

**RESOLUTION NO. 2136**

A RESOLUTION by the Council of the Town of Friday Harbor authorizing the Mayor to revise the adopted Personnel Guidelines for Non-Represented Personnel.

WHEREAS, the Town of Friday Harbor is a member of the Association of Washington Cities Risk Management Service Agency, a self-insurance pool; and

WHEREAS, each member of the pool has committed itself to a comprehensive risk management program in an effort to contain insurance premium costs; and

WHEREAS, having adopted personnel guidelines are an integral part of a comprehensive risk management program; and

WHEREAS, a set of personnel guidelines were developed and adopted by passage of on November 5, 2009; and

WHEREAS, changes in policy require some minor revisions to said guidelines; and

WHEREAS, the Council of the Town of Friday Harbor has reviewed and accepted said revisions to the guidelines,

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Friday Harbor hereby adopts the revisions to the "Town of Friday Harbor Guidelines for Non-Represented Personnel" dated October 8, 2015 and authorizes and directs the Mayor to affix her signature to said document.

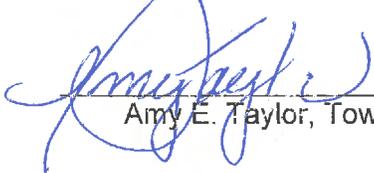
ADOPTED this 8th day of October 2015.

TOWN OF FRIDAY HARBOR



Carrie Lacher, Mayor

SEAL of the  
Town of Friday Harbor  
ATTEST.



Amy E. Taylor, Town Clerk

# Town of Friday Harbor Guidelines for Non-Represented Employees

**ADOPTED**

this 8<sup>th</sup> day of OCTOBER 2015 by  
Resolution No. 2136

Carrie Lacher

Carrie Lacher, Mayor

# Town of Friday Harbor Guidelines for Non-Represented Employees

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# CHAPTER 1

## Purpose and Scope

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### 1.1 INTRODUCTION

The Town is committed to achieving excellence and providing quality services. The attainment of these goals is dependent upon maintaining a high caliber of Town employees and a supportive environment for them.

This handbook is for the benefit of Town employees and is intended to provide summaries of guidelines concerning Town standards, policies, regulations, and rules of conduct. It applies to all employees who are not members of a collective bargaining unit. Please read it carefully and keep it handy for future reference. Please ask questions if something is unclear.

Although we hope that your employment relationship with the Town will be long term, we recognize that at times things do not always work out as hoped and either of us may decide to terminate the employment relationship. All non-represented employees of the Town are considered at-will employees and may be terminated from Town employment at any time with or without cause and with or without notice. **None of the standards or information in this employee handbook confers any rights or privileges to any employee to be or remain employed by the Town, or constitutes an employment contract between the Town and the employee. The Town reserves the right to modify any of the policies and procedures herein at any time without notice or consent.**

In no way is this document to be considered the final source of information to employees. Topics are described in summary form only. All guidelines and practices may be changed as conditions warrant as the Town must be able to respond flexibly to changing circumstances. Because of this, the Town's guidelines are guidelines for management and are not promises of specific treatment in specific situations.

Employees may suggest specific changes to these guidelines by submitting suggestions to the Personnel Officer. Please understand that no supervisor, manager, or representative of the Town other than the Personnel Officer has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

The Town of Friday Harbor places the highest value on our employees and on their well-being. We want to see that you are a satisfied worker with the support necessary to achieve the objectives of your position. Only in this manner can your contribution to the Town of Friday Harbor be the most productive.

It is our belief that when consistent personnel policies are known and communicated to all, the choices for greater job satisfaction increase. We encourage you to read these policies and direct any question to your supervisor or department head.

## 1.2 DEFINITIONS

Definitions as used in this policy include the following terms which shall have the meanings indicated:

- (a) *Calendar Year*: A calendar year is January 1<sup>st</sup> to December 31<sup>st</sup>.
- (b) *Department Head*: An employee in a union-exempt supervisory position who is the head of his or her department and is responsible for the management and supervision of the department.
- (c) *Disciplinary Action*: An action that is meant to notify an employee of improper conduct or action. Disciplinary action may be oral warnings or up to and including dismissal wherever listed. Disciplinary action is not primarily intended to be punitive but rather to maintain the efficiency of day to day operations in keeping with sound principles of human relations in the Town service.
- (d) *Domestic Partner*: Pursuant to RCW 26.60.030, a relationship that meets the criteria set forth in that statute as a domestic partner, as the statute may be amended from time to time, for a state registered domestic partnership.
- (e) *Exempt Employee*: An employee who is exempt from the requirements of the federal Fair Labor Standards Act (FLSA) and state Washington Minimum Wage Act (WMWA) including exemption from the payment of overtime wages. An employee may be exempt regardless of whether or not he or she receives a salary or hourly wage. Exempt employees are typically classified as exempt under state law if they are employed in a bona fide executive, administrative, or professional capacity as defined by the state Department of Labor and Industries. An Exempt Employee is an employee at-will and may be terminated with or without cause and with or without notice at the discretion of the Town.
- (f) *Flextime*: The concept of allowing flexible employee work schedules on a departmental, divisional, or individual basis.
- (g) *Immediate Family*: Persons including the employee's spouse, registered domestic partner, child, step-child, foster child, parent, parent-in-law, sibling, son- or daughter-in-law, grandparent, grandchild, or other relative who lives in the employee's home.
- (h) *Nepotism*: The practice of employing an immediate family member.
- (i) *Personnel Officer*: The Town Administrator or his/her designee.
- (j) *Regular Full-time Employee*: An employee who has successfully completed a trial period as defined in this handbook and who regularly works a minimum of forty (40) hours a week.
- (k) *Regular Part-Time Employee*: An employee who has successfully completed a trial period as defined in this handbook and who regularly works a minimum of twenty

(20) hours a week.

- (l) Supervisor: An employee who is responsible for employees in their department and under their direct supervision.
- (m) Temporary/Seasonal Employee: An employee who is employed not more than five (5) months in any calendar year. Hours in the fifth month must be kept under seventy (70) hours total. The purpose of such positions might include special projects, seasonal demands, abnormal workloads, or emergencies. Temporary/Seasonal employees are not eligible for Town benefits except as specified. Temporary employees who have been hired specifically to supplant temporarily injured or otherwise unavailable employees may work for up to twelve (12) months.
- (n) Trial Employee: Employees who have not yet completed their trial period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these guidelines they shall include trial employees.
- (o) Year of Employment: A year of employment equals two thousand eighty (2080) hours.

## CHAPTER 2

### General Guidelines and Practices

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#### 2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Town is an equal employment opportunity employer. The Town employs, retains, promotes, terminates, and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. These guidelines and all employment practices shall be applied without regard to any individual's sex, race, color, religion, national or ethnic origin, pregnancy, age, marital status, sexual orientation, disability, or honorably discharged veteran or military status.

#### 2.2 DISABILITY DISCRIMINATION PROHIBITED

The Town does not discriminate against qualified applicants or employees with a sensory, physical, or mental disability unless the disability cannot be reasonably accommodated and prevents proper performance of an essential element of the job. The Town will reasonably accommodate qualified individuals with disabilities as defined by the Americans with Disabilities Act and Washington's laws against discrimination.

#### 2.3 HARASSMENT AND DISCRIMINATION PROHIBITED

It is the Town's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the Town will not tolerate harassment of any kind that is made by employees toward co-workers or members of the public. Employees are expected to show respect at all times for each other and the public despite individual differences.

Harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public based on that individual's race, ethnic background, gender, sexual orientation, religion, age, disability, or other status protected by law. Examples of prohibited conduct include slurs or demeaning comments to employees or to members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability. Harassment also constitutes knowing and willful conduct directed at a specific person which seriously alarms, annoys, or harasses, or is detrimental to such person, and which serves no legitimate or lawful purpose. (*See* RCW 10.14.020). The conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the employee being harassed.

For the purpose of this section, conduct means a pattern of conduct that is repetitious or a series of acts over a period time, however short, evidencing continuity of purpose. Course of conduct includes, in addition to any other form of communication, contact or sending of electronic communication.

*See* Discrimination Complaint Procedure, Chapter 11, for guidance on what to do if you believe that you have experienced harassment.

## 2.4 SEXUAL HARASSMENT PROHIBITED

Sexual harassment is a form of sex discrimination and is illegal. Sexual harassment is also inappropriate and offensive and will not be tolerated by the Town.

Sexual harassment includes verbal or physical workplace conduct of a sexual nature that is unwelcome, gender-motivated, and pervasive enough that a reasonable person would find that it affects the terms or conditions of employment. Examples of sexual harassment include but are not limited to verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; non-verbal behavior such as suggestive looks and leering or communication through electronic means such as posting, messaging, or otherwise transmitting sexually suggestive photographs, jokes, or comments; and physical behavior such as pats or squeezes or repeatedly brushing against someone's body. Other conduct also may constitute sexual harassment depending upon given facts and circumstances.

Employees engaging in harassment are subject to formal disciplinary action up to and including termination. *See* Discrimination Complaint Procedure, Chapter 11, for guidance on what to do if you believe that you have experienced sexual harassment.

Sexual harassment toward an employee by a non-employee such as Town customers, Council members, board members, volunteers, or vendors should be immediately reported to the Town Administrator or Mayor.

## 2.5 EMPLOYEE PERSONNEL RECORDS

A personnel file for each employee is kept in the document vault, and access is limited to the Town Administrator and the Finance Officer or designee. The file will be kept for the duration of the employee's employment plus six (6) years after the employee's termination of employment and as set forth in the Washington State Archives *Local Government Common Records Retention Schedule* and WAC 296-126-050. Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the personnel file of that employee. The inspection must be approved by the Town Administrator.

In general, an employee's personnel file contains employment application, resume, offer letter, the employee's name, address, telephone number, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, and personnel actions affecting the employee including recognition, discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file and access is restricted by the federal Health Insurance Portability & Accountability Act (HIPAA).

The Town shall make the employee's personnel record available to the employee upon request at any reasonable time. Employees or a designated representative with written authorization from the employee shall have the right to review their files while in the

presence of the Town Administrator or the Finance Director. An employee may request removal of irrelevant or erroneous information in their personnel file. If the Town denies an employee's request to remove the information, the employee may file a written rebuttal statement to be placed in their file.

Personnel files including medical records subject to HIPAA are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information by court order or as otherwise required by applicable law including Washington's Public Records Act.

It is the responsibility of the employee including those on leave of absence to notify the Town Administrator or Finance Officer if any of the following information changes:

- Name;
- Address;
- Telephone numbers;
- Marital status (for benefits and tax withholding purposes only);
- Number of dependents;
- Addresses and telephone numbers of dependents and spouse or former spouse (for insurance purposes only);
- Beneficiary designations for any Town insurance and for State Department of Retirement Systems; and
- Persons to be notified in case of an emergency.

## 2.6 EMPLOYMENT REFERENCES

The Town Administrator may provide employment references to prospective employers of current or former Town employees or to current or former employees for employment-related purposes. Together with verification of employment and salary, the Administrator may give an employment reference regarding:

- An employee's ability to perform his or her job;
- The diligence, skill, or reliability with which an employee performs or performed his or her job; or
- Any illegal or wrongful act an employee committed in relation to his or her job duties.

As authorized by the Town Administrator, a Department Head may provide an employment reference if the Department Head has direct knowledge of the above employee information. No other employee may represent the Town in providing a work reference, and no employee may give out work reference information that may be false, misleading, or made with reckless disregard for the truth. (*See* RCW 4.24.730.)

References will be provided at the Town Administrator's discretion. If a reference is

provided, the Town will maintain a written record of the identity of the person or entity to which the information was disclosed for a minimum of two (2) years. The affected employee may inspect that record.

Upon written request from a former employee the Town will furnish a signed, written statement stating the reasons for and effective date of discharge within ten (10) business days as set forth in WAC 296-126-050.

## 2.7 CHANGING THE GUIDELINES

As the need arises, the Town Administrator may modify these guidelines, except only the Town Council by ordinance may enact any changes in compensation or benefit levels. The Town Administrator may deviate from these guidelines in individual situations, particularly in an emergency, in order to achieve the primary mission of serving the Town's citizens. Employees may request specific changes to these guidelines by submitting suggestions to their Department Head or the Town Administrator.

## CHAPTER 3

### Recruiting and Hiring

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#### 3.1 RECRUITING

Recruiting practices are conducted solely on the basis of ability, merit, qualifications, and competence without regard to race, color, religion, national origin, sex, sexual orientation, marital status, pregnancy, disability, military status, or age. Each applicant shall complete and sign an application form prior to being considered for any position. Resumes may supplement but not replace the Town's official application. If hired, any applicant supplying false or misleading information is subject to immediate termination.

#### 3.2 TEMPORARY / SEASONAL EMPLOYEES

Department Heads may use temporary/seasonal employees to meet peak workload needs or to fill positions of limited duration due to special projects, seasonal demands, abnormal workloads, emergencies, or temporary vacancies that will be filled by hiring regular employees. Temporary/seasonal employees may be hired without examination although all hiring processes must comply with state and federal laws.

3.2.1 Compensation/Benefits. Temporary/seasonal employees are eligible for overtime pay as required by law. Temporary/seasonal employees do not receive vacation, sick leave, health insurance, holidays, or any other regular employee benefits during their employment.

3.2.2 Social Security/Retirement. Temporary/seasonal employees pay contributions to the social security system, as does the Town on their behalf. Temporary employees will normally not be enrolled in the State Retirement System, although there are a few exceptions depending on State Retirement System eligibility criteria.

#### 3.3 HIRING EMPLOYEES

When a position becomes vacant, and prior to any posting or advertising of the vacancy, the Department Head shall review the position, its job description, and the need for such a position. The Department Head will prepare and submit a written request to fill the position to the Town Administrator. The position will be posted and/or advertised only after the Mayor or Town Administrator has approved the request.

The Town may administer pre-employment examinations to test the qualifications and ability of applicants if determined necessary by the Town Administrator. The Town may contract with any agency or individual to prepare and/or administer examinations.

The Town reserves the right to conduct thorough background investigations in the manner permitted by law for all prospective employees including those involved in duties regarding public safety, health, and/or public welfare. Examples of such procedures include but are not limited to requiring applicants/employees to show proof they are

authorized to work in the United States and criminal background checks.

Residency within the Town shall not be a condition of initial appointment or of continued employment provided that an employee's selection of residences shall not interfere with the daily performance of his or her duties and responsibilities (e.g., standby or emergency response requirements).

Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least eighteen (18) years of age and will be required to present a valid Washington State driver's license with any necessary endorsements. Driving abstracts of applicants may be reviewed. Applicants with poor driving records, as determined by the Town Administrator or Department Head, may be disqualified for employment in positions requiring driving.

After an offer of employment has been made and prior to commencement of employment the Town may require persons selected for employment to successfully pass a medical examination. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure their physical condition will not endanger the health, safety, or well-being of other employees or the public. The offer of employment may be conditioned on the results of the examination.

A candidate may be disqualified from consideration if he or she is: (1) Found physically unable to perform the duties of the position and the individual's condition cannot reasonably be accommodated in the workplace; (2) The candidate refuses to submit to a medical examination or complete medical history forms; or (3) The exam reveals use of a non-prescribed or an illegal, controlled substance.

### 3.4 EMPLOYMENT OF RELATIVES (NEPOTISM)

The immediate family of current Town employees or officials will not be employed by the Town where:

- One of the parties would have authority or practical power to supervise, appoint, remove, or discipline the other;
- One party would handle confidential material that creates improper or inappropriate access to that material by the other;
- One party would be responsible for auditing the work of the other; or
- Other circumstances exist that might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the Town.

3.4.1 Change in Circumstances. If two employees marry, become related, or begin sharing living quarters with one another and, in the Town's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees

will be permitted to remain employed with the Town unless reasonable accommodations, as determined by the Town Administrator, can be made to eliminate the potential problem. The decision as to which employee will remain with the Town must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision is made during this time, the Town reserves the right to terminate either employee.

### 3.5 TRIAL SERVICE PERIOD

Upon hire or appointment, all employees enter a trial period that is considered an integral part of the selection and evaluation process. The trial period is designed to give the employee time to learn the job and to give the supervisor time to evaluate whether the match between the employee and the job is appropriate.

The normal trial period is six (6) months from the employee's date of hire, rehire, or promotion. The Town Administrator may authorize the Department Head to extend the trial period for up to an additional three (3) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance. The trial period will not be shortened for any reason. Medical benefits begin the first calendar month after hire date.

At any time during the trial service period the Department Head may recommend discharge of an employee whose performance does not meet the required standards. The Department Head shall report said recommendation and the reasons for it in writing to the Town Administrator and the employee concerned before the effective date of separation. An employee discharged during the trial period may not use the complaint procedure.

Once the trial period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the trial period does not create an employment contract or guarantee employment with the Town for a specified duration.

3.5.1 Use of Sick Leave/Vacation/Floating Holiday During Trial Period. Trial employees shall accrue vacation and sick leave from the beginning of employment but may not use their accrued sick, vacation leave, or floating holiday until they have successfully completed their trial period unless authorized by the Town Administrator in writing. Upon termination of a trial service employee, accrued sick and vacation leave and the floating holiday shall be forfeited.

### 3.6 PROMOTIONS

The Town encourages promotion from within the organization whenever possible. Job openings may be posted so that employees may become aware of opportunities and apply for positions in which they are interested and qualified.

Before advertising a position to the general public, the Mayor may choose to circulate a

promotional opportunity within the Town.

At its sole discretion, the Town reserves the right to seek qualified applicants outside of the organization.

Job openings will be posted on the Town's bulletin board(s). To be considered for promotion, an employee must be employed in his or her position for at least six (6) months and must meet the qualifications for the vacant position.

## **CHAPTER 4**

### **Hours and Attendance**

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#### **4.1 WORKING HOURS**

The Town Administration Offices' standard workweek is Monday through Friday from 8:00 a.m. to 4:30 p.m. with a half-hour unpaid lunch period.

A normal working schedule for regular, full-time employees consists of forty (40) hours each workweek. Due to the nature of the Town's operations, longer hours or different hours may be necessary in some instances. Different work schedules may be established by the Town to meet job assignments and provide necessary Town services. Each employee's supervisor will advise the employee regarding their specific working hours.

#### **4.2 BREAKS AND MEAL PERIODS**

Employees may take one (1) fifteen-minute break for every four (4) hours worked. All breaks shall be arranged so that they do not interfere with Town business or service to the public. Individual supervisors may allow their employees to combine their breaks with the half-hour unpaid lunch period. In this instance, an employee should use vacation or compensatory time for additional breaks taken during the work day. If an employee leaves work mid-day, additional time should not be added to their reported work hours to accommodate for breaks or lunch not taken.

The employee's supervisor shall schedule meal periods. The scheduling of meal periods may vary depending on department workload.

#### **4.3 HOURS OF WORK AND OVERTIME**

For most Town employees, the established work period is forty (40) hours within a seven (7) day workweek. All personnel are responsible for accurately reporting all hours worked on forms supplied by the Town. Employees failing to accurately record time worked are subject to disciplinary action.

Exempt employees are not covered by the Fair Labor Standards Act (FLSA) or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay.

#### **4.4 ALTERNATIVE/FLEXIBLE WORK SCHEDULES**

Flextime is defined as the concept of allowing flexible employee work schedules on a departmental, divisional, or individual basis. Flextime schedules are based around an established period of work hours excluding lunch and break periods. Examples include but are not limited to four (4) ten-hour work days a week or four (4) nine-hour days with one (1) four-hour day in a week.

Flexible work schedules may be implemented provided there is no appreciable disruption

to department operations or service to the public during established hours when Town facilities are to be open to the public as determined by the Town Administrator

An employee who wishes to participate in flextime must submit a written request for approval to the Town Administrator. Individual participation in flextime will be determined on a case-by-case basis subject to Department Head and Town Administrator approval.

The Town Administrator may terminate the overall flextime program by department, by division, or by an individual basis at any time.

Benefits will continue to be based on an eight-hour workday. For example, an employee scheduled to work a ten-hour day would use ten (10) hours of sick leave when absent for an illness. When a paid holiday falls on an employee's regularly scheduled workday, the employee will be paid eight (8) hours of holiday pay. If the regularly scheduled work day is greater than eight (8) hours, the employee may use either vacation or compensatory time earned to make up for the additional time the employee was scheduled to work in excess of the eight (8) hours holiday pay. In lieu of using other accrued leave, the employee may have the option of working additional hours during the same work week as the scheduled holiday. When a paid holiday falls on an employee's regularly scheduled day off, the employee will be credited with eight (8) hours of holiday leave which must be used within thirty (30) days and within the same calendar year.

An employee may, by notifying his or her Department Head, voluntarily withdraw from participation in the flextime program at any time provided that immediate withdrawal does not create an undue hardship in the department, result in overtime compensation, or cause a disservice to the public. The employee shall notify his or her Department Head and mutually negotiate an agreeable withdrawal date.

Employees with a documented performance problem may be denied their request for an alternative work schedule depending on the nature of the performance problem.

Nothing in this section shall be interpreted as restricting the Town's ability to set work hours at times different than those set forth in Section 4.1 above.

#### 4.5 ATTENDANCE

Employees are expected to report for work on time and to maintain good attendance. If an employee is unable to report for work on time, he or she should notify their supervisor before the work day begins or within thirty (30) minutes of the employee's scheduled start time. If an absence continues beyond one (1) day, the employee *must* call in to his or her supervisor each day. If supervisor is unavailable, the employee should leave a message on the supervisor's voice mail and also with the main receptionist.

An employee who is absent without notification for three (3) consecutive days or shifts shall be considered as having abandoned the employee's job and will be terminated unless good cause is shown.

Employees may be disciplined up to and including termination for failing to report to work without notice or sufficient notice, an excessive or unusual pattern of absenteeism (for example absence every Friday and/or Monday), excessive tardiness, or other attendance or tardiness problems.

#### 4.6 UNUSUAL WEATHER CONDITIONS

During times of inclement weather or natural disaster, it is essential that the Town continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to: Vacation, personal leave day (if entire day missed), compensatory time, or leave without pay. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

During periods of inclement weather or natural disaster, employees may be assigned work schedules other than their normal work assignments in order to provide emergency services.

If the Mayor or Town Administrator determine to send employees home before the conclusion of their work day or determines not to have employees report for work due to inclement weather or natural disaster, the employees will be paid their normal rate of pay for their regular work hours for that day.

## **CHAPTER 5**

### **Compensation**

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#### **5.1 SALARY CLASSIFICATION AND RANGE**

Each job title within the Town may be classified into one of the Town's classifications for salary purposes. Each classification or job is designated a particular salary or wage schedule which is approved annually by the Town Council. Most exempt positions have a salary without a range in which case the salary shall be established by the Council.

#### **5.2 EMPLOYEE PAY RATES**

Where relevant, employees shall be paid within the limits of the wage range to which their positions are assigned. Usually, new employees will start their employment at the minimum wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum when the employee's experience, training, or proven capability warrant or when prevailing market conditions require a starting rate greater than the minimum.

#### **5.3 PAY INCREASES**

A Department Head may at any time recommend to the Town Administrator a merit pay increase contingent on exceptional employee performance. A supervisor may recommend pay increases to those employees whose annual performance evaluation is above satisfactory. Granting of pay increases is contingent on approval of the Town Administrator and the Mayor.

#### **5.4 PAYDAYS**

Effective October 1, 2015, paydays shall occur on the 1<sup>st</sup> day of the month. However, if the 1<sup>st</sup> of the month falls on a Saturday, payday shall be the day prior to the weekend. When the 1<sup>st</sup> falls on a Sunday or Holiday Monday, payday shall be the next regular business day. Paydays are compensation for the previous calendar month. Payment draws are not offered and will not be allowed.

#### **5.5 DEDUCTIONS**

The law requires some regular deductions from employee earnings. The employee shall specifically authorize other deductions. The Town will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized in writing by the employee and submitted to the Town's Payroll Officer.

#### **5.6 GARNISHMENTS**

The Town will enforce garnishments and wage attachments as required by federal or state laws. The Town will not enter into modifying agreements of any kind unless specifically instructed to do so by the court. The court ordered writ of garnishment shall not be cause for corrective action or discharge.

If an employee has signed an official volunteer agreement for cellular phone services through the Town of Friday Harbor and is negligent in the payment of such services, the employee understands that the full payment for such services will be taken from their paycheck at the next scheduled payday.

## 5.7 COMPENSATION UPON TERMINATION

When an employee's employment with the Town comes to an end, the employee will receive the following compensation on the next regularly scheduled payday:

- Regular wages for all hours worked up to the time of termination that have not already been paid;
- Any overtime or compensatory pay due;
- A lump sum payment of any accrued but unused vacation within the limitations of accrual; and
- Accrued unused sick leave. If retiring, accrued unused sick leave may be paid under special circumstances (*See Sick Leave, Chapter 8*).

An employee terminating employment with the Town shall be paid in accordance with the provisions in effect at the time of termination.

## 5.8 TRAVEL AWAY FROM THE TOWN

All travel away from the Town must be approved in advance by the Department Head.

Town employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the Town including food, lodging, and travel expenses while away provided, however, there shall be no reimbursement for food unless the trip includes an approved overnight stay or takes the employee more than sixty (60) miles from the Anacortes Ferry Terminal. Tips, not to exceed fifteen (15) percent, for meals, taxis, or baggage handling are reimbursable.

Town business includes normal Town, governmental, and proprietary functions, seminars, and association meetings.

Requests for reimbursement, including receipts, shall be submitted on an expense report form signed by the employee and the Town Administrator. Reimbursement requests should be submitted within ten (10) days of return to work.

To qualify for reimbursement, such expenses must be reasonable and prudent under the circumstances. Unnecessary or excessive expenditures shall not be approved or reimbursed.

It shall be the responsibility of the Town Administrator to insure that these policies are adhered to. Exceptions to the rules set forth herein may be made only for unusual or

extenuating circumstances upon the written directive of the Town Administrator.

It will be the responsibility of the Finance Department to provide the forms and a copy of the instructions necessary for their implementation.

If private automobiles are used, employees will be reimbursed for reasonable and customary mileage expenses at the rate specified by the Town's current "Mileage Allowance" resolution. Mileage between points shall be determined on the basis of the distances shown on a current Internet mileage calculator or highway map. Expenses shall be reimbursed for travel within a three hundred (300) mile radius of the Town. Trips beyond this limit may be reimbursed in an amount equal to the appropriate round trip coach airfare to the destination if air service is available. Whenever it is feasible for two or more employees to travel on official business in one car, they shall do so.

Miscellaneous travel costs such as bus, tax, bridge or other tolls, parking, ferry, and the like will be reimbursed based upon the actual expense incurred.

Incidental educational materials that are required for specific authorized schools will be reimbursed. These supplies are and will remain the property of the Town.

Copies of conference/training session brochures must be attached to expense reports.

Certain travel expenses are considered personal and not essential to the transaction of official Town business. Such non-reimbursable expenses include but are not limited to:

- Alcoholic beverages
- Personal entertainment and transportation
- Theft, loss, or damage to personal property
- Expenses of spouse, family, or other persons not authorized to receive reimbursement
- Barber or beauty parlor expenses
- Airline and other trip insurance
- Medical or hospital expenses
- Personal toilet articles
- Postage
- Reading material
- Personal telephone calls

No expense report for reimbursement shall be paid unless it is accompanied by the required bona fide vendor's receipt. Such receipts must be itemized indicating all items purchased. Such receipts should show the date, a description of the purchase, vendor identification, and amount paid. Receipts are required for all expenses. An exception may be allowed for expenditures under \$2.00.

No direct billing is allowed unless approved by the Finance Officer. Invoices to the Town for unauthorized travel expenses will be turned over to the offending employee to be paid personally.

## CHAPTER 6

### Performance Evaluations & Training

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#### 6.1 PERFORMANCE EVALUATIONS

To ensure all employees perform their jobs to the best of their ability, it is important the employee and his or her supervisor communicate openly and frequently about the job and any concerns or problems the employee may be experiencing. To accomplish this the Town has established a performance review process.

6.1.1 Trial Service Period. During the trial service period, the supervisor and the employee will meet to discuss the employee's progress. All employees who have successfully completed their working trial period will receive a written evaluation at the end of the six (6) month trial period.

6.1.2 Scheduled Evaluations. Employees will receive performance evaluations each year on their performance review date. Normally this occurs twelve (12) months from the last review date; however, the formal performance evaluation date may be delayed or accelerated by the Town Administrator based on the employee's performance. Supervisors and employees are expected to discuss performance issues and progress throughout the year.

The primary purpose of the annual performance evaluation is to ensure that employees understand what is required of them for successful performance of their job duties and requirements. Additionally, evaluations may be used as a factor in pay increase decisions, performance improvement efforts, career growth, and determination of training needs as well as in whether the employee may be promoted, transferred, demoted, or discharged. Written performance evaluations are part of the employee's personnel file.

#### 6.2 TRAINING POLICY

The Town will pay for certain classes and courses taken by regular employees. A written request should be made to the supervisor for education assistance. The request should include specifics of the course and how the employee's completion of the course will benefit the Town.

Items that may be paid for are tuition, travel expenses, and required course materials. Payment will be conditioned on attending classes, completing the course work, and receiving a passing grade. Employees who do not satisfactorily complete the course will be required to reimburse the Town.

If education is required for continued employment such as for a mandatory certification, the time spent in class shall be treated the same as work hours.

Classes that may be paid for by the Town are:

- Classes to maintain required certification.
- Classes specifically recommended by an employee's supervisor to expand skills or keep up with changes in the demands of the job.
- Education to improve an employee's general abilities related to job skills and requirements including professional conferences.

## CHAPTER 7

### Benefits

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#### 7.1 RETIREMENT BENEFITS

The Town makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.

All regular full-time and eligible part-time employees are covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

Employees eligible to retire under the eligibility requirements of their retirement system and intending to retire should notify the Personnel Officer of their intent to retire at least three (3) months prior to the date of retirement.

#### 7.2 DISABILITY BENEFITS (WORKERS COMPENSATION)

All employees are covered by the State Workers' Compensation Program (Industrial Insurance). This insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost and medical costs due to job-related injuries or illnesses. All job-related accidents should be reported immediately to the supervisor. Activities undertaken by employees outside their normal scope of work and/or workday may not be covered by the State Workers' Compensation Program.

When an employee is absent for one or more days due to an on-the-job accident, they are required to file a claim for Workers' Compensation. If the employee files a claim, the Town will continue to pay (by use of the employee's unused sick leave) the employee's regular salary pending receipt of Workers' Compensation benefits.

7.2.1 Coordination of Benefits. When the employee receives Workers' Compensation benefits, they are required to repay the Town the amount covered by Workers' Compensation and previously advanced by the Town. This policy is to ensure that employees will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave is available, while ensuring that no employee receives more than they would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate prorated amount of sick leave shall be restored to the employee's account. Employees may supplement Workers' Compensation salary benefits by using accrued sick or other forms of leave to increase their Workers' Compensation disability payments up to an amount not to exceed their net pay if they were working their regular schedule.

7.2.2 Examination. The Town may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and

if he or she will be capable of performing the duties of the position.

### 7.3 HEALTH INSURANCE BENEFITS

Regular full-time employees, part-time employees working thirty-two (32) or more hours per week, and their dependents are eligible to participate in the Town's insurance programs on the first day of the month following their hire date. The Town contributes toward the cost of insurance premiums as authorized by the Town Council. The remainder of the premiums, if any, shall be paid by the employee through payroll deduction. The Town reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable with prior notice to affected employees.

Temporary employees are not eligible for insurance coverage.

### 7.4 CONTINUATION OF INSURANCE COVERAGE

7.4.1 Leave of Absence. Upon mutual agreement between the employee and the Town and in accordance with the terms and the conditions of the Town's medical insurance policy the Town may, at its sole discretion, continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. The Consolidated Omnibus Budget Relocation Act of 1986 (COBRA) continuation rights may apply in the event coverage is not extended through the Town.

7.4.2 Workers' Compensation Leave. An employee receiving Workers' Compensation benefits continues to accrue vacation leave and sick leave, but not holidays or personal leave day credit, for up to three (3) months. The Town also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay their share of premiums, if any. After six (6) months, the employee's benefits shall cease unless the Town Administrator makes an exception. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time they receive Workers' Compensation benefits.

7.4.3 COBRA Rights. Upon an employee's termination from Town employment or upon an unpaid leave of absence the employee may be eligible to continue Town health insurance benefits to the extent provided under the federal COBRA regulations. A small administrative handling fee over and above the cost of the insurance premium may be charged to the employee or their dependents that elect to exercise their COBRA continuation rights.

7.4.4 Separation, Retirement, Leave of Absence. For eligible employees who separate from employment, retire, or are on an approved leave of absence, the Town will pay the insurance premium for the first month the employee is leaving, provided the employee is on paid status for the first five (5) days of the month.

## 7.5. UNEMPLOYMENT COMPENSATION

Town employees may qualify for State Unemployment Compensation upon termination from employment depending on the reason for termination and if certain qualifications are met.

## CHAPTER 8

### Leaves

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#### 8.1 VACATION LEAVE

All employees should have time off for rest and relaxation. Each regular full-time employee is entitled to vacation leave as follows:

<u>Years of Employment Beginning - to - End</u>	<u>Monthly Vacation Hours Earned</u>	<u>Equals Days per Year</u>
0-2 years	8 hours/month	12
3 years	8.67 hours/month	13
4 years	9.33 hours/month	14
5-10 years	10 hours/month	15
11-15 years	12 hours/month	18
16-20 years	14 hours/month	21
21 + years	16.67 hours/month	25

All new employees must satisfactorily complete their trial period to be entitled to the use of vacation leave. New full-time employees who begin their first day of work on or before the 15<sup>th</sup> of the month will be credited with eight (8) hours of vacation leave at the end of their first month. New full-time employees who begin after the 16<sup>th</sup> of the month will be credited with four (4) hours of vacation leave at the end of their first month. Thereafter accruals will be as specified for a full-time regular employee. Regular part-time employees will receive vacation on a pro-rata basis according to hours budgeted. Temporary employees are not eligible for any vacation benefits. Employees do not accrue vacation benefits during a leave without pay. Employees accrue but may not use vacation leave during their trial periods unless authorized by the Town Administrator in writing. Employees who do not successfully complete their trial period forfeit all vacation leave.

Each department is responsible for scheduling its employees' vacations without undue disruption of department operations. Leave requests should be submitted to the department supervisor for prior approval. Leave requests longer than three (3) days should be submitted at least two (2) weeks prior to taking vacation leave. Sick leave may not be used during vacation leave.

The maximum number of vacation hours that may be carried over from one calendar year (January – December) to the next is two hundred forty (240) hours. On January 1<sup>st</sup> of each year all employees should have two hundred forty (240) hours or less, except as

noted below. Employees will forfeit any vacation hours in excess of two hundred forty (240) hours as of January 1<sup>st</sup>.

In cases where Town operations have made it impractical for an employee to use vacation time, the Town Administrator may on rare occasions give written authorization for additional carryover. Employees will be paid for unused vacation time upon termination of employment within accrual limitations.

## 8.2 SICK LEAVE

Sick leave provides eligible employees with a measure of financial protection by allowing time off with pay when a personal illness, accident, disability, or illness of an immediate family member occurs. Sick leave is solely intended as a form of income protection. It is not to be considered as paid time off owed to an employee nor will unused sick leave be paid at termination except as defined below.

All full-time regular employees accrue sick leave benefits at the rate of eight (8) hours for each calendar month of continuous employment. New full-time employees who begin their first day of work on or before the 15<sup>th</sup> of the month will be credited with eight (8) hours of sick leave at the end of their first month. New full-time employees who begin after the 16<sup>th</sup> of the month will be credited with four (4) hours of sick leave at the end of their first month. Regular part-time employees accrue sick leave benefits on a pro-rata basis according to hours budgeted. Employees accrue but may not use sick leave during their trial periods unless authorized by the Town Administrator in writing. Part-time employees are not allowed to use sick leave on days they are not scheduled to work. Temporary employees are not eligible for sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.

8.2.1 Allowable Uses of Sick Leave: Sick leave covers those situations in which an employee is absent from work due to:

- (a) Employee's own health condition (illness, injury, physical or mental disability including disability due to pregnancy or childbirth);
- (b) The need to care for the employee's immediate family;
- (c) Medical or dental appointments for the employee, children, spouse, or parent;
- (d) Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- (e) Use of a prescription drug which impairs job performance or safety.

A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The Town may also request the opinion of a second doctor at the Town's expense to determine whether the employee suffers from a chronic physical or mental condition that impairs their ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated

if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the town.

In the case where "time off for recovery" is called for, a physician's report is required. The physician's report shall be signed by the employee's physician, returned to the Town, and attached to the employee's monthly time sheet.

When sick leave is exhausted, employees who require more time off due to illness or injury may, with their Department Head's prior approval, use vacation, compensatory time, floating holiday, or leave without pay.

Maximum accumulated sick leave is eight hundred and twenty (820) hours.

Upon separation from employment any unused sick leave shall be forfeited and employees shall be paid for 25% of their accumulated sick leave up to a maximum of 205 hours (.25 x 820 hours earned).

### 8.3 FAMILY CARE LEAVE

Due to its small size, the Town is not covered by the Washington Family Care Act or the federal Family and Medical Leave Act. Employees may use their choice of any accrued leave that they have available for their own use in order to care for a member of their immediate family as described below. Leave such as vacation and sick leave will continue to accrue during paid leave but not during unpaid leave. An employee may be required to use any accrued paid leave before a leave without pay commences.

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

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

- (a) Require an overnight stay in a hospital or other medical-care facility;
- (b) Result in a period of incapacity or treatment or recovery following inpatient care;
- (c) Involve continuing treatment under the care of a health care services provider that includes any period of incapacity to work or attend to regular daily activities; or
- (d) Involve an emergency (i.e., demand immediate action).

8.3.3 Notification and Return to Work. A leave of absence shall be requested in writing

and submitted to the Department Head thirty (30) days prior to the date on which the employee wishes to begin the leave or as soon as the need for such leave is known, whichever occurs first. Authorization for and determination of applicability of accrued leave time or leave without pay to be used during a leave of absence will be made by the employee's Department Head and the Town Administrator and communicated to the employee as soon as possible following receipt of the leave request. The employee shall also provide his/her supervisor with his/her intended date of return.

8.3.4 Confirmation Requirement. The Town Administrator may require an employee requesting a leave of absence to provide confirmation from a health care provider of the need and probable duration of the leave requested. The confirmation must be provided to the Town Administrator within fifteen (15) days of the date that confirmation is requested by the Town. The Town reserves the right to obtain, at its expense, an opinion from a second health care provider of the Town's choosing.

8.3.5 Status Reports While Using Leave of Absence. The Town may require an employee using an approved leave to periodically report their status and intention to return to work. The Town may also require an employee to obtain additional, written medical certification for the need to continue the leave.

#### 8.4 LEAVE OF ABSENCE WITHOUT PAY

8.4.1 The Town Administrator may grant leaves of absence without pay for an absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons such as a prolonged illness, parenting, caring for an ill relative, or pursuing an education.

8.4.2 Upon written request of the employee and recommendation of the Department Head, the Town may grant a regular employee a leave of absence without pay. The request and the Department Head's written recommendation of such leave shall be entered in the employee's personnel file. No vacation, retirement, or sick leave benefits shall accrue while an employee is on leave of absence without pay; moreover, the employee's employment anniversary date will be adjusted by the length of that portion of granted leave which is in excess of thirty (30) days. Such leaves shall not be granted for periods in excess of six (6) months, provided, however, an additional six (6) months may be granted if the purpose of the leave is for education or training which the Town believes will be beneficial to the Town as well as to the employee.

8.4.3 During an approved leave of absence without pay, the employee shall be required to continue membership in the health insurance program by paying each month's full premium costs in advance, subject to rules of Workers' Compensation leave. During such leave without pay, the Town shall pay no portion of the health insurance premiums including but not limited to dental and vision.

## 8.5 JURY AND WITNESS LEAVE

8.5.1 Jury Duty. The Town provides all employees leave for jury duty service. The employee must provide his/her supervisor with a copy of the jury duty summons as soon as possible after receiving it. Regular full-time and part-time employees who have completed their trial period receive paid jury duty leave of up to two (2) weeks each time they are called for jury service. In general, if jury duty extends beyond two (2) weeks in any one instance the additional leave will be unpaid. Exempt salaried employees who are asked to serve longer than two (2) weeks should contact the Town Administrator to discuss whether further paid leave will be provided. Upon completion of jury duty, the employee is required to provide their supervisor with proof of jury service.

8.5.2 Witness Duty. All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless the employee is a witness in a case involving the Town. For exempt salaried employees, however, salary payment will continue except for full-day absences caused because the employee is a party in a lawsuit.

## 8.6 ADMINISTRATIVE LEAVE

On a case-by-case basis, the Town may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interests of the Town as determined by the Town Administrator during the pendency of an investigation or other administrative proceeding.

## 8.7 MILITARY LEAVE

8.7.1 Military Training Leave. Regular full-time and part-time employees who are members of the National Guard or Federal Reserve military units are entitled to paid leave for a period of up to twenty-one (21) working days per year, or any greater period required by law, for performing ordered active duty training. If the active duty training exceeds twenty-one (21) working days, the employee will take accrued compensatory time, available vacation, and leave without pay in that order.

8.7.2 Leave for Active Duty Military Service. Regular employees who are called to or volunteer for active duty military service in excess of their twenty-one (21) days will be placed on an indefinite unpaid leave of absence during the time the employee is on an active duty status with any branch of the United States Armed Forces or State militia. The employee may, at his or her option, use any or all of accrued vacation leave prior to moving to the unpaid status. Any unused leave accruals remaining at the time the unpaid leave begins will be held until the employee returns to active employment with the Town. The employee will not earn additional vacation or sick leave during the time of the unpaid leave, nor will he or she be entitled to health insurance benefits except as may be provided for

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

## 8.8 LEAVE FOR SPOUSES OF MILITARY PERSONNEL

During a period of military conflict, an employee who is the spouse of a member of the Armed Forces, National Guard, or Reserves who has been notified of an impending call or order to active duty or has been deployed is entitled to up to fifteen (15) days of unpaid leave while his or her spouse is on leave from deployment or before and up to deployment. The purpose of this leave is to comply with RCW Chapter 49.77 and to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of twenty (20) hours per week to be eligible for this family military leave.

8.8.1 An employee who seeks to take family military leave must provide the Town with notice of his or her intent to take leave within five (5) business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute any available accrued leave for any part of this family military leave.

8.8.2 An employee who takes leave under this section may elect to substitute eligible vacation leave to which the employee may be entitled for any part of the leave under this section.

8.8.3 Upon return from leave, an employee is entitled to be restored to his or her position of employment or an equivalent position as if such leave had been taken pursuant to RCW 42.78.220. While on unpaid leave, employee shall continue, at the employee's expense, medical or dental insurance coverage including any spouse and dependent coverage in accordance with state or federal law. The premium to be paid by the employee shall not exceed one hundred two percent (102%) of the applicable premium for the leave period, as amended from time to time by RCW 49.77.030 and RCW 49.78.290.

## 8.9 DOMESTIC VIOLENCE/SEXUAL ASSAULT LEAVE

8.9.1 This leave is available to employees who are victims of domestic violence, sexual assault, or stalking as provided in RCW Chapter 49.76. Employees who are victims of domestic violence, sexual assault, or stalking may take reasonable or intermittent leave from work to take care of legal or law enforcement needs or to get medical treatment, social services assistance, or mental health counseling. Employees who are family members of a victim may also take reasonable leave to help the victim obtain treatment or seek help. For definitions and further guidance regarding this type of leave, see RCW Chapter 49.76. This section does not apply to temporary or seasonal employees.

An employee who is absent from work pursuant to this policy may elect to use his

or her sick leave, vacation, compensatory time, or unpaid leave time.

8.9.2 Notice Requirements. As a requirement of taking leave under this section, an employee shall give the Town advance notice of the intention to take the leave. When advance notice cannot be given due to an emergency or unforeseen circumstance, the employee or his or her designee must give notice to the Town no later than the end of the first day that the employee takes such leave.

8.9.3 Verification. The Town may require that the request for leave be supported by verification that the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking and that the leave taken was for one of the purposes described in this section. An employee may provide one or more of the following:

- (a) A police report indicating the employee or employee's family member was a victim;
- (b) A court order providing protection to the victim;
- (c) Documentation from a healthcare provider, advocate, clergy, or attorney; or
- (d) An employee's written statement that the employee or employee's family member is a victim and needs assistance. Family relationship may be determined by birth certificate, court document, or other similar record or a statement from the employee.

The need for the leave is confidential and will only be released with the employee's consent, by court or administrative agency order, or as otherwise required by law.

8.9.4 Continuation of Position; Benefits. To the extent required by law, RCW 49.76.050, the Town will maintain the employee in the position of employment held prior to taking leave or restore the employee to an equivalent position. The Town will maintain coverage under its health insurance plan for an employee who takes leave under this policy.

## 8.10 BEREAVEMENT LEAVE

The Town provides regular full-time and part-time (on a pro-rated basis) employees with paid leave for up to three (3) days in the event of the death of an immediate family member. An additional two (2) days may be granted by the Town Administrator in the event the employee must travel over six hundred (600) miles. Verifying information may be required. In order to be granted bereavement leave with pay, an eligible employee must notify and receive approval from his or her Department Head before taking the leave.

## 8.11 SHARED LEAVE PROGRAM

The Town Administrator may authorize employees to donate their accrued vacation leave to another Town employee who is suffering from or who has an immediate family member

suffering from an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate their employment. The following conditions apply:

- 8.11.1 Qualified Recipients. An employee may apply for shared leave if he or she: 1) has completed their initial trial period and is a regular status employee; 2) has exhausted all his or her accumulated vacation leave, sick leave, personal leave day, and compensatory time; and, 3) is not eligible for Workers' Compensation benefits.
- 8.11.2 Qualified Donors. To be eligible to donate vacation leave, the employee who donates leave must have at least ten (10) days of accrued vacation leave. In no event shall a leave transfer result in the donor employee reducing their vacation leave balance to less than ten (10) days. Transfer of leave will be in increments of one (1) day of leave. All donations of leave are strictly voluntary.
- 8.11.3 Parameters. Total shared leave is available for a maximum of six (6) weeks (240 hours) per twelve (12) month period. An appropriate pro-rata for part-time employees is available.

Once leave has been donated and forwarded to the Payroll Clerk, it cannot be returned to the donor. Donated vacation leave is credited as sick leave to the recipient employee. Shared leave will be donated on an hour for hour basis. For example: An employee donates eight (8) hours of vacation leave, and the recipient employee receives eight (8) hours of sick leave.

Donated leave to a qualified recipient may be terminated under any of the following conditions/circumstances:

- (a) After use of 240, or pro-rata, hours of leave;
- (b) Upon the physician's release to work whether regular or light duty; or
- (c) Upon eligibility for disability insurance benefits or retirement.

Requests for contributions of leave shall be submitted in writing to the Town Administrator or designee with a copy provided to the Department Head. The request for approval must be accompanied by acceptable medical verification from a licensed physician submitted by the employee or designee. This must include the diagnosis by the physician(s), a description of the reasons the employee is unable to perform the duties of their position, and the physician's prognosis and expectation of return to work.

Employees who are on approved shared leave and whose medical condition improves sufficiently to return to work, whether regular or light duty, shall immediately notify their supervisor.

If an employee has abused the opportunity or falsified information or was otherwise not eligible for the leave, the employee shall be subject to disciplinary action. Employees who fail to advise the Department Head of the physician's release to return to work in a timely manner shall be not be credited monthly sick leave accrual until excess leave is reimbursed and shall be subject to disciplinary action.

