **4/10's** - Four 10-hour days worked each week. This provides one extra day off each week. Example:

4/10's	Monday	Tuesday	Wednesday	Thursday	Friday
1 st Week	10 hrs	10 hrs	OFF	10 hrs	10 hrs
2 nd Week	10 hrs	10 hrs	OFF	10 hrs	10 hrs

b. **9/80's** - 80 hours worked over nine days. This provides one extra day off every two weeks. Example:

9/80's	Monday	Tuesday	Wednesday	Thursday	Friday
1 st Week	9 hrs	9 hrs	9 hrs	9 hrs	8 hrs
2 nd Week	9 hrs	9 hrs	9 hrs	9 hrs	OFF

Eligibility for Flexible Work Schedule

All regular full-time and part-time employees of the City are eligible to apply for a flexible work schedule if they meet all of the conditions listed below:

- The department head has determined the position is eligible for flexible work hours.
- The department head has determined that both internal and external customer service will remain the same or will be increased by the flexible schedule.
- The employee is performing at or above a satisfactory level.
- The employee has successfully passed their six month probationary period or the employee requests a flexible schedule.
- The employee is requesting a flexible work schedule voluntarily and is not forced to apply for the program to meet the needs of others in their work group.
- Non-exempt employees (employees who are eligible to be paid overtime for any hours worked over 40 in one week) may only apply for flexible work schedules that do not require the City to pay overtime within the pay period.

Flexible work schedules must not increase the City's operating expenses or create a need for additional staffing.

Employee's Responsibilities

To the extent possible the employee will make personal appointments and doctor visits on their scheduled day off. Employees on a flexible schedule must be willing to occasionally fill in on their regularly scheduled day off in case of important meetings and business obligations, emergencies or unplanned absences of other co-workers.

Employees are responsible for accurately recording their time on their timesheet.

Department Head's Responsibilities

Department heads are responsible for making sure that department functions and services are not negatively impacted by the flexible work schedule.

Department heads or their designees are also responsible for reviewing employee timesheets to ensure they are accurate, making sure that the appropriate number of hours has been worked in each pay period. Problems with timesheets must be resolved before the time cards are sent to Payroll.

Application Process

To apply for a flexible work schedule, the employee must complete a Flexible Work Schedule Application Form and submit it to the department head. The department head will then determine whether the proposed schedule can be accommodated while maintaining City services and without creating any additional expense or hardship on the department or co-workers. Once the flexible work schedule is approved, the department head and the employee will determine a start date for the new schedule (usually the first day of the next new pay period). The director may also approve the schedule for a defined period of time in order to accommodate seasonal changes in workload. **The signed, approved application form will be forwarded to the City Administrator.**

Recording Sick, Vacation and Holiday Time

Sick Leave - Sick hours accrue at 8 hours per month (except Police and Fire employees, who should refer to their bargaining agreement for leave accruals). When an employee takes a full day of sick leave, the time charged will be equivalent to the full number of hours the employee was scheduled to work that day (example: 8, 9 or 10 hours).

Vacation Leave - Vacation hours accrue at the employee's regular rate depending on their length of service. When an employee takes a full day of vacation, the time charged will be equivalent to the full number of hours the employee was scheduled to work that day (example: 8, 9 or 10 hours).

Training - When an employee attends a training class, the time charged will be equivalent to the number of hours of the training class. For example, when an employee who normally works a 4/10 flex schedule attends a full-day, eight (8) hour class, the employee is required to use vacation time or other accrued leave to make up for the additional two (2) hours they are normally required to work. With the department head's approval, the employee may work extra hours during the same pay period to make up the missing time. Exempt employees (employees who do not earn overtime pay) are not required to use vacation time.

Holidays - All employees, regardless of whether they are on a flexible schedule, will be credited with eight (8) hours of holiday pay for each approved holiday. For those on a flexible work schedule, the following applies:

Holiday falls on a regularly scheduled work day - If the employee's regularly scheduled work day is greater than eight (8) hours, the employee is required to use vacation time or other accrued leave to make up for the additional time the employee was scheduled to work (example: two (2) hours if working a 4/10 flex schedule and one (1) hour if working a 9/80 flex schedule).

With the department head's approval, the employee may work additional hours during the same pay period to make up the missing hours.

Holiday falls on a regularly scheduled day off - When a paid holiday falls on an employee's regularly scheduled day off, the employee will be credited with eight (8) hours of holiday time which may be used at a later date, usually within the same pay period, as approved by the department head. The employee is required to use vacation time or work additional hours in the same pay period to make up for any additional time the employee was scheduled to work (example: two (2) hours if working a 4/10 flex schedule and one (1) hour if working a 9/80 flex schedule).

Program Termination

The Flexible Work Schedule Program may be modified, temporarily suspended or canceled in whole or in part by the City Administrator or the department head. If possible, affected employees will be given one full pay period of notice before the change takes effect.

Employees working on a flexible schedule must complete a new Flex Schedule Application Form if they wish to change their work schedule.

Commute Trip Reduction Program

Washington State law requires all employers with 100 or more employees to attempt to reduce the number of single occupancy vehicle trips to and from work. The Commute Trip Reduction Law requires the City to take steps toward encouraging our workforce to come to work some way other than by yourself, in your car, five (5) days a week.

Training

The City of Mukilteo recognizes that on-going job training improves an employee's ability to perform their job and improves productivity and morale. There are three types of employee training sponsored by the City of Mukilteo:

1. Mandatory safety training and other job-related training. This category includes courses in first aid, CPR and defensive driving as well as instruction on the use of the City's voicemail system, E-mail system and photocopiers, etc.
2. Employee development. Training of this sort includes specialized accounting and computer skills, effective communication skills, supervisory skills and other courses that enhance an employee's ability to perform his or her job.
3. Post high school or vocational courses leading to a degree that is relevant to the employee's position or promotional opportunities within the City.

Tuition Assistance Program

Tuition Assistance Benefit

During the years where there is an adequate budget, tuition assistance is available to employees who take college, university or other vocational education courses that directly relate to the employee's current position, or are in the direct line of promotion, or lead to an associates or bachelor's degree. Eligible courses must also provide technical knowledge or skill that will improve the employee's ability to perform on the job.

Tuition Assistance Application Process

Upon the department head's approval of course eligibility, the employee's request for tuition assistance should be submitted to the City Administrator for final approval. Human Resources will notify the employee if tuition reimbursement funds are available and if the employee's application has been approved. Reimbursement shall be limited to the fee schedule set by the University of Washington. At the end of the quarter/semester, the employee must submit to Human Resources a receipt for tuition expenses and a grade report indicating that the class was passed or a grade of "C" (2.0) or higher was achieved.

Receipts and grades submitted for courses must be submitted to Human Resources within six (6) months after the completion of the course. Requests for reimbursement received after that will not be paid.

Unless the department head has granted prior arrangements and permission in writing, all coursework is to be taken during non-work hours.

Travel Expense Policy

Department heads are responsible for authorizing out of town travel and training, considering both budget availability and department staffing needs. The City will pay for allowable business travel expenses when reasonable, necessary, and directly related to conducting business for the City of Mukilteo. Expenses incurred for City travel that are not in compliance with the policies outlined below will not be paid or reimbursed.

