



EPHRATA CITY COUNCIL

MAYOR BRUCE REIM MAYOR PRO-TEM WILLIAM COE
COUNCIL MEMBERS: KATHLEEN ALLSTOT, KATHLEEN HARRIS,
SARAH McDONNELL, VALLI MILLARD, MATT MOORE, TONY MORA

– AGENDA FOR MARCH 22, 2023 – SPECIAL MEETING

6:00 PM

SPECIAL MEETING:

1. Called to Order
2. Roll Call
3. Pledge of Allegiance
4. Recording of Meeting: **YES**
5. Additions or corrections to published Agenda
6. Presentations:

II CONSENT AGENDA

1. Approval of Claim Fund Bills and Checks Issued
2. Approval of Council Minutes:
 - a. March 1, 2023 Regular Meeting
 - b. March 7, 2023 Study Session
3. Approval of Special Event Application:

III STAFF, COMMITTEE, & AGENCY REPORTS

IV CLOSED RECORD DECISIONS [RCW CHAPTERS 36, 42: OPEN PUBLIC INPUT NOT PERMITTED]

V PUBLIC HEARINGS

BILLS: Allstot, Mora, Coe

VI ORDINANCES & RESOLUTIONS

1. Resolution 23-01 Ephrata Personnel Policy Manual Update
2. Resolution 23-02 Update of the Six Year Capital Facilities Plan

VII ITEMS FOR COUNCIL CONSIDERATION

VIII ITEMS FOR COUNCIL ACTION

1. Letter of Support for Ephrata Pickleball Courts
2. Elimination of Policy 9040, Section 3.8: Recreation Non-Resident Fee

IX ADMINISTRATION REPORTS

X EXECUTIVE SESSION THE CITY OF EPHRATA CONDUCTS EXECUTIVE SESSION IN ACCORDANCE WITH RCW 42.30.110 OF THE OPEN PUBLIC MEETING ACT

1. Contract Negotiation Review (RCW 42.30.110 (1) (d))
2. Acquisition of Real Estate or Site Selection (RCW 42.30.110(1) (b))



CITY COUNCIL MINUTES

March 1, 2023

City Council of the City of Ephrata, Grant County Washington met in regular session on March 1, 2023. An Open House for the Parks and Recreation Comprehensive Plan was held from 5:30 p.m. until 7:00 p.m. The meeting was called to order at 7:00 p.m. by Mayor Bruce Reim.

Members Present: Mayor Bruce Reim, Mayor Pro Tem William Coe, Council members Kathleen Allstot, Kathleen Harris, Valli Millard, Matt Moore, and Tony Mora

Staff Present: Interim City Administrator Kurt Adkinson, City Attorney Anna Franz, Public Works Director Bill Sangster, Community Relations Director Traci Bennett, Fire Chief Jeremy Burns, Police Chief Erik Koch, Community Development Director Ron Sell, City Clerk/Finance Director Leslie Trachsler and Deputy City Clerk Carrie Lnenicka

Motion to excuse Council member Sarah McDonnell (m/s Allstot/Mora) Motion carried.

Pledge of Allegiance was said.

Katrina Vanderwaal signed up to speak.

Agenda: There were no additions/correction to the agenda.

Presentations:

- AHBL – Parks and Recreation Comprehensive Plan Update: Nicole Stickney, Senior Planning Project Manager with AHBL, presented the draft Parks and Recreation Comp Plan to Council after the open house. The purpose of the comprehensive plan is to gain eligibility to apply for and receive grant funds from the State for upgrades and additions in the Ephrata Parks. A certified comprehensive plan must contain certain elements and AHBL wants to ensure the City's plan is in full compliance and represents the true picture of what the community wants and needs.

AHBL conducted a survey in two rounds in 2022 and received 292 responses in the first round and 200 responses in the second. This information along with

additional community input that is open until March 17, 2022, will help AHBL create and document key recommendations, goals and policies for Council. Katrina Vanderwaal addressed council and staff regarding Pickleball and handed out information. Ms. Vanderwaal would like a letter of agreement from the City of Ephrata so the group can continue to seek funds from agencies such as the Columbia Basin Foundation.