The Town Administrator or Payroll Officer will post the request for Shared Leave. Employees should not solicit other employees for such leave.

The Town Administrator, whose decision shall be final, will review any dispute arising over the Shared Leave Program.

## 8.12 HOLIDAYS

The following are recognized as paid holidays for all regular full-time and part-time employees:

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

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday.

Holidays occurring while on vacation or sick leave or while on other paid leave status shall not be charged against such leave during the first thirty (30) calendar days of such leave.

For flextime employees, holidays are considered eight (8) hour days.

Temporary employees are not eligible for holiday pay and will be paid at their regular straight-time rate for hours worked on a holiday.

## 8.13 PERSONAL LEAVE DAY

In addition to the holidays listed in Section 8.12, regular full-time and part-time employees are eligible for one (1) personal leave day per year. The personal leave day must be taken before December 31<sup>st</sup> in the calendar year in which it is earned and must be taken in one eight (8) hour shift (or as pro-rated for regular part-time employees). If not used within the calendar year, the personal leave day may not be carried over into the next year. Department Head approval is needed prior to taking a personal leave day.

## 8.14 PANDEMIC EVENT LEAVE

The purpose of this policy is to protect the general public health, safety, and welfare and to recognize the broad authority granted by the State Legislature in RCW Chapter 70.05 to the Health Officer and Board of Health in combating infectious disease outbreaks. It grants the Town Administrator authority to take steps to prevent the transmission of infectious viruses or bacteria that are the causative agents of a pandemic through the tools of social isolation. It is the intention of the Town to rely on the determinations of the Health Officer in the implementation of these personnel rules.

The steps taken by the Town Administrator will be based on written determinations of the Health Officer as set forth below. These policies will not take effect except in the event of a Pandemic or Threatened Pandemic Event.

### 8.14.1 Definitions.

- (a) *Health Officer:* The San Juan County Health Officer or his/her designee.
- (b) *Pandemic Event:* The World Health Organization has established a pandemic alert phase 5 with active cases confirmed in the United States, Canada, or Mexico; or an alert phase 6 whether or not there are cases in the United States, Canada or Mexico.
- (c) *Pandemic Infection:* An infection in a human being caused by a microbe that is the subject of a pandemic event.
- (d) *Probable or Suspected Pandemic Case:* A case that meets the clinical and epidemiologic criteria for a diagnosis of infection caused by the pandemic microbe strain, whether or not a final laboratory diagnosis has been completed.
- (e) *Severity Level:* The level of risk of mortality, as determined by the Health Officer, resulting from a novel strain of infectious disease agent associated with a pandemic or threatened pandemic.
- (f) *Symptoms of Infection:* A list of clinical and epidemiologic criteria prepared by the Health Officer for the purpose of identifying probable or suspected pandemic cases in the workplace without the use of laboratory tests.
- (g) *Threatened Pandemic Event:* The World Health Organization has established a pandemic alert phase 4 with active cases confirmed in the United States, Canada, or Mexico.

8.14.2 Authority of Health Officer and Town Administrator. The Health Officer has the authority under state and local laws to take appropriate action to protect the public health. In the event of a pandemic or threatened pandemic event, the Town will rely on the written determinations of the Health Officer including the

following:

- (a) A written list of the symptoms of the pandemic infection; and
- (b) A determination of the severity level of the pandemic infection.

The Town Administrator shall base his or her decisions under this policy on the existence of a pandemic or threatened pandemic event as determined by the World Health Organization and the Health Officer's determination of the severity level and the need for a declaration of emergency.

8.14.3 Threatened Pandemic Event. The Town Administrator or his/her designee may take the following steps to protect the health of Town employees in response to a pandemic event or a threatened pandemic event. The Town Administrator shall base his/her actions on symptoms of infection and the severity level as determined in writing by the Health Officer. These steps are listed in order of increasing severity based upon a determination of the Health Officer, but do not have to be instituted in that order depending on the threat level as determined by the Health Officer:

- (a) Severity Level 1. No additional precautions.
- (b) Severity Level 2. Minor precaution.  
The Town Administrator may require heightened respiratory hygiene and hand washing/hand sanitizing precautions. All coughs and sneezes must be covered and hand sanitizer and hand washing must be used throughout the day and before eating or as directed by the Health Officer.
- (c) Severity Level 3. Moderate precaution.  
The Town Administrator may take the following steps regarding employees who come to the work place with suspected symptoms of infection:
  - 1. The Town Administrator may direct the employee to leave the workplace and seek medical attention by a physician for a medical diagnosis of the suspected symptoms of infection.
  - 2. Depending on the diagnosis and if the Town Administrator or designee determines that the employee is essential to the work force, the employee may return to work at the employee's discretion but will be required to wear a mask or other appropriate health related protective items.
  - 3. Depending on the diagnosis and if the Town Administrator or designee determines that the employee is not essential to the work force, the employee shall be sent home.
- (d) Severity Level 4. Major precaution.

1. Employees who have sick family members with symptoms of infection shall not be allowed on Town premises. The employee has an obligation to report sick family members to their supervisor.
2. Employees will be screened by the employee's immediate supervisor upon reporting for work. In the event the employee displays symptoms of infection, the employee shall be sent home.

(e) **Severity Level 5. Emergency.**

In the event that the Health Officer determines that a health emergency exists due to a pandemic event, the following may be required by the Town Administrator.

1. All employees, except those who are essential to perform vital Town services or emergency operation management, will be sent home and not allowed to return to work until directed by the Town Administrator with the approval of the Health Officer.
2. Failure to comply with directives given by the Town Administrator in the event of a health emergency will be subject to discipline under the Town's personnel rules.

8.14.4 **Return to Work.** Employees with symptoms of infection will not be allowed to return to the workplace until after resolution of the symptoms.

Employees with confirmed medical diagnosis of infection will not be allowed to return to the workplace until released to do so by written permission of a physician.

8.14.5 **Use of Leave Accrual.** Employees on pandemic leave may elect to use accrued sick, vacation, compensatory time, or other available paid time off during the period of required leave. Once leave balances have been expended, the employee will be placed on unpaid leave.

8.14.6 **Health Insurance Benefits.**

- (a) For regular full-time employees, the Town will continue to pay its portion of the employees' and their dependents' health insurance premiums for a period not to exceed sixty (60) days if regular full-time employee status is reduced to part-time employee status due to insufficient available paid leave.
- (b) For regular part-time employees, the Town will continue to pay its portion of the employees' and their dependents' health insurance premiums for a period not to exceed sixty (60) days if regular part-time employee status cannot be achieved due to insufficient available paid leave.

(c) Temporary/seasonal employees are not eligible for leave benefits

#### 8.15 UNPAID LEAVE FOR REASONS OF FAITH OR CONSCIENCE

Employees are entitled to two (2) unpaid holidays per calendar year for reasons of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. *See* RCW 1.16.050.

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her Department Head. The employee will be allowed to take the unpaid holidays on the days he or she has selected unless the absence would unduly disrupt operations or impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" is set forth by the state Office of Financial Management in WAC 82-56-010.

An employee should submit a written request for an unpaid holiday to his or her Department Head at least ten (10) days prior to the requested day. Approval of the unpaid holiday shall not be approved until the Department Head or the Town Administrator authorizes it in writing. The Department Head or Town Administrator will evaluate requests by considering the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability--if any--of a qualified substitute, and the meaning of "undue hardship."

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

## CHAPTER 9

### Employee Responsibilities and Conduct

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#### 9.1 GENERAL CODE OF CONDUCT

All Town employees are expected to represent the Town to the public in a professional manner that is courteous, efficient, and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment as determined by their position.

Since the proper working relationship between employees and the Town depends on each employee's on-going job performance, professional conduct, and behavior, the Town has established certain minimum standards of personal conduct. Among the Town's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to Town guidelines, procedures, safety rules, and safe work practices; compliance with directions from supervisors; preservation and protection of the Town's equipment, grounds, facilities, and resources; and provision of orderly and cost efficient services to its citizens.

The Town is a relatively small organization. To function as efficiently as possible employees may be asked to perform seemingly "menial" duties outside their regular assignments. It is no reflection on one's worth to the Town, but rather a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the Town also reserves the right to change work conditions and the duties originally assigned. If these arrangements become necessary, the Town expects the employee's best cooperation.

Disciplinary action is not primarily intended to be punitive, but rather to maintain the efficiency of day to day operations in keeping with sound principles of human relations in the Town's service.

#### 9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

The position all regular employees hold with the Town is viewed by the Town as the employee's primary job. Due to the high standards and the emergency service expectations of the public for all Town employees, all outside employment shall be approved in advance by the Town Administrator or the Mayor.

9.2.1 Outside Employment. Employees may engage in another job outside their Town employment as long as it does not conflict with the best interests of the Town or interfere with the employee's ability to perform his or her Town job. Specifically, outside activities may not:

- (a) Interfere with Town job responsibilities as described in the employee's job description and as assigned by the employee's supervisor(s);

- (b) Be conducted during the employee's work hours;
- (c) Utilize Town telephones, computers, supplies, or any other Town resources, facilities, or equipment;
- (d) Include employment with a firm which has contracts with or does business with the Town unless the employee's work is not related to and does not influence the Town's contracts or business with the employer;
- (e) Involve service in a decision-making or recommending capacity with a public, private, or non-profit agency that solicits funds from the Town and where the employee has a role in the Town to influence such actions; or
- (f) Be reasonably perceived by members of the public as a conflict of interest or otherwise be a discredit to public service.

9.2.2 Conflicts of Interest. No employee, elected official, board or commission member, or authorized volunteer of the Town shall use his or her position for personal gain. They shall avoid conflicts of interest or the appearance of conflicts of interest.

### 9.3 GIFTS AND GRATUITIES

No Town employee shall solicit or receive a gift, loan, favor, entertainment, or other thing of monetary value if it is or it appears to be solicited, received, or given with the intent to give or to obtain special consideration or influence on any job-related action by the employee. However, this policy shall not prohibit:

- Attendance at a hosted meal provided in conjunction with a seminar, conference, or banquet that relates directly to the Town's business or is attended as a staff representative;
- An award publicly presented in recognition of public service;
- An occasional non-monetary gift (such as fruit and candy given to the Town) having a monetary value of \$50.00 or less when the gift is offered without obligation or the appearance of obligation. Such a gift may be accepted if made available to employees and to the public alike; or
- Any gift which would have been offered or given to the employee regardless of employee's employment with the Town.

### 9.4 CHILDREN / ANIMALS AT WORK

Childcare is the responsibility of each individual employee. The Town of Friday Harbor does not provide for childcare; and, outside of the normal daily contact, employees are not allowed to conduct childcare while on Town business.

Animals, including pets, are prohibited at work inclusive of Town facilities, vehicles, and

equipment.

## 9.5 PERSONAL PHONE CALLS

Employees are not permitted to make extended personal calls or personal long distance phone calls while working on Town time or equipment. However, if Town business creates an unforeseeable need for the employee to work late, a brief long distance personal call is permitted for the purpose of notifying family members. Town phones, including cell phones, may be used for emergency situations.

Employees driving and using cell phones while on Town business must pull over and reply to calls or make calls, or use a hands free device while driving. Washington State has a hands-free law which prohibits the use of wireless devices such as cell phones being held to the ear while driving. Text messaging and other forms of messaging such as e-mail are also strictly prohibited while driving. Violations of this Section may be grounds for discipline up to and including termination.

## 9.6 SOLICITATIONS

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of Town or employee property. The following limitations apply:

9.6.1 Persons not employed by the Town may not solicit, survey, petition, or distribute literature on our premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. Exceptions to this rule may be made in special circumstances where the Town determines that an exception would serve the best interests of the organization and our employees. An example of an exception might be the United Way campaign or a similar, community-based fund raising effort.

9.6.2 Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time such as before or after work or during meal or break periods. Employees who are soliciting on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas. Employee lunchroom areas are considered a non-work area under this policy.

## 9.7 REPORTING IMPROPER GOVERNMENTAL ACTION

9.7.1 General Policy. In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by Town officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the Town with a process provided for speedy dispute resolution.

9.7.2 Improper Governmental Action. Any action by a Town officer or employee is considered an improper government action when it is:

- (a) Undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
- (b) In violation of any federal, state, or local law or rule; an abuse of authority; of substantial and specific danger to the public health or safety; or a gross waste of public funds.

9.7.3 Definitions.

- (a) Improper governmental action: This does not include personnel actions (e.g., hiring, firing, complaints, promotions, reassignment). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.
- (b) Retaliatory Action: (1) Any adverse change in an employee's employment status or 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 (2) hostile actions by another employee towards an employee that were encouraged by a supervisor or senior manager or official.
- (c) Emergency: A circumstance that if not immediately changed may cause damage to persons or property.
- (d) Employee: For the purpose of this section only, any person appointed to a position with the Town under any provision of the personnel ordinance of the Town whether part-time or full-time, temporary, or contract hire.

9.7.4 Procedure for Reporting Improper Governmental Action. Town employees who become aware of improper governmental action should follow this procedure:

- (a) Bring the matter to the attention of his or her supervisor, if non-involved, in writing stating in detail the basis for the employee's belief that an improper action has occurred. This should be done as the employee becomes aware of the improper action.
- (b) Where the employee believes the improper action involves his or her supervisor, the employee may raise the issue directly with the Mayor or the Town Administrator.

- (c) The Mayor, the Town Administrator, or their designee shall promptly investigate the report of improper governmental action. After the investigation has been completed, the employee shall be advised of the results of the investigation, except that any personnel actions taken as a result of the investigation may be kept confidential.

An employee may report information about improper governmental action directly to the appropriate government agency responsible for investigating the improper action if: (1) This is a case of an emergency where the employee reasonably believes that damage to persons or property may result if action is not taken immediately; or (2) The employee reasonably believes that an adequate investigation was not undertaken by the Town to determine whether an improper governmental action occurred, or that insufficient action has been taken by the Town to address the improper governmental action, or that for other reasons the improper governmental action is likely to recur.

Employees who fail to make a good faith attempt to follow the Town's procedures in reporting improper governmental action shall not receive the retaliation protections provided by the Town in these procedures and pursuant to RCW 42.41.030.

9.7.5 Protection Against Retaliation. It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe that they have been retaliated against for reporting an improper governmental action should report their concerns to the Mayor or, if the Mayor is the basis of the complaint, to the Mayor Pro Tem.

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

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

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

After either receiving the response of the Town or within thirty (30) days after the delivery of the charge to the Town, the employee may request a hearing before a

state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Town Administrator within the earlier of fifteen (15) days of delivery of the Town's response to the charge of retaliator action, or forty five (45) days of delivery of the charge of retaliation to the Town for response.

Upon receipt of request for hearing, the Town shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge or make arrangements for appointment of a private professional quasi-judicial hearings officer. The Town will consider any recommendation provided by the hearings officer that the retaliatory individual be suspended with or without pay or dismissed.

9.7.6 Responsibilities. The Town Administrator is responsible for implementing the Town of Friday Harbor's policies and procedures for reporting improper governmental action and for protecting employees against retaliatory action. This includes ensuring that this policy and these procedures are:

- (a) Permanently posted where all employees will have reasonable access to them;
- (b) Made available to any employee upon request; and
- (c) Provided to all newly-hired employees.

Officers, managers, and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of this policy and these procedures may result in appropriate disciplinary action up to and including dismissal.

## 9.8 POLITICAL ACTIVITIES

Town employees may participate in political or partisan activities of their choosing provided that Town resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public while performing their regular duties may not wear or display any button, badge, or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit on Town property or Town time for a contribution to a partisan political cause.

An employee shall not hold an appointed or an elected public office of the Town when the holding of such office is incompatible with or substantially interferes with the official duties of the employee's job.

Except as noted in this policy and as authorized by law, Town employees may fully exercise their constitutional First Amendment rights.

#### 9.9 NO SMOKING POLICY

For health and safety considerations, the Town prohibits smoking by employees in all Town facilities including Town-owned buildings, vehicles, and offices or other facilities rented or leased by the Town including individual employee offices. Pursuant to state law, smoking is only allowed outside at least twenty-five (25) feet from building entrances and exits, windows that open, and ventilation intakes. Smokers have a special obligation to keep smoking areas litter-free and to not abuse break and work rules.

#### 9.10 PERSONAL POSSESSIONS

In some cases, the Town has furnished desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. The Town does not, however, assume responsibility for any theft or damage to the personal belongings of employees.

#### 9.11 ELECTRONIC COMMUNICATION AND TECHNOLOGY

The Town provides a communications network capable of electronic mail (E-mail) and Internet access, telephone and voicemail, facsimile machines, cellular telephones and personal digital assistants, and other electronic communications devices (collectively referred as the Town's Technology Resources) to employees to assist in and facilitate legitimate business and communications. The primary purpose of the Town's network and systems is to provide service to the public and is to be used primarily for the Town's business. It is the policy of the Town to maximize cost effective use of computer systems as a means of improving productivity. Incidental de minimus personal use of the Town's Technology Resources by employees is permitted if accomplished in compliance with the provisions of the policy set forth below.

9.11.1 No expectation of privacy. By using the Town's Technology Resources, employees acknowledge and agree that they have no expectation of privacy or confidentiality in their use of these systems or in any data that they create, store, or transmit on or over the systems including any data created, stored, or transmitted during an employee's incidental personal use of the Technology Resources as permitted under this policy. Employees further agree that they are aware of, understand, and will comply with the provisions of this policy, and that their use of Technology Resources can and will be monitored and any data that they create, store, or transmit on or over the Town's systems may be inspected by persons duly authorized by the Mayor or the Town Administrator including the employee's Department Head and the Town's Systems Administrator at any time.

Employees should understand that certain email messages, other electronic communication, and documents created on the Town's computer systems may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation. Even if such communications or documents are not considered a public record, they are subject to search and review by the Town to ensure that they are not public records and/or to confirm that the employee is appropriately using the Town's resources.

- 9.11.2 Standardized software and hardware. The Town has established standard software and hardware for commonly used applications. The use of unauthorized, non-standard software and hardware, including personally owned software and hardware, on Town computer systems without approval of the Town Administrator is prohibited.
- 9.11.3 Installation of software and hardware. Improper installation of software or hardware can damage a computer system, cause malfunction, or conflict with IT configuration. All standardized software and hardware is to be installed by the IT Department. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department in coordination with the IT Department. Any moving, relocation, or rearranging of computer software or hardware should also be coordinated with the IT Department.
- 9.11.4 Ownership and confidentiality. All software programs, applications, templates, data, data files, and web pages residing on the Town's computer systems or storage media or developed on Town computer systems are property of the Town. The Town retains the right to access, copy, modify, destroy, or delete this property. Data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization from the Town Administrator or designee.
- 9.11.5 Acceptable use of the Town's technology resources. The Town's Technology Resources are to be used by employees or authorized volunteers for Town business. Incidental de minimus personal use may be permitted where, in the judgment of the employee's supervisor or Department Head, such use does not interfere with employee or department productivity nor distract/take time away from the worker's or co-worker's assigned work. Generally, incidental de minimus personal use means:
- (a) It is occasional and of short duration;
  - (b) It is done on an employee's personal time, such as on a lunch break;
  - (c) It does not interfere with job responsibilities;
  - (d) It does not result in any expense to the Town;

- (e) It does not solicit for or promote commercial ventures;
- (f) It does not utilize excessive network resources; and
- (g) It does not constitute any prohibited use as discussed below.

9.11.6 Prohibited uses of the Town's technology resources. Use of the Town's Technology Resources to engage in any communication that violates federal, state, or local laws or regulations or any Town policy is strictly prohibited at all times. In addition, the following uses of the Town's Technology Resources are inappropriate and are prohibited at all times unless specifically exempted below:

- (a) Personal commercial use (benefitting an employee's outside employment or commercial business);
- (b) Accessing, receiving, or sending pornographic, sexually explicit, or indecent materials, including materials of an unreasonably offensive nature;
- (c) Usage for any type of unlawful harassment or discrimination including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability, or other protected status;
- (d) Gambling;
- (e) Usage for recreational purposes including the loading of computer games or playing online games;
- (f) Usage that precludes or hampers the Town's network performance such as viewing or listening to streaming audio and/or video (unless for Town business such as for online training);
- (g) Unauthorized copying or downloading of copyrighted material;
- (h) Usage that violates software license agreements;
- (i) Downloading of software programs unless specifically approved by the Town Systems Administrator;
- (j) Usage for political purposes including but not limited to partisan campaigning;
- (k) Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
- (l) Deliberately propagating any virus, worm, Trojan horse, malware, spyware,

or other code or file designed to disrupt, disable, impair, or harm either the Town's network systems or those of any other individual or entity;

- (m) Use of abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
- (n) Use of Technology Resources in an excessive manner so as to deprive others of system use or resources, including the sending of bulk email other than official Town business or forwarding "chain letter" emails of any kind;
- (o) Connecting to the Town network or any specific software package utilizing somebody else's security identification login information to gain alternate security permissions;
- (p) Any personal use, even if incidental, that results in expense to the Town.

Any employee who violates these policies may be subject to disciplinary action up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

9.11.7 Records retention. Employees and the Town have the obligation to maintain all electronic files and records in the same manner in which paper records are to be maintained in accordance with the state archivist records retention schedule. Employees may inquire with the Town Clerk regarding the length of time for retention of any Town record.

Additionally, in compliance with the state Public Records Act, copies of electronic files must be maintained in their original electronic format in a manner that preserves the data inside the file including the metadata. If an employee has questions about this, the employee should contact the Systems Administrator.

## 9.12 WIRELESS COMMUNICATION DEVICES

In addition to the above policy regarding electronic communications and technology, the Town benefits from cellular phone and other wireless communication device technologies and service plans, excluding Wi-Fi routers and local area network devices ("wireless devices"), which allow the Town to contact employees in remote locations for emergency and other work-related purposes, and allow employees efficient use of Town resources. The purpose of this Policy is to outline criteria for the purchase and use of wireless devices by Town employees and to establish guidelines for reimbursement by employees for limited personal use of wireless devices provided by the Town.

It is the policy of the Town to provide employees with efficient, cost effective wireless devices. The purchase and use of wireless devices shall be limited to the requirements and specifications contained in this guideline. The policies and procedures of this guideline apply to all Town departments.

The acquisition of wireless devices shall be limited to those instances in which there is a need for such devices to perform essential Town business or to improve safety, increase productivity, or increase service to the public or where necessary communications cannot be provided by any other means. The purchase of wireless devices shall be subject to approval by the Town Administrator and will be processed through the Communications Coordinator.

9.12.1 Communications Coordinator. The Town Administrator shall designate a Communications Coordinator for oversight of all Town wireless devices and related service plans.

The Communications Coordinator shall assign each wireless device to one Assigned User (a specific individual employee or officer of the Town) and shall ensure appropriate controls are in place for checkout, return, security, and maintenance of the equipment.

The Communications Coordinator will insure that all Assigned Users have read and signed the Assignment of Wireless Device form.

It is the responsibility of the Communications Coordinator to provide for a routine audit or examination of the wireless service provider's billing detail to ensure appropriate use of such equipment.

The Communications Coordinator will work with the Department Heads, the Town Administrator, and/or the Finance Officer to review or audit Assigned Users' use of wireless devices, as appropriate, to ensure that: (1) As technology and work functions evolve, the service plans to which the Town subscribes are appropriate for the Town's business needs; (2) Town monies and resources are being appropriately spent or used on wireless devices and service plans in compliance with applicable laws and regulations; and (3) Assigned Users are appropriately using wireless devices and service plans in accordance with this policy.

9.12.2 Assigned User. Only Town officials and/or employees shall be authorized to use Town-owned wireless devices.

The cell phone or wireless device is the responsibility of the Assigned User. Only the Assigned User may use the device that has been assigned to him or her. The wireless device is to be used for calls and communication, including voice and text, which pertain only to Town business.

Wireless devices cannot be transferred between Town employees. All wireless device assignments must be authorized by the Communications Coordinator.

In the event the Assigned User fails to comply with any part of this policy, the Communications Coordinator may remove the Assigned User's wireless device

for any period of time, and the Assigned User may be subject to disciplinary action up to and including termination.

- 9.12.3 Use of Town Cell Phones or Electronic Devices. Use of wireless devices shall be authorized only when there is a demonstrated need for use of the device for the purposes stated in this policy. Assigned Users shall use a wireless device to conduct Town business only. The Town does not currently have a service plan that includes text messaging; therefore, Assigned Users shall not use text messaging as an authorized way to communicate on a wireless device.

All Town-provided wireless devices are a public resource and therefore shall be used only for conducting Town related business when no other immediate means of communication is available, or for de minimus personal use. Tracking personal use on a wireless device uses precious Town time and resources; therefore even de minimus personal use is discouraged. The Assigned User understands that in order for the Town to determine appropriate use by the Assigned User the Town must periodically audit the Assigned User's records of use by reviewing information and records on the wireless device or from the service provider.

Wireless devices should not be used when a less costly alternative is safe, convenient, and readily available.

The wireless device, all of its parts, and the service plan assigned to the device are public property owned or operated by the Town. The Assigned User may not use the wireless device or use or remove any of its parts (including the SIM card or memory card) or its service plan for a use other than its authorized, work-related purpose.

Reasonable precautions should be made to prevent loss, theft, or vandalism of any wireless device. In the event that a wireless device is lost, stolen, or vandalized, the Assigned User should notify the Communications Coordinator immediately. If the wireless device is lost due to an employee's failure to use reasonable precautions, the Town may require the Assigned User to reimburse the Town for the reasonable cost to replace the device.

- 9.12.4 No right to privacy. The wireless device is a public resource. As with Town computers and other Town telephones, the Assigned User does not have a right to privacy in any information stored on the device or stored by the third party service provider. The Town will periodically review or audit information used or stored on the wireless device or stored by the service provider. The Town considers all information, including voice and text messages, as "public records" under the State of Washington's public records laws. The Assigned User's records may be disclosed to the public if so requested unless a specific exemption applies.

The Assigned User must exercise discretion as to who has access to the cellular telephone or other contact numbers or addresses. Cellular and wireless

transmissions are not secure. Employees should use discretion in relaying confidential information.

- 9.12.5 Reimbursement for Personal Use. Employees shall reimburse the Town for personal use of a wireless device, including incoming or outgoing voice or text use, when such use causes the Town to be charged any amount over the Town's service plan for the Assigned User's wireless device ("overage charges"). In the event the Town incurs overage charges due to the Assigned User's personal use, the Assigned User shall reimburse the Town the actual or reasonably estimated overage charges that were caused by such personal use. The Assigned User understands that in order for the Town to assess appropriate use of the wireless device the Town must audit the records of such use.

Personal cellular telephone charges will be reimbursed at the per-minute rate the Town pays for minutes billable to the telephone in excess of the "free time." This reimbursement shall apply to all personal calls within or outside the "free time" range. Long distance and roaming charges will be reimbursed at the rate identified on the billing detail.

The Communications Coordinator or designee will notify the Assigned User of the amount due and payable directly to the service provider or will invoice the employee for such personal use. Failure of the employee to reimburse the Town within twenty (20) days of receipt of invoice may result in the deduction of the amount due from the employee's paycheck or final check upon termination of employment, or garnishment of wages if employee has received final check upon termination of employment.

### 9.13 CONTACT WITH THE NEWS MEDIA

The Town Administrator or designated Department Heads shall be responsible for all official contacts with the news media during working hours including answering of questions from the media. The Town Administrator or Department Head may designate specific employees to give out procedural, factual, or historical information on particular subjects.

### 9.14 USE OF TOWN VEHICLES AND EQUIPMENT

Town equipment, including vehicles, should be used by employees for Town business only. An employee's misuse of Town services, telephones, vehicles, equipment, or supplies can result in disciplinary action.

### 9.15 SEAT BELT POLICY

Pursuant to Washington law, anyone operating or riding in Town-owned vehicles must wear a seat belt at all times.

### 9.16 DRIVER'S LICENSE REQUIREMENTS

As part of the requirement for certain specific Town positions, an employee may be

required to hold a valid Washington State Driver's license. If an employee's license is revoked, suspended, or lost or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify their supervisor and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to their supervisor. In addition, the Town may require employees and volunteers in certain positions to undergo a Department of Licensing driving record check once per year, typically on their annual performance review date. Depending on the duration of license suspension, revocation, or other inability to drive, an employee may be subject to disciplinary action including dismissal.

## 9.17 SAFETY/SECURITY

The safety of each employee, co-worker, and volunteer and the public is the primary responsibility of each employee. Every employee is responsible for maintaining a safe work environment and following the Town's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to their supervisor. The Town will make every effort to remedy problems as quickly as possible.

Endangerment of other employees or the public may result in immediate non-disciplinary suspension or disciplinary action up to and including discharge.

Employees assigned or provided safety clothing or equipment are required to wear or utilize that clothing or equipment. Failure to do so may result in disciplinary action up to and including termination.

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor, Department Head, or the Town Administrator.

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons to the workplace. This includes but is not limited to weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons. The Town retains the right to inspect employees' lockers, work areas, desks, persons, packages, computers, and other work equipment and tools when it has concern regarding the safety and/or security of its employees and citizens and of the information for which it is responsible.

An employee who in the course of Town business is operating machinery with exposed moving parts or motor vehicle(s) and who must use a prescription drug that causes adverse side effects (e.g., drowsiness or impaired reflexes or reaction time) shall inform their supervisor that they are taking such medication according to the advice of a physician. Such employees are responsible for informing their supervisor of the possible effects of the drug on their performance and the expected duration of its use. If the prescription drug could cause production of safety problems, a supervisor may grant the employee sick leave or temporarily assign the employee to different duties, if available.

The Safety Committee of the Town will function in accordance with state and federal laws

and will maintain direct communication with management in all areas of safety and, in particular, with employee and supervisory safety training programs and the establishment and maintenance of an anonymous safety suggestion program.

Since being exposed to a blood-borne pathogen may lead to sicknesses such as hepatitis, AIDS, or malaria, and since the Town wants to assure its employees of a safe and healthy work environment, it is the policy of the Town to comply with all statutory obligations for the prevention of exposure to blood-borne pathogens.

#### 9.18 ALCOHOL AND DRUG-FREE WORKPLACE

The Town is committed to providing and maintaining a safe and productive work environment free from the effects of drugs, alcohol, and other job impairing substances. It is primarily concerned with the well-being of employees and the public they serve. The Town is committed to a drug-free workplace, and we encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment, and rehabilitation. All represented and exempt Town employees are subject to the policies stated in this section.

Although the decision to seek diagnosis and accept treatment may be voluntary, the Town is fully committed to helping employees overcome substance abuse through its available resources. In most cases the expense of treatment may be fully or partially covered by the Town's benefit program or may be paid by the employee. The Town Administrator or designee can provide more information on available benefits. In recognition of the sensitive nature of these matters, all discussions will be kept confidential to the extent allowed by law. Employees who seek advice or treatment will not be subject to retaliation or discrimination. Employees who refuse to seek treatment when requested by the proper Town authority are subject to disciplinary action for their actions or inactions.

9.18.1 Use of Medication. An individual taking prescription or non-prescription medication that may affect the employee's ability to work or may affect the safety of the employee, co-workers, or the public is required to notify his or her supervisor prior to the commencement of work. The supervisor will make a determination whether it is in the best interests of the individual and the Town for the individual to work, not work, or be reassigned during the period of medication.

9.18.2 Use of Marijuana.

- (a) Medical Marijuana. The Town recognizes that the State of Washington has authorized the use of Medical Marijuana, but that federal authorities still consider the use of marijuana illegal. An employee who has been prescribed or uses marijuana in accordance with a prescription in compliance with the laws of Washington State shall notify the Town within twenty-four (24) hours of receipt of the prescription. The Town will determine if the individual's job functions will be impaired by the use of marijuana pursuant to the employee's prescription. If necessary and at the Town Administrator's discretion, the Town may ask for an assessment from

the employee's physician or an independent medical examiner.

If the Town determines that the individual's particular job cannot safely be accomplished or that in the Town's opinion the individual cannot accomplish his or her job functions under the influence of marijuana, then the Town may remove, preclude the employee from work, or reassign the individual for the period of medication.

As with the use and possession of alcohol, the Town does not allow the recreational use of marijuana while performing any job duties or allow any amount of marijuana to be stored on Town premises or carried by an individual while on the job or on Town premises.

- (b) Recreational Marijuana. The use of marijuana for recreational purposes while performing Town functions or on Town property is prohibited in the same manner as alcohol use. Recreational marijuana falls under the category of prohibited "drugs, alcohol, or controlled substances" while on the job.

9.18.3 When Job Performance is Affected. Although the Town is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he or she is under the influence of drugs and/or alcohol on the job. The Town may discipline or terminate an employee possessing, consuming, selling, or using alcohol or controlled substances during work hours. The Town may also discipline or terminate an employee who reports for duty or works under the influence of alcohol or controlled substances. An employee may be required to submit to alcohol or controlled substance testing when the Town has reasonable suspicion that the employee is under the influence of alcohol or controlled substances. Refusal to submit to testing when requested may result in immediate disciplinary action including termination. Employees must notify the Town Administrator within five (5) days of any conviction for a drug violation in the workplace.

9.18.4 Operators of Commercial Motor Vehicles. Town employees who hold commercial driver's licenses (CDLs) and who operate commercial motor vehicles while employed by the Town are subject to additional rules and regulations imposed by the federal government. These regulations require urine drug testing and breath alcohol testing in the following circumstances:

- (a) Reasonable suspicion;
- (b) Post-accident;
- (c) Return to duty testing; and
- (d) Random testing.

CDL holders who test positive must be removed from service and are subject to disciplinary action.

9.18.5 Drug-Free Workplace. To comply with the requirements of the federal Drug-Free Workplace Act, the Town adopts the following policies:

- (a) The manufacturing, distribution, dispensation, possession, and/or use of alcohol or illegal drugs, except as prescribed by a physician, on Town premises or during work hours by Town employees is strictly prohibited. This prohibition includes the recreational use and possession of alcohol and marijuana while on Town premises and/or performing work duties for the Town.
- (b) Employees/volunteers must notify the Town within five (5) days of any conviction for a drug violation.
- (c) Violation of this policy can result in disciplinary action up to and including termination. Continued poor performance or failure to successfully complete a rehabilitation program is also grounds for termination.
- (d) Illegal drug use (i.e., use of any drug that is prohibited by state or federal law) at any time may be subject to discipline or termination.

9.18.6 Drug or Alcohol Testing. The Town may require an employee to undergo testing for drugs or alcohol when it has reasonable cause or suspicion to believe an employee may be in violation of its drug-free workplace policy, and for CDL holders as provided for in this policy.

A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his or her duties effectively and safely. The employee may be relieved of his or her duties and placed on a leave of absence with pay until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol.

- (a) Reasonable Suspicion. When the Town Administrator has reasonable suspicion to believe an employee may be in violation of this policy, the Town Administrator may require the employee to undergo drug or alcohol testing and/or take action up to and including termination. "Reasonable suspicion" is a belief based on objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his or her job safely is reduced.

For example, any of the following, alone or in combination, may constitute

reasonable suspicion:

1. Accident(s) involving Town vehicles or property and/or damage to private property during an employee's work;
2. Slurred speech;
3. Alcohol odor on breath;
4. Unsteady walking and movement;
5. Physical altercation(s);
6. Verbal altercation(s);
7. Unusual behavior;
8. Possession of alcohol or drugs; and/or
9. Information obtained from a reliable person with personal knowledge.

The Town Administrator or designee should document in writing the facts constituting reasonable suspicion. Where there is reasonable suspicion that the employee is under the influence of alcohol or drugs, the Town Administrator or designee should arrange for the employee to be safely transported home.