Policy Overview

It is the policy of the City of Mukilteo to reimburse employees for reasonable travel expenses incurred in the conduct of business for the City. Reimbursement for such necessary and reasonable expenses will be made subject to the rules herein by application and upon compliance with this policy and with Chapter 42.24, Revised Code of Washington. The complete Travel Expense Policy and instructions are on the City's intranet.

Technology Use Policy

Objective

The City is a strong proponent of the use of technology to optimize efforts in conducting City business. Our ability to use these tools will greatly enhance our mission and should make us more efficient when dealing with information gathering and exchange. We encourage all employees to use technology to increase productivity and efficiency. This policy is to ensure that the use of such technologies among City employees is consistent with other City policies, all applicable laws, and the individual user's job responsibilities.

This policy applies to all City employees, vendors, contractors, interns, volunteers, and otherwise defined entities that use City technology assets and equipment. This policy applies to use while on City premises and to remote use such as virtual private networking (VPN), wireless, and other remote access technologies. The current Technology Use Policy is on the City's intranet.

Technology Procurement Policy

The City has uniform standards that are applied to technology procurement. The IT Manager in conjunction with applicable policies is responsible for approving all technology-related purchases with the exception of the following peripheral devices which are treated as general office supplies and should be procured by individual departments: enhanced keyboards, mice, and speakers not distributed with the PC.

Enforcement of Policy

Violation of any part of this policy shall be subject to disciplinary action up to and including termination. It is the department head's responsibility to enforce these policies. Employees who are found in violation of this policy may be subject to the following:

- Internet and E-Mail access may be revoked
- Access times may be restricted
- Disciplinary action

Wireless Communication Device Policy

Wireless data and voice service provides a substantial benefit to City government. Costs fluctuate with the introduction of new tariffs, technology, and equipment, and should be carefully managed. This policy describes departmental and staff responsibilities and choices for acquiring, using, and monitoring the use of such devices. This policy applies to mobile cellular telephone and data services used on cellular telephones and on multi-function devices (such as but not limited to smart phones, tablets, Nextel's and/or PDAs).

Acquisition

Wireless communication devices and services are paid for by department funds. The IGS Team may be consulted for cellular telephone purchases and must be consulted for plans that require data access to City servers, such as Blackberry email plans. In some cases, there may be a charge for acquiring licenses to allow access to City data applications.

Reimbursement for Personal Use

Wireless Communication Device accounts are audited by the State Auditor's Office and the City's Finance Department. Personal usage that is not reimbursed or other violations of this policy can result in disciplinary action including withdrawal of wireless communication device privileges.

Concerns and Complaints Policy

Except for matters that arise out of a collective bargaining agreement or matters that concern unlawful discrimination, harassment, or retaliation, employee concerns and complaints relating to employment matters are to be filed in the following manner: Employees who have a concern or complaint are encouraged to speak directly with their supervisor, team leader or department head. If that is not possible, Human Resources or the City Administrator are available to discuss employment matters with employees. The City has separate policies that address unlawful discrimination, harassment and retaliation.

If an employee brings a complaint or concern to Human Resources or the City Administrator, he or she will first be asked whether it has been discussed with the employee's supervisor, team leader or department head. In some cases, the nature of the complaint or concern will require Human Resources or the City Administrator to seek legal advice in order to proceed.

Concerns about Improper Government Action

It is the policy of the City of Mukilteo:

1. To encourage reporting by its employees of any improper governmental action(s) taken by City officials, officers, or employees; and
2. To protect City employees who make good-faith reports of improper governmental action(s) in accordance with the City's policies and procedures.

Definitions

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

Improper governmental action means

- A. Any action by an employee undertaken in the performance of the employee's official duties; whether or not the action is within the scope of the employee's employment; and

B. That is in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

Improper governmental action does not include personnel actions such as employee grievances, complaints, claims of discrimination or harassment, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining agreements or civil service laws, reprimands, and the like. The City has separate policies, with distinct rights and remedies, for allegations of improper personnel actions.

Good Faith means the individual providing the information or report of improper governmental activity has a reasonable basis in fact for reporting or providing the information. An individual who knowingly provides or reports, or who reasonably ought to know he or she is providing or reporting, malicious, false, or frivolous information, or information that is provided with reckless disregard for the truth, or who knowingly omits relevant information is not acting in good faith.

Gross waste of public funds means to spend or use funds or to allow funds to be used without valuable result in a manner grossly deviating from the standard of care or competence that a reasonable person would observe in the same situation.

Retaliatory Action means

- A. Any adverse change in the 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, reduction in pay, denial of promotion, suspension, dismissal or any other disciplinary action; or
- B. Hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

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

How To Report Improper Governmental Action

1. Any employee who believes that he or she has knowledge or information of improper governmental action, as defined above, shall report it in writing to the Mayor in the form of a written memo, report, or email. Such report should be made as soon as possible after the information or knowledge is received.
2. If the employee believes the Mayor is involved in the improper governmental action, directly or indirectly, the employee shall report it in writing to any member of the City Attorney's office in the form of a written memo, report, or email.
3. If the employee believes that the City Attorney is involved in the improper governmental action, directly or indirectly, the employee shall report the improper governmental action to the

Snohomish County Prosecutor.

4. If the employee believes that the Snohomish County Prosecutor is involved in the improper governmental action, directly or indirectly, the employee shall report the improper governmental action to the Washington State Auditor, 360-902-0377.
5. In the event of an emergency situation, as defined above, the employee should report the improper government action to any person who will likely be in a position to prevent the immediate risk of damage to person or property.
6. The identity of any employee who reports improper governmental action shall be kept confidential to the extent possible under the law, unless the employee authorizes the disclosure of his or her identity in writing.

Employees who fail to make a good faith attempt to follow the above described policy are not entitled to the protections afforded whistleblowers under the law.

Protection From Retaliatory Action

1. Employees who report improper governmental action in good faith are protected from retaliatory action, as defined above. If an employee believes that he or she has suffered retaliatory action because of their reporting activity, the employee shall provide a written notice of the charge of retaliatory action to the Mayor. If the Mayor is believed to be involved in the retaliatory action, the employee can deliver the written notice of the charge to the City Attorney.
2. In the written notice, the employee shall specify the alleged retaliatory action, including the identity of any person who committed the retaliatory act, what occurred, and when it occurred. The employee should also specify what relief he or she seeks.
3. The written notice must be delivered to the Mayor* within 30 days of the alleged retaliatory action.
4. The Mayor will respond to the written notice within 30 days of its receipt. During that time period, the Mayor* may conduct, or retain another to conduct, a fact-finding or other investigation into the issues raised by the employee who claims retaliatory action.
5. The employee who has not received a timely response from the Mayor,* or who is dissatisfied with the Mayor's* response, may submit a written request for a hearing to the Mayor.*
6. The employee must submit a written request for hearing within 15-days of receiving the Mayor's* response or within 15 days of the last day upon which the Mayor could respond, whichever is earlier.
7. Within five working days of receiving a timely request for hearing, the Mayor* will apply to the state office of administrative hearings for a hearing before an administrative law judge. At the hearing, the employee will be given an opportunity to prove, through the presentation of testimony and other evidence that he or she was retaliated against for reporting improper governmental action.