Consent Agenda: Motion was made to approve consent agenda. (m/s Moore/Harris) Motion carried.

Items on the consent agenda are as follows:

- Claims #96238 through #96239 in the amount of \$974.67
- Payroll Claims #96240 through #96256 in the amount of \$241,720.66
- Claims #96257 through #96260 in the amount of \$4,510.39
- Claims # 96261 through #96304 in the amount of \$237,953.99
- Payroll Checks #47489 through #47497 in the amount of \$21,188.69
- Direct Deposit in the amount of \$210,917.29
- ACH in the amount of \$13,075.00
- Minutes of the February 22, 2023, Council meeting
- Special Event Applications:
 - Youth Fishing Derby – April 15, 2023 – 5:00-11:00 a.m. Oasis Park at Ping Pond
 - Sage and Sun Fun Run – June 10, 2023 – 6:00-10:00 a.m.
 - Gran Fondo – March 18-19, 2023

Public Hearing – Construction Refuse Collection/Disposal: The Mayor and Council gave the public an opportunity to share concerns surrounding Construction Refuse Collection/Disposal. Tyler Chase, a contractor with Alderbrook Homes, addressed council and shared his frustrations with Consolidated Disposal Services, Inc (CDSI). Mr. Chase stated that CDSI often does not have 20 Yard containers available, which is the preferred container in his industry. He also shared that CDSI isn't available to swap containers or move containers as easily as Mr. Chase and other contractors would like, making it an inconvenience and costly to rely on only CDSI to haul their waste.

Mark Vandeweghe, owner of Klean Site Enterprises, addressed council in support of the contractors who utilize his services. Mr. Vandeweghe stated that he aims to accommodate the contractors by providing them a service as soon as needed and as often as needed. Mr. Vandeweghe was asked to leave the CDSI transfer station in Moses Lake, resulting in a loss of revenue for CDSI as he began hauling the waste directly to the Grant County Landfill.

Michael Dietrich, President at CDSI, spoke to council regarding their contract with the City of Ephrata to provide garbage services within the city limits. Mr. Dietrich wants the City to enforce the franchise agreement as the contract is exclusive.

Legal Counsel advised Council and all parties that a gap exists between the Ephrata Municipal Code and the Franchise Agreement/Contract with CDSI. The Ephrata Municipal Code states utilities must begin when a Certificate of Occupancy is issued, but the contract states all garbage services in the City of Ephrata will be provided by CDSI.

Mayor Reim and Legal Counsel agreed that the enforcement of the contract is CDSI's responsibility.

Ordinance 23-03 Amend EMC 2.04.010 – Meetings: This ordinance will allow for Council Meeting start times to change from 7:00 p.m. to 6:00 p.m. to close the gap between traditional business hours and meeting times.

Motion to approve Ordinance 23-03 Amend EMC 2.04.010 – Meetings (m/s Allstot/Harris) Motion carried.

Ordinance 23-04 Franchise Agreement – Intermountain Infrastructure Group (First Reading): Public Works Director Bill Sangster reported to Council on the first reading of this ordinance as state law requires 2 readings at regular meetings before passage. The agreement will grant a nonexclusive franchise to Intermountain Infrastructure Group LLC to operate and maintain a Fiber Optic Cable Network in the City of Ephrata and set forth conditions accompanying the grant of the franchise. Council discussion ensued.

Appointment Jacob Ponczoch to Planning Commission:

Motion to Accept the Mayor's Appointment of Jacob Ponczoch to Planning Commission (m/s Moore/Mora) Motion carried.

Amend Policy 1000 – Council Agenda: This amendment will clarify Policy 1000 to allow the City Administrator or designee to assist in the process and clarifies the delivery of the Agenda as "provided" to Council.

Motion to Approve the Amendment to Policy 1000 – Council Agenