RESOLUTION NO. 15-17

CITY OF BUCKLEY, WASHINGTON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BUCKLEY, PIERCE COUNTY, WASHINGTON AMENDING SECTIONS TWO (2) AND SIX (6) OF THE "CITY OF BUCKLEY PERSONNEL POLICY AND PROCEDURES MANUAL" TO AMEND SICK LEAVE PAYMENT PROVISIONS AND ESTABLISH AN EARLY RETIREMENT INCENTIVE PROGRAM.

WHEREAS, the City Council adopted the most current version of the "City of Buckley Personnel Policies and Procedures Manual" on July 22, 2014; and

WHEREAS, in 2012 the City approved changes to both the Police Guild Bargaining Unit Agreement and Local #286 Bargaining Unit Agreement that expanded payment of accrued sick leave upon retirement only, to separation from City employment for any reason other than for cause for employees with 5 or more years' service; and

WHEREAS, this benefit was approved for bargaining unit employees only; and

WHEREAS, the Mayor and City Finance/Admin and Public Safety Committee are recommending that the City Council expand this benefit to FLSA exempt employees as well; and

WHEREAS, the City Admin/Finance and Public Safety Committee began discussion of succession planning in May, 2015 due to the large number of long term employees that may be retiring in the next 3-5 years; and

WHEREAS, the City currently has thirty-seven (37) permanent full or part-time paid employees and one vacant position in the parks/cemetery. Of the 37 currently on staff, twenty-one (21) or 56.76% have over 10 years' service, eight (8) or 21.62% have twenty (20) or more years' service and five (5) or 13.51% have thirty (30) or more years' service; and

WHEREAS, of the thirty-seven (37) currently employed, twelve (12) or (32.43%) will be eligible for either full or early retirement in the next five (5) years; and

WHEREAS, the Committee also identified that each of these 12 employees are either in higher paid positions and/or are at the top of their pay range, with significant cost to the City's budget; and

WHEREAS, the 12 employees approaching either early or full retirement age represent 272 years of City experience and knowledge, the loss of which would impact City operations if all should retire within a short timeframe from one another; and

WHEREAS, several of the employees within this group expressed to the Committee that although retirement was being considered and was preferred, it would be delayed due to the availability and cost of healthcare benefits; and

WHEREAS, the Committee explored the issue and considered the fact that by implementing programs and/or measures that induced longer term, higher paid employees to voluntarily elect to retire early, once eligible, it would reduce the impact on the City budget by creating opportunities for advancement, merging duties or leaving the positions vacant; and

WHEREAS, such a program would assist in succession planning and avoid the sudden impact of the departure of a significant number of key City employees at any one time; and

WHEREAS, the Committee also considered the fact that the City has on four (4) separate occasions provided extended healthcare benefits through COBRA to long term employees who for medical reasons found it necessary to take early retirement; and

WHEREAS, as part of this discussion the Committee reviewed other programs that provided early retirement incentives, and reviewed examples of the cost savings and management benefits that the City would achieve by implementing such a program; and

WHEREAS, the Committee concluded by settling on an Early Retirement Incentive Program (ERIP) developed in a manner that would (1) afford those employees who desire to retire prior to Social Security Full Retirement Age an opportunity to do so with some financial assistance until eligible for full social security benefits, (2) encourage some measure of staffing flexibility, consistent with overall City and individual department needs, and (3) provide for efficient succession planning; and

WHEREAS, the Committee recommends that the City Council consider establishing an ERIP to provide incentives which encourage eligible employees to retire sooner than they otherwise might have to support City objectives, including replacement of higher salaried employees with lower salaried employees reducing salary and benefit costs, and creating an opportunity where retirement of longer term employees is phased over time assisting the City to better manage the loss of institutional knowledge; and

WHEREAS, the City Council concurs with the Committee recommendation and finds it to be in the public interest to achieve the objectives identified by the Committee;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Buckley hereby amends the "City of Buckley Personnel Policies and Procedures Manual" Revision #14 as attached in Exhibit "A" attached hereto and incorporated herein by this reference.

Introduced, passed and approved this 25th day of August, 2015.

Pat Johnson

Pat Johnson, Mayor

ATTEST:

Joanne Starr

Joanne Starr, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

POSTED: August 27, 2015

Exhibit "A"

CITY OF BUCKLEY

PERSONNEL POLICY

&

ADMINISTRATIVE

PROCEDURES MANUAL

PAT JOHNSON, MAYOR

CITY COUNCIL

- POSITION #1 ..... LYN ROSE
- POSITION #2 ..... CRISTI BOYLE-BARRETT
- POSITION #3 ..... MARVIN SUNDSTROM
- POSITION #4 ..... JAMES MONTGOMERY
- POSITION #5 ..... JOHN LEGGETT
- POSITION #6 ..... MILT TREMBLAY
- POSITION #7 ..... BRYAN HOWARD

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City of Buckley

Administrative and Personnel Policies and Procedures

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Section 1
Introduction

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1.01 Purpose

The purpose of this Personnel Manual is to provide for a personnel management system within the City of Buckley government that deals with all employees in a fair and equitable manner while facilitating efficient service to the citizens of the community.

1.02 Policy

a) The City of Buckley will assure that recruitment, selection, retention and separation of city employees is based on qualifications and fitness, and is in compliance with federal and state laws.

b) The city will provide for equal opportunity in employment practices and standards.

c) The city will clarify through policies and procedures the rights and responsibilities of its employees.

d) Employment with the City of Buckley depends on the need for work to be performed, the availability of funds, and the effective performance, good conduct, and continuing fitness of the employee for the position.

1.03 Goals

The goals of the policies established by this Manual include:

a) To have city services as nearly perfect as it is possible to make them by encouraging employees to perform their duties to the best of their ability and to provide city services to the citizens of Buckley in a courteous and professional manner.

b) To facilitate harmonious relations and clear communication between elected officials, administrators, managers, supervisors and employees.

c) To provide fair compensation for duties performed by its employees within the financial capacity of the city, including the provision of benefits and adequate working conditions.

d) To provide a fair and open process for employees to air grievances or complaints without fear of recrimination, and a process for handling employee disciplinary matters.

e) To provide an efficient personnel management system that deals with all employees in an equitable and uniform manner.

1.04 Administration & Responsibility

The City of Buckley is a second class code city of the State of Washington, operating under the Council-Mayor form of government.

a) City Council - The City Council provides for uniform personnel policies and procedures through appropriate Council action. The City Council also determines the budgetary appropriations for all personnel costs, and approves personnel levels and positions through the budgetary process.

b) Mayor - The Mayor is the Chief Administrative Officer of the city and is responsible for the initiation and administration of personnel policies for all employees. The Mayor may delegate the administration of policies as deemed appropriate. Where these policies specify Mayoral authority, those duties may be performed by the Mayor's designee as assigned.

c) City Administrator - The City Administrator supervises all departments in the best interests of the city and its employees.

d) Department Managers - The Department Managers are responsible for specific departmental provisions of the personnel program. These provisions include, but are not limited to assignment of duties, scheduling, performance evaluation, training and discipline.

e) Individual Employee - The City of Buckley strives to provide efficient, professional and courteous service to all city residents. To accomplish this goal, the Mayor and the City Council ask that every employee perform their duties to the best of their ability as a representative of the city.

Each employee should understand these personnel policies keeping in mind the City's public service mission. It is the employee's responsibility to meet desirable levels of performance of these public duties. Employees are encouraged to ask their Department Manager any questions about the Personnel Policies & Procedures, and discuss concerns or suggestions regarding the employee's job.

1.05 Distribution & Maintenance

Each employee will be issued one copy of this Manual and will be responsible for reviewing the policy and procedures and verifying such by signing the confirmation statement in Appendix A.

Three official copies will be maintained by the City Clerk's Office and open to employee and public inspection on request.

1.06 Employees Covered

These personnel rules apply to all city employees except elected officials, independent contractors, or employees specified as exempt by the Mayor or as otherwise exempted by other contract /agreements or as specified in these policies; provided however, in cases where these personnel policies conflict with collective bargaining agreements duly agreed upon between authorized employee organizations or unions and the city, the provisions of the collective bargaining agreements shall govern.

1.07 Super Seder

The city specifically reserves the right to repeal, modify or amend these policies at any time, with or without notice. As the need arises, the Mayor may modify these policies, except that the City Council, by resolution, shall enact any changes in compensation or benefit levels. None of these provisions shall be deemed to create a vested contractual right in any employee or to limit the power of the Mayor or City Council to repeal or modify these rules. The policies are not to be interpreted as promises of specific treatment.

All prior rules, regulations, policies and manuals of the city, which may be in conflict, are superseded by this manual, unless otherwise specified.

Should any conflict arise between the rules established in this Manual and any ordinance of the city, such ordinance shall take precedence. If any section, sub-section, paragraph, sentence, clause or phrase of this Manual is found by a court of competent jurisdiction to be invalid or illegal, such findings shall not affect the validity of the remaining portions of this Manual.

These policies and procedures are subject to all applicable existing or future laws or regulations of the State of Washington and the Federal government (as amended from time to time). Wherever there is a conflict between the provisions of these policies and procedures and any applicable law or regulation, the provision of the law or regulation shall govern.

Section 2
Definitions

2.01 **Anniversary Date:** The anniversary date shall be the first day of the month closest to the date of initial appointment to a regular budgeted position, and shall be used to calculate sick and annual leave accrual, and years of service. For years of service, employment must be continuous or broken only by approved leave of absence. The calendar month shall be divided from the 1st to the 15th and the 16th to the last day, with the anniversary date established by determining in which half the date of appointment occurred. For salary adjustments and step increases, "anniversary date" shall mean the first day of the month closest to the date of appointment to the position that the employee is currently serving.

2.02 **Appointing Authority**: The Mayor of the City of Buckley.

2.03 **Appointment Status – Regular Full-Time:** Those who are not in a temporary or probationary status and who are regularly scheduled to work a 40-hour week. Generally, they are eligible for the City's benefit packages, subject to the specific terms, conditions, and limitations of each benefit package.

2.04 **Appointment Status - Probationary:** Those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new classification. Generally, they are eligible for the City's benefit packages, subject to the specific terms, conditions, and limitations of each benefit package.

2.05 **Appointment Status – Regular Part-Time (with benefits):** Those who are not assigned to a temporary or probationary status and who are scheduled to work 30 hours or more, but less than 40 hours per week. These employees are eligible for the City's full benefit packages, subject to the specific terms, conditions, and limitations of each benefit package.

2.06 **Appointment Status - Part Time (partial benefits):** Those who are not assigned to a temporary or probationary status and those who are regularly scheduled to work less than thirty (30) hours per week. These employees are eligible for the City's benefit package on a pro-rata basis, subject to the specific terms, conditions, limitations of each benefit package. Part-time employees who are not regularly scheduled, regardless of the number of hours, are not entitled to benefits under this personnel manual, provided, however, that the employees

will be entitled to all benefits required to be provided in accordance with state and federal law and under the provisions of the City's insurance policies.

2.07 **Appointment Status – Temporary or Seasonal:** Those who are hired as interim replacements, to temporarily supplement the work force or to assist in the completion of a specific project or as seasonal staff. Staff assignments in this category, while they may be of either a full-time or part-time nature, are of a specified and limited duration, not to exceed eight months in any 12-month period. Employment beyond any initially stated periods does not in any way imply a change in staff status. Temporary staff retains that status unless and until notified in writing of a change. The City may offer healthcare coverage to certain temporary employees and their dependents on a self-pay basis. In order for a temporary employee to be eligible for this benefit on a self-pay basis the employee must be appointed to a temporary position that is intended to continue for at least 6 months.

2.08 **Appointment Status - Acting:** An appointment for a limited period of time of a current employee to a higher classification to fill a temporary or emergent need.

2.09 **Chemical Dependency:** Addiction to alcohol or chemical substances of a prescription or illegal nature.

2.10 **City**: The municipal corporation of the State of Washington known as the City of Buckley.

2.11 **City Council:** The elected legislative body of the City, composed of seven members.

2.12 **Classification Specification:** A written documentation of all job duties and responsibilities for each position classification in the City, in the form of a classification specification for each authorized classification.

2.13 **Classification Plan:** A written documentation of all job duties and responsibilities for each position classification in the city, in the form of a classification specification for each authorized classification.

2.14 **Controlled Substances:** Those substances whose dissemination is regulated by state or federal law including, but not limited to, narcotics, depressants, stimulants, hallucinogens, cannabis and other drugs.

2.15 **Drugs:** Any substance which, in the opinion of his or her supervisor, impairs an employee's ability to perform his or her job or which poses a threat to the

safety of others. This definition includes prescription and over-the-counter medications.

2.16 **Day**: Means a twenty-four (24) hour period.

2.17 **Days**: Means consecutive calendar days, unless otherwise specified.

2.18 **Demotion**: The movement of an employee from a position in one pay grade to a position with a lower pay grade; or the movement of an employee from one pay step within a pay grade to a lower pay step within the same pay grade.

2.19 **Department Manager**: An employee of the City who, for the purpose of this manual, serves as the department supervisor or who has been designated by the City Administrator as a member of the city's management team.

2.20 Early Retirement Incentive Program. An arrangement for Retirement before PERS and/or Social Security Full Retirement Age with incentives as provided in a written contract between the City and the retiree, consistent with the provisions of this policy.

2.21 **Employee - Individual:** Any individual appointed to a position of service with the City.

2.22 **Employee - Full Time:** An employee who has received an appointment to a budgeted position on a full work week, year around basis.

2.23 **Employee - Part Time:** An employee who has received an appointment to a budgeted position on less than 40-hour work week basis.

2.24 **Exemptions (Exempt Employees):** An employee determined to be exempt from the provisions of the Fair Labor Standards Act.

2.25 **Family - Immediate:** A relative by blood or marriage, or legal adoption, who is a member of the employees household under the same roof; or, regardless of residence, any parent, step-parent, grandparent, spouse, state registered domestic partner, child, brother, sister, or grandchild of the employee.

2.26 **Grievance:** An employee's verbal or written expression of dissatisfaction with some aspect of these rules and regulations affecting him or her, for the purpose of resolving their concern.

2.27 **Holiday:** Those special days off granted to the employees in addition to vacation and sick leave.

2.28 **Impaired:** A deterioration of an individual's judgment and decrease in his or her physical ability. Used primarily in criminal law; driving under the influence of alcohol/drug law in regards to a person's physical or mental impairment.

2.29 **Lateral Transfer:** An employee transfer from one classification to another classification with the same pay grade, or within the same classification or pay grade from one department to another.

2.30 **Layoff**: Non-disciplinary termination of an employee, either permanently or for a specified period of time, due to financial circumstances or a change in the need for which the position held was created.

2.31 **Leave**: An authorized absence from regularly scheduled work hours which has been approved by the proper authority.

2.32 **Letter of Appointment:** The document officially assigning a person to a position within the City which may also be a two-party agreement or contract if signed by the employee and approved by the Mayor and City Council.

2.33 **Merit Increase Date**: The date on which the employee receives the annual pay increment within the current salary range.

2.34 **Overtime**: Time a non-exempt employee is directed or authorized to work in excess of the regular week.

2.35 **Performance Evaluation:** A written appraisal of work performance of an employee designed to inform management and the employee of the manner in which the employee is meeting established work standards and to offer constructive suggestions or requirements for improvement.

2.36 **Position**: A combination of duties and responsibilities assigned to and performed by an individual.

2.37 **Probationary Period:** An extension of the selection process during which an employee is required to demonstrate ability to perform the duties of the position.

2.38 **Promotion:** The movement of an employee from a position in one pay grade to a position requiring duties and responsibilities of higher qualifications and a higher pay grade.

2.39 **Reallocation**: The movement of a position from one pay grade to another pay grade found to be more appropriate as a result of an analysis of the duties of the position and classification specification.

2.40 **Reclassification**: The revision of a classification specification as a result of analysis of the duties, responsibilities, minimum qualifications, and salary requirements; may include classification title change.

2.41 **Resignation**: A voluntary separation from employment initiated by or submitted by an employee.

2.42 **Retirement.** The full or partial termination of regular compensated service as an Employee concurrently with the initiation of the receipt of retirement benefit payments or annuities under an applicable retirement program such as but not limited to IRC 457(b) Deferred Compensation Plans, PERS, LEOFF, Social Security, etc.

2.43 **Salary Plan:** A series of salary ranges for each classification of the City, setting forth each pay step for each pay grade and adopted by the City Council.

2.44 **Sexual Harassment**: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct as defined in State and Federal Laws.

2.45 **Sexual Orientation**: Actual or perceived male or female heterosexuality or homosexuality including a person's attitudes, preferences, beliefs and practices pertaining thereto.

2.46 **Spouse**: The wife or husband of an employee, not legally separated from the employee.

2.47 **State registered domestic partners:** means two adults who meet the requirements for a valid state registered domestic partnership as established by section 4 of SB - 5336 and who have been issued a certificate of state registered domestic partnership by the Secretary of State.

2.48 **Supervisor**: An employee having the authority to direct another employee or employees within their department and recommend the hiring, transfer, suspension, layoff, promotion, dismissal, assignment, reward, or discipline of another employee, and the responsibility to adjust the employee's grievances.

2.49 **Suspension**: A temporary removal from duty with or without pay of an employee for disciplinary purposes or for the purpose of investigating accusations brought against an employee.

2.50 **Termination**: Involuntary separation of an employee from employment with the City.

2.51 **Work Week**: The total of scheduled work hours in a calendar week.

Section 3
General Policies and Procedures

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3.01 Appointing Authority

The Mayor is the appointing authority with power of appointment, discipline or removal of all employees. The Mayor may delegate the authority to approve the appointment, discipline or removal of employees as deemed appropriate, subject to any applicable Civil Service Rules or provisions of valid labor contracts.

3.02 Equal Employment Opportunity

The City is an equal employment opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy shall be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, medical condition, physical handicap or disability.

The City will not discriminate against applicants or employees with a sensory, physical or mental impairment, unless the impairment cannot be reasonably

accommodated and prevents proper performance of an essential element of the job.

Employees with life threatening illnesses, such as cancer, heart disease, or AIDS/HIV conditions, or communicable diseases such as tuberculosis or influenza, are treated the same as all other employees. They are permitted to continue working so long as they are able to maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The City will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions when a substantial and unusual safety risk to fellow City employees or the public exists.

3.03 Recruitment and Selection

Available positions are publicized for a reasonable period by announcements posted on city department bulletin boards and by such other means as deemed appropriate. Announcements may specify the title, rate of pay, duties to be performed and required minimum qualifications.

When filling a vacancy, the City will, whenever possible, promote a qualified employee to the position before considering outside applicants. Job openings will be posted in-house on designated bulletin boards, and employees who can meet the requirements of the position will be encouraged to apply

3.04 Nepotism

Members of the immediate family of city employees or elected officials members will not be hired if one or more of the following applies, as determined by the Mayor:

a) One member would have the authority or practical power to supervise, hire, remove or discipline the other; or

b) One member would be responsible for financially auditing the work of the other; or

c) One member would handle confidential material which may create the appearance of improper or inappropriate access to that material by the other.

3.05 Position Designation

All budgeted positions are designated as either full-time or part-time. Employees in part-time positions that work less than a 20-hour work week are not entitled to

benefits, unless otherwise specified in the letter of appointment, employment contract or bargaining agreement, and approved by the Mayor.

Those employees who are not assigned to a temporary or probationary status and who are scheduled to work 20 hours or more, but less than 40 hours per week are eligible for the City's benefit packages on a pro rata basis, subject to the specific terms, conditions, and limitations of each benefit package.

Those employees who are assigned to full-time positions and who are scheduled to work 40 hours or more per week are eligible for the City's benefit packages, subject to the specific terms, conditions, and limitations of each benefit package.

3.06 Appointments

a) All appointments to vacancies are made solely on the basis of merit, efficiency and fitness for the position as determined through evaluation and/or testing procedures appropriate for the position.

b) All appointments to positions in the City of Buckley will be by letter of appointment or employment contract, setting forth conditions of employment and appointment status. The employment relationship is at will of the parties and may be terminated at any time in accordance with applicable personnel rules, contract or Civil Service Rules and Regulations.

3.07 Appointment Status

3.07.01 Regular. All appointments to full-time and part-time positions in the City of Buckley are regular status unless special employment conditions are necessary. If it is determined that special conditions apply, they will be specified in the appointment letter and made a condition of employment.

3.07.02 Probationary. All new employees appointed to regular positions are in probationary status and subject to the conditions of the probationary period.

3.07.03 Temporary. A temporary appointment may be made to any position in the City of Buckley. Temporary appointments are for a limited period of time and employees are not entitled to city benefits unless authorized by the Mayor as special conditions. All conditions of a temporary appointment will be specified in the letter of appointment or contract. Seasonal employment is considered temporary appointment status. Temporary employees do not attain regular status in the classification, have no grievance rights and may be terminated at will.

3.07.04 Acting. When the need arises to fill a position due to approved leave of absence, disciplinary actions or when a vacancy exists, a current regular status employee may be appointed "acting" to a position of higher pay grade or to a position of differing classification. Such appointments are for a limited time to fill a temporary vacancy. Employees will not attain regular status in the higher position from an acting appointment and will be returned to the previous classification. No probationary period is required for an acting appointment.

3.07.05 Trial Performance. A regular status employee promoted to a position of changed responsibility, new duties, or higher pay within the city will serve a six-month trial performance period in the new position. This trial performance is to ensure the employee meets the desired performance levels of the higher position which will be determined through written performance evaluations. If it is determined that the promoted employee cannot for any reason perform the duties of the higher position as required, they will be returned to the former position, if vacant, or similar vacant position within the same department.

3.08 Probationary Period.

3.08.01 All regular status employees with the exception of a Department Manager, whether part-time or full-time, will be required to serve a probationary period for six months from the date of employment. A current employee in any appointment status may be placed on probation for disciplinary reasons after the initial six month probationary period has been served.

Department Managers will be required to serve a probationary period for twelve months from the date of employment.

3.08.02 At appropriate intervals, the Department Manager will determine through a written Employee Performance Evaluation whether each employee is performing the job satisfactorily. If the employee's performance is satisfactory after the appropriate probation period the Department Manager will recommend to the Mayor through the final written evaluation that the employee be taken off probation and placed on regular status.

3.08.03 If an employee's performance is not satisfactory during the probationary period, the Department Manager may recommend termination of employment at any time during the probation or, in special circumstances, request that the Mayor extend the probationary period up to an additional six months, and shall be specified in writing to the employee.

In the event the employee's performance is still unsatisfactory, the employee may be terminated at any time within the extended probationary period.

3.08.04 A probationary status employee will accrue vacation and sick leave and receive all other benefits of regular status employees. However, vacation leave will not be taken during any probationary period.

3.08.05 A probationary status employee has no grievance rights and may be terminated at will.

3.08.06 Provisions for length of probationary period and termination during the probationary period are subject to any applicable Civil Service rules for those classifications covered under Civil Service Rules and Regulations.

3.09 Employee Performance Evaluation Program

An employee performance evaluation program, as authorized by the City Administrator, will be conducted for all employees as determined necessary by the supervisor/rater, but not less than yearly. Probationary status employees will be evaluated per Section 3.08.

3.10 Reduction-In-Force

Fluctuating revenue and budget conditions may from time to time force the city to reduce personnel in one or more departments or programs. This reduction may be accomplished by either of the following methods:

3.10.01 Lateral Transfer: This is a method of employee transfer from one classification to another classification with the same pay grade or within the same classification or pay grade from one department to another. When done for budgeting purposes, such transfer would normally be for the duration of the financial problem only. A lateral transfer must be approved by the Mayor.

3.10.02 Layoff: A layoff is a method of permanent termination of the employee due to financial circumstances or a change in the need for which the position or positions was created. A layoff must be approved by the Mayor. No regular employee shall be laid off while another person in the same classification is employed on a probationary, temporary, acting or part-time basis. In determining which employees in any classification are to be laid off, consideration is to be given to individual performance and then to seniority in the positions to be affected.

3.11 Re-Employment

Regular full-time employees terminated as a result of lay-off may be offered the first opportunity to fill comparable vacant positions that become available. These employees will be placed on the City's job announcement mailing list for a period of one year from the effective date of lay-off to assist them in applying for other job vacancies with the city for which they are qualified.

3.12 Resignation

3.12.01 An employee wishing to leave city service in good standing will file with the Department Manager a written resignation, including a statement as the reasons for resigning and the effective date of resignation. The written resignation notice will be completed at least two weeks prior to the effective date of resignation. Notice requirements may be waived by the Department Manager.

3.12.02 The City Administrator and Department Managers shall be subject to Rule 3.11.01 except that they shall be required to give at least four weeks notice to the Mayor. Notice requirements may be waived by the supervisor.

3.12.03 A copy of the resignation notice and a final performance evaluation report shall be placed in the personnel file of the employee.

3.13 Exit Interview

3.13.01 In the event of separation from employment of a regular status employee, an exit interview shall be conducted with the employee. All terminating employees will receive an Exit Questionnaire prior to the exit interview. The exit interview will be conducted on the employee's last work day.

1. In the case of any separation from employment, the exit interview will be conducted by the Department Manager and will consist of a discussion of:

a) The reasons for separation from employment, i.e. resignation, termination, and lay-off including re-employment options, if any.

b) Determination of any complicating factors of the separation, including whether work related injuries have been sustained by the employee.

c) Arrangement for the return of all City-owned uniforms, equipment and other City-owned items.

d) An explanation to the employee of the effects of separation of employment on benefits provisions and contributions to the Public Employees Retirement System, the amount of vacation leave accrued and the method and amount of payment.

2. The employee will be afforded the opportunity to constructively comment on city employment through a discussion with the department Manager, City Administrator or Mayor.

3.13.02 A summary of the exit interview will be placed in the personnel file of the employee.

3.14 Personnel Records

3.14.01 Personnel records will be maintained for each employee and are the property of the city. Personnel records will show the employee's name, title of position held, the department assigned, salary, change in appointment status, training received, with the exception of Police and Fire Department in-service training maintained in Departmental files, performance evaluations, fringe benefits administration, including vacation and sick leave rates of accumulation and use, notes regarding disciplinary action or other counseling sessions, and such other information as may be considered pertinent.

3.14.02 Employee Records are confidential and accessible only to the employee, the employee's Department Manager, the City Administrator and the Mayor, or other staff assigned to the personnel file.

3.14.03 Employees are entitled to review their own personnel file at least once annually, or otherwise upon approval of the Department Manager. Employee review will be conducted in the presence of authorized personnel.

3.14.04 Confidential personnel records will not be released to any unauthorized individuals except with the written consent of the employee or in response to valid court orders or government requests directing the provision of information from personnel records.

3.14.05 Employees have the opportunity to submit a letter of rebuttal regarding any information contained in their file that is in dispute.

3.15 Employment References

3.15.01 Unless otherwise required by a valid court order, the city will furnish only the following information about past or present city employees to persons outside city government.

1. Dates of Employment
2. Current job title or job title at date of termination.
3. Verification of salary information
4. Employment references

3.15.02 All requests for any information regarding past or present city employees will be directed immediately to the City Administrator. All other personnel will not respond directly to any requests for information. Due to potential liability to the city, all requests for employment references are to be referred to the appropriate Department Manager, the City Administrator or Mayor.

3.16 Retention of Personnel Records

Personnel records that are not confidential will be maintained and destroyed in accordance with established policy regarding public records. Confidential personnel records and payroll records may be destroyed five (5) years after the employee has ceased to work for the city, or at an earlier date as determined by the Mayor.

3.17 Identification of Employees

3.17.01 It is the policy of the city that when on duty, all employees be visible and identifiable to the public to the maximum extent compatible with assigned work duties. All city furnished uniforms or work clothing are to be maintained in a presentable manner by the employee. "Presentable manner" will be determined by the Department Manager.

3.17.02 City-furnished uniforms remain the property of the city at all times. Uniforms will be worn only on duty or during additional approved volunteer activities that are identical to those performed while on duty. Wearing of uniform items while commuting between a home and the work location may be permitted providing that the wearer does not participate in any interim activity where the image and good name of the city might be negatively affected. For example, city uniforms are not to be worn in an establishment while consuming alcoholic beverages.

3.17.03 The outer garment of each uniform furnished by the city will bear the official insignia of the city and other such markings or emblems as each

Department Manager may specify, except that rain gear may be identified otherwise. The Department Manager will determine the appropriateness of the employee name on the uniform. Proper location of such insignia and names on the uniform will be determined by the Department Manager.

3.17.04 All employees who come in direct contact with the public outside the City-owned buildings may be required to carry an identification card issued by the city. If issued the card will contain name, title, department, address and telephone number of work location; and in some circumstances, a head and shoulders photograph and certification that said person is an employee of the City of Buckley.

3.17.05 All City-issued identification, uniforms and other City-owned materials or property in the employee's possession must be surrendered to the city before issuance of a final paycheck upon termination of that employee.

3.18 Education and Training

It is the intent of the city to provide maximum flexibility as well as good budgetary control of schooling and training for employees. All training must be job related and included in departmental budgets.

3.18.01 Education and Training

a) Education and training as required by the Department Manager will be paid wholly by the city.

b) Funding for education expenses or training costs requested by the employee for job enhancement may be wholly paid by the city or shared with the employee, depending on the nature of the training and the job-related need, as approved by the Department Manager.

c) When training is paid by the city, an employment agreement may be required specifying length of employment duration with the city.

d) Education or training requested by the employee, where expenses are approved for payment by the city, will be reimbursed provided a satisfactory grade of "C" or above, or certification of satisfactory completion, is received and that proof of completion is presented with request for reimbursement. Expenses which may be approved by the Department Manager and included in requests for city reimbursement

are tuition, books, and training registration fees, or a combination of those costs.

e) Compensation for time spent by employees on training programs will be in accordance with the Fair Labor Standards Act.

3.19 Suggestions

All employees are encouraged to make suggestions which will improve efficiency of city operations, or employee job satisfaction. Even ideas for other departments of the city are helpful. Suggestions may be written or verbally given to the employee's supervisor at any time. The supervisor will then discuss the idea with the appropriate person or group.

Section 4
General Conduct, Discipline, Termination & Appeal

4.01 Personal Appearance, Conduct & Attitude
4.02 Hours of Work
4.03 Standard Work Week
4.04 Attendance
4.05 Work Breaks
4.06 Disciplinary Action
4.07 Forms of and Procedures for Disciplinary Action
4.08 Termination
4.09 Pre-disciplinary Meeting
4.10 Personnel Grievance

4.01 Personal Appearance, Conduct & Attitude

Employees shall wear appropriate attire for their position and department, as determined by the Department Manager. Most City jobs involve contact with the public and other employees. Dress, grooming, and hygiene standards which are compatible with a professional, business-like atmosphere and which demonstrate respect for co-workers should be observed. A neat and presentable appearance is required at all times while on the job and representing the City of Buckley. Employees are expected to be positive in attitude even when dealing with citizens under strained or emotional conditions.

4.01.01 Uniforms. Should uniforms, safety apparel, or equipment be required for a particular position, they will be provided at City expense as provided for in administrative regulations. Except for exigent circumstances, uniforms identifiable with the City of Buckley shall only be worn to and from work and during hours of work or duty.

4.01.02 Aromatic Sensitivities. Some employees may be sensitive and/or have allergies to smells and/or fragrances. Please be courteous to those around you when cooking strong smelling foods, such as fish, in common areas not designated as the lunchroom, and/or eating such food at your

desk, as well as when using scented products, such as air fresheners, sprays, potpourri, lotions, and colognes/perfumes. Scents linger and travel from workspace to workspace affecting those that may have sensitivities.

4.02 Hours of Work

A standard work day and normal operating hours are from 8:00 a.m. to 5:00 p.m., with a 1 hour unpaid lunch period, or 8:30 a.m. to 5:00 p.m. with a ½ hour unpaid lunch period, Monday through Friday, except those days designated as official holidays. Alternative work schedules pursuant to Section 4.03.02 may be jointly considered by the employee and the department manager subject to final approval by the Mayor.

4.03 Standard Work Week

4.03.01 Full-time city employees work 40 hours per week. Unless otherwise approved in writing by the City the 7 day work week for each employee will be 12:00 midnight Sunday through 11:59 p.m. Saturday.

4.03.02 Alternative work schedules. The purpose of this provision is to establish guidelines for alternate work schedules and hours of work for City employees, keeping in mind that the use of alternative work schedules is offered in the City's discretion, and is not an entitlement for any employee.

An alternative work schedule may have several advantages, including:

- Increased ability to serve the public who need extended hours
- Employees travel to and from work with less stress during off-peak hours
- Less use of leave time due to greater flexibility in planning personal and medical appointments
- Increased employee morale
- Employees can choose to work during their most productive hours (flextime)
- Changes can be implemented city-wide or by department, depending on need
- Flex time allows employees the option of adjusting their starting and ending times for the purpose of adapting their schedules to optimize use of mass transit, vanpools, and carpools.
- Reducing congestion on the highways and saving energy from reduced commute times

4.03.03 Organizations Affected. All Departments. Should any provision of a collective bargaining agreement (CBA) conflict with this policy, the provisions of the CBA shall apply and govern.

4.03.04 Work Schedules. The normal work schedule of the City is the Five/Eight Schedule. Depending on the needs of the City and the interests of the employees, employees may be authorized to work one of the schedules listed below:

1. Five/Eight (5/8) Schedule. Eight hours per day, five days per week. Generally, employees will be assigned to work either 8:30 a.m. to 5:00 p.m. with a ½ hour unpaid lunch period, or 8:00 a.m. to 5:00 p.m., with a 1 hour unpaid lunch period.

2. Four/forty (4/40) Schedule. Under this schedule, employees work four 10-hour days. The fifth day is a day off. Generally the schedule will be Monday-Thursday, or Tuesday-Friday, but may be varied depending on the needs of the City. Generally, employees will be assigned to work 7:00 a.m. to 5:30 p.m. with a ½ hour unpaid lunch period, or 7:30 a.m. to 6:00 p.m. with a ½ hour unpaid lunch period.

3. Nine/eighty (9/80) Schedule. This schedule allows employees to work their usual number of hours in a 2 week period (80 hours in 9 days). The tenth day is off. Generally, employees will be assigned to work four (4) nine (9) hour days during a seven (7) day period and four (4) nine (9) hour days and an eight (8) hour day for the adjoining seven (7) day period. Normal working hours are either 7:30 a.m. to 5:00 p.m. with a ½ hour unpaid lunch period, 8:30 a.m. to 6:00 p.m. with a ½ hour unpaid lunch period, 7:00 a.m. to 5:00 p.m., with a 1 hour unpaid lunch period, or 8:00 a.m. to 6:00 p.m., with a 1 hour unpaid lunch period. This schedule normally provides every other Friday off. To earn the 10th day off, employees work nine-hour days Monday through Thursday, giving them 36 hours. Then on Friday, they work a regular eight-hour day, four hours of which count for the first week and the other four for the next week. On the second week, they again work Monday through Thursday for nine hours each day, giving them 80 hours for the two weeks, and the 10th day (Friday) off.

a) 9/80 Work Schedule Explanation. Consideration of the option for an employee to operate under a 9/80 work schedule shall be subject to the discretion of the Department Head and Mayor. For clarification purposes a 9/80 work schedule as referred to in this document is a work schedule covering a 14-day work cycle period in which an

employee is assigned to work four (4) nine (9) hour days during a seven (7) day period and four (4) nine (9) hour days and an eight (8) hour day for the adjoining seven (7) day period.

Shifts will be scheduled with starting and stopping times as directed by the Department Head. Only those employees authorized by the Mayor will be able to participate in the 9/80 work schedule. The City reserves the right to schedule personnel on or off of the 9/80 work schedule as necessary. Should any employee on the 9/80 plan become ill or injured requiring time off from the job or modified job duties, that employee may be assigned to a five (5) day, forty (40) hour work week.

In compliance with Fair Labor Standards Act (FLSA), the City will establish a new work period for employees participating in the 9/80 work schedule. For the purposes of FLSA compliance, the work week is defined as beginning at the mid-point of the eight (8) hour day during the first seven (7) day work period, whether Friday or Monday. The second seven (7) day work period begins at the mid-point of the scheduled day off, whether Friday or Monday.

The purpose of defining the workweek as beginning in the middle of an 8-hour shift is to allocate hours so that the employee is not working more than 40 hours per workweek, and thus, is not accruing an entitlement to overtime pay for hours worked in excess of 40 hours per week. The employee will be required to acknowledge that he or she understands this allocations of hours, and that no overtime hours will be accrued, before being allowed to work this shift

4. Accruing and Using Sick Leave, Vacation Leave and Holiday Pay While On An Alternative Work Schedule.

a) Sick leave and vacation leave will continue to accrue at the regular rate. When an employee takes a full day of sick or vacation leave, the time charged will be equivalent to the full number of hours the employee was scheduled to work.

This compensates for actual time absent for regularly scheduled work hours. For example, an employee accruing eight (8) hours per month in sick leave is absent for a full day that he/she is scheduled to work ten (10) hours. The time charged for sick leave would be ten (10) hours.

b) When a paid holiday falls on an employee's regularly scheduled work day, the employee will be paid ten (10) hours of holiday pay. Any accrued paid holiday hours must be utilized in the calendar year in which they have been earned. Accrued holiday hours not used by December 31st of each year will be lost to the employee; however accrued holiday hours earned in November and December of each calendar year may be carried over into the following year but must be used by January 31 of that following year.

5. Lunch and Break Periods. The current practice of two (2) fifteen (15) minute paid breaks and one-half (1/2) hour unpaid lunch period shall remain in effect.

6. Limitations. Service under any alternate schedule will NOT result in the employee's working more than 40 hours per work week and no entitlement to overtime pay shall accrue on account of working this schedule. The employee may be asked to sign an acknowledgement that he or she will not be accruing overtime simply on account of working this schedule, before the City authorizes this schedule.

7. Modifications. Modifications in shifts are made at the sole discretion of the Department Head and should the 9/80 or 4/40 prove to be financially or otherwise unfeasible or not the most efficient means of service delivery, the City reserves the right to immediately cancel the 9/80 or 4/40, upon notifying the employee of such an intent.

4.03.05 Flex Time - Staggered Work Hours. Depending on the needs of the City and the interests of the employee, employees may adjust their arrival and departure times from 15 minutes to 1 hour under any of the authorized schedules. The may be done for a single day, or on a recurring basis. Flex time requires approval of the Department Head and coordination with the City Administrator.

4.03.06 Telework. Regular telework, also known as telecommuting or working-at-home, is defined as a mutually agreed-upon work option between the City and the employee where the employee works at a telework site (home or an alternative work site) on specified days and/or hours, and at the central work site the remainder of the time, retaining flexibility as necessary to meet the needs of the work unit. Regular telework may be scheduled for up to two days per week as agreed upon by the Mayor or designee and the employee.

4.03.07 Criteria for Approval. In determining whether to consider a

request for an alternate work schedule, flex time, or telework, department heads shall be guided by the following criteria. The primary criterion shall be customer service. Will a change from the normal 5/8 work schedule:

- Maintain or increase access by and service to the citizenry;
- Facilitate teamwork;
- Facilitate supervisory assistance;
- Increase productivity;
- Reduce traffic congestion;
- Reduce commuting time; or
- Promote Energy conservation?

4.03.08 Attendance - Notices. Employees are expected to be ready to begin work at the start of the shift. Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected when possible. Failure to do so may be construed as an unexcused absence, and the day missed treated as unpaid leave. Tardiness must be made up during the pay period in which it occurs. Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification. Nonattendance records should be maintained by each department, including date, time absent and reason for absence. The appointing authority will consider attendance in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the City. Frequent tardiness or other attendance irregularities is cause for disciplinary action.

4.03.09 Temporary, Part-Time, or Special Project Employees. Work schedules and hours for part-time, temporary or special project employees may vary from the alternate work schedules listed in this policy depending on the nature of the duties, and will be determined by the appropriate Department Head in consultation with the employee and City Administrator.

4.03.10 Scheduling Commitment. Employees who have requested and been approved for alternate work scheduling must maintain the new work schedule for a minimum of 90 days before requesting a change from the new schedule. Employees who have elected to continue with a normal schedule may request an alternate schedule at any time subject to the provisions above.

4.04 Attendance

Employees must be in attendance at their work station in accordance with the rules regarding hours of work, holidays and leaves as set forth in these policies. Employees are expected to be at their work station and prepared to begin work at the starting time. Abuse of attendance or hours of work rules may result in disciplinary action.

4.05 Break Periods

4.05.01 Rest Breaks: Employees are entitled to one 15-minute paid work break per four hours of work time. While rest breaks are authorized in accordance with applicable State law, break schedules are flexible so as not to interrupt the operations of the city. The Department Manager has the authority to revise break schedules as necessary.

4.05.02 Meal Breaks: Employees are entitled to a maximum one-hour unpaid break for meals for each 8-hour work day. Arrangements of meal breaks will be approved by the Department Manager in consideration of work schedules of the department.

4.06 Disciplinary Action and Rules of Conduct

City employees should be informed of rules of conduct and specific causes for disciplinary action, including applicable departmental policies or rules. These rules of conduct are formalized for each employee's information to minimize the likelihood of any employee becoming subject to disciplinary action through misunderstanding or otherwise. It is the responsibility of the department manager and immediate supervisor to ensure employees are informed of these rules of conduct.

4.06.01 Rules of Conduct

1. The occurrence of any of the following is sufficient justification for immediate discharge but is not considered all inclusive:

a) Theft, misappropriation or removal of city property or the property of employees, clients or customers.

b) Knowing, intentional or repeated falsification of an application for employment or any report, time sheet or city record.

c) Soliciting and/or accepting payments, gifts or any item of value for services performed during the regular workday, whether the services are performed on behalf of the city and whether city vehicles or equipment are used.

d) Willful alteration, destruction or waste of city property, facilities, records or equipment, wherever located, or the destruction of another employee's property.

e) Using, selling, dispensing, or possessing alcohol (except as specifically authorized by the City), marijuana, illegal drugs, narcotics or other controlled substances on city property or in city vehicles; reporting to work or being impaired and/or under the influence of alcohol, marijuana, narcotics or other controlled substances while on working time, or while on city property or in city vehicles.

f) Giving or taking a bribe of any nature as inducement for obtaining or retaining a job or position.

g) Serious or repeated disorderly conduct, horseplay or insubordination. Insubordination includes, but is not limited to: neglect of duty, or refusal or failure to obey orders or instructions in the line of duty; public disrespect displayed toward a supervisor or the city while performing work for the city; and abusive language to any supervisor.

h) Threatening, intimidating, coercing or interfering with supervisors or other employees.

i) Deliberate attempts to injure another employee or fighting on city property or during working hours.

j) Sleeping during working hours.

k) Unauthorized possession of fire arms, explosives or any dangerous weapons while performing city work or while on city property.

l) Participating in an unauthorized work stoppage or slowdown.

m) Recklessness resulting in a serious accident while on duty, whether on city property or while driving a city vehicle.

n) Repeated unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct as defined in State and Federal Laws. Sexual harassment includes but is not limited to demands for sexual favors in exchange for employment, retention of job, promotion or other employment benefits.

o) Willful or intentional behavior or remarks based on race, creed, color, national origin, age, sex, marital status, sexual orientation, or the presence of a physical, sensory, or mental disability resulting in discrimination against any employee, customer or member of the general public.

p) Willful infraction of any departmental or city rule, regulation or policy.

2. The occurrence of any of the following is sufficient justification for the imposition of lesser discipline such as verbal or written warning, suspension without pay or disciplinary probation as set forth in the following section, although depending on the seriousness of the offense, the city may immediately discharge the offender. These reasons for discipline are not intended to be all-inclusive.

a) Ignoring safety rules or common safety practices.

b) Engaging in disorderly conduct, horseplay, immoral conduct or insubordination; using uncivil, insulting, vile or obscene language.

c) Failure to report occupational injuries or accidents promptly to the employee's supervisor, including motor vehicle accidents in a city vehicle.

d) Engaging in activities other than assigned work during working hours and/or while operating city equipment, without advance approval by the employee's supervisor.

e) Acting in an insulting, rude, insolent or uncivil manner toward any customer or other person while working for the city, or while operating city equipment or on city premises.

f) Failure to exercise the care and attention to one's work as required by the circumstances.

g) Smoking in restricted or prohibited areas on city property.

h) Accepting employment with another employer while on leave without pay from the city without written authorization from the city.

i) Acting in any manner inconsistent with common sense rules of conduct necessary to the welfare of the city or its employees.

j) Unexcused or excessive absences or tardiness.

k) Leaving work before the end of the shift or not being ready to begin work at the start of the shift, or working overtime without permission of management.

l) Loafing or spending unnecessary time away from the job.

m) Unauthorized possession or use of any city property, equipment or materials.

n) Carrying an unauthorized passenger in a city vehicle.

o) Contributing to unsanitary conditions or poor housekeeping.

p) Use of city property or time for personal financial gain.

q) Any form of discrimination or sexual harassment, as outlined in 4.06.01 (1), (n) and (o).

r) Having wages or salary subject to a writ of garnishment for three or more separate indebtedness in a continuous 12-month period.

4.07 Forms of and Procedures for Disciplinary Action

4.07.01 The degree of disciplinary action administered depends on the severity of the infraction and will be carried out in accordance with this policy or in accordance with applicable Civil Service Rules and Regulations or labor contracts. It is the responsibility of the supervisor to evaluate the circumstances and facts thoroughly and objectively. The supervisor will then recommend the most suitable form of disciplinary action to the Department Manager.

1. Verbal Warning : Verbal warning should be given to the employees in private, if possible. This type of discipline should be applied for infractions of a relatively minor degree. Supervisors should inform the employee that he or she is administering a verbal warning, that the employee is being given an opportunity to correct the condition, and that if the condition is not corrected, the employee may be subject to more severe disciplinary measures.

2. Written Warning:

a) This notice may be issued by the supervisor or Department Manager in the event the employee continues to disregard a verbal warning, or if the infraction is severe enough to warrant a written record in the employee's personnel file.

b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the written warning with the employee and the immediate supervisor to be certain that the reasons for the warning are understood.

c) A copy of the written warning will be given to the employee at the time of the discussion of the warning. The original copy will be placed in the employee's personnel file.

d) A written warning may be removed at the request of the Department Manager from the employee's personnel file after a period of one year (12 calendar months) provided that no further disciplinary action is taken during the 12-month period. If subsequent disciplinary action is necessary, the written warning becomes a permanent record in the employee's file.

3. Written Reprimand:

a) A written reprimand may be issued by the supervisor or Department Manager in the event the employee continues to disregard previous disciplinary measures of verbal or written warnings, or the severity of the infraction is such to warrant a written reprimand be made a permanent record in the employee's file.

b) The supervisor or Department Manager will put in writing the nature of the infraction in detail and sign the notice. The Department Manager will discuss the reprimand with the employee and the immediate supervisor to be certain that the reasons for the reprimand are understood. A copy of the written reprimand will be given to the employee at the time of the discussion of the infraction. The original copy will be placed in the employee's personnel file.

c) A written reprimand becomes a permanent record of the employee's file and may not be removed at the discretion of the Department Manager.

4. Probation: An employee may be required to serve an additional probationary period for disciplinary reasons for up to six months, which may be extended once for up to an additional six months. If placed on probation for disciplinary reasons, all provisions of probationary status apply, unless otherwise specified. At the end of the probation, the employee may be returned to regular status, demoted or terminated.

5. Demotion:

a) Demotion may be used in rare instances where an employee is clearly unable to satisfactorily perform the responsibilities of their position but is capable of performing in a position of less responsibility and otherwise exhibits the qualities of a good public employee. Demotions may be recommended by the Department manager or City Administrator, with final approval by the Mayor.

b) A pre-disciplinary meeting is required prior to a demotion for disciplinary reasons.

6. Suspension:

a) This form of discipline must be recommended by a Department Manager or the City Administrator and can only be used for a severe infraction of rules or standards, or for continued violation after the employee has received one or more written warnings and has made little or no effort to improve performance. It should be applied only after a thorough evaluation by the Department Manager or City Administrator, with final approval by the Mayor.

b) The Department Manager will put in writing all facts leading to the recommended suspension, and the duration recommended. A pre-disciplinary meeting will be held with the employee to make certain that the employee is fully aware of the reasons for the considered action and has an opportunity to respond and supply additional information.

c) A pre-disciplinary meeting is required prior to a suspension for disciplinary reasons.

d) Exempt personnel are not subject to unpaid disciplinary suspensions except in increments of full work weeks unless the infraction leading to the suspension is for a violation of a safety rule of major significance.

4.08 Termination

All city employees serve at the pleasure of the Mayor. Subject to any applicable state or federal laws, or specific provisions in employment contracts, the Mayor, or his designee, may discharge any employee at any time with or without cause. Removal from employment should normally follow verbal and/or written warnings previously given and made a part of the employee's personnel file. A pre-disciplinary meeting is required for all terminations.

4.08.01 A regular employee terminated from employment will normally be given at least two weeks notice with a letter of dismissal. However, in the event the infraction or situation is so serious that it requires "on the spot" removal, the employee will leave his work station immediately, if so directed by the appointing authority or his designee, and later be given a termination letter explaining reasons for the action.

4.08.02 Copies of all disciplinary actions and termination letters are to be placed in the appropriate personnel record.

4.08.03 A final written performance appraisal will be completed on any terminated employee.

4.09 Pre-disciplinary Meeting

The Department Manager will provide for and arrange a pre-disciplinary meeting prior to demotion, suspension or termination of a regular employee.

4.09.01 An employee will be provided, in writing, with a notice of the infraction and an explanation of the reasons for disciplinary action. The employee will be given an opportunity to respond verbally or in writing, as to why the proposed disciplinary action should not be taken.

4.09.02 The employee may have a representative present at a pre-disciplinary meeting.

4.09.03 The City's explanation of the reasons for disciplinary action at the pre-disciplinary meeting will be sufficient to apprise the employee of the basis for the proposed action. This rule, however, will not be construed to limit the employer at subsequent hearings from presenting a more detailed and complete case, including presentation of witnesses and documents not available at the pre-disciplinary meeting.

4.09.04 Should it be determined that disciplinary action is necessary following the pre-disciplinary meeting, written notice of discipline will be

given to the employee. Such notices are to include the alleged infraction and a general statement of the reasons for the action, and become a part of the employee's personnel file.

4.10 Personnel Grievance Procedure

The city will strive to assure clear communication, high morale and good will among employees, and will attempt to resolve employee concerns through discussion or other informal measures. Employees are encouraged to discuss any problems or suggestions with their immediate supervisor or Department Manager. However, if an employee feels that all informal avenues have been exhausted and their complaint or concern has not been resolved, that employee may follow the grievance procedure. No punitive action will be carried out against any employee for utilizing the grievance procedures contained in these policies.

4.10.01 Applicability of Grievance Procedure

This grievance procedure applies to all regular non-probationary status city employees with the exception that it does not apply to employees covered by a valid collective bargaining agreement which contains a grievance procedure. In some cases, uniformed personnel may elect to use either the Civil Service Rules & Regulations or the Administrative grievance procedure, but not both for the same grievance.

4.10.02 Subjects of Grievance Procedure

The following subjects may be grieved: disciplinary action (as previously described) and any questions of interpretation as to wages, hours, classification, and working conditions in effect.

4.10.03 Procedure

All grievances are to be processed in accordance with the following procedure, the time limits of which are mandatory and which will be strictly enforced (See Definitions, "Days"):

Step One. The aggrieved employee will submit the grievance in writing to the immediate supervisor within 10 days of its occurrence. The immediate supervisor will respond to the grievance within 10 days. If the response is to request more time for investigation of fact, the employee may concur with such time extension or may proceed to the next step without prejudice. A copy of this response is to be sent to

the Mayor, City Administrator, Department Manager and personnel office.

Step Two. If after receiving the response of the immediate supervisor the employee remains aggrieved, the decision may be appealed within 10 days, in writing, to the Department Manager stating the facts of the grievance, and remedy requested by the employee. The Department Manager's response to the grievance will be within 15 days. A copy of this response is to be sent to the Mayor, City Administrator and personnel office. If the Department Manager is the immediate supervisor, step two may be eliminated.

Step Three. If after receiving the response of the Department Manager the employee remains aggrieved, the decision may be appealed within 10 days, in writing, to the Mayor. It is necessary for the written grievance to state the nature of the grievance, along with reference to the policy (if any) violated, and all pertinent correspondence, records and information accumulated to date. Within 15 days of receipt of the grievance, the Mayor will hear the appeal and render a decision in writing within 20 days. The decision of the Mayor will be final. A copy of the decision is to be sent to the City Clerk's Office.

4.11 Communication Use

The City of Buckley provides or contracts for the communications services and equipment necessary to promote the efficient conduct of its business.

Most communications services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper mode for business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.

All City of Buckley communications services and equipment, including the messages transmitted or stored by them, are the sole property of the City of Buckley. Department Managers may access and monitor employee communications and files as it considers appropriate. Communication services and equipment include mail, electronic mail ("e-mail"), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranet connections, computer files, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, voice mail, and bulletin boards.

4.11.01 Computer Usage

As a City employee, you may use computers extensively in your job. A few rules are necessary so that everyone can get the maximum benefit from the City's investment in technology.

Software. In order to protect the City of Buckley's computer system from viruses and ensure that the software used in compatible with City computers, only software purchased or approved by the City may be installed on City computers. Before installing any software not purchased by the City, you must check with the Systems Administrator. Games and other non-business related software may not be installed on City computers or used on City time. Software purchased by the City is for legitimate City business use only. It may not be copied or taken home.

Copyright Compliance. Software is protected from unauthorized duplication by law. The City of Buckley respects the legal rights of software developers and expects employees to do the same. No employee may duplicate software, or otherwise use software other than in accordance with the terms of its license. Software that has been duplicated without authorization may not be installed on City computers. Copyrighted material should not be sent via City e-mail or on the Internet.

Internet. Only employees specifically authorized by the City of Buckley may access on-line services and the Internet. Authorized employees must disclose all passwords to the City of Buckley and their supervisors but should not share the passwords with other employees. Employees' personal on-line use is allowed during approved breaks. Employees should not duplicate or download from the Internet or from any e-mail any software or materials that are copyrighted, patented, trademarked, or otherwise identified as intellectual property without express permission form the owner of the material. When appropriate Internet material or e-mail files are downloaded, they should be scanned using the City of Buckley anti-virus software.

E-mail. Employees must bear in mind that email is not private and its source is clearly identifiable. Email messages may remain part of City business records long after they have been supposedly deleted. Email may not be used for external broadcast messages or to send or post chain letters, messages of a political or religious nature, or messages

that contain obscene, profane, or otherwise offensive material or language.

Employees should not use e-mail, facsimiles, or any other insecure communication system to communicate confidential information. Electric records, including e-mail messages, are public records subject to Washington State's Public Disclosure Records Act (RCW 42.17). There are also other legal issues related to e-mail communications. In general, e-mail is subject to discovery.

Monitoring. Users should be aware that electronic records are not private records. All messages and activity should be composed with the expectation that they will be made public. Please understand that by using the City's computer equipment to access electronic mail or the Internet, all users have given their consent to permit the City, at its discretion, to inspect, use or disclose any Internet email or other electronic communications and/or data without further notice. Inspection is not systematic, and the city encourages and depends upon users to report offensive or inappropriate use. The City reserves the right to monitor all electronic records at any time and without prior notice, to assure compliance with this policy.

4.11.02 Personal Use of Communication Systems

City communication systems and networks are provided for the conduct of City business. However, personal use by employees of City telephone, and voicemail, email, and Internet systems is permitted within the following guidelines

- The use is of reasonable duration and frequency during approved breaks or lunch periods.
- The City incurs no added costs, such as long-distance telephone charges.
- The use is not related to any illegal activity or the conduct of an outside business.
- The use must not adversely affect the City or its public image.
- The use is not in support of any religious, political, or outside organization activity.
- The use does not interfere with the performance of City business, the employee's assigned duties, or the assigned duties of other employees and does not adversely affect the performance of the employee or the employee's organization.

Employees should ensure that no personal correspondence appears to be an official communication of the City of Buckley since employees may be perceived as representatives of the City of Buckley and, therefore, damage or create liability for the City of Buckley. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate and appropriate. Employees may not use City of Buckley stationary or postage for personal letters. In addition, only the City of Buckley may issue personalized City of Buckley stationary and business cards.

4.11.03 Cellular Phones

The City may require certain employees to use a cellular telephone in the performance of their job or in emergency situations. In either case, the City shall pay the expenses related to the purchase, lease or rental of a cellular phone when this is required. Department Managers shall be responsible for purchasing the cellular telephones and related equipment and maintaining them in the City's inventory. Employees are responsible for taking reasonable precautions to prevent equipment theft and vandalism, including securing the equipment in a proper manner at all times.

The City provides cellular telephones to certain employees to improve both the services provided to the community and the communications with other City employees for City business. Therefore, City owned cellular phones should be used "only" for City purposes and/or in the event of an emergency. Please limit incoming and outgoing personal cellular phone calls to necessary calls and keep them to a minimum. When personal, long distance use is unavoidable; employees should, if possible, log the user charges and reimburse the City for them. Employees are responsible for all charges incurred and are required to reimburse the City for long distance charges in the following billing cycle.

Please remember that cellular telephones are not a secure method of transmitting information. Employees are therefore expected to use discretion in relaying confidential or sensitive information. The City reserves the right to monitor the use of all City owned telephones.

4.11.04 Emergency Contact.

Employees who do not have direct access to a City of Buckley telephone should make provisions to have emergency or other necessary incoming calls routed to a department approved telephone or to City Hall. Although the City of Buckley will attempt to deliver personal messages to employees,

it cannot and does not accept responsibility for the prompt or accurate relay of these messages.

4.11.04 Improper Communication Use.

Improper use of City of Buckley communications services and equipment will result in discipline, up to and including termination. Improper use includes any misuse as described in this policy as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

4.12 City Credit Card Use

The City may issue charge cards to employees, elected or appointed officials to cover authorized travel expenses and other purchases or acquisitions. The charge card users must submit fully itemized expense vouchers using the City of Buckley Credit Card Expense Voucher form. The official or employee must repay any charge not properly identified or not allowed following an audit. If the amount owed is not repaid, the City may withhold all funds that would be payable to the officer or employee who used the charge card up to the amount of the disallowed charges. The card may not be used by an official or employee who has such charges outstanding, and it shall be surrendered upon demand of the Finance Director or City Administrator.

The City's charge card may only be used for travel, training, local business meetings, meals, or City purchases and acquisitions. All State and City purchasing requirements must be followed when using credit cards for purchases and acquisitions. Personal expenses, i.e. telephone calls, purchases of items to be kept by the employee, etc., are not allowed to be purchased on a City charge card, and cash advances are prohibited. Employees and elected or appointed officials using City credit cards are responsible for promptly reporting lost or stolen credit cards to the credit card company and the Finance Department.

Please return the City's charge card to your Department Manager or to the Finance Department within two (2) business days after you return from conducting City business. Within ten days of the return of the charge card to the Department Manager or the Finance Department, the official or employee of the City who used the card must submit a fully itemized "Credit Card Expense Voucher". All expenditures require approval from the appropriate department manager (or designee) or the City Administrator.

4.13 Use of City Property

City supplies and equipment must be conserved for the authorized conduct of official business. By state law, they are not for personal use. City stationary, supplies and postage may not be used for personal mail. Personal mail should be delivered at an employee's home address. Please do not use the City cash drawer for cashing personal checks.

If you are entrusted with City equipment, materials or property to use in your job, you are responsible for its proper use and maintenance. If you need to borrow or take home City property for City business, you must have authorization from your supervisor.

All communications technology is the property of the City and may be used only for official business. Please limit incoming and outgoing personal phone calls to necessary calls and keep them to a minimum. When personal, long distance use is unavoidable; employees should call collect or charge the call to a home telephone or personal credit card, if possible, or log the user charges and reimburse the City for them. Employees are responsible for all charges incurred and are required to reimburse the City for long distance charges in the following billing cycle. Other City equipment, including vehicles, should be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action up to and including termination.

The City may provide a locker, cabinet, or desk for your personal belongings. The City reserves the right to inspect City owned property with or without notice, for legitimate business reason. The City is not responsible for employee valuables, vehicles, or personal possessions brought onto City property.

4.14 Use of Vehicles on City Business

4.14.01 Use of City Vehicles

City vehicles are available for employees to use while conducting City business. Except for incidental personal business which may be accomplished along the route (such as stopping at a bank), City vehicles are to be used only for City business.

With the approval of the Mayor, selected emergency response (fire & police) and designated on-call employees may drive a City vehicle back and forth between work and their private residence.

Unless otherwise authorized by the city, only employees and/or qualified volunteers holding valid Washington state Driver's License and/or

commercial vehicle endorsement, if applicable will be allowed to operate city vehicles.

Employees who drive a vehicle on city business must exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are also responsible for any driving infractions or fines as a result of their driving.

Employees must report any accident, theft, or malicious damage involving a city vehicle to their supervisor and the appropriate personnel within the city police department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than forty-eight hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident.

Employees shall not operate any city vehicle at any time or operate any personal vehicle while eligible for mileage reimbursement and on city business while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. The city prohibits operators of vehicles from drinking alcohol, consuming illegal drugs, and taking prescription medications that affect ability to drive, and driving. Smoking inside any City vehicle is prohibited.

4.14.02 Use of Personal Vehicles

Employees may opt to use their personal vehicles for City business when approved by their supervisor. Use of personal vehicles by employees is preferred when attending conferences and training.

Employees who use their personal vehicles for approved business purposes will receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. This allowance is to compensate for the cost of gasoline, oil, depreciation, and insurance. Therefore, employees who operate personal vehicles for city business must maintain auto liability coverage as required by State law.

If an employee using a personal vehicle is involved in an accident or any damage is incurred to the vehicle, claims should be made to the employee's personal automobile insurance carrier.

Section 5
Employee Position Classification & Salary Plan

5.01 General Provisions
5.02 Classification Plan
5.03 Salary Plan
5.04 Payment of Salaries

5.01 General Provisions

A position classification plan will be maintained by the City, based on investigation and analysis of the duties and responsibilities of each position. The completed plan will consist of a classification specification for each position, including appropriate title, description of duties and responsibilities, and minimum requirements and/or desirable training, experience or other qualifications.

5.02 Classification Plan

5.02.01 Preparation of Classification Plan: The Mayor is responsible to assure the preparation of a plan which includes a specification for each classification. Specifications will be prepared after consultation with supervisors and other persons technically familiar with the duties and responsibilities of the job to be performed.

5.02.02 Classification of Positions: Each position will be assigned by the Mayor to one of the classifications of the approved classification plan. Employees will be notified of the classification of their position. The title, as it appears on the specification, will be used to designate the position on official records and payroll.

5.02.03 Classification Specification: The classification specifications are hereby declared to have the following definition and scope:

a) They are explanatory only and not restrictive.

b) In determining a position classification, the specification will be considered as a whole, comparing general duties, responsibilities, minimum qualifications and relationship to other positions in order to obtain an inclusive picture of the position and place it in the appropriate classification.

c) The outline of principal duties of work performed applies to general duties or tasks and is not intended to prescribe the specific duties of a given position, or to limit the alteration or modification of detailed tasks involved in the duties of any position, so long as they remain within the general definition of the classification.

d) The classification specification may include additional requirements which are determined to be necessary for the best interests of the City. These requirements may include possession of a valid motor vehicle operator's license, physical ability, or any other bona fide occupational qualifications pertinent to the positions covered.

e) Nothing in the classification specification is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time.

5.02.04 New Positions

The Mayor will review any request for a new classification. No new classification will be used until there is an approved classification specification covering the work to be performed. If none of the existing classifications is appropriate, a new classification specification is to be prepared in accordance with these policies. Authorization for new positions will be approved through City Council adoption and amendments of the annual salary resolution and/or budget.

5.02.05 Classification Plan Revision & Reclassification

A classification may be reclassified at the request of the department manager, employee, or City Administrator when it appears that the duties and responsibilities of an existing classification are changed. Reasons for the reclassification request are to be stated in writing and the Mayor will

determine whether the present classification is correct or whether a reclassification is necessary. New or revised classification specifications will be prepared as provided in these policies and will become a part of the classification plan.

5.02.06 Incumbents of Reclassification Positions

a) When reclassification occurs, an employee occupying the position may be retained in the position provided that the Mayor determines that the reclassification results from an official recognition of a change in duties and responsibilities which has already occurred and is a long-term inequity of classification.

b) If the reclassification results in a higher maximum salary, this constitutes a promotion and the rules governing promotion with regard to salary apply. If the reclassification results in a lower maximum salary, this constitutes a demotion and the rules governing demotion with regard to salary apply.

5.02.07 Reallocation

A reclassification may be reallocated to a new pay range at the request of the department manager, employee, or the City Administrator when it appears that the duties and responsibilities of an existing classification are changed. Reasons for the reallocation request are to be stated in writing and the Mayor will determine whether the present allocation is correct or whether a reallocation is necessary.

5.02.08 Incumbents of Reallocation Classifications

a) When a classification is reallocated, the employee occupying the position may be retained after it has been reallocated, without examination.

b) If the reallocation results in a higher salary range, the employee's salary will be adjusted, if necessary, to the step in the new range resulting in a salary nearest that existing salary which will not result in a salary decrease.

c) If the reallocation results in a lower salary range, the employee's salary will be adjusted downward to the next lowest step in the new range that will result in an equal salary or the least reduction in salary.

d) Nothing in the classification specifications is to be interpreted as restricting a supervisor from assigning an employee of one classification to perform some of the duties of a higher or lower classification for a limited period of time.

5.02.09 Use of Classification Titles: The classification title is the official title of every position assigned to the classification for the purpose of personnel actions and is to be used on all payrolls, budget documents, and official records and reports relating to the position. Any other working title desired and authorized for use by the Mayor may be used as a designation of any position for the purpose of internal administration or in contacts with the public.

5.02.10 Appeals of Classification: Any department manager or employee affected by the classification of a position may file a written request for reconsideration with the Mayor. The Mayor will review the classification of the position. The decision of the Mayor is final.

5.03 Salary Plan

5.03.01 Adoption of Salary Plan: The Mayor is responsible to recommend to the City Council for adoption of a Salary Plan for the City of Buckley. The Plan will include salaries for non-bargaining unit personnel, as well as salary grades negotiated by employee representatives.

5.03.02 Salary Plan Review: The Salary Plan is to be reviewed annually by the City Council, usually as part of the normal budgetary process for the City. Any changes to the Salary Plan as part of the annual review process are distinguished from merit increases and are not intended to give recognition to length or quality of service, but to general labor market salary requirements and internal relationships.

5.03.03 Qualified Payroll Period: When an employee has ten (10) or less days in a non-pay status in any given calendar month, the payroll period will be considered qualified to accrue benefits, serve out probation, and for computation of merit increase dates. A new employee may be credited with the first payroll period if employed prior to the 15th of the month.

5.04 Payment of Salaries

All employees are paid at an hourly or monthly rate, as specified in the Position and Salary Resolution. Hourly employees are paid on the basis of actual number

of hours worked, including authorized absences with pay and authorized holidays.

Salary rates for temporary or part-time employees will be based on the pay for full-time positions in the same classification.

5.04.01 Beginning Salary: Each employee will be appointed at the first step of the range established for the classification, with the exception of management classification, which shall be negotiated within the assigned range. If it is determined that appointment of non-management employees above the first step may be warranted, the following procedures will apply:

a) The factors to be reviewed in approving appointment beyond the first step are: availability of applicants meeting the qualifications for the vacant position, relationship to other similar classifications, prior experience of a candidate in a comparable position, time available to continue the recruitment process, and budget consideration.

b) The department manager will submit a request for appointment at a higher step to the Mayor, stating justification for the request. The Mayor will make a decision based upon the factors as outlined in 5.04.01 (a).

5.04.02 Merit Step Increases - Regular Status Employees

a) When a regular status employee has performed satisfactorily, as determined through the Performance Evaluation process, a merit step increase may be granted at the completion of six (6) qualified payroll periods from the employee's anniversary date, but not before the satisfactory completion of the employee's initial six-month probationary period.

In the case of an employee placed at the time of hire above Step One of the pay range, the initial in-class merit step raise will be considered upon the completion of twelve (12) months in class and at intervals thereafter defined within a separate bargaining unit agreement or salary plan adopted by the City Council.

b) The annual merit step increase date for an employee will change only if:

1) the employee is promoted or otherwise moved to a position assigned to another job class and is required to serve a trial performance period;

2) the employee receives a merit step adjustment as authorized by the City Administrator; or
3) the employee has used more than 15 calendar days of leave without pay in one month. For each month in which more than 15 calendar days of leave without pay has been used, the employee's annual merit increase date shall be advanced by one month.

5.04.03 Promotion: A promotion is an appointment to a position in a classification which has a higher maximum salary rate than the employee's present classification. The City Administrator will determine the salary step of the promoted employee in the new salary range on the date of the promotion. The salary step of the promoted employee will be set so that the promoted employee's pay level is no more than two salary steps higher than the employee's step prior to the promotion. If step one of the salary range to which the employee has been promoted is a pay level more than two steps higher than the promoted employee's previous salary step, then the employee shall be assigned to step one of the higher salary range. When the date of promotion and the merit increase date coincide, the merit increase is paid prior to the promotional increase.

5.04.04 Demotions: A demotion is an appointment to a position in a classification which has a lower maximum salary rate than the employee's present classification. When a demotion occurs, the department manager will recommend to the Mayor a salary for the demoted employee within the salary range of the lower classification which is less than or equal to the employee's present salary. The employee will retain the same anniversary date.

5.04.05 Transfer:

a) A position transfer is an appointment to a position in the same or different classification of the same pay grade.

b) When an employee is transferred to a position in a different classification with the same pay grade, or is transferred to another department with the same classification, the employee's pay remains the same. The employee will retain the same anniversary date for leave and length of service purposes.

5.04.06 Temporary Change of Classification

a) A current employee assigned to a classification with a differing rate of pay in an "acting" appointment status will be compensated at the next higher step in the new range according to policy on promotion.

b) If the employee is promoted to the higher class with regular appointment status, all policies apply from the date of promotion.

5.04.07 Overtime: Any City employee may be required, as a condition of employment, to work overtime when necessary as determined by his or her supervisor.

a) All overtime is to be approved by the employee's supervisor in advance of being worked. In the case of emergencies, the employee is responsible to notify the supervisor as soon as possible of the need to work overtime.

b) Overtime is considered as time worked in excess of forty (40) hours per week, except in the case of non-standard work schedules. A non-standard work day and work week shall be established by the department manager, or by applicable bargaining agreements, employee contracts or letters of appointment, and approved by the Mayor. The work day or work week may be changed to accommodate the efficient operation of the department.

c) Time worked as overtime will not be used to earn employee benefits or to serve out probation or merit increase periods.

d) All overtime worked and compensated will be in accordance with the Fair Labor Standards Act.

5.04.08 Compensatory Time

Non-Exempt Employees

A regular full-time or regular part-time non-exempt employee may request compensatory time off in lieu of overtime payment. Compensatory time off must be requested by the employee and authorized by the appropriate supervisor. An employee who does not request compensatory time will be paid overtime, and the supervisor can deny a compensatory time request (if time off is not practical) and instead overtime will be paid.

Compensatory time is earned at the rate of 1.5:1 or one and one-half hours for each hour of overtime worked. Compensatory time may be

accrued to a maximum of eighty (80) hours. Compensatory time in excess of eighty (80) hours will be paid as overtime within the same period that the eighty (80) hour limit has been exceeded. Employees should be encouraged to use compensatory time accrued within ninety (90) days of earning it whenever possible. Upon termination, unused compensatory time will be paid at the current rate on the final paycheck.

5.04.09 Executive Administrative Time

Exempt Employees

An employee in an exempt position shall not be entitled to overtime compensation.

However, the City recognizes that, due to operational needs, exempt employees are frequently required to work additional hours for special projects, evening meetings and emergency situations and therefore desires to establish a method to compensate exempt employees for this extra time by granting executive administrative time.

Executive administrative time is earned at the rate of 1:1 or one hour for each hour of time worked in excess of 40 hours for the week. Exempt employees earning executive administrative time shall be allowed to accrue administrative time "only" during the calendar year in which earned. Administrative time in excess of one-hundred twenty (120) hours that has not been used by December 31st of each calendar year shall be paid at the straight time hourly rate at which the time was earned. Employees are encouraged, whenever possible, to use administrative time accrued within ninety (90) days of earning it. Upon termination, unused administrative time in excess of one-hundred twenty (120) hours shall be paid at the straight time hourly rate at which the time was earned.

5.04.10 Exemptions: The Mayor may recommend to the City Council, positions to be exempt from overtime provisions on the basis of the nature of work, conditions of employment or by definition of administrative, supervisory and professional classifications as provided by State and Federal laws. Such exemption is based upon special conditions to work or assignment, in accordance with the Fair Labor Standards Act.

Section 6
Benefits

6.01 Applicability
6.02 Legal Holidays
6.03 Floating Holiday
6.04 Vacation Leave
6.05 Sick Leave
6.06 Sick Leave Payments
6.07 Sick Leave Sharing
6.08 Medical Leave of Absence
6.09 Family and Medical Leave
6.10 Family Care Leave
6.11 Worker's Compensation
6.12 Bereavement Leave
6.13 Military Leave
6.14 Jury Duty
6.15 Leave Without Pay
6.16 Leave Due to Inclement Weather or other Significant Disruptions of the Transportation System
6.17 Unauthorized Absence
6.18 Insurance Benefit Plans
6.19 Retirement
6.20 Early Retirement Incentive Program (ERIP)
6.21 Health Insurance Opt-Out Program
6.22 Retirement
6.23 Optional Benefit or Investment Plans

6.01 Applicability

6.01.01 Eligibility. Benefits as defined in this section are applicable only to regular-status employees of the City of Buckley, unless otherwise stated in a letter of appointment or employment contract, or as otherwise authorized. Part-time employees who are scheduled for on-call assignment are not regular status employees of the City and shall receive only those benefits required by state or federal law or the provisions of an applicable insurance agreement.

6.01.02 Prorating: Part-time, regular status employees shall receive benefits as defined in this section on a pro rata basis.

6.02 Legal Holidays

6.02.01 All regular status employees are entitled to an ten (10) hour paid holiday on the following days, observed in accordance with the official state calendar:

HOLIDAYS	DATES
New Years Day	January 1st
Martin Luther King Jr's Birthday	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veterans' Day	November 11th
Thanksgiving Day and The day after Thanksgiving	Fourth Thursday in November & the day after
Christmas Day	December 25th

6.02.02 For all employees regardless of their work schedule, holidays will be observed in the following manner:

a) When a holiday falls on a Sunday, the following Monday will be considered the holiday.

b) When a holiday falls on a Saturday, the preceding Friday will be considered the holiday.

6.02.03 Any employee on vacation or sick leave during a holiday will not be charged vacation or sick leave for that day.

6.02.04 An employee who would otherwise be entitled to a holiday but is on leave without pay or on unpaid family and medical leave will receive compensation for the holiday, provided the employee has satisfied the qualifying payroll period provision outlined in 5.03.03.

6.02.05 An employee on the payroll for less than a full month is eligible for a paid holiday provided the employee is in pay status a minimum of one working day immediately preceding or immediately following the holiday.

6.03 Floating Holiday(s)

6.03.01 In addition to the above-listed holidays, all regular status employees who have completed at least six months of employment with the city may take two ten (10) hour "floating" holidays each calendar year, at the request of the employee and with the approval of the department manager.

6.03.02 The floating holiday(s) must be taken during the calendar year or entitlement to the day(s) will lapse, except when an employee has requested a personal holiday(s) and the request has been denied due to workload or scheduling.

6.04 Unpaid Holidays for Reasons of Faith or Conscience

Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

The employee may select the days on which he or she desires to take the two unpaid holidays after consultation with his or her supervisor. If an employee prefers to take the two unpaid holidays on specific days, then 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, impose an undue hardship, or the employee is necessary to maintain public safety. The term "undue hardship" has the meaning contained in the rule established by the Office of Financial Management.

If possible, an employee should submit a written request for an unpaid holiday provided for by this section to the employee's supervisor a minimum of 14 (days/weeks) prior to the requested day. The written notice shall include the name of the employee, the date that the employee seeks to take unpaid leave, the amount of unpaid leave (whole shift or partial shift), and a description of the reason for the leave that is sufficient for the City to determine whether it qualifies under the new law, SB 5173. Approval of the

unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. The employee's supervisor shall 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 consideration of the meaning of "undue hardship" developed by rule of the Office of Financial Management.

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.

6.05 Vacation Leave

6.05.01 All regular status non-union employees of the city accrue annual vacation with full pay according to the following schedule:

Vacation Leave Schedule

TIME EMPLOYED BY THE CITY	VACATION TIME ACCRUED PER YEAR
0 – 12 months	12 days
1 year	12 days
2 years	13 days
3 years	14 days
4 years	14 days
5 years	15 days
6 years	15 days
7 years	16 days
8 years	16 days
9 years	18 days
10 years	18 days
11 years	19 days
12 years	19 days
13 years	20 days
14 years	20 days
15 years	22 days
20+ years	25 days

6.05.02 Paid vacation may be taken only after the eligible employee has worked continuously for the city for at least six months. Requests for vacation are to be submitted at least two weeks in advance unless waived by the department manager or as part of Family Care Leave as permitted in section 6.10.

6.05.03 All vacations must be approved by the appropriate department manager. Department manager vacations are approved by the City Administrator. City Administrator vacations are approved by the Mayor. Vacations used as part of Family Care Leave are subject to the provisions of section 6.10.

6.05.04 Vacation time may be accrued only to a maximum of 240 hours (30 days), except under unusual circumstances and with approval of the department manager and the City Administrator. With the exception of section 6.0405 below, any unapproved accrual beyond the 240 hour limit will be forfeited by the employee.

6.05.05 In cases where the Mayor and/or City Administrator have determined that city operations have made it impractical for an employee to use vacation time, those non-union employees may elect to take a portion of their annual carryover balance of vacation time in cash as opposed to taking the time off. The Salary Schedule will be used to determine the hourly rate of when the time was earned and the employee will be paid that equivalent in cash. When authorized, the employee may exercise the option to buy back vacation hours up to two times in each calendar year. The employee may elect to buy back up to forty (40) hours in June and forty (40) hours in December or the full eighty (80) hours in December. The decision to exercise the option must be made and submitted to the Finance Director prior to May 30 for a June buy back or November 30 for a December buy back. The buy/back payment(s), if chosen, will occur in June and/or December of the year in which the request is submitted. The maximum hours that may be exercised for vacation buy-back is eighty (80) hours in any calendar year, on an hour for hour basis.

6.05.06 Upon separation from city employment, any regular status employee with more than the equivalent of six months of service shall be paid for up to a maximum of 240 hours of accrued vacation. Compensation shall be based upon the employee's salary at the time of separation and shall be subject to applicable withholding under state and federal law.

6.05.07 Any holiday occurring during an approved vacation is not counted as a day of vacation taken.

6.06 Sick Leave

6.06.01 Each regular status employee of the city not represented by a bargaining agreement shall accrue sick leave at the rate of eight hours per month. Maximum accrual for sick leave is 1760 hours or 220 days. Accrual beyond the 1760 hour limit will be forfeited by the employee.