8. The employee will receive a hearing and a final written decision from the administrative law judge within 45 days of the request for a hearing; except that the administrative law judge may grant specific extensions of time beyond this period of time for rendering a decision at the request of either party upon a showing of good cause, or upon his or her own motion.
9. The decision of the administrative law judge may be appealed to state court.

*Or in the alternative the City Attorney.

ADDITIONAL INFORMATION

This policy is based on the Local Government Whistleblower Protection Act, located at RCW 42.41.010 et seq.

Anti-Harassment Policy

The City expressly prohibits all forms of unlawful harassment of employees or job applicants, whether due to gender, marital status, race, color, national origin, citizenship status, religion, sex, sexual orientation, age, pregnancy, actual or perceived disability (if able to perform the essential functions of the position, with or without reasonable accommodation), veteran status, genetic information, or other characteristic protected by law. Employees are expected to maintain a productive work environment that is free from harassing activity. Any employee who is found to have violated this anti-harassment policy will be subject to appropriate disciplinary action, up to and including termination.

Harassment

Examples of conduct that constitute harassment prohibited by the City include, without limitation the following:

1. Epithets, slurs, negative stereotyping or threatening, intimidating, derogatory or hostile comments or acts that are related to sex, marital status, race, color, national origin, citizenship status, religion, age, pregnancy, actual or perceived disability, veteran status, genetics, or other characteristic protected by law.
2. Written or graphic material displayed or circulated in the City workplace (including vehicles) that denigrates, stereotypes, or shows hostility or aversion toward an individual or group because of their sex, marital status, race, color, national origin, citizenship status, creed, relation, age, pregnancy, actual or perceived disability veteran status, genetics, or other characteristic protected by law.

Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and all other verbal or physical conduct of a sexual nature where:

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

Examples of conduct that constitute sexual harassment include without limitation the following:

1. Vulgar or sexual comments, jokes and stories.
2. Graphic or suggestive comments about someone's body or manner of dress.
3. Gossip, questions, or comments about someone's sexual conduct.
4. Vulgarity, leering, inappropriate touching and obscene or suggestive gestures.
5. Display or circulation in the workplace (including vehicles) of suggestive photographs, cartoons, graffiti, e-mails, drawings or transmitting or downloading those types of inappropriate or offensive messages from the Internet.
6. Solicitation or coercion of sexual activity, dates or similar contact with the implied or express promise of rewards or preferential treatment to any employee or with the implied or express threat of punishment to any employee.
7. Sexual assault.
8. Intimidating, hostile or derogatory conduct or remarks that are directed at a person because of that person's sex, whether or not the remarks themselves are sexual in nature.
9. Retaliation against an employee for refusing sexual overtures, for complaining about sexual harassment or for cooperating with the investigation of a complaint.

Complaints Or Concerns About Discrimination, Harassment, Or Retaliation

Any person who believes he or she may have been discriminated against, harassed, or retaliated against in violation of this policy or the law, or who observes any discrimination, harassment, or retaliation, in violation of this policy or the law, shall report the matter ASAP to the City Administrator. If you believe that the City Administrator is involved in the conduct you are concerned about, or you feel uncomfortable approaching the City Administrator for any reason, you shall promptly notify the Mayor.

Managers or supervisors who receive any complaint or concern involving unlawful discrimination, harassment, or retaliation, or observe any unlawful discrimination, harassment, or retaliation, **must** bring the matter to the attention of the City Administrator. If you believe that the City Administrator is involved in the conduct you are concerned about, or you feel uncomfortable approaching the City Administrator for any reason, you must promptly notify the Mayor.

Employees have a responsibility to cooperate in any investigation of unlawful discrimination, harassment, or retaliation.

All reported incidents will be investigated under the following guidelines:

1. The City of Mukilteo will appoint or retain an investigator who can be neutral and fair to all parties to the investigation. The City may bring in an outside investigator if there is no one employed by the City who can complete a fair and timely investigation.
2. All complaints will be kept confidential to the extent allowed by law, and will be disclosed only as necessary to allow the City to investigate and respond to the complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.
3. Any employee who is found to have violated this policy or the law is subject to corrective action, and discipline, up to and including termination.
4. The City will not permit retaliation against anyone who makes a complaint or who cooperates in the investigation of a complaint. Allegations of retaliation will be investigated separately, and if sustained, will be subject to corrective action and discipline up to and including termination.

Workplace Violence Policy

In the interest of creating and promoting a safe healthful working environment for both our employees and the general public, the City of Mukilteo establishes this policy concerning violence in the workplace.

The City will not tolerate any acts or threats of acts of violence to persons or property. Any employee who commits or threatens an act of violence will be subject to an investigation and possible discipline up to and including termination. In addition, the City may create a team to conduct an incident assessment, implement measures to protect employees, customers and property from workplace violence, and to investigate threats and actual occurrences of workplace violence. The creation of such a team shall be coordinated by the City Administrator.

Definitions

Workplace Violence, as used in this policy, means acts of violence against an employee or member of the public, verbal or written threats to inflict physical harm or intimidation, real or perceived threats to one's physical or mental state or damages to property and any purposeful or knowing behavior which would cause a reasonable person to feel threatened with physical harm either by an employee or non-employee in the workplace. Workplace Violence does not include reasonable force to defend oneself or others from physical violence.

Weapon means any firearm, air gun or pistol, stun gun, switchblade knife, or knife with a blade longer than four inches, dangerous chemicals, nooses, brass knuckles, nunchaku, throwing stars,

blasting caps, chains, and any other objects, substances or compounds intended to injure, harm or intimidate others.

Recognizing Inappropriate Workplace Behavior Relating to Workplace Violence

The following list details some examples of inappropriate workplace behavior (this list is not all inclusive):

- Intimidation through direct or veiled verbal threats, whether oral or transmitted in writing or electronically(a threat is often characterized as a joke);
- Unwelcome name-calling, obscene language, and abusive behavior;
- Throwing objects regardless of the size/type of object being thrown or whether a person is the target;
- Physically touching another employee in an intimidating, malicious or sexual manner. Examples of this behavior include, but are not limited to, such acts as hitting, grabbing, slapping, pushing, choking, even if characterized as a joke or horseplay
- Using obscene gestures, getting in someone's face, pointing in a malicious way;
- Damage, theft, or threats of damage or theft to an individual's personal property;
- Defacing or damaging any image or effigy of a person or object meant to depict a person.

Employee Responsibilities

Employees are expected to treat other people and property with respect. No employee is permitted to commit or threaten acts of violence against any other employee or member of the general public. Examples of prohibited conduct are physical abuse, verbal or written threats to inflict physical harm, vandalism, arson, and a real or threatened use of weapons.

Employees are not permitted to bring a weapon into the City workplace, including parking lots and lunch break rooms, unless the weapon is required to fulfill the employee's job duties, such as those of a police officer, unless a request has been granted by management in writing prior to the bringing of the weapon into the workplace (this includes but is not limited to stun guns, mace and other personal protection). The weapon will then be registered with the Police Department prior to bringing it to work, with a set time frame for its use.

Employees shall immediately report threats or incidents of workplace violence to their immediate supervisor, department head, Human Resources or the City Administrator. The Police Department shall be notified immediately in case of a threat of or the actual commission of a crime. A copy of the report will be forwarded to the department head and Human Resources no later than 48 hours after the incident. In the event of imminent danger to persons or property, employees shall take immediate action to safeguard themselves. However, at no time shall employees place themselves in harm's way to protect vehicles or other property.

Even without an actual threat of violence, employees shall report any behavior they have witnessed which they may regard as real or perceived threats of violence.

Supervisory Responsibilities

Supervisors shall attend training on identifying and defusing workplace problems and conflicts. Supervisors are expected to intervene when they see an employee on the receiving end of workplace violence, whether from another employee or a member of the general public.

Supervisors shall immediately contact the department head and Human Resources if an incident of workplace violence is suspected of occurring or has actually occurred, or if they are or should become aware of an actual or perceived threat of violence.

Supervisors shall strive to maintain anonymity, as much as reasonably possible, for the reporting employee as well as those involved in the workplace violence.

Human Resources Responsibilities

Human Resources shall coordinate periodic training sessions for employees and supervisors to inform them of the workplace violence policy.

Human Resources shall coordinate counseling services to any employee involved in any form of workplace violence whether actual or perceived.

Human Resources shall be responsible for administering this policy, and shall report findings directly to the City Administrator.

Threat Assessment Team

The City Administrator and/or Human Resources are responsible for determining the need for a Threat Assessment Team. The Threat Assessment Team may be composed of representatives from the affected departments of the City, and could include representatives from the Employee Assistance Program as well as the affected Union.

The Threat Assessment Team shall be responsible for the following:

- Assessing all workplaces to ascertain their security and to recommend measures to bring about workplace security.
- Developing and implementing appropriate training for supervisors and employees with the goal to eliminate or minimize workplace violence, including methods to prevent, identify and handle violent situations.
- Investigating all situations where workplace violence has occurred and to prevent, to the extent possible, future occurrences.
- Investigating all threats of workplace violence, whether actual or perceived.
- Treating each case with total confidentiality, reporting only to the committee representatives.

Reporting Workplace Violence

Anyone who receives direct threats, or witnesses real or perceived violence or threats of violence are required to immediately report the incident to their direct supervisor, department head, Human Resources or the City Administrator. A Workplace Threat/Violence Report Form is available through Human Resources. (To be developed)

If a City employee is the subject of a restraining order or anti-harassment order, or has acted to secure a restraining order or anti-harassment order, that employee is required to notify his or her supervisor and Human Resources immediately.

Drug Free Workplace Policy

Philosophy

The City of Mukilteo has established a drug free work place policy for the health and safety of all its employees and the customers we serve. The City regards prevention, intervention, and treatment as the best approaches for creating a drug free work place. City Codes, Police Department and Fire Department rules and policies and the laws of Washington and the United States govern firefighters and police officers.

Drug-Free Workplace Policy

1. 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. They are to be free of illegal drugs or potentially impairing levels of legal substances. In short, we expect all City employees to be fit for work.
2. Supervisors and team leaders will receive additional training to enable them to effectively deal with drug related job performance issues. City management is committed to supporting early intervention and supervisory action on drug related performance matters.
3. Supervisors, team leaders, co-workers and employees are encouraged to request confidential assistance from Human Resources or the City's Employee Assistance Provider (EAP) when dealing with problems of alcohol or substance abuse.
4. The amount of the City's financial support towards a substance abuse treatment program depends on the medical insurance benefit selected by the employee.
5. The City can require a drug evaluation and/or test for the following reasons:
 - (a) Prior to an appointment to a position in the Public Works Department or other position that requires a Commercial Driving License or involves safety-sensitive functions such as driving or operation of equipment that could cause physical harm as an essential function of the job.

- (b) When the safety of other employees or the public is clearly at risk.
- (c) As a result of a job related accident.
- (d) When the City has a reasonable suspicion that the employee is using drugs and/or alcohol during working hours or has a reasonable suspicion that excessive use of drugs and/or alcohol during non-working hours is substantially impacting the employee's performance.
- (e) According to the terms of a last chance agreement or return to work agreement between an employee and the City, following completion of an approved treatment program.

6. Employees are required to notify their supervisors or team leaders when they are taking over-the-counter or doctor prescribed medication that could impair the employee's ability to perform their job safely and effectively.
7. Employees are required to immediately notify their supervisor and Human Resources if he or she is convicted of a drug related crime while employed by the City. Failure to do so will result in discipline, up to and including termination.
8. The possession, use, transfer, offering or sale of controlled substances (except for certifiable medical care) on City property will also be treated as a criminal matter and referred to the Mukilteo Police Department for appropriate action. The use of intoxicating beverages on City property or in City vehicles is not permitted. (Exception: Off-Duty at a Community Center rental function). Employees who violate this policy will be subject to discipline up to and including termination.

Drug and Alcohol Testing Policy

The City of Mukilteo complies with the drug and alcohol testing programs and procedures as mandated by the Department of Transportation. This policy applies to every current employee and candidate who applies for and holds a position in the City that requires a commercial driver's license (CDL). In addition to the federally mandated drug and alcohol testing for employees required to have a Commercial Driver's License, the City may require drug and alcohol testing prior to employment for any position that involves driving a City vehicle as an essential function of the position. The policy and procedure is available from Human Resources.

City Vehicles

The City of Mukilteo maintains a fleet of vehicles and motorized equipment in its delivery of services to the public. These vehicles, and the employees who drive them, represent a major investment of resources and potential for liability. As a general rule, employees should use City vehicles to conduct routine City business. Employees may use their personal vehicle for City

business when a City vehicle is not available and upon obtaining the department head's approval. Employees using their personal vehicle for City business need to be aware that some personal insurance policies exclude or do not cover business use of a personal vehicle and that employees must obtain insurance that covers their business use of a personal vehicle if they use their vehicles for City business.

Guidelines for Driving City-Owned Vehicles

Employees must have a valid driver's license and the prior approval of their supervisor before they drive on City business. Employees approved to drive on City business are required to immediately inform their supervisor of any changes in circumstances that may affect either their legal, physical or mental ability to drive or their continued insurability. This includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness or prescription medication. Any employee whose driver's license is expired, suspended or revoked must immediately report it to their department head and must not drive a City vehicle. An employee with a revoked, expired or suspended license who continues to operate a City vehicle may be subject to disciplinary action, up to and including termination.

Employees holding jobs where driving is an essential function of the position for City business must, as a condition of employment, be able to meet the driving approval standards of this policy at all times. For all other jobs, driving is considered a non-essential function of the position. Employees who need transportation during the course of their normal work day may use a vehicle assigned to their department or one available from the pool of vehicles owned by the City.

City-owned vehicles should be used for official City business only. City vehicles must not be taken home or commuting except as follows: Employees may take a City-owned vehicle home for one night when attendance at an out-of-town meeting takes place late at night after normal working hours or early in the morning prior to normal working hours. Also, an employee may take home a City vehicle under unusual or emergency conditions as determined by the department head, Human Resources or the City Administrator. Certain safety employees are authorized to use City vehicles for travel to and from work as well as during working hours.

Employees who drive vehicles on City business must exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are responsible to pay for any moving violations, driving infractions or fines as a result of driving City vehicles. Employees are also responsible to ensure they drive in accordance with the laws of Washington State, including the speed limits, traffic signs, and the legal drinking limit. Seat belts must be worn by the driver and any passengers at all times when the vehicle is in motion. Smoking and cell phone use are prohibited.

If you need to use a City vehicle, please reserve the vehicle you are planning to use as far in advance as possible.

Each driver is responsible to immediately report to their department head if there is an accident involving the City vehicle. The department head will take a detailed report from the driver and investigate the accident and order any necessary repairs to the vehicle. Failure to report an accident or damage to a City vehicle may result in disciplinary action, up to and including termination. Each

driver is also responsible to report any malfunctions of the City vehicle so it may be repaired as quickly as possible to ensure the safety of everyone authorized to drive City vehicles.

Each driver is responsible to completely clean out the vehicle when returning it. Vehicles should be filled with gasoline if the tank goes below one-half tank. Employees who use a City vehicle regularly should also make sure it is kept vacuumed and washed and that it receives regular mechanical maintenance.

Using City Vehicles for Personal Business

Employees should not use City vehicles for personal business. Some examples of personal business include but are not limited to: commuting, shopping, running errands, providing transportation for family members or friends, or any form of recreation.

It is City policy that passengers should only ride in a City vehicle if the passengers are associated with a specific work-related purpose. Passengers may include other City employees, employees of contracted temporary help agencies, other governmental officials, agents contracted with the City, or participants in City sponsored programs. Transporting a passenger in a City vehicle must be for a demonstrable public purpose.

Family members of City employees are not allowed as passengers in City vehicles unless they are qualified as explained above. Employees who take family members to work-related events, seminars, conferences, etc. must use their own personal vehicle and may receive travel reimbursement, depending on the circumstances.

Using Personal Vehicles for City Business

Ideally, City-owned vehicles should be used for all official City business. There are times, however when it would create an undue hardship to use a City vehicle, and there may be times when a City vehicle is simply not available. In those situations an employee may use their own personal vehicle for business use, upon obtaining the department head's approval. It is important to understand that if an employee is involved in an accident while driving in their personal vehicle while on City business, the employee's automobile insurance would be primary and the City's insurance policy would only provide coverage over and above the employee's personal insurance policy. This is in accordance with laws of the State of Washington, which dictates that insurance follows the vehicle, not the driver.

When personal vehicles are used for City business, a request for mileage reimbursement, based on IRS business standards, may be submitted. The IRS standard rate assumes coverage for gas, maintenance and insurance costs of the vehicle. No mileage reimbursement is allowed for vehicle use that is not directly related to the business purpose of the trip.

Driver Abstracts

All newly-hired employees are required to complete a form authorizing the City to check their driving record. Upon request, the employee shall provide a motor vehicle report and valid drivers' license.

Emergency Operations Program

Disasters and emergencies could occur in this region including, without limitation, wind, rain and snow storms, earthquake, flood, landslide, public and private car accidents, search and rescue emergencies, civil disturbance, terrorist activity, conventional and nuclear war, structural collapse, hazardous material incident, major fires, and energy and utility system failure.

In order to be prepared for events such as these, the City has established an Emergency Operations Plan (EOP) to respond to emergencies and disasters. The goals of this plan are to:

1. Coordinate the development and maintenance of the City's EOP that provides the framework for organizational activities during disaster operations.
2. Provide a community education program for the residential and business community to assist in developing self-sufficiency.
3. Provide assistance to City departments in training activities for the development of first responder capabilities.
4. Foster an atmosphere of inter-agency cooperation within the City, as well as with other City, County, State, Federal Agencies and allied service providers such as the Red Cross.

The City's EOP is designed to be compatible with Snohomish County and Washington State plans. This document provides support to Title III of Superfund and Re-Authorization Act of 1986 and other plans required by the State and Federal Government.

The EOP calls for an Emergency Operations Response Team to oversee and provide policy recommendations during a time of disaster. The Team consists of the following members: The Emergency Preparedness Officer, the Mayor, City Administrator, Finance Director, Fire Chief, Planning and Community Development Director, Police Chief, Public Works Director, and Recreation and Cultural Arts Director. This team acts as a flexible unit, changing its members as necessary to reflect the needs of the situation. Members of the team have designated back-up personnel to fill in during their absence or during times of extended emergencies. Certain employees may be required to take part of the Emergency Response Team as part of their job description.

To learn more about emergency preparedness or the Emergency Operations Plan and your role during an emergency or disaster, please contact the Emergency Preparedness Officer or your department head.

Worker's Right to Know – Chemical Hazard Communication

To better ensure the health and safety of City employees, it is the City's policy to reduce the potential hazards to all employees from chemical substances used and/or stored in City work places

and facilities. In an effort to maintain an increased awareness of hazard potential, the City strives to comply with all levels of safety standards regarding chemical hazard communication.

Blood Borne Pathogen Exposure Control

The Washington Industrial Safety and Health Administration (WISHA) and State law requires a written plan to deal with the potential exposure to blood and Other Potentially Infectious Materials (OPIM). As an employer, the City of Mukilteo has an obligation to provide a safe and healthy place to work. Likewise, as an employee, you have an obligation to work in a safe and healthy manner.

Employees who have been designated as having a "reasonably anticipated" potential for exposure to blood or OPIM will receive specialized annual training and have the responsibility to read, and understand the contents of the Exposure Control Plan. If you are one of these employees, and there is something you do not understand, ask your supervisor or team leader.

Since exposure to a blood borne pathogen may lead to sicknesses such as hepatitis, AIDS, or malaria, and since the City of Mukilteo wants employees to have as safe and healthy work environment as possible, it is the policy of the City to comply with all statutory obligations for the prevention of exposures to blood borne pathogens. Failure to comply with the safe work practices described in the City's departments' policies and procedures will result in discipline, up to and including termination.

Work-Related Injuries Policy

Work-Related Injuries Policy

In the event an employee experiences a work-related injury or illness resulting in a valid State Industrial Insurance claim, the following compensation and leave policies and procedures apply.

With the exception of those employees who are covered by the LEOFF 1 retirement system (Police Officers and Firefighters who were hired before October 1, 1977), all City employees are covered by State Industrial Insurance and Medical Aid through the State of Washington's Department of Labor and Industries, commonly referred to as "Workers' Compensation."

Notification/Filing a Claim

When an employee is injured or becomes disabled from an on-the-job activity, the employee must immediately notify his or her supervisor and complete an injury report form. If the injury is serious, the supervisor will arrange to have the employee transported immediately to a medical facility appropriate for examination and treatment of the employee's condition.

The supervisor will complete a supervisor's report of injury and forward it with the employee's injury report to Human Resources. If the incident occurs after business hours, the supervisor must notify Human Resources the next business day following the incident. The notification will include the name of the employee, the employing department and any other pertinent information.

Reporting forms are available on the Intranet. The Payroll Specialist will contact the employee with information and instructions about the benefits under this policy.

The employee's attending physician will perform medical treatment and complete necessary reports required by the Washington State Department of Labor and Industries at no charge to the employee.

The employee's attending physician will forward a standard report form to the Payroll Specialist. The employee's portion of the form must be completed before leaving the doctor's office or the hospital where the treatment is rendered. The Payroll Specialist will complete the employer's portion of the form and forward it to Labor and Industries.

As soon as possible, the employee should contact Human Resources with the name of the treating doctor or other medical personnel, and note whether or not the health care provider recommends a period for recovery before resuming work. If applicable, the City may order an independent medical exam to determine the employee's return to duty date.

Injury claims must be filed within one year after the date of injury in order to be valid. Valid occupational disease claims must be filed within two years following the date the employee receives written notice from a physician of his or her occupational disease.

Information contained in the claim files and records of injured employees are confidential and are kept separately from personnel files.

Disability Compensation Procedures Represented and Non-represented Employees

An employee must use all of his/her sick leave before taking unpaid leave for his or her own health reasons. If the injury or illness is compensable under the Workers Compensation insurance program, then the employee has the option to augment or not augment Workers Compensation time loss payments with the use of accrued sick leave; however, an employee may not collect sick leave and Worker's Compensation payments in an amount greater than the net pay the employee would normally receive (not including overtime). An employee who chooses not to augment his/her worker's compensation time loss through the use of sick leave shall be deemed to be on unpaid status. An employee who chooses to augment his/her Worker's Compensation time loss payments through the use of accrued sick leave shall notify Human Resources and Payroll in writing of this election at the beginning of the leave. If an employee elects to use sick leave, a doctor's note is required that states the nature of the injury and the job limitations.

If the employee elects to augment his/her Worker's Compensation time loss payments with sick leave, the employee must reimburse the City for any Worker's Compensation payments that result in the employee receiving more than 100% of his or her regular net pay (not including overtime) and such payment will be credited back to the employee's sick leave balance.

Application of Time Loss While Receiving Regular Pay

Since Workers' Compensation time loss usually takes several weeks to be paid at the outset, the City will continue to issue a regular paycheck to employees who have elected to use sick leave while after the employee has gone on disability leave. When an employee who receives a regular paycheck from

the City also receives a Workers' Compensation time loss payment, he or she must endorse the Workers' Compensation check to the City and submit it to Payroll. In no case will the total of the amount of the City paycheck and the Workers' Compensation time loss payments exceed one hundred percent (100%) of the employee's regular monthly wage.

If an employee's Workers' Compensation time loss payment is not endorsed and submitted as described above, the amount of those payments will be deducted from the employee's remaining accumulated leave or subsequent paychecks as set forth in RCW 49.48.200 and RCW 49.48.210 until the City has received full reimbursement.

Return to Work

If there is light duty work available that fits within the scope of the physical limitations provided by the attending physician, the employee is expected to perform those duties to the best of his or her ability and within the physical limitations outlined by the employee's attending physician. If there is no light duty work available, the employee will continue receiving Workers' Compensation benefits, supplemented with the employee's accrued leave (if any).

If an employee has been on disability leave, he or she may not return to work without a written statement from their attending physician stating the employee is able to perform the essential functions of his or her position, with or without reasonable accommodation (see also Modified Duty policy below). After returning to work, no further absences from work will be charged to disability leave unless the State resumes paying Workers' Compensation time loss. Time off for subsequent treatment for the same injury or illness will be charged to the employee's accrued sick leave.

LEOFF Impacts

Use of sick leave and Worker's Compensation time loss payments shall be as provided in RCW 41.04. The LEOFF II Disability Supplement is all payments made pursuant to RCW 41.04.500 which represents the maximum amount an employee may receive which, when added to the disability payment received by the employee from the Department of Labor & Industries, will result in an employee receiving the same after-tax income he or she would have received had they not been disabled. Set forth below is a guide to the administration of the LEOFF II Supplement as it applies to restore the sick leave bank of LEOFF II employees who have been on full salary due to the use of accrued sick and who, following receipt of the L&I disability check, have turned the check over to the City. The check shall be utilized to buy back sick leave:

TABLE 1: CALCULATION OF LEOFF II DISABILITY SUPPLEMENT
(applies to all LEOFF II employees receiving total temporary disability payments under RCW 51.32.090)¹

1 MONTHLY BASE (includes basic monthly rate, additional duty pay, education, longevity, performance bonuses, shift differential. DOES NOT include uniform allowances, disability

¹ RCW 41.04.505: "The disability leave supplement shall be an amount which, when added to the amount payable under RCW 51.32.090 will result in the employee receiving the same pay he or she would have received for full time active service, taking into account that industrial insurance payments are not subject to federal income or social security taxes." Base monthly salary is used to make the calculation. RCW 41.04.510.

<i>payments, employer taxes/contributions, fringe benefits, insurance, leave cash-outs, overtime, reimbursements, standby pay, tuition/fee reimbursement, LEOFF payments or workers' compensation)</i> ²	\$ _____
2 MONTHLY DEDUCTIONS <i>(federal income tax, Social Security tax, Medicare tax, LEOFF contributions)</i> ³	\$ _____
3 NET MONTHLY PAY (subtract line 2 from line 1 above)	\$ _____
4 NET MONTHLY PAY CONVERTED TO HOURLY RATE <i>(line 3 times x 12 divided by 2589 work hours per year)</i>	\$ _____
5 WORKER'S COMPENSATION PAYMENTS (converted to an hourly rate)	\$ _____
6 DISABILITY LEAVE SUPPLEMENT (subtract line 5 from line 4 above; this supplement is for a maximum of six months from the date of illness or injury) ⁴	\$ _____
7 PORTION OF DISABILITY LEAVE SUPPLEMENT PAID BY EMPLOYER <i>(one-half of line 6 above; to be paid by the employer to the employee beginning on the sixth calendar day from the date of injury or illness which entitled the employee to receive Worker's Compensation payments; this portion of the supplement is not considered salary or wages and should not be taxed as such)</i>	\$ _____
8 PORTION OF DISABILITY LEAVE SUPPLEMENT PAID BY EMPLOYEE <i>(one-half of line 6 above; to be charged against the accrued paid leave of the employee beginning on the sixth calendar day from the date of injury or illness; this portion of the supplement is considered salary or wages and should be taxed as such; if the employee has no accrued paid leave, or if accrued paid leave is exhausted during the period of disability, the employee shall receive only that portion of the disability leave supplement in Line 7 above)</i> ⁵	\$ _____

NOTE: The disability supplement begins on the sixth calendar day from the date of the injury or illness and continues as long as the employee is receiving Worker's Compensation total temporary disability payments up to a maximum of six months from the date of injury or illness.⁶ If an employee has no accrued paid leave at the time of an injury or illness which entitles him or her to benefits under RCW 51.32.090, or if accrued paid leave is exhausted during the period of disability, the employee shall receive only the employer's portion of the disability leave supplement.⁷ The LEOFF II disability supplements are not taxable and will be adjusted to reflect that the payments are equivalent to base wages that are nontaxable and not subject to SSI and federal withholding. The City will adjust its future quarterly payments to reflect this fact and affected employees will be entitled to recover any amounts withheld as excess withholding on their federal tax returns.