The Town Administrator or designee should not physically search the person of employees or the personal possessions of employees unless that employee is present and has provided freely given written consent. The Town Administrator or designee should notify law enforcement where, in the Town Administrator's discretion, this policy may require action by law enforcement including search of the employee's person or property.

- (b) Drug or Alcohol Testing. If it is concluded that there is reasonable cause to believe that drug or alcohol consumption is involved, the supervisor or appropriate manager shall have a drug or alcohol test administered in compliance with applicable standards. For CDL holders, such tests shall be administered in compliance with applicable state and federal standards.

A preliminary statement as to the reasons for the suspicion shall be given to the employee immediately upon notification of any drug or alcohol testing, and written correspondence shall be provided within two (2) business days outlining the circumstances and conditions of such determination.

All records related to drug and alcohol testing will be maintained in a secure location with controlled access. These records will be kept separate from records pertaining to all other employees. The results of the tests shall be kept confidential to the extent allowed by law.

Failure of an employee to take the test(s) may be cause for disciplinary action. The test(s) must be conducted within a reasonable time period after the observation of the problem behavior.

## **CHAPTER 10**

### **Discipline and Terminations**

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#### **10.1 GUIDELINES FOR APPROPRIATE CONDUCT**

As public employees we are responsible to the public and held to a high standard of performance in order to maintain the public trust. In pursuing the Town's goal of excellence in Town service, we expect excellence from each of our employees while striving to make this an enjoyable and a rewarding place to work.

The following are examples of inappropriate work behavior that may result in discipline up to and including termination:

- Being on the job in possession of or involved in the distribution, sale, transfer, or use of alcohol, narcotics, or other controlled substances; or any non-prescribed use of otherwise lawful prescription drugs;
- Violation of a lawful duty, falsification of records, or making a false claim on the Town's funds;
- Insubordination or other disrespectful conduct; failure to carry out lawful work-related instructions given by a supervisor;
- Sexual harassment or other unlawful harassment of another employee, member of the public, volunteer, vendor, or contractor;
- Excessive or unexcused absences or tardiness for any reason including habitual lateness for work and/or failure to report absences or tardiness to supervisor;
- Fighting or threatening violence in the workplace or causing disharmony in the workplace;
- Acceptance of fees, gratuities, or other valuable items from a third party in the performance of the employee's official duties for the Town;
- Violation of duties or rules in these personnel guidelines or any other Town rule or administrative order;
- Theft of Town property or inappropriate or unauthorized removal of Town property;
- Dishonesty including lying or not telling the truth to a supervisor or Town management about a work-related matter; concealing defective work;
- Boisterous or disruptive activity in the workplace;

- Negligence or improper conduct leading to damage of Town property;
- Violation of safety rules or endangerment of the safety of the individual, co-workers, or the public while in the performance of Town duties;
- Possession of dangerous or unauthorized materials in the workplace;
- Unauthorized disclosure of confidential information;
- Failure to report immediately to supervisor any accident or injury which occurs on the job;
- Misuse the Town's communication systems including email, computers, internet access, cellphones, or other Town equipment or vehicles;
- Use of Town property, position, or time for personal gain;
- Intentional falsification of an application for employment to the Town, any report, timesheets, medical reports, expense accounts, and other Town records; or
- Loafing or wasting time during regular work hours; sleeping on the job.

This list contains examples only and is not exhaustive. While the Town management generally believes in progressive discipline which calls for appropriate discipline in appropriate circumstances, the Town reserves the right to review each situation independently and to make a decision on what it deems to be appropriate discipline in all cases up to and including termination. As referenced in Section 1.1, exempt employees are at-will and may be terminated with or without cause.

## 10.2 DISCIPLINE PROCEDURES

The Town's discipline procedure is intended to give employees advance notice, whenever possible, of problems with their conduct or performance so they have an opportunity to improve. Based on the seriousness or other circumstances of the situation, however, discipline may begin at any level, may skip steps, and/or may repeat any steps as appropriate. The Town may determine immediate termination is the appropriate, first-and-only step to be taken.

10.2.1 Verbal Warning. With the exception of offenses requiring more stringent action, the supervisor will discuss behavior and performance problems with the employee on an informal basis. This gives the employee the opportunity to make changes and to avoid proceeding to the formal discipline steps below. Such discussions may be temporarily documented in the supervisor's file but not in the employee's personnel file. Repeated verbal warnings will result in a written warning.

10.2.2 Written warning. A formal written disciplinary action is for misconduct,

inadequate performance, or repeated lesser infractions. Written warnings are placed in the employee's personnel file. The written warning shall include the nature of the infraction and what the employee needs to do to correct the conduct or to improve performance, and shall make clear what further disciplinary action would follow if the incident happens again or improvement does not occur within a specified time period.

- 10.2.3 Investigative or non-disciplinary suspension. The Town Administrator may place an employee on paid or unpaid suspension pending the outcome of a workplace investigation undertaken by the Department Head or designee due to an employee's conduct or when, at the Administrator's or Mayor's discretion, such suspension is necessary for safety or other reasons. Based on the outcome of the investigation, further action may or may not be taken.
- 10.2.4 Unpaid Suspension. A temporary, unpaid absence from duty may be imposed as a penalty for significant misconduct or repeated lesser infractions. A suspension is a severe disciplinary action that is made part of the employee's permanent record and is different from a suspension pending an investigation. Employees exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full workweek unless the infraction involves violation of safety rules of major significance.
- 10.2.5 Demotion. Demotion is to be used in rare instances where employees have been promoted to a position but are found to be unable to perform the responsibilities of that position. This should be applied only after a thorough evaluation by the supervisor and only after adequate written warning.
- 10.2.6 Discharge/Termination. It is understood that employment with the Town is for no specific period of time. Employment can be terminated at will by the employee or by the Town at any time with or without cause.

For employees other than trial employees, the Town will conduct a pre-termination hearing as an opportunity for the employee to furnish additional facts before a termination decision is finalized. This is intended to be an informal hearing. The Town Administrator shall provide the employee written notice of the pre-termination hearing. The notice will include the date and time of the meeting and an explanation of the reason(s) for the proposed termination. If the employee fails or refuses to appear, the termination may proceed. The meeting will be presided over by the Town Administrator, and the Mayor may be present.

Within ten (10) working days of the meeting, the Town Administrator will issue a written decision regarding termination or some alternate action. A longer review period may be required in more complex situations, in which case the employee will be notified of the extended review period. The Mayor shall approve all final decisions regarding such disciplinary action.

### 10.3 RESIGNATION

For continuity of service and planning purposes, employees are requested to provide at least two (2) weeks' notice prior to resigning. The Town expects the Town Administrator, Finance Officer, and Department Heads to provide four (4) weeks' notice of resignation. Failure to provide appropriate notice may result in ineligibility for re-hire and a resignation not in good standing.

### 10.4 LAYOFF

The Town Administrator may lay off employees for lack of work, budgetary restrictions, reorganization, or other changes that have taken place.

### 10.5 MEDICAL REASONS

If the employee has a physical or mental impairment that prevents him or her from performing the required duties of the employee's position and the employee cannot be reasonably accommodated, as provided by applicable laws, the employee or the Town may institute termination for medical reasons. The Town shall comply with applicable laws regarding reasonable accommodation, including the Americans with Disabilities Act and Washington's laws against discrimination.

The Town may require a medical examination, at its expense, performed by a physician of its choice prior to a medical termination. Failure by the employee to submit to such an exam may result in discharge.

### 10.6 PRE-DETERMINATION DISCIPLINARY PROCEDURES

In the event the Town Administrator or Mayor proposes to suspend without pay or discharge the employee, or proposes another disciplinary action that may deprive the employee of a "property interest" (i.e., salary or work), then the following procedures shall be followed.

- Pre-determination meeting. Prior to a decision regarding such disciplinary action, the Town Administrator shall provide the employee written notice of the Administrator's recommendation regarding such action. The meeting notice will include the time of the meeting and an explanation of the reason(s) for the proposed discipline.
- Pre-determination suspension. If the Administrator is recommending that the employee be discharged, then the Administrator may place an employee on unpaid pre-termination suspension, if such suspension is reasonable under the circumstances. As determined by the outcome of the pre-determination meeting, the unpaid suspension may be upheld, reversed, or amended by the Mayor.

The meeting will be presided over by the Town Administrator, and the Mayor may be present. The purpose of the meeting is to allow the employee an opportunity to respond either orally or in writing to the reasons for the proposed discharge,

and/or to explain why the Town should not discharge the employee.

- Final decision. Within ten (10) working days of the meeting the Town Administrator will issue a written decision stating that the discipline will proceed or some alternate action. A longer review period may be required in more complex situations, in which case the employee will be notified of the extended review period. The Mayor shall approve all final decisions regarding such disciplinary action.

## 10.7 DURING TRIAL PERIOD

Employees working during their 6-month trial period may be terminated with or without cause at any time without following the discipline steps above. Likewise, the employee may resign in good standing during the working trial period without discredit to their work record.

## 10.8 BENEFITS AT TERMINATION

Employee and dependent benefits normally cease the day following the date of termination. However, based on contracts with benefit providers, some benefits may continue until the end of the month following the date the employee is terminated. Employees may be able to convert some group benefits to individual policies following termination. During the exit interview the Payroll Officer or designee will explain benefits.

## 10.9 SEPARATION PROCEDURES

Prior to termination of employment, the employee will participate in an exit interview normally conducted by the Town Administrator or designee during which the employee's benefits, rights, and responsibilities following termination are explained. At the exit interview employees are expected to return all Town property.

The Town Administrator will notify the Payroll Officer of the employee's separation date for payroll purposes. A final paycheck will be issued to the employee on the next regular payday after completion of the following: Exit interview; return of Town keys, Town car, ID card, Town tools or equipment, printed material belonging to the Town, etc.; and resolution of status as to retirement contributions, insurance conversions, and deferred compensation. Regular employees shall receive full pay. The value of Town property that is not returned or lost may be deducted from the employee's final pay check and/or appropriate legal action may be taken to reclaim the property.

## **CHAPTER 11**

### **Complaint Procedures**

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#### **11.1 DISCRIMINATION COMPLAINT PROCEDURES**

Each member of management is responsible for creating an atmosphere free of discrimination and harassment. Employees are responsible for respecting the rights of their co-workers and others including the citizens they serve. The following procedures outline the steps to follow if the employee believes they have experienced harassment or discrimination on the job.

Should the employee believe that they have been harassed or are the victim of discrimination as set forth in these guidelines, the employee should try, if possible, to identify the offensive behavior to the harasser and request that it stop. In the event such informal direct communication is either ineffective, unsafe, or impossible, the employee should discuss their concern immediately with the Town Administrator. If the complaint involves the Town Administrator, the employee may bring the complaint to the Mayor. An employee should report the matter regardless of whether the employee has confronted the harasser or not.

No employee will suffer retaliation for reporting such concern. All complaints will be investigated promptly, impartially, and as discreetly as possible. Upon completion of the investigation, the appropriate parties will be notified immediately of the findings.

If an investigation shows the accused employee did engage in harassment or discrimination pursuant to these guidelines and/or applicable laws, appropriate action will be taken as in the case of any other serious employee misconduct. Such actions may include warnings, verbal and/or written reprimands, a letter to the employee's file, or an employee transfer, demotion, suspension, or termination. If the allegation of harassment is not substantiated, then such information shall be placed in the reporting employee's and the alleged harasser's files.

#### **11.2 COMPLAINT PROCEDURES**

The Town recognizes that sometimes situations arise in which employees feel that they have not been treated fairly or in accordance with Town guidelines. For this reason the Town provides its employees with procedures for resolving complaints.

- Employees should first try to resolve any problem or complaint with their Department Head.
- If the employee is not satisfied with the response from the Department Head, the employee may submit the problem in writing to the Town Administrator. The written complaint must contain at a minimum:
  - (a) A description of the problem;

- (b) A specific guideline or procedure which the employee believes has been violated or misapplied;
- (c) The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and
- (d) The remedy sought by the employee to resolve the complaint.

The written complaint should be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee becomes aware of the circumstances.

The Town Administrator may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within fifteen (15) working days of the meeting. The Town Administrator's response and decision shall be final and binding.