6.06.02 All regular status employees not represented by a bargaining agreement are eligible to use accrued sick leave for:

a) An illness or injury incapacitating the employee to perform the required work;

b) preventative health care of the employee; or

c) An illness, injury or preventative health care of an immediate member of the employee's family which requires the employee's attendance subject to 6.05.03 below; or

d) needs pursuant to Family Care Leave as outlined in section 6.10.

6.06.03 Use of accrued sick leave to care for an immediate family member, who is ill, injured or in need of the employee's assistance to receive preventative health care, shall be limited to 10 days per year unless additional use is authorized by the department head or the use is pursuant to Family Care Leave as stated in section 6.10.

6.06.04 Employees unable to report to work because of illness or injury are to notify their immediate supervisor as soon as possible, but not later than 15 minutes prior to the start of his/her regularly scheduled shift, except in the case of a bona fide emergency. Sick leave with pay may not be allowed, at the discretion of the supervisor, unless such report has been made.

6.06.05 The City may require the employee to provide certification of illness or a written release to return to work from a qualified health care provider for any sick leave taken after three (3) consecutive days of sick leave, provided that the request of a certificate from a health care provider be made at the time the employee requests sick leave. Abuse of sick leave privileges may be cause for disciplinary action, including dismissal.

6.06.06 Substitution of accrued vacation leave for sick leave may be allowed subject to Personnel Policy 6.04 above.

6.07 Sick Leave Payments

6.07.01 Sick Leave Payments Upon Retirement or Separation: Upon retirement in a recognized retirement system, as defined in Section 2 of this policy, an employee shall receive pay at his/her regular wage rate for 25% of unused accumulated sick-leave as severance pay; provided, however, upon termination from City employment for any reason other than for cause, twenty-five percent (25) of unused sick leave shall be paid to an employee with five years or more of city employment. Employees shall be eligible for this benefit as a result of retirement, death, voluntary separation or involuntary layoff but shall not be eligible if terminated for cause. Compensation shall be based upon the employee's salary at the time of separation. Moneys received under this section shall not be included for the purpose of computing a retirement allowance under any public retirement system in this state. Every three (3) months a list shall be posted of all sick leave earned.

Employees who are choosing to retire or separate from City service and wish to receive a sick leave payment, must provide a resignation letter and appropriate documentation of their decision to retire to the City Administrator.

6.08 Sick Leave Sharing

6.08.01 Purpose. Employees who are suffering from an illness, injury, impairment or physical or mental condition which is of an extraordinary or severe nature and which has caused, or is likely to cause the employee to either be in a leave without pay status or to terminate employment with the city, may, subject to the provisions of this section or, for unionized employees, subject to union contracts addressing this issue, be permitted to receive donations of sick leave from other employees.

6.08.02 Requests for Sick Leave Donations: Employees who wish to receive donations of sick leave, must submit a request to the City Administrator. The request must include an explanation of the circumstances that make the donations necessary and must be supported by the opinion of a qualified medical professional.

6.08.03 Determination of Eligibility for Sick Leave Donations: The City Administrator may authorize sick leave donations if:

a) The employee's request is consistent with the purpose of this section and the employee has depleted or is about to deplete his or her annual

leave and sick leave accruals. The City Administrator may waive the requirement to deplete accrued annual leave for any employee who is a member of a retirement system which includes annual leave in the final calculation of the retirement benefit and whose illness would, in the judgment of the City Administrator, qualify for a retirement; and

b) The employee is currently eligible for sick leave and has no current, documented record of sick leave abuse.

6.08.04 Amount of Sick Leave to be Donated: The total amount of sick leave that can be donated to an employee will be determined by the City Administrator consistent with the criteria in Section 6.07.03. In no case will the amount of donated sick leave during an employee's career exceed 1040 hours for a full-time employee, pro-rated for a part-time employee.

6.08.05 Eligibility for Donations: Any employee with more than eighty hours of sick leave accrued may authorize a donation of sick leave to another employee who has been authorized by the City Administrator to receive sick leave donations. In no event will an employee be allowed to donate more than 25% of his or her accrued sick leave.

6.08.06 Procedures:

a) While an employee is on leave donated under this section, he or she shall continue to be classified as a city employee and shall receive the same treatment in terms of salary, wages, and employee benefits as the employee would normally receive if using accrued annual or sick leave.

b) If any leave donated under this section is not used, it will be returned to the donating employee(s) provided that there is no reasonable expectation that the leave will be needed in the near future in connection with the illness or condition for the which the donation was permitted.

c) Any donated leave of less than $100 value which is unused because an employee returns to work will be forfeited and used to cover the costs of administering the shared leave program. If the value of unused donated leave exceeds $100, the unused leave will be returned to the donors on a pro rata basis, proportional to the donation, to the extent administratively feasible.

6.09 Medical Leave of Absence

6.09.01 Sick leave may be used by employees who are unable to perform their job duties due to illness or temporary disability. Medical leave may also be used for a period of actual disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth or recovery therefrom.

6.09.02 In the event sick leave is not accrued by the employee, or there is not sufficient accumulated sick leave, use of vacation or leave without pay will be allowed for the actual period of illness or temporary disability.

6.09.03 A certificate from a qualified health care provider may be required to provide certification of illness or temporary disability, and may be required to provide written release to return to work.

6.09.04 An employee will be returned to the same position, or similar position of the same pay, if leave has been taken only for the actual period of illness or disability relating to pregnancy or childbirth. The total medical leave period granted under this policy may not exceed 180 calendar days.

6.10 Family and Medical Leave

6. 10.01 Eligibility for Leave: Any city employee who has been employed for at least twelve (12) months by the city and has worked for at least 1250 hours during the previous twelve (12) months, may receive up to twelve (12) weeks of unpaid leave in a twelve (12) month period to care for:

(a) A newborn child, newly adopted child, newly placed foster child;

(b) a spouse, child or parent with a serious health condition; or

(c) a personal, serious health condition that leaves the employee unable to perform the essential functions of his/her job.

If both spouses are city employees, the city reserves the right to restrict family and medical leave to a total of up to twelve (12) work weeks of unpaid leave in a twelve (12) month period for the birth or adoption of a child or to care for a parent with a serious health condition. The city may opt to limit the use of the family and medical leave to one spouse at a time.

Part-time, regular status employees shall receive family leave on a pro rata basis. If the number of working hours varies, the average hours over the course of the past 12 months prior to the family medical leave period shall be utilized as the basis for calculation the employee's normal work week.

Family and medical leave taken to care for a newborn or newly adopted child must be completed within twelve (12) months of the child's birth or placement for adoption. This leave is in addition to maternity disability leave as provided above in 6.08, which is allowed for the actual period of the disability associated with pregnancy or childbirth.

6.10.02 Definitions. For purposes of the family medical leave policy in section 6.09, the following terms are defined:

(a) "*Twelve Month Period*" - means a rolling 12-month period measured backward from the date taken and continuous with each additional leave day taken.

(b) "*Child*" - means a child either under 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day to day responsibility for care and includes a biological, adopted, foster or step-child.

(c) "*Serious Health Condition*" - means an illness, injury impairment, or physical or mental condition that involves either: 1) inpatient care; or 2) any period of incapacity requiring absence from work for more than five calendar days AND that involves continuing treatment by a health care provider; or 3) continuing treatment by a health care provider for a chronic or long-term health condition which, if left untreated, would likely result in a period of incapacity of more than five calendar days; or 4) prenatal care by a health care provider.

In determining whether a *serious health condition* exists, the term "*continuing treatment*" shall mean either: 1) two or more visits to a health care provider; or 2) two or more treatments by a health care practitioner or referral from, or under the direction of, a health care provider; or 3) a single visit to a health care provider that results in a regimen of continuing treatment; or 4) in the case of serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider.

(d) "Medically Necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

6.10.03 Procedures:

(a) Notice Requirement: An employee must request the use of family and medical leave for the birth, placement or adoption of a child by submitting a written statement of the specific reasons for the leave at least thirty (30) days prior to the anticipated date of delivery, placement or adoption. If a scheduled medical treatment for the employee or a spouse, child or parent of the employee is the basis for the request, the employee must, if practicable, provide thirty (30) days written notice. It is the responsibility of the employee who has a planned medical treatment to make a reasonable effort to schedule treatment so as not to unduly disrupt city operations. The notice must be presented to the department head, who will review and forward the written statement to the City Administrator.

(b) Confirmation Requirement: The city may require an employee requesting family and medical leave to provide confirmation from a health care provider of the need for and probable duration of the leave requested. The confirmation must be provided in an approved city format available from the City Administrator within fifteen (15) days of the date that confirmation is requested by the city. The city reserves the right to obtain, at its expense, an opinion from a second health care provider of the city's choosing. Should the recommendations of the city's health care provider differ from that of the employee's, the opinion of a third health care provider, chosen jointly by the employee and the city, will be obtained at the expense of the city, to review the request.

All documentation related to the employee's or family member's medical condition will be treated in confidentiality and maintained in the employee's medical records file within the City Clerk's office.

6.10.04 Duration and Use of Family and Medical Leave:

(a) Consecutive and Intermittent Use of Family and Medical Leave: An employee will normally be granted up to twelve (12) consecutive weeks of family and medical leave in a *twelve month period.* Intermittent use of up to twelve (12) weeks of family and medical leave may be allowed by the city when the employee has established, through the confirmation process in 6.08.03, that it is *medically necessary* to use the leave intermittently.

Intermittent use of up to twelve (12) weeks of family and medical leave in a Twelve Month Period may be allowed for care of a spouse, *child* or parent who has a *serious health condition*. The medical certification of the need for intermittent leave provided by the employee's health care provider must specify the expected duration of the intermittent leave. In granting the use of intermittent family and medical leave, the city may require an employee to temporarily transfer to an available alternative position with equivalent pay and benefits to better accommodate the employee's modified work hours.

(b) Status Reports While Using Family and Medical Leave: The city may require an employee using family and medical leave to periodically report their status and intention to return to work. The city may also require an employee to obtain additional, written medical certification for the need to continue the leave.

(c) Use of Paid Leave as Part of a Family and Medical Leave Period Required: Employees requesting the use of unpaid family and medical leave for a personal *serious health condition* shall normally be required to exhaust sick leave accruals and to utilize up to four work weeks of their accrued vacation leave as part of the leave period. Employees with less than four work weeks of accrued vacation leave shall normally be required to use their entire leave accrual.

(d) Employees requesting the use of unpaid family and medical leave to care for a spouse, child or parent with a *serious health condition* must exhaust their vacation leave and may be required to exhaust their sick leave subject to section 6.10.

Accrued vacation and sick leave must be taken at the beginning of the family and medical leave period. Exceptions to the mandatory use of sick and annual leave as part of a family and medical leave period may be requested, in writing, to the Mayor when the family and medical leave is requested.

The city may, at its discretion, grant leave without pay pursuant to Personnel Policy 6.08 or 6.15 to extend the duration of a family and medical leave period beyond 12 weeks.

6.10.05 Employee Benefits During Periods of Family & Medical Leave: The city will continue the employer's share of the premiums for medical and dental coverage for up to twelve (12) weeks of approved family and medical leave. However, city payment of the employer's share of coverage is

conditioned upon return to work. Except in certain circumstances, if the employee terminates employment before returning from family and medical leave, the city may recover all insurance payments made while the employee was on family and medical leave.

If an employee is normally required to pay for part of the medical and dental insurance premiums, mutually acceptable arrangements for payment of the employee's share of the premiums must be made to ensure continuation of coverage.

Sick and vacation leave shall not accrue during a period of unpaid family and medical leave, unless earned by meeting the requirements of 5.03.03. Paid holidays shall not be provided to employees on unpaid family and medical leave, unless earned by meeting the requirements of 6.02.04 or 6.02.05.

6.10.06 Job Protection Provisions: If an employee returns to work within the agreed upon time period of family and medical leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority. The employee's restored status will be the same as it would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have any new right to be reinstated upon return from leave.

If an employee fails to return to work following twelve weeks of family and medical leave, he/she will be reinstated to the same or a similar position only if a position is available. If the same or similar position is not available the employee may be terminated.

6.11 Family Care Leave

6.11.01 Definitions. For the purposes of the family care leave policy in section 6.10, the following terms are defined:

(a) "*Child*" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is:

(1) Under eighteen years of age; or

(2) Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

(b) "*Emergency condition*" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

(c) "*Grandparent*" means a parent of a parent of an employee.

(d) "*Health condition that requires treatment or supervision*" includes:

(1) Any medical condition requiring treatment or medication that the child cannot self-administer;

(2) Any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or

(3) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.

(e) "*Incapable of self-care*" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(f) "*Parent*" means a biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child.

(g) "*Parent-in-law*" means a parent of the spouse of an employee.

(h) "*Physical or mental disability*" means a physical or mental impairment that limits one or more activities of daily living or instrumental activities of daily living.

(i) "*Serious health condition*" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a

hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).

(j) "*Spouse*" means a husband or wife, as the case may be.

(k) **"State registered domestic partners"** means two adults who meet the requirements for a valid state registered domestic partnership as established by section 4 of SB - 5336 and who have been issued a certificate of state registered domestic partnership by the Secretary of State.

(l) All other words have definitions as provided for in Section 2 of this policy manual or, in the absence of a definition, utilize the most common meaning of the word.

6.11.02 An employee may use any or all of the employee's choice of sick leave or other paid time off to care for:

(a) A child of the employee with a health condition as defined in 6.10.01.

(b) An immediate family member or parent-in-law of the employee who has a serious health condition or emergency condition, as defined in 6.10.01.

6.11.03 Permitted use of Family Care Leave

Type of Illness / Medical condition	*Applicability to Children*	*Applicability to Immediate Family Members*
Health Condition Requiring treatment or supervision	Applies	**Does not apply**
Serious Health Condition	Applies	Applies
Emergency Condition	Applies	Applies

6.11.04 An employee may not take leave until it has been earned.

6.11.05 Employees unable to report to work because of the need to take family care leave are to notify their immediate supervisor within fifteen (15) minutes of the official start time, except in the case of a bona fide emergency. Use of paid leave may not be allowed, at the discretion of the supervisor, unless such report has been made.

6.11.06 The employee taking leave under the circumstances described in this section must comply with the terms of the collective bargaining agreement or employer policy applicable to the leave, except for any terms relating to the choice of leave.

6.11.07 Use of leave other than sick leave or other paid time off to care for a child, spouse, state registered domestic partner, parent, parent-in-law, or grandparent under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

6.12 Worker's Compensation

6.12.01 When an employee is receiving industrial insurance compensation, the City shall continue to pay the employee's regular salary from the employee's accumulated sick-leave, provided the employee shall reimburse the City the amount of such industrial insurance compensation immediately upon receipt by the employee.

6.12.02 The employee will continue to receive all applicable benefits while receiving industrial insurance compensation until such time as all sick-leave benefits have been exhausted. The employee will retain the right to self-pay medical and dental insurance premiums at the group rate to the City while on industrial insurance compensation.

6.13 Bereavement Leave

6.13.01 In the event of death in the immediate family, or aunt, uncle, niece, nephew, father-in-law, mother-in-law, son-in-law or daughter-in-law, of an employee, up to five (5) days paid leave may be approved by the department manager, for an employee to attend to family matters and the funeral. An additional two (2) days leave for extended travel in conjunction with family bereavement leave if extended travel is required. This request must be approved by the City Administrator and will be charged to: a) sick

leave, if accrued; or in its absence, b) vacation leave if accrued; otherwise c) leave without pay.

6.13.02 An employee requesting bereavement leave under section 6.12.01 may be required to substantiate the request by providing documentation or verification to the City upon request.

6.13.03 Family bereavement leave shall be non-accumulative and only available within 15 days of the occurrence.

6.14 Military Leave

6.14.01 A regular status employee who is a member of the Washington National Guard or a federal military unit is entitled to leave from his or her duties for up to fifteen (15) work days each calendar year (using an October 1 to September 30 year) for official military duty in accordance with RCW 38.40.060. "Day", for purposes of this section, shall be defined as a twenty-four hour period. Such leaves are in addition to any other leave or vacation benefits. During the fifteen (15) work day period of military duty, the employee shall continue to receive his or her normal rate of pay.

6.14.02 An employee who is called to or volunteers for service with the armed forces of the United States or the Washington National Guard, may be entitled to reinstatement in his or her position upon completion of service, pursuant to state and federal laws.

An employee promoted or hired to fill a vacancy created by a person on military leave is appointed to the position subject to the return of the absent employee. Upon such return, a promoted employee is restored to his or her original position or an equivalent position subject to the provisions of state and federal law.

6.14.03 Active Military Duty Shared Leave. The intent of this shared leave provision is to provide short-term financial stability to allow an employee to adjust to a different income and benefit level under military pay.

Any employee who is ordered to report for active military duty for a significant military event such as "Operation Enduring Freedom: as determined by the Mayor and is unable to perform the duties of his or her City position may be eligible to receive donated hours. This may include an employee who is a member of the Army, Navy, Air Force, Marine Corps, Coast Guard and their reserves; the Army and Air National Guards, the

Public Health Service commissioned corps, and other categories designated by the President in a time of emergency.

Any regular full-time or part-time City employee may donate accrued vacation leave hours to provide financial assistance to employees who are called to active military duty and who are unable to perform the duties of their position.

Donations of leave shall be in hourly increments. Vacation leave shall be transferred on a dollar for dollar basis. The value of the leave shall be determined at the current hourly wage of the donator and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

An eligible employee may receive up to 50% of their regular pay per pay period as shared leave to supplement military pay for a total not to exceed 100% of their regular pay. The employee must turn over military paycheck stubs to the City so the City can determine the correct supplemental pay and donated leave amounts. An employee can receive shared leave for active military duty for up to six (6) consecutive pay periods.

While receiving shared leave, the City will continue to pay its portion of the employee and family health insurance benefits, and the employee will pay his or her portion. Employees will not accrue vacation, sick leave or other leave benefits while receiving shared leave. Other regular benefit deductions, such as retirement, will continue and will be based on the amount of pay received or number of hours of shared leave paid as appropriate. Continuation of optional benefits deductions is at the discretion of the employee receiving active military duty shared leave.

Any donated leave of less than $100 value which is unused because an employee returns to work will be forfeited and used to cover the costs of administering the shared leave program. If the value of unused donated leave exceeds $100, the unused leave will be returned to the donors on a pro rata basis, proportional to the donation, to the extent administratively feasible.

6.15 Jury Duty

6.15.01 A regular status employee summoned for jury duty is granted leave for such duty with city payment of the difference between his normal city salary and compensation received for jury duty; provided that the employee shall reimburse the City the amount of fees received from such excused

duty immediately upon receipt of said fees, exclusive of travel allowance. The employee's department manager is to be informed immediately by the employee upon receipt of a summons for jury duty.

6.15.02 An employee called for jury duty who is temporarily excused from attendance at court must report to his/her place of work at least one-half of his/her normal work day, in order to be eligible for payment of regular wages under this section. The employee must furnish a written statement from the appropriate public official showing the date and time served and the amount of jury duty pay received.

6.16 Leave Without Pay (Leave of Absence)

The Mayor or his/her designee may grant leaves without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Only regular full-time and regular part-time employees who have satisfactorily completed their probationary period are eligible for leave without pay. The following requirements apply:

6.16.01 Leave without pay may be granted to an employee for a period of up to six calendar months, upon the approval of the Mayor or his/her designee. Leave without pay may be allowed when such leave will not operate to the detriment of the city.

6.16.02 Leave without pay may be authorized for any reasons applicable to:

a) Leave with pay.
b) Educational leave.
c) Adoptive/Paternity Leave.
d) Leaves granted for government service in the public interest upon specific request of any employee.
e) Medical Leave or Family Medical Leave
f) Military Leave

6.16.03 Upon written request of the employee and approval of the department manager, the Mayor may grant a regular status employee a leave of absence without pay not to exceed six months. Normally, leave without pay will not be granted until all accrued vacation time has been exhausted.

6.16.04 Vacation and sick leave accrual is suspended during periods of leave without pay. The anniversary date of the employee will be adjusted by the length of leave granted. Any employee on approved leave of absence may

continue medical and/or dental insurance coverage by paying the full cost to the city in advance for each month or portion thereof in which the employee is to be absent.

6.16.05 Upon expiration of a regularly approved leave without pay, the employee will be reinstated in the position held at the time the leave was granted or to a similar position, provided that return to employment is not in conflict with any rule relating to re-employment following layoff.

6.16.06 The City reserves the right to recall an employee from a previously authorized leave of absence when operational needs dictate.

6.16.07 An employee who fails to report promptly at the end of the leave without pay is presumed to have voluntarily resigned.

6.17 Leave Due to Inclement Weather or other Significant Disruptions of the Transportation System

6.17.01 Absence due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather or other significant disruptions of the transportation system shall be charged to the following in the order listed:

- Accrued vacation leave, annual leave (floating holiday(s)) or compensatory time;
- Accrued sick leave up to a maximum of 24 hours in any calendar year;
- Leave without pay.

Although the types of time off shall be used in the order listed in this policy, and each type of paid time off shall be exhausted before the next is used, employees shall be permitted to use leave without pay rather than paid time off at their request.

6.17.02 Tardiness due to an employee's inability to report for scheduled work because of severe inclement weather, conditions caused by severe inclement weather or significant disruptions of the transportation system will be allowed up to one and one-half hour at the beginning of the work day. Tardiness under this policy in excess of one and one-half hour shall be charged as provided above.

6.18 Unauthorized Absence

6.18.01 Unauthorized absence is treated as leave without pay and may be grounds for disciplinary action. Upon return from unauthorized absence,

the employee is required to provide a written statement to the department manager explaining the reason for the absence.

6.18.02 An unauthorized absence for a period of three days will be considered as a resignation from employment of the city.

6.19 Insurance Benefit Plans

6.19.01 The city will offer to full-time status and regular part-time status employees and their eligible dependents, working at least thirty (30) hours per week, unless otherwise specified in bargaining unit agreements, insurance plans for medical, hospital, vision and dental benefits, to be used at the option of the employee, subject to the carrier's underwriting rules. Part-time status employees who are scheduled to work less than 30 hours per week are eligible for the City's insurance plans for medical, hospital, vision and dental benefits on a pro rata basis, to be used at the option of the employee, subject to the carrier's underwriting rules. The city will contribute to the costs of such plans, as approved by the City Council as part of the annual budget.

The City may offer healthcare coverage to certain temporary and/or seasonal employees and their dependents on a self-pay basis. In order for a temporary employee to be eligible for this benefit on a self-pay basis the employee must be appointed to a temporary position that is intended to continue for at least 6 months.

Beginning July 1, 2012 employees shall begin contributing 10% of the cost of the employee(s) premium through payroll withdrawal to maintain current levels of healthcare coverage.

Beginning July 1, 2012 employees with dependent(s) that have elected to enroll their dependents under the City's sponsored healthcare coverage (i.e. spouses or children) shall begin contributing 12.5% of the cost of the employee(s) dependents premium through payroll withdrawal to maintain current levels of healthcare coverage for their dependents All insurance premiums will be subject to applicable payroll taxes as required by the Internal Revenue Service.

The City will not provide duplication of health care coverage to an employee who is married to another employee of the City. One spouse or state registered domestic partner may be named as the policy holder and the other as a covered spouse or state registered domestic partner; OR each may be a policy holder, but in that case neither may be listed as a covered

spouse or state registered domestic partner. Their children may be listed as covered dependents on one policy or the other, but not on both. In this circumstance primary coverage of the dependent children may be dictated by the insurance under State statute.

6.19.02 Newly hired regular-status employees and their dependents shall generally be eligible for benefit coverage within 30 days of hire, subject to enrollment and processing by the carrier.

6.19.03 In compliance with COBRA (Consolidated Omnibus Budget Reconciliation Act), the City offers continuing health care coverage on a self-pay basis to employees and their dependents following termination (for reasons other than gross misconduct), unpaid leave of absence, reduction in hours, retirement or death. These health benefits will be identical to the coverage offered to regular employees. For terminated employees or employees whose hours are reduced below that of a regular employee, the coverage may last up to eighteen (18) months or until they become eligible for other health insurance coverage, whichever is earlier.

In the event of the employee's retirement, divorce, separation or death, the coverage may last up to thirty-six (36) months for the employee and/or qualified beneficiary. The full policy monthly premium plus a two percent (2%) administration fee will be paid by the employee or the beneficiary to the City or designated benefit administrator. The employee or beneficiary may waive all rights to continuation coverage according to notification procedures and time limits outlined in a continuation coverage "Notification of Rights" letter.

6.19.04 Industrial Accident Insurance is provided for all employees, except full-time uniformed employees who are covered under the LEOFF Act as set forth in RCW 41.26.

6.20 Early Retirement Incentive Program (ERIP)

6.20.01 Applicability. The Early Retirement Incentive Program (ERIP) applies to all FLSA exempt regular full or part-time status City employees, and regular full or part-time status City employees covered under collective bargaining agreements once the ERIP is authorized by the separate employee organizations or union(s).

6.20.02 Purpose. The purpose of the City's new Early Retirement Incentive Program (ERIP) is (1) to afford those long term City employees who desire to retire prior to either PERS, LEOFF and/or Social Security Full Retirement

Age an opportunity to do so with some financial assistance until eligible for PERS/LEOFF retirement and/or social security benefits, and (2) to encourage some measure of staffing flexibility, consistent with overall City and individual department needs.

The City's Early Retirement Incentive Program (ERIP) is strictly voluntary and provides an insurance incentive that allows an employee to retire early prior to being eligible for Medicare benefits. Under the ERIP employees that have at least 10 years of service with the City shall be eligible for 1 year (12 months) of City paid continuing health care coverage for the employee "only" under COBRA. Employee electing to take early retirement under this program who have more than 10 years of service with the City shall receive an additional 1.5 months of City paid continuing health care coverage for the employee for every year of service, up to the maximum allowed under COBRA which is 36 months, except that City contributions to COBRA under ERIP will cease before the end of the eligible period, if:

- the participant becomes eligible for medical care coverage through another employer;
- the participant elects coverage through a spouse/domestic partner employed by the City;
- or the participant dies.

Employees electing to participate in the City's ERIP may choose to provide health care coverage for their dependents on a self-pay basis following their termination/retirement from the City.

This program is subject to funding by the City Council in the annual budget and the City retains the right to designate the number of positions to fund annually and the right to deny an application or delay its effective date in the best interests of the City. The City may, in its sole discretion terminate the program at any time or, suspend it for any fiscal year, if insufficient funding is provided in the budget, provided however that such suspension shall not impact the rights or benefits of any employee who has retired under the program in a prior fiscal year.

6.20.03 Long term City employees who retire early due to medical reasons related to a serious health condition prior to either PERS, LEOFF and/or Social Security Full Retirement Age are eligible for the ERIP as outlined in 6.20.01 above. Employees retiring early due to medical reasons who have at least 10 years of service with the City shall be eligible for 1 year (12 months) of City paid continuing health care coverage for the employee "only" under COBRA. Employees who have more than 10 years of service with the City

shall receive an additional 1.5 months of City paid continuing health care coverage for the employee for every year of service, up to the maximum allowed under COBRA which is 36 months.

6.20.04 Procedures. Eligible Employees who wish to participate in ERIP must contact the Finance Department to determine eligibility. The early retirement applicant should file application and submit appropriate paperwork supporting eligibility to the Finance Director on or before October 1 of the year preceding the proposed date of early retirement. The Mayor may waive the submittal deadline for application when unforeseen and/or unusual circumstances warrant.

The Finance Director will confirm eligibility and forward to the City Administrator or Mayor for approval.

The City shall enroll the eligible employee in COBRA immediately upon retirement from City service so that healthcare coverage continues without interruption.

6.21 Health Insurance Opt-Out Program

6.21.01 Eligible employees who can demonstrate and attest to having other employer-sponsored group health insurance for their eligible dependent(s) may elect to opt out of the City's sponsored Medical/Prescription, Vision and Dental coverage with the Association of Washington Cities Employee Benefit Trust. Employees who elect to opt out of dependent(s) coverage will receive a cash payment equal to fifty percent (50%) of the premium amount for eligible coverage in return for this waiver which will be paid monthly for each full month the waiver remains in effect. Any cash payments made to the employee under the Opt-Out Program will be subject to normal withholdings and reported as taxable income and the employee will be required to pay any taxes due on them.

The City will review this program on an annual basis during the budget process and may cancel the program effective on the first day of the "succeeding" plan year, but will not cancel it at any time during the current year it is offered.

Employees who elect to opt-out of dependent coverage may do so during the Open Enrollment period. In return, the employee is eligible for up to twelve (12) months of monetary waiver payments, which will be made in twelve (12) pay periods. Employees who elect to opt-out of dependent coverage will not be permitted to re-enroll until the next annual open

enrollment period commencing in December of each year and effective in January of the following year unless re-enrollment provisions apply.

Employees will not be allowed to waive/reduce existing coverage and receive cash payment for their eligible dependent(s) unless they can offer proof of coverage under an alternate health insurance plan.

Employees desiring to participate in the Opt-Out Program must complete a waiver form and submit it to the Finance Director during the Open Enrollment but no later than Thursday, December 11, 2014. Following the submission of the waiver form and the information for the verification of alternate insurance coverage found at the end of the waiver form, the current City health insurance coverage will terminate on December 31 of the year that the form was submitted. Further, an employee may apply to participate in the Opt-Out Program during the benefit plan year if, within thirty (30) days of a qualifying life-changing event (i.e., marriage, new dependents), they notify the Finance Director and complete the necessary forms.

Participants in the program will no longer have a monthly deduction of the employee dependent premium co-payments for which the employee has opted-out and will receive the waiver payment instead. The waiver payment will be made over twelve (12) pay periods during the following plan year. All payments are considered income and are subject to normal withholdings. Offering this program does not obligate the City to continue the program from year-to-year if it is not economically feasible or if in conflict with Federal or State law.

6.21.02 New full time employees starting with the City after the beginning of a plan year may be eligible to participate in the opt-out program by declining health insurance coverage for their eligible dependent(s) during the initial enrollment period. The waiver payment received will be prorated for the balance of the benefit plan year based on the number of waiver payment pay periods remaining in the plan year. Also, new employees must also offer proof of coverage for their eligible dependent(s) under another health insurance plan.

6.21.03 Duration. A waiver of health insurance is in effect for twelve months (January 1 - December 31). If economically viable and not in conflict with Federal or State law, the City may authorize the program for the next benefit year. Employees who prefer to continue in the Opt-Out Program for the next benefit year must complete a new waiver form (with proof of alternative insurance coverage) during the designated open enrollment

period. Employees desiring not to continue in the Opt-Out Program MUST complete all required enrollment forms for City health insurance coverage for their eligible dependent(s) at the next open enrollment period and coverage will be effective at the start of the next following plan year.

6.21.04 Separation. If an employee participating in the Opt-Out Program separates employment with the City during a plan year, waiver payments will only continue through the last payroll period he or she is employed. NOTE: An employee participating in the program who separates and/or retires during the plan year does NOT have health insurance rights to participate in a City health insurance plan after separation and/or retirement, except as allowed under the City's COBRA policy, Section 6.19.03 of the City's Personnel Manual, on a self-pay basis.

6.21.05 Re-enrollment to a City health insurance plan can only occur during the annual open enrollment period or within thirty (30) days of a life-changing event (e.g., spouse losing insurance coverage). Under a qualifying re-enrollment during the plan year, the waiver payment will cease in the payroll period that City health insurance coverage becomes effective. Employees, opting-out and re-enrolling in a City health insurance plan, must continue City coverage for three (3) plan years to again be eligible for the Opt-Out Program.

6.22 Retirement

6.22.01 City employees are covered under the Washington Public Employees Retirement System in accordance with State law and all employees in a qualifying position, regardless of appointment status, will become members of the Retirement System. Payroll deduction for employee contributions is required, regardless of anticipated length of service. Employer contributions will be made in accordance with applicable State law.

6.22.02 Uniformed personnel shall be members of the Washington Law Enforcement Officers and Fire Fighters Retirement System with employer contributions made in accordance with applicable State law.

6.23 Optional Benefit or Investment Plans

The city may offer to regular-status employees working at least forty (40) hours per week optional benefit plans such as life insurance, income protection, deferred compensation or other retirement plans, etc. These benefits, when offered, are at the option and cost of the employee.

Section 7
Substance Abuse Policy

7.01 Purpose
7.02 Scope
7.03 Policy
7.04 Assistance Program /Voluntary Referral
7.05 Compliance with Drug Free Workplace Act
7.06 Compliance with Federal Regulations Applicable to Commercial Drivers
7.07 Procedures for Drug/Alcohol Testing of Employees Other than Commercial Drivers
7.08 Confidentiality and Record Retention

7.01 Purpose

The City of Buckley recognizes that its employees are its most important resource in fulfilling its charge of effective public service. The city has promulgated this policy in the interest of the safety and well-being of its employees and the efficiency of its workforce. This document outlines the city of Buckley policy regarding alcohol and drug abuse and provides guidance to supervisors in addressing substance abuse issues. This policy is intended to comply with the federal Drug Free Workplace Act of 1988 and with federal Department of Transportation regulations governing commercial drivers.

7.02 Scope

This policy applies to all City of Buckley employees except that employees included in bargaining units are subject to drug testing only if: 1) the labor contract covering them specifically allows for such testing; or 2) the issue of drug testing has been legally bargained to final impasse; or 3) a written agreement between management and the employee's bargaining agent has been signed and executed to provide for drug testing.

All other provisions of this policy, apart from the limits to drug testing as specified above, shall apply to all city employees. In cases where the provisions of this policy conflict with collective bargaining agreements duly agreed upon between the authorized employee organizations or unions and the city, the provisions of the collective bargaining agreements shall govern.

None of the exclusions mentioned in this Section shall waive or in any way diminish the City's Disciplinary Action and Rules of Conduct Policy (4.06.01, "g") which covers all employees.

Neither the provisions nor the exclusions cited in this policy waive or modify the "employment at will" status of any city employee subject to that status either by law or as allowed under a collective bargaining agreement.

7.03 Policy

7.03.01 The City of Buckley recognizes that alcoholism and drug abuse may have an adverse effect on job performance and it is concerned with this impact.

7.03.02 The City of Buckley recognizes that alcoholism and drug abuse can be successfully treated, enabling the employee to return to a satisfactory job performance level.

7.03.03 Employees who are concerned about their alcohol and/or drug use are strongly encouraged to voluntarily seek assistance.

Supervisors, department managers and the City Administrator are available to all employees as a resource.

7.03.04 It is the employee's responsibility to demonstrate satisfactory job performance.

7.03.05 It shall be the responsibility of supervisors at every level to encourage employees to use the resources available through city employment when deteriorating or unsatisfactory job performance does not respond to usual supervisory actions, or when a specific on-the-job incident is cause for concern. These resources include employer provided health insurance and leave benefits which may be coordinated to enable assistance or treatment for the employee. The supervisor's role is to observe and record behavior and performance of employees. Supervisors should not attempt to medically diagnose an employee's problems.

7.03.06 The employee's compliance with the recommendations of a health care professional is voluntary. Use of a remedial or treatment program does not replace normal disciplinary procedures for unsatisfactory job performance.

7.03.07 The employee's job security and/or promotional opportunities will not be jeopardized by use of a remedial or treatment program. Paid or unpaid leave status during participation in a remedial or treatment program will be determined on a case-by-case basis, depending upon the circumstances involved.

7.03.08 Confidentiality is an essential element of substance abuse treatment. Any employee violating this confidentiality will be subject to disciplinary action.

7.03.09 Reporting to work under the influence of alcohol or drugs, or any substance, legal or illegal, which impairs an employee's mental or physical health will not be tolerated.

When there are reasonable grounds to believe that the employee is under the influence of alcohol or drugs, the supervisor may direct the employee to submit to drug screening and blood alcohol tests. Refusal to submit to such tests can subject the employee to disciplinary action up to and including dismissal.

Under no circumstances will an employee be allowed to operate city equipment or drive a city motor vehicle after a supervisor has established reasonable grounds to believe that the employee is impaired.

Any employee using medication or prescribed drugs which may impair job performance must report this fact to his/her supervisor prior to accepting an assignment which might be adversely affected by the side effects of the medication.

It is the responsibility of employees who are called out to work after regular hours to comply with the provisions of this policy. If the employee called out to work has been involved in activities that may have left him/her in an impaired or intoxicated condition, the employee must inform the person making the call out, so that an alternate can be found.

7.03.10 The unauthorized use, sale, purchase or possession of alcohol or controlled substances at the worksite is prohibited and shall be grounds for discipline up to and including dismissal. The unauthorized use of the employee's position with the city to make, purchase or sell alcohol, controlled substances or illegal drugs is also prohibited and shall be grounds for discipline up to and including dismissal.

7.04 Assistance Program / Voluntary Referral

The City of Buckley supports employees who volunteer for treatment of alcohol or drug abuse. Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program. Any employee who comes forth and notifies the City Buckley of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program,

however, may not interfere with the tests required by these rules. For example, a driver may not identify himself/herself as unfit to drive after having been notified of a random or reasonable suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy or other policies of the city.

Sick leave, vacation leave or leave of absence without pay will be granted for treatment and rehabilitation as in other illnesses subject to City policy and / or contract language governing use of leave. Insurance coverage for treatment will be provided to the extent of individual coverage. Confidentiality of information will be maintained as much as possible at all times.

7.05 Compliance with Drug Free Workplace Act

It is the policy of the City of Buckley to comply with the federal, Drug Free Workplace Act of 1988. Toward that end, the following provisions and procedures shall be in effect:

a) In the event that an employee is convicted of any criminal drug statutory violation for a violation occurring in the workplace, the employee must notify his/her supervisor within 5 working days. The supervisor must inform his/her department manager within 24 hours of the notification. The department manager will notify the City Administrator immediately. If the employee is directly involved in the performance of a contract for which the city receives federal funding, the contracting agency must be informed of the incident in writing within 10 days of the employer's notice. A copy of the notification shall be sent to the City Administrator.

The city is responsible to take appropriate disciplinary action and/or to require the employee to seek approved drug abuse treatment or rehabilitation within 30 days of receiving notice of the employee's conviction.

b) All employees shall receive a copy of this policy. All employees will be required to sign a statement acknowledging that they have received a copy of this policy.

c) The city will make information and education on the prevention of alcohol and drug abuse available to its employees.

7.06 Compliance with Federal Regulations Applicable to Commercial Drivers

It is the policy of the City of Buckley to comply with the federal Department of Transportation regulations (Title 49, CFR subtitle B, chapter 382) which mandate prohibited behaviors and employer responsibilities for employee's holding safety sensitive positions which require the possession of a valid commercial driver's license.

7.06.01 Definitions - For purposes of this section, the following terms shall be defined as following:

Accident - Accident means an occurrence involving a commercial vehicle on a public road which results in a fatality or a citation under state or local law for a moving violation and (1) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; and/or (2) one or more motor vehicles incurring disabling damage requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

Driver - This term includes all employees whose positions may involve driving a commercial vehicle and that require the possession of a Commercial Driver's License.

Commercial Vehicle - A commercial vehicle is one that either: 1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); 2) is designed to transport 16 or more persons, including the driver; or 3) is used to transport hazardous materials.

Drugs - For the purposes of Section 7.06, in accordance with the applicable federal regulations, "drugs" refers to the following five substances: marijuana (THC), cocaine, opiates, phencyclidine (PCP), and amphetamines.

Medical Review Officer (MRO) - The Medical Review Officer is the licensed physician responsible for receiving and interpreting laboratory *results from the urine drug tests.*

Safety Sensitive Position - For purposes of this policy, these are positions associated with the driving of commercial vehicles.

Substance Abuse Professional (SAP) - A Substance Abuse Professional is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the

diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.

7.06.02 Prohibited Behaviors. In addition to any other prohibitions on the use of alcohol or controlled substances established through city policy or by contract, the following behaviors by employees whose positions require the possession of a valid commercial driver's license are prohibited:

a) Alcohol Concentration: Reporting to duty and performing safety-sensitive functions while having an alcohol concentration of 0.04 or greater.

b) Alcohol Possession: Unauthorized possession of alcohol while on duty or operating a commercial motor vehicle unless the alcohol is an insignificant ingredient in a medication that is either prescribed or a commonly recognized over-the-counter remedy and notice has been given to the employee's manager in advance.

c) Alcohol Use Following an Accident: Use of alcohol within eight hours following an accident or before undergoing a post-accident alcohol test, whichever occurs first.

d) Alcohol Use on Duty: Use of Alcohol while performing safety-sensitive functions. (This includes alcohol which may be in medications).

e) Alcohol Use Prior to Duty: Performing safety sensitive functions within four hours after having used alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.

f) Controlled Substance (Drug) Use: Reporting for duty or remaining on duty performing safety-sensitive functions after having used any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. The proper and lawful use of drugs is permitted provided their use does not interfere with the individual's ability to perform the essential functions of his/her job. Any employee taking prescribed medication that may impair his/her ability to work safely and productively must notify his/her manager prior to commencing to work. The manager, in consultation with the employee's physician, if necessary, will make the determination

regarding the employee's qualifications to work. Information provided to the manager will be treated as confidential. Disclosure by the City will only be required by law or in the event of a proceeding initiated on behalf of the employee. Failure to notify the manager in advance of commencing to work will be cause for disciplinary action up to and including discharge.

g) Positive Drug Test: Reporting for duty, remaining on duty, or performing safety sensitive functions after having tested positive for a controlled substance.

h) Refusal to Submit to a Required Test: Refusing to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or controlled substance test as directed pursuant to this policy.

i) Tampering with a Required Test: An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy.

7.06.03 Mandatory Training for Commercial Drivers

The City shall provide all affected employees with copies of this policy and any other information as required by the federal regulations.

Each driver shall sign a receipt upon having been provided the above referenced information including a copy of this Plan and accompanying procedures for drug testing.

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

7.06.04 Drug and Alcohol Testing Program for Commercial Drivers

a) Pre-employment Drug Testing: All individuals who are covered by this policy must pass a drug test as a post-offer condition of employment.

b) Reasonable Suspicion Testing: Employees subject to this policy shall submit to a drug and\or alcohol test when the City of Buckley reasonably suspects that this policy (except the prohibitions against

unauthorized possession, transfer or sale of alcohol) may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulable observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use.

Alcohol testing for reasonable suspicion may be conducted at any time during working hours. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until:

1. an alcohol test is administered (normally within 2 hours of the determination of reasonable suspicion) and the driver's breath alcohol concentration measures less than 0.02; or
2. 24 hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.

c) Post-Accident Testing: Following an accident (as defined above) involving a commercial vehicle, the driver is required to submit to alcohol and drug tests when the driver receives a citation under state or local law for a moving traffic violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing.

A driver who is subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy.

While awaiting a post accident test, the driver will be in a paid status.

d) Random Testing: Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.

e) Return to Duty Testing: Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under the discipline policy are allowed to return to work, must test negative prior to being released for duty. A return to duty test

following alcohol misuse shall be less than an alcohol concentration of 0.02.

f) Follow-up Testing: An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period as directed by a Substance Abuse Professional. The number and frequency of follow-up testing will be based on the recommendation of the Substance Abuse Professional, but will not be less than six tests in the first 12 months following the employee's return to duty.

g) Re-Tests: Employees who test positive for drugs may request a second test of the untested portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer.

h) Test Results: Test results will be expressed as positive or negative based on detection of levels of alcohol or controlled substances as established by federal Department of Transportation standards.

i) Challenges to Test Results: An employee who wishes to challenge a positive drug test must do so within 72 hours notification of the positive result. The employee must notify the City's medical review officer that he/she wishes to challenge the test and must pay for the retest. The retest must be processed at a DHHS-NIDA-certified laboratory. If the MRO certifies that the second drug test is negative, an employee will be reimbursed for the cost incurred including any lost compensation.

7.06.05 Refusal by a Commercial Driver to Submit to an Alcohol or Drug Test: Refusal to submit to a directed test is a prohibited behavior in section 7.06.02(h) which shall subject the employee to the consequences outlined in section 7.06.07. No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include:

a) Failure to provide adequate breath for testing without a valid medical explanation after an employee has received notice of the requirement for breath testing in accordance with established procedures;

b) Failure to provide adequate urine for controlled substances testing without a valid medical explanation after an employee has received notice of the requirement for urine testing in accordance with the procedures manual; and/or

c) Engaging in conduct that obstructs the testing process.

7.06.06 Securing Information from Previous Employers: If a person is to be hired into a position subject to this policy and during the previous two years has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver within the past two years of information on the following: a) positive alcohol or drug tests; or b) refusal to be tested.

This information must be obtained before the person is employed by the City of Buckley. However, if the information has not arrived by the anticipated start date, and if the person has passed the pre-employment drug test, the person may be hired and the requested information must be obtained from the previous employers within 14 calendar days of the date of hire. If the information has not been received within the 14 calendar days, the person will not be permitted to drive commercial vehicles until the information has arrived. If the information obtained from previous employer indicates either a positive test or that a refusal to be tested occurred within the past two years, that person will not be permitted to drive commercial vehicles unless subsequent information indicates that an evaluation by a Substance Abuse Professional was made and return to duty testing was administered.

7.06.07 Consequences for Commercial Drivers of Engaging in Prohibited Behaviors and/or of Positive Drug or Alcohol Test Results: Employees found to have engaged in prohibited behavior as defined in Section 7.06.02 or to have tested positive for drugs shall be subject to discipline up to and including termination from employment.

The following provisions apply to those employees who are not terminated for their policy violations:

a) If an employee tests positive for drugs or has an alcohol test that indicates a blood alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct as outlined in Section 7.06.02, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:

1. has been evaluated by a qualified Substance Abuse Professional; and,

2. if recommended by a Substance Abuse Professional, has properly followed any rehabilitation prescribed; and,
3. has a verified negative result on a return-to-duty alcohol (<0.02) and/or drug test.

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing as recommended by the Substance Abuse Professional, with a minimum of six such unscheduled tests within the first twelve months of returning to duty.

b) Employees with a breath alcohol concentration of at least 0.02 but less than 0.04 and who have not engaged in any other prohibited conduct, shall be removed from the duty requiring the driving of a commercial vehicle for at least 24 hours. The time away from work shall be charged to vacation, sick leave, or leave without pay at the employee's option, and will be considered an unscheduled absence.

7.07 Procedures for Drug or Alcohol Testing of City Employees other than Commercial Drivers

7.07.01 Supervisory Responsibility. If a supervisor has reasonable grounds to believe that an employee is under the influence of alcohol or drugs when reporting for work or during the work shift, the supervisor must verify the employee's condition and relieve the employee of his/her duties until the matter is resolved.

7.07.02 Observation. If a supervisor observes an employee who seems to be under the influence of alcohol or drugs, he/she should, if practical, seek the opinion of at least one additional supervisor, the City Administrator or the department manager.

For purposes of this policy, reasonable grounds to believe that an employee is impaired and/or under the influence of drugs or alcohol include a combination of various factors such as slurred speech, red eyes, dilated pupils, incoherence, unsteadiness on feet, smell of an alcoholic beverage or marijuana emanating from the employee's body, inability to carry on a rational conversation, carelessness, erratic behavior, inability to perform the job, or other unexplained behavioral changes. The supervisor shall document these observations in writing and forward his/her report to the department manager within 24 hours of the incident. A copy of this document will be provided to the employee upon request.

7.07.03 Referral for Testing. If the supervisor determines that reasonable grounds exist to require a drug test, the supervisor shall direct the employee to accompany the supervisor to a testing site designated by the City for a drug screening and blood alcohol test to determine fitness for duty. The department manager shall be notified before the supervisor and employee leave city premises for the drug testing site. The City Administrator shall be notified of the incident, in writing, within 48 hours.

The employee should be informed that the tests will be conducted on city time, paid for by the city, and are part of his/her job responsibilities. The employee should be informed that refusal to take the test may result in disciplinary action up to and including dismissal. Additionally, an employee who refuses to take the test should be informed that he/she will be sent home without pay for at least the rest of the work day.

Employees will be required to authorize release of test results to the City's designated test services provider and to the employer. Refusal to authorize release of test results to the city may result in disciplinary action up to and including dismissal. The test services provider will contact the City Administrator with the results.

The supervisor should accompany the employee back to the worksite pending the results. The supervisor shall notify his/her department manager immediately upon returning to the work site.

Tests which are found to be positive will be verified by an additional test. The City's designated test services provider will ensure adequate chain-of-custody for sample collection and testing.

7.07.04 Test Results. Employees who test positive shall be considered unfit for work and shall be relieved from duty that day. It is the responsibility of the City Administrator to notify the employee. The employee should not be allowed to drive to the hospital. The employee shall be advised not to drive home. Employees who comply with the testing procedures of this policy will be on paid leave on "City Business" until the status of the tests and the circumstances surrounding the impairment are determined.

7.07.05 Discipline / Treatment. If tests determine that the employee is under the influence of alcohol or drugs on the job, the City Administrator shall contact the supervisor within 24 hours of test results notification. The City Administrator and/or the supervisor shall, within 48 hours of receiving the test results, contact the employee to provide the employee an opportunity to respond to the test results.

Following the employee's response opportunity, the City Administrator and the supervisor shall meet to discuss the appropriate level of disciplinary action for recommendation to the department manager. The degree of disciplinary action depends on the factual circumstances and the severity of the infraction.

It is the responsibility of the City Administrator, in conjunction with the immediate supervisor, to evaluate the circumstances and facts thoroughly and objectively.

Any disciplinary action shall be in accordance with provisions of the City Personnel Policies and Procedures Manual. If discipline is necessary, the discipline to be taken, shall be recommended by the department manager to the City Administrator. The City Administrator shall then act on the recommendation.

7.07.06 Sale or Transfer of Drugs. A supervisor who observes an employee using alcohol or drugs; or an unauthorized employee selling, purchasing, transferring, or possessing alcohol or drugs while on the job should take prompt action. Observations about the employee's behavior, as well as the discussions and contacts with him/her, should be documented as soon as practicable. The supervisor should report such observations to his/her own supervisor and appropriate disciplinary action should be taken in accordance with the procedures outlined in this policy.

In cases involving the unauthorized sale, purchase or transfer of illegal drugs or controlled substances at the workplace, the supervisor is required to contact the Buckley Police Department immediately.

7.08 Confidentiality and Record Retention:

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.

Section 8

Employee Code of Ethics and Policy for Reporting Improper Governmental Action and Protecting Employees against Retaliation (Whistle Blower)

8.01 Purpose
8.02 Policy Statement
8.03 Definitions
8.04 Prohibited Conduct
8.05 Prohibited Conduct after Leaving City
8.06 Procedures for Reporting
8.07 Complaints, Investigations, Hearings and Enforcement
8.08 Protection Against Retaliatory Actions
8.09 Responsibilities
8.10 List of Agencies

8.01 Purpose

A. The city finds that the proper operation of government requires that employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; and that the public have confidence in the integrity of its government. Accordingly, it is the purpose of this policy to establish ethical standards of conduct for all employees of the city; to set forth those acts that are incompatible with such standards; to require disclosure by such employees of private financial or other interests in matters affecting the city; and to provide effective means for enforcement thereof. This policy is not to be construed so as to impair the ability of city employees to participate in ceremonial, representational or informational functions in the pursuit of their official duties.

B. This policy shall be liberally construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for city employees.

C. This policy shall be interpreted and applied to allow inadvertent minor violations to be corrected and cured without disciplinary action and in conformance with the spirit and purpose of this policy.

8.02 Policy Statement

It is the policy of the City of Buckley (1) to encourage reporting by its employees of improper governmental action taken by City of Buckley officers or employees and (2) to protect City of Buckley employees who have reported improper

governmental actions in accordance with the City of Buckley's policies and procedure(s).

8.03 Definitions

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

A. "City agency" means every department or any subdivision thereof.

B. "City employee" means every position of employment in any city agency.

C. "Immediate family" means:

1. A spouse or state registered domestic partner;
2. Any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or
3. Any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of the city employee.

D. "Person" means individual, association, corporation, or other legal entity.

E. "Improper governmental action" means any action by a City of Buckley employee:

4. That is undertaken in the performance of the employee's official duties, whether or not the action is within the scope of the employee's employment; and
5. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

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

F. "Retaliatory action" means any adverse change in the terms and conditions of a City of Buckley employee's employment.

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

8.04 Prohibited Conduct

No current city employee shall:

A. Disqualification from Acting on City Business.

1. Engage in any transaction or activity, which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the employee's independence of judgment or action in the performance of official duties and fail to disqualify him or herself from official action in those instances where conflict occurs;
2. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any matter upon which the employee is required to act in the discharge of his or her official duties, and fail to disqualify himself or herself from acting or participating;
3. Fail to disqualify himself or herself from acting on any transaction which involves the city and any person who is, or at any time within the preceding twelve (12) month period has been a private client of his or hers, or of his or her firm or partnership;
4. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or transaction to which the city or any city agency may be a party, and fails to disclose such interest to the appropriate city authority prior to the formation of the contract or the time the city or city agency enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law.

B. Improper Use of Official Position.

1. Use his or her official position for a purpose that is, or would to a reasonable person appear to be primarily for the private benefit of the employee, rather than primarily for the benefit of the city; or to achieve a private gain or an exemption from duty or responsibility for the employee or any other person;
2. Use or permit the use of any person, funds, or property under his or her official control, direction, or custody, or of any city funds or city property, for a purpose which is, or to a reasonable person would appear to be, for other than a city purpose; provided, that nothing shall prevent the private use of city property which is available on equal terms to the

public generally (such as the use of library books or tennis courts), the use of city property in accordance with city policy for the conduct of official city business (such as the use of a city automobile), if in fact the property is used appropriately; or the use of city property for participation of the city in activities of associations of governments or governmental officials;

3. Except in the course of official duties, assist any person in any city transaction where such city employee's assistance is, or to a reasonable person would appear to be, enhanced by that employee's position with the city; provided that this subsection shall not apply to: any employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;

4. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of his or her immediate family, in a business entity doing or seeking to do business with the city, and influence or attempt to influence the selection of, or the conduct of business with, such business entity by the city.

C. Accept Gifts or Loans.

1. Solicit or receive any retainer, gift, loan, entertainment, favor, or other thing of monetary value from any person or entity where the retainer, gift, loan, entertainment, favor, or other thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by such employee in his or her official capacity.

D. Disclose Privileged Information.

1. Disclose or use any privileged or proprietary information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

E. Hold Financial or Beneficial Interest in City Transaction.

1. Regardless of prior disclosure thereof hold or acquire a beneficial interest, direct or indirect, personally or through a member of his or her immediate family, in any contract which, in whole or in part, is, or which may be, made by, through, or under the supervision of such employee; or

accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person or entity beneficially interested therein.

8.05 Prohibited Conduct after Leaving City

A. No former employee shall, during the period of one (1) year after leaving city office or employment:

1. Disclose or use any privileged or proprietary information gained by reason of his/her city employment for his/her gain or anticipated gain, or for the gain or anticipated gain of any person, unless the information is a matter of public knowledge or is available to the public on request;
2. Assist any person in proceedings involving the agency of the city with which he/she was previously employed, involving a matter in which he or she was officially involved, participated or acted in the course of duty;
3. Represent any person as an advocate in any matter in which the former employee was officially involved while a city employee;
4. Participate as a competitor in any competitive selection process for a city contract in which he or she assisted the city in determining the project or work to be done or the process to be used.

B. The prohibitions of Sections 8.5 A2 and 8.5 A3 shall not apply to former employees acting on behalf of a governmental agency unless such assistance or representation is adverse to the interest of the city.

8.06 Procedures for Reporting Improper Governmental Actions

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

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

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

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

City of Buckley employees who fail to make a good-faith attempt to follow the City's procedures in reporting improper governmental action shall not receive the protections provided by the city in these procedures.

8.07 Complaints, Investigations, Review and Enforcement

A. Any person may file a complaint alleging a violation of this policy, as set forth in Section 8.07 Procedures for Reporting.

B. The complaint shall be in writing and shall be signed by the complainant. The written complaint shall state the nature of the alleged violation(s), the date(s), time and place of each occurrence, and name of the person(s) charged with the violation(s). The complaint shall be filed with the City Administrator who shall provide a copy to the person charged with a violation. The complainant shall provide the City Administrator with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.

C. Within thirty (30) days after receipt of a complaint, the City Administrator shall conduct a preliminary investigation.

D. If the City Administrator determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has

occurred, the City Administrator shall dismiss the complaint. If the City Administrator does so dismiss the complaint, he or she shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and shall provide a copy of the written dismissal to the complainant and to the person charged with the violation.

E. Within thirty (30) days from the date that a complaint has been referred to the City Administrator for review, the City Administrator shall issue a written determination stating whether the policy has been violated and setting forth the facts and the provisions of law upon which this determination is based. A copy of said determination shall be delivered to the complainant, to the person charged with the violation and, where appropriate, to the person's superior.

F. If the City Administrator determines that an employee has violated the provisions of this policy, the City Administrator may subject the employee to disciplinary action. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge, or removal from employment, or such other disciplinary action as may, by the appropriate city authority, be deemed necessary and proper, and consistent with personnel ordinances and rules; provided, that this section shall not derogate from employee rights under any collective bargaining agreement or city personnel ordinance, or rules promulgated thereunto.

8.08 Protection against Retaliatory Actions

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

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

If the employee's supervisor, the City Administrator, or the City Administrator'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 City of Buckley's City Council that:

a. Specifies the alleged retaliatory action and

b. Specifies the relief requested.

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

After receiving either the response of the City of Buckley or thirty days after the delivery of the charge to the City of Buckley, 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 City Administrator within the earlier of either fifteen (15) days of delivery of the City of Buckley's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Buckley for response.

Upon receipt of request for hearing, the City of Buckley shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings
PO Box 42488, 4224 Sixth S.E.
Rowe Six, Building 1
Lacey, WA 98504-2488
(206) 459-6353

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

8.09 Responsibilities

The City Administrator is responsible for implementing the City of Buckley's policies and procedures (1) for reporting improper governmental action and (2) for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request and (3) are 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.

8.10 List of Agencies

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the General Services Director.

City of Buckley
City Attorney
Phil Olbrechts
Olbrechts & Associates, PLLC
18833 N.E. 74th St.
Granite Falls, WA 98252

Pierce County
Prosecuting Attorney's Office (Investigative Services)
930 Tacoma Avenue South, Room 946
Tacoma WA 98402-2171
Main Office - (253) 798-7400

State of Washington
Attorney General's Office
Fair Practices Division
2000 Bank of California Center
900 Fourth Avenue, Suite 2000
Seattle, WA 98164
(206) 464-6684

State Auditor's Office
Legislative Building
PO Box 40021
Olympia, WA 98504-0021
(206) 753-5280

State Department of Ecology
3190 - 160th SE
Bellevue, WA 98008-5852
(206) 649-7000

Human Rights Commission
402 Evergreen Plaza Bldg., FJ-41
711 South Capitol Way
Olympia, WA 98504-2490

State Department of Health
Health Consumer Assistance
PO Box 4789
Olympia, WA 98504-7891
(800) 525-0127

Dept. of Labor & Industries
300 West Harrison, Room 201
Seattle, WA
(206) 281-5400

State Liquor Control Board
Enforcement Office
2101 Sixth Avenue
Seattle, WA 98121-2513
(206) 464-6095

Dept. of Natural Resources
PO Box 68
Enumclaw, WA 98022
(206) 825-1631

Puget Sound Water Quality Authority
PO Box 40900
Olympia, WA 98504
(206) 493-9300

Dept. of Social & Health Services
Special Investigation Office
5200 Southcenter Blvd., Suite 23
Tukwila, WA 98188
(206) 764-4048
Fraud Complaints
(800) 562-6025

UNITED STATES

Department of Agriculture
Office of Inspector General
915 Second Avenue
Seattle, WA

Supervisor Auditor
(206) 553-8290

Supervisor Special Agent
Investigation
(206)553-8286

Alcohol Tobacco & Firearms
Criminal Enforcement
915 Second Avenue
Seattle, WA
(206) 553-4485

U. S. Attorney
800 Fifth Avenue
Seattle, WA
(206) 553-7970

Department of Commerce
Office of Inspector General
Office of Audits
915 Second Avenue
Seattle, WA
(206) 553-0801

Government Accounting Office
Fraud Hot Line (800) 424-5454

Consumer Product Safety Comm.
Hot line
(800) 638-2772

U.S. Customs Service
Office of Enforcement
909 First Avenue
Seattle, WA
(206) 553-7531

U.S. Department of Education
Office of Inspector General
915 Second Avenue
Seattle, WA
Audits
(206) 553-0657

Investigations
(206) 553-1482

Environmental Protection Agency
Criminal Investigations
1200 Sixth Avenue
Seattle, WA

Equal Employment Opportunity Commission
2815 Second, Suite 500
Seattle, WA
(206) 220-6883; (800) 368-9331

Federal Emergency Mngmt Agency
130 - 228th Street SW
Bothell, WA
(206) 487-4600

Federal Trade Commission
915 Second Avenue
Seattle, WA
(206) 553-4656

General Services Administration
915 Second Avenue
Seattle, WA

Office of Inspector General
Audits (206)931-7650

Investigations
(206)931-7654

Law Enforcement
(206) 553-0290

Dept. of Health & Human Services
Food & Drug Administration
22201 - 23rd Drive SE
Bothell, WA

Trade Complaints
(206) 483-4949

Office of the Regional Secretary
General Counsel's Office
Inspector General

Audits
(206)553-0452

Investigations
(206)553-0229

Dept. of Housing and Urban Dev.
Office of Counsel
1321 Second Avenue
Seattle, WA
(206) 553-4976

Office of Inspector General

Audits
(206)553-0270

Investigations
(206)553-0272

Interstate Commerce Commission
915 Second Avenue, Room 1894
Seattle, WA 98174
(206) 553-5421

Department of Interior
U.S. Fish & Wildlife Services
Division of Law Enforcement
121 - 107th NE
Bellevue, WA
(206)553-5543

Department of Justice
Drug Enforcement Administration
220 West Mercer, Suite 300
Seattle, WA
(206) 553-5443

Department of Labor
Occupational Safety & Health (OSHA)
1111 Third Avenue, Suite 715
Seattle, WA 98101-3212
(206) 553-5930

Office of Inspector General
Audits
1111 Third Avenue, Suite 780
Seattle, WA 98101-3212
(206) 553-4880

Investigations
1111 Third Avenue, Suite 785
Seattle, WA 98101-3212

Office of Women's Bureau
1111 Third Avenue, Suite 885
Seattle, WA 98101-3212

Mine Safety & Health Admin.
117 - 107th NE
Bellevue, WA
(206) 553-7037

Nat'l Transportation Safety Board
19518 Pacific Highway South
Seattle, WA
(206) 764-3782

Nuclear Regulatory Commission
(510) 975-0200

Securities & Exchange Commission
915 Second Avenue
Seattle, WA 98174
(206) 553-7990

Department of Transportation
Office of Inspector General
915 Second Avenue
Seattle, WA 98178
(206) 553-5720

Department of Treasury
Bureau of Alcohol, Tobacco & Firearms
Law Enforcement Division
915 Second Avenue, Room 806
Seattle, WA 98174

Department of Veterans Affairs
Office of Inspector General
915 Second Avenue
Seattle, WA 98174

Fraud/Waste/Abuse Hot Line
(800) 488-8244

Section 9
Sexual Harassment Prevention

9.01 Purpose
9.02 Policy and Objectives
9.03 Definitions
9.04 Reporting Procedures
9.05 Violations of Policy

9.01 Purpose

Sexual Harassment of employees is prohibited by the City of Buckley. This policy is intended to establish standards for defining and preventing Sexual Harassment and offensive behavior of a sexual nature, to establish a means for reporting and complaining about Sexual Harassment and to define the range of disciplinary action that will be taken by the city in cases where Sexual Harassment has occurred.

Harassment based on unlawful discrimination such as to race, ethnicity, religion, marital status, age, disability or national origin is also prohibited and is subject to the reporting procedures of this policy.

9.02 Policy and Objectives

It is the policy of the City of Buckley:

9.02.01 To communicate this Sexual Harassment policy to employees and supervisors in order to assure that all employees and supervisors understand that Sexual Harassment is prohibited.

9.02.02 To recognize the unique nature of complaints of Sexual Harassment, to encourage early reporting by employees, victims or witnesses, and to resolve complaints promptly, confidentially, and, when possible, at the lowest levels of the organization.

9.02.03 To prohibit retaliation against any employee because he or she has made a report of alleged Sexual Harassment, or retaliation against any employee who has testified, assisted, or participated in any manner in an investigation of the allegations.

9.02.04 To prohibit and prevent actions which unlawfully discriminate on the basis of race, gender, religious belief or national origin in areas such as

compensation, benefits, privileges, transfers, layoffs, returns from layoff, training and social programs.

9.02.05 To provide education to employees or, under some circumstances, to non-employees; to raise awareness of Sexual Harassment as a workplace issue; to prevent Sexual Harassment by providing information about Sexual Harassment in general and about this policy in particular.

9.03 Definitions

9.03.01 "Sexual Harassment" means unwelcome sexual advances, requests for favors and other offensive verbal or physical conduct of a sexual nature when:

a) submission to such conduct is made either explicitly, or implicitly, a term or condition of an individual's employment;

b) submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

9.03.02 "Intimidating, hostile, or offensive working environment" means a workplace in which: a) repeated, unwelcome, sexually-oriented jokes, innuendoes, obscenities, pictures or any action with sexual connotation has the cumulative effect of making an employee feel uncomfortable in the workplace; or b) aggressive, harassing behavior in the workplace whether or not sexual in connotation, is directed toward an employee based on the employee's gender.

9.03.03 "Offensive conduct of a sexual nature" means physical contacts, sexual comments, obscenities, gestures, propositions, unnecessary touching, sexually explicit, or offensive pictures, discussion of sexual activities, commenting on another person's anatomy or attributes, using demeaning or diminutive terms toward officers, employees or members of the public such as "babe", "hunk" or "honey", ostracizing employees of one gender by employees of the another, granting job favors to those who participate in consensual sexual relationships or activities, or any other action with sexual connotation whether at, or away from work, which is unwelcome or which makes an employee feel uncomfortable in his/her employment.

9.03.04 "Management" means the immediate or first level supervisor who is not involved in the alleged harassment and other managers in the direct line of authority above these supervisors.

9.03.05 "Retaliation" means acts of reprisal such as: open hostility to the complainant, participant or others involved; exclusion/ostracism of the complainant or others; creation of or the continued existence of a hostile work environment; gender-based negative remarks about the complainant, participants or others; special attention to, or assignment of the complainant, participant or others to demeaning duties not otherwise performed; tokenism or patronizing behavior; discriminatory treatment; subtle harassment; or unreasonable, supervisory-imposed time restrictions on employees on preparing complaints or compiling evidence of Sexual Harassment activities or behaviors.

9.04 Reporting Procedures

9.04.01 Complainant's Responsibility:

An employee who believes he or she has been a victim of Sexual Harassment is encouraged to report the incident(s) or working conditions as soon as possible after the alleged harassment occurs.

Prompt reporting is encouraged because the ability of management to investigate and act on reports diminishes with time. Employees may bring reports to the attention of any or all of the following:

a) The alleged harasser. When reporting or giving notice to the alleged harasser, the employee should clearly request that the action stop immediately;

b) The immediate supervisor or the first level of management who is not directly involved in the alleged harassment;

c) The City Administrator; or

d) The City Attorney may be contacted if the City Administrator is unavailable or implicated in the allegation, or if the employee for other reasons, is not willing to disclose the matter to the City Administrator.

It shall be a responsibility of the employee to cooperate with management, the City Administrator or the responsible management official in all efforts to investigate and verify such reports.

9.04.02 Management's Responsibility:

All reports of alleged Sexual Harassment received by management, shall be promptly referred to the City Administrator. The City Administrator shall immediately initiate an investigation or recommend another appropriate management representative to initiate the investigation.

Any report of Sexual Harassment and its investigation is confidential. Dissemination of confidential information shall be limited to persons with a need to know to participate in the investigation or implement an action resulting from the investigation. If discipline is anticipated, it may be necessary to disclose the name of the complaining employee to the employee accused of harassment.

The standard to be applied in evaluating allegations of Offensive Conduct of a Sexual Nature or an Intimidating, Hostile or Offensive Working Environment shall be that of a reasonable victim. For instance, if an allegation is made by a female employee, the standard under this policy shall be whether, to a reasonable woman, such conduct would have the effect of making a woman feel offended, uncomfortable, threatened or intimidated. If the allegation is made by a male employee, the allegation shall be evaluated from the perspective of a reasonable male.

If, as the result of investigation, sufficient facts are gathered to support the complaint, management will contact the alleged harasser to obtain a response to the complaint. If the alleged harasser denies the allegation, he/she may be afforded an opportunity to provide details, witnesses or documentation to support his/her denial of the allegation.

Records pertaining to the investigation shall be maintained in a file separate from the complainant's personnel file.

9.04.03 Employees' Responsibility

Employees who are not personally victims of Sexual Harassment, but who observe actions which they have interpreted to be harassment or offensive conduct of a sexual nature, are strongly encouraged to immediately report such matters to management. Supervisors and members of management must report observations which they have interpreted to be harassment or offensive conduct of a sexual nature.

9.04.04 Alleged Harasser's Responsibility:

It shall be the responsibility of any employee accused of sexual harassment to fully cooperate with management in its investigation of complaints and to refrain from retaliating against the complainant for coming forward with the complaint.

9.05 Violations of Policy

9.5.01 The investigator of the complaint will determine whether violations of this policy have occurred on the basis of facts verified during the investigation and after consultation with the City Attorney. If a violation of the policy has occurred, the investigator of the complaint will recommend disciplinary action to the Mayor or his/her designee.

9.05.02 Substantiated violations of this policy may result in disciplinary action in accordance with Section 4 of the City of Buckley Personnel Policies and Procedures Manual. Appropriate discipline may include discharge, if the initial violation is sufficiently severe, if the violator's position within the organization has had the effect of worsening the harassment, or if lesser violations are repeated after discipline or warnings have been given.

In addition, or as an alternative, to traditional disciplinary actions, violators of this policy may be subject to corrective measures such as educating the harasser about Sexual Harassment, requiring counseling or reassignment.

9.05.03 Disciplinary action taken under this policy may be subject to the City's grievance policy as described in Section 4 of the City of Buckley Personnel Policies and Procedures manual, to applicable civil service rules and procedures or to collective bargaining agreements.

Section 10
Resource Conservation Guidelines

10.01 Purpose
10.02 Organization Affected
10.03 Definitions
10.04 Responsibilities
10.05 Statements of Policy & Procedure
10.06 Materials Use and Disposal
10.07 Water and Sewer Conservation

10.01 Purpose

The purpose of this policy is to establish general guidelines for the efficient use of energy, water, and material resources for the purposes of economical utility and environmental conservation.

10.02 Organizations Affected

These policies shall guide all departments of the City.

10.03 Definitions

None.

10.04 Responsibilities

It is the responsibility of department managers and other supervisory employees to enforce this policy.

10.05 Statements of Policy and Procedure

It is the policy of the City of Buckley to build and operate city facilities in the most cost-effective manner possible, achieving a balance between capital, energy, and maintenance costs. Lifecycle cost analysis may be used to inform this decision, enumerating both economic and environmental factors.

10.05.01 **"Building Temperatures"** - Buildings shall be operated to provide occupant comfort and healthy working conditions at seasonally-appropriate temperatures, as follow:

a) Offices and public spaces shall, whenever possible, be heated to 68 degrees, and where applicable, cooled to 76 degrees. Sufficient ventilation air should be provided to ensure a carbon dioxide concentration of between 800 and 1200 ppm. When outside temperatures are between 68 and 76 degrees, outside air economizer usage should be maximized, including manual opening of windows, with chillers and furnaces locked out. During unoccupied periods, heating shall, whenever possible, be set back to 55 degrees, and cooling to 80 degrees.

b) Workshops and exercise rooms may be heated to a maximum of 65 degrees and cooled to a maximum of 78 degrees.

c) Storage and Mechanical Spaces receive freeze protection and ventilation only.

10.05.02 "**Operating Schedules**" -

a) HVAC should operate for the minimum amount of time required to bring a space to the approved conditions, to be set manually or with automated optimal start, and shutdown is to occur 30 minutes prior to staff departure, or at a time calculated according to the building's thermal curve.

b) All windows and doors should be closed when the HVAC is turned on, as open windows can have the opposite of the intended effect if they set up a draft over a thermostat, causing the building to fight the outdoors.

c) All systems should go into unoccupied mode for weekends and holidays, with the exception of scheduled events.

d) Unscheduled use of facilities shall be at unoccupied temperature.

e) If a facility rental requires conditions beyond those specified in this policy, additional costs shall be assessed.

f) Building lighting in common areas shall be shut down during unoccupied times.

g) Staff is responsible for turning off the lights in their work areas any time the space is to be unoccupied for five minutes or more. Staff is also responsible for closing all window coverings each evening.

h) Building exterior and lot lighting should be started 15 minutes before the first scheduled use each day, shut down at dawn, restarted at dusk, and shut down 15 minutes after the last scheduled use. Exceptions for security reasons may be approved by the City Administrator.

10.05.03 "**Building Alterations and Decorations**" - Alterations or renovations to the building shall not be performed without prior approval

from the City Administrator and Department Manager. Any alterations that impact energy usage shall evaluate and report on that impact, and should be designed to improve energy efficiency. Any holiday lighting or temporary displays shall be operated on a schedule rather than around the clock, and displays should be designed with efficiency in mind.

10.05.04 **"Building Maintenance"** - Maintenance shall be performed periodically according to a schedule designed for optimal equipment performance, efficiency, and service life. Maintenance staff should report on opportunities to improve facility efficiency.

10.05.05 **"Facility Rentals"** - Facility rental fees should include a calculated cost of providing utilities, and require that users adhere to the city's conservation guidelines. If additional utility usage is required by the nature of the rental, additional fees shall be imposed.

10.06 Materials Use and Disposal.

A. Recycled and environmentally-preferable materials shall be considered in procurement decisions, with preference given if price and performance are equal or better.
B. Staff should communicate electronically whenever possible to reduce paper use.
C. All city facilities and functions shall be provided with appropriate recycling options.

10.07 Water and Sewer Conservation

A. Irrigation shall only be provided to entry landscaping and summer play fields, and only as required to maintain plant viability, not maximal growth. Landscaping around city facilities shall be designed for drought-tolerance.
B. City facilities and operations shall employ water-smart practices so as to lead by example. Active water features should be discouraged in city landscapes, and where they exist currently, nonpotable water should be considered for use in fountains, waterfalls, and ponds.

Section 11
City of Buckley Wellness Program Policy

11.01 Purpose
11.02 Mission Statement
11.03 Goals
11.04 Scope
11.05 Voluntary Participation
11.06 Wellness Program Committee
11.07 Program Budget
11.08 Program Activities
11.09 Program Involvement

11.01 Policy Purpose.

To create an environment that supports healthy lifestyles and offers opportunities for employees to optimize their health and well-being. This policy is established as a means to provide information and activities to City employees to encourage health and safety in the work environment.

11.02 Mission Statement.

The mission of the City of Buckley Wellness Program is to increase the overall wellbeing of each employee by sharing tools that create harmony between their physical, mental and relational health, thus reducing the cost of health care.

11.03 Goals.

Support wellness in the workplace by creating a program that meets the needs and interests of the employees of the City of Buckley. Design and implement a Wellness Program that meets the AWC's Well-City Standards.

11.04 Scope.

All City of Buckley employees including full time, part time, and seasonal.

11.05 Voluntary Participation.

Employee participation in the programs and activities of the Wellness Committee is voluntary.

11.06 Wellness Program Committee.

11.06.01 Membership: The Wellness Committee is made up of at least one member representing each department, one of which shall be the Committee's Chairperson. Membership on this Committee is voluntary. Members of each department shall be appointed by the Department Head.

11.06.02 Departments: Fire, Police, Public Works, Administration & Finance, Recreation & Community Services.

11.06.03 Duties: The duties of the Committee members are to:

a) Provide enthusiastic support of the purposes and goal of the Wellness Committee.

b) Act as a liaison between the Wellness Committee and the employees to represent the interests, needs, and opinions of the employees.

c) Help plan, implement, and promote Wellness programs.

d) Provide peer support and advocacy to boost wellness program participation.

e) Prepare an annual budget for program support.

f) Share responsibilities to lessen the workload impact on the Chairperson.

g) Perform evaluation of ongoing programs and activities.

h) Inform another attending member if they cannot attend a meeting.

i) Assist (as required) other members in the execution of their Wellness events.

j) Represent your department and educate them of the various Wellness activities.

k) Fully support all agreed upon decisions by the Committee.

l) Attend conferences and retreats established by AWC as operations permit.

m) Assist the Chairperson in grant preparation. The duties of the Chairperson include:

i. Set the time and place of meetings.
ii. Communicate with all members of the Committee to coordinate meeting dates and times.
iii. Prepare an agenda in advance of the meeting and distribute copies to other members.
iv. Manage the agenda and discussion of the meeting.
v. Apply for, obtain, and manage annual grant funding requirements.
vi. Manage the budget and financial program requirements.
vii. Attend conferences and retreats established by AWC.

11.06.04 General Committee Requirements:

a) All meetings will start and end on time.

b) All Committee members are equal participants and have equal right and responsibility to voice opinions and ideas and share in the success in this program.

c) The Wellness Committee shall meet monthly during the regular business hours.

d) Members of the Wellness Committee will serve an indefinite term.

e) If a member has more than four (4) unexcused absences, the Committee may vote to remove that member from the Committee.

f) Confidentiality: Confidentiality is important in all health education activities. Because the Wellness Committee may offer programs about potentially sensitive issues, the transactions and interaction regarding personal and medical information that take place in the wellness programs will be confidential and will be respected as such. Each Committee member shall sign a Confidentiality Agreement.

11.07 <u>Program Budget.</u>

a) Apply for the available AWC grants for Wellness programs.
b) Include the required line item allocations as designated by AWC for the wellness program in the annual budget.
c) Solicit community organizations for other needed resources.

11.08 <u>Program Activities.</u>

a) Behavior change programs such as nutritional information, stress reduction, smoking cessation and weight management.
b) Motivational programs such as interdepartmental and employee group challenges, healthful eating campaigns, exercise and stress reduction programs.
c) Information and awareness programs such as flyers, paycheck stuffers, bulletin boards, brown bag lunch sessions, wellness seminars, workshops, and classes.
d) Bi-annual AWC Healthcheck Plus health and fitness testing program.
e) To explore opportunities to develop and institute additional wellness incentives and policies that contributes to the health and well-being of employees and their family members.

11.09 <u>Program Involvement.</u>

a) The City Administrator will provide staff time to the members of the Wellness Committee to conduct its activities.
b) The City Administrator will allow employees to have release time for Wellness activities and programs as the normal work demands are appropriately met.

c) Action Groups composed of volunteers from the workforce will be used to help implement specific wellness program activities.

City of Buckley
Acknowledgement of Receipt

I certify that I have read and understand the rules and policies contained in the City of Buckley Personnel Policy and Procedures Manual, a copy of which has been provided to me. I also understand that the statements of policy contained in the Personnel Policy and Procedures Manual is not a contract and that the City of Buckley or I may discontinue my employment at any time. I also understand that the Personnel Policy and Procedures Manual presents guidelines that may be changed by the City, when in its judgment, circumstances so require. This manual supersedes any prior policy manuals issued by the City.

Date: _____

Employee: _____
(print name)

Signature: _____