² For a chart of what is and is not included in basic salary, see WAC 415-104-299 but omit overtime pay (under RCW 41.05.505, the employee receives the same pay he/she would have received for active full time service).

³ This amount is deducted because industrial insurance payments are not subject to federal income or social security taxes. RCW 41.04.505.

⁴ RCW 41.04.510(2): "One-half of the amount of the supplement as defined in RCW 41.04.505 shall be charged against the accrued paid leave of the employee. In computing such charge, the employer shall convert accumulated days, or other time units as the case may be, to a money equivalent based on the base monthly salary of the employee at the time of the injury or illness. 'Base monthly salary' for the purposes of this section means the amount earned by the employee before any voluntary or involuntary payroll deductions, and not including overtime pay."

⁵ In computing such charge, the employer shall convert accumulated days, or other time units as the case may be, to a money equivalent based on the base monthly salary of the employee at the time of the injury or illness. RCW 41.04.510.

⁶ RCW 41.04.510; RCW 41.04.515.

⁷ RCW 41.04.510.

TABLE 2: OPTIONAL SICK LEAVE BUYBACK
(applies to LEOFF II employees who received total temporary disability payments under RCW 51.32.090 and choose to buy back sick leave)

1 HOURS CHARGED AGAINST SICK LEAVE FOR THE FIRST FIVE DAYS AFTER THE ILLNESS OR INJURY	_____
2 HOURS CHARGED AGAINST SICK LEAVE AFTER DAY AFTER DAY FIVE	_____
3 HOURS BOUGHT BACK WITH WORKER'S COMPENSATION PAYMENT <i>(line 3 cannot exceed the number of hours on line 2)</i>	_____
4 HOURS BOUGHT BACK WITH CITY'S SHARE OF DISABILITY SUPPLEMENT <i>(line 4 cannot exceed line 2 minus line 3)</i>	_____
5 TOTAL HOURS TO BE CHARGED AGAINST EMPLOYEE'S SICK LEAVE AFTER BUYBACK <i>(line 1 minus lines 3 and 4)</i>	_____

¹ In computing such charge, the employer shall convert accumulated days, or other time units as the case may be, to a money equivalent based on the base monthly salary of the employee at the time of the injury or illness. RCW 41.04.510.

¹ RCW 41.04.510; RCW 41.04.515.

¹ RCW 41.04.510.

The LEOFF II disability supplements are not taxable and will be adjusted to reflect that the payments are equivalent to base wages that are nontaxable and not subject to SSI and federal withholding. The City will adjust its future quarterly payments to reflect this fact and affected employees will be entitled to recover any amounts withheld as excess withholding on their federal tax returns.

Procedures for LEOFF 1 Employees

Members of the LEOFF 1 retirement system will refer to the appropriate procedures available from supervisors in the Police or Fire Departments for directions on how to handle a duty-related injury or illness.

LEOFF 1 employees who are found by the Mukilteo Disability Board to have a duty-related disability will receive their regular pay without deductions for Federal Income and Social Security Taxes. No deduction is made for employee contribution to the LEOFF 1 retirement system during the disability leave period.

LEOFF 1 employees who are found by the Mukilteo Disability Board to have a non-duty-related disability leave will receive their regular pay with deductions for Federal Income and Social Security Taxes. No deduction is made for employee contribution to the LEOFF 1 retirement system during the disability leave period.

Modified Duty Rules for All Employees

The City will attempt to locate jobs that are suitable for employees who are not able to return to their regular jobs due to an injury or illness resulting in a time loss. The possibility of modifying the employee's regular job may also be explored. Employees are encouraged to identify types of work or positions in which they have an interest. The City is not obligated to create a modified duty position.

All placements in a designated modified duty job will be subject to the City's identification of a suitable position and upon the employee's acceptance of the job. If the employee does not choose to apply for modified duty, the lost time will be applied to the employee's accumulated sick or other leave accounts.

Employee Discipline

Supervisors, team leaders and department heads may consult the City Administrator, the City Attorney's Office, and Human Resources before issuing disciplinary actions.

The list below contains examples of the types of offenses subject to discipline; however, it is not intended to be exhaustive and does not contain all possible offenses. The City expressly has the right to discipline employees whether or not the offense is specifically listed below.

1. Failure to meet job performance expectations.
2. Habitual absence or tardiness for any reason or abuse of sick leave.
3. Unauthorized absences from work.
4. Engaging in non-work activities during work hours.
5. Violation of safety rules or personal conduct at work that is dangerous to others.
6. Failure to act consistent with the Mukilteo Vision set forth in Section 2 of this Handbook
7. Violation of any ethical or conflict of interest provision of state law or this Handbook
8. Harassment in any form, including use of the e-mail system or Internet.
9. Arriving on the job under the influence of drugs or alcohol; using intoxicating beverages or other drugs on City property; misuse of prescription or over-the-counter drugs on the job which may cause potential hazard to other employees or the public; or job performance that is adversely affected by the use of intoxicating beverages or other drugs.
10. Violation of any ordinance, directive or policy of the City or departmental operating procedure or regulation.
11. Insubordination.
12. Conviction of a felony or a misdemeanor which would adversely impact the employee's ability to perform the duties of his or her position.
13. Interfering with or disrupting the work of other employees on the job.

14. Negligent or willful damage to the City's property, waste of supplies and equipment, or theft.
15. Discourteous treatment of the public or other employees.
16. Fighting on the job.
17. Conducting private enterprise or business during City working hours.

For employees who are governed under Civil Service, discipline and/or discharge will be handled according to the Mukilteo Civil Service Commission rules.

Authority to take disciplinary action rests with the department heads through consultation with the City Administrator and the City Attorney's Office. This authority may be delegated to supervisors or team leaders, but any such delegation of authority is limited to reminder notices, warnings, reprimands and suspensions. Where an alternative or substitute disciplinary measure is mutually agreed upon, it will be put in writing and signed by the employee and by the department head. Disciplinary action may be reviewed by the City Administrator or the City Attorney's office prior to its delivery. Any termination resulting from disciplinary action must be reviewed and recommended by the department head, City Administrator, and the City Attorney and such recommendation must be reviewed and approved by the Mayor.

An employee who is subject to a disciplinary action will be notified regarding the reason and the proposed disciplinary action. Employees who work under Civil Service rules and regulations or a collective bargaining agreement should refer to those documents for more specific information regarding disciplinary policy.

Authorized Actions Employees are subject to disciplinary actions which may include, but are not limited to, the following:

1. Dismissal;
2. Complete or partial restitution or forfeiture of pay to the City for financial or other losses. In deducting any monies from an employee's paycheck, the City will comply with any applicable laws;
3. Suspension without pay;
4. Oral and written warnings and reprimands;
5. Mandatory counseling or remedial training;
6. Demotion;
7. Re-evaluation period during which improper behavior or inadequate work performance may trigger further disciplinary action (including dismissal); and/or
8. Any other type of action appropriate to the particular circumstances.

Relief of Duty

A department head may temporarily relieve an employee from duty (with pay) at any point during an investigation and/or while a decision on discipline is pending. The department head must immediately notify the City Administrator of the relief of duty (with pay). Relief of duty under this section is not a disciplinary action.

Assistance

Supervisors and Department Heads considering disciplinary action are encouraged to consult with the City Administrator or City Attorney before imposing discipline.

Disciplinary Authority

Supervisors Supervisors may issue oral and written warnings with the approval of the Department Head and with consultation with the City Administrator, relieve employees from duty (with pay) pending completion of investigations. The Department Head may recommend more severe disciplinary action to the City Administrator. After consultation with the City Administrator, an employee may be relieved of duty (with pay).

Department Heads Department Heads may issue the same level of discipline as supervisors and all other types of discipline up to suspensions of 30 days with the approval of the City Administrator. They may also recommend suspensions longer than 30 days or dismissal of employees to the City Administrator who will receive approval from the Mayor. When a Department Head relieves an employee of duty (with pay), the Department Head must immediately alert the City Administrator.

Mayor The Mayor has full disciplinary authority. Dismissal of Regular Employees or disciplinary suspensions of more than 30 days must be approved by the Mayor.

Pre-discipline Conferences (Significant Discipline)

Requirement For employees who are not at-will, in cases where the proposed discipline includes dismissal, suspension without pay, demotion, or any discipline which would deprive the employee of his or her property, offering the employee a pre-discipline conference is required. The conference is not elaborate and may be informal. The pre-discipline conference is to provide the employee with notice of the proposed discipline and an opportunity to present any reasons why the City should not take the adverse action being contemplated.

Conduct of Pre-discipline Conferences

Notice. The employee is provided with notice of the proposed discipline. The notice includes an explanation of the charges, a brief summary of the information on which the proposed discipline is based, and the time and date for a pre-discipline conference. If the employee fails or refuses to appear, the discipline may be imposed.

Presiding Official. Pre-discipline conferences are presided over by the Department Head or his or her designee or, upon request by the Department Head, and Human Resources.

Conference. At the conference the employee may show cause why he or she should not be disciplined. The employee may bring one person to the conference as an observer who is not allowed to participate. However, where the employee is represented by a union representative, the union representative will be allowed to participate to the extent allowed by law.

Decision. Within five working days after the conference, the presiding individual issues a decision or will inform the employee that additional time is needed to make a decision and will provide an estimate of the additional time that is needed. In cases where dismissal is proposed, if the person conducting the pre-termination hearing finds the charges to be supported by the evidence, he or she forwards a recommendation for dismissal to the Mayor whose decision is final. If the person conducting the pre-termination hearing finds the evidence is insufficient to support the charges or the proposed discipline, lesser discipline may be imposed or the matter may be returned to the department for further investigation or other action. For discipline short of dismissal, the decision of the person conducting the pre-termination hearing is final.

Pre-discipline Conferences for At-Will Employees.

In limited circumstances, it may be appropriate to offer a pre-disciplinary conference to an At-Will Employee. Anytime a significant discipline, including termination, is proposed for an At-Will Employee, the supervisor should discuss with the Human Resources Department whether offering a pre-discipline conference is advisable.

Unpaid Holidays for Reason of Faith or Conscience

Policy Statement:

Under Washington law, all employees of the City of Mukilteo are entitled to up to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

Policy:

An employee seeking to take an unpaid holiday or unpaid partial holiday under this policy must submit a written request to their Department Director, with a copy to Human Resources, at least two weeks in advance. Untimely requests will only be considered if the employee can demonstrate that timely notice was not possible under the circumstances.

Requests for unpaid holidays under this policy shall include the following information:

- Your name.
- The day(s) or partial day(s) that you are requesting off.
- A sufficient description of the reason for the leave so that the Department Director can determine if it is properly granted.
- If the request is not made two weeks prior to the date requested off, the reason why it was not possible to submit the request in a timely manner.

Employees will normally receive a response within five (5) business days of the receipt of the request for the unpaid holiday. The request may be denied for any of the following reasons:

- The request was not submitted in a timely fashion;
- The reason for the requested leave is not appropriate under state law;
- The employee has already exhausted their allotment of unpaid holidays under the law;
- The employee is necessary to maintain public safety (for example, if the employee is in a public safety position, such as police or fire, and granting the leave would result in the shift falling below necessary staffing levels);
- Granting the request would cause an undue hardship on the City.

The following factors may be considered in determining whether approving unpaid leave results in an undue hardship:

- The number, composition, and structure of staff employed by the employing entity or in the requesting employee's program.
- The financial resources of the employing entity or the requesting employee's program.
- The number of employees requesting leave for each day subject to such a request.
- The financial impact on the employing entity or requesting employee's program resulting from the employee's absence and whether that impact is greater than a de minimus cost to the employer in relation to the size of the employing entity or requesting employee's program.
- Impact on the employing entity, the requesting employee's program or public safety.
- Type of operations of the employing entity or requesting employee's program.
- Geographic location of the employee or geographic separation of the particular program to the operations of the employing entity.
- Nature of the employee's work.
- Deprivation of another employee's job preference or other benefit guaranteed by a bona fide seniority system or collective bargaining agreement.
- Any other impact on the employing entity's operation or requesting employee's program due to the employee's absence.

A partial unpaid holiday will count as a full day toward an employee's yearly allotment of two days. The law provides for unpaid holidays and there is no provision for substituting paid time off. If an employee wishes to be compensated for the time off, the employee should follow the policies for using accrued vacation, compensatory time or other paid time off.

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

Employee Confirmation of Handbook Receipt

THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT

I understand the statements contained in this Handbook are guidelines and summaries of benefits. They do not bind the City of Mukilteo. I further understand to the extent allowed by law, that the City of Mukilteo reserves the right to change, revoke or make exceptions to this Handbook and to City policies or Benefit Plan Documents at any time and at its sole discretion.

I further understand that the Handbook does not create an employment contract between me and the City of Mukilteo. I understand that this Handbook supersedes any prior summaries or statements of employment policies and procedures. I also understand that this Handbook should not be construed or relied upon by anyone as a legal document, covenant or contract of any kind.

I understand that the policies, procedures, practices and benefits described in this Handbook shall apply to all employees of the City of Mukilteo except where otherwise noted herein or unless they conflict with provisions of any binding collective bargaining agreement, civil service rule or law.

This Handbook describes conditions and procedures regarding discipline and termination of employment. Although the City of Mukilteo may follow these conditions and procedures, the City of Mukilteo retains the right to deviate from them as it deems necessary at its sole discretion.

I hereby consent to deduction from my final paycheck any amounts advanced to me that remain unearned when my employment with the City of Mukilteo ends, including unearned vacation leave.

I have received the City of Mukilteo Employee Handbook. I understand that it is my responsibility to read this Handbook and to consult my supervisor if I have any questions.

EMPLOYEE SIGNATURE

DATE

Please Print Name: _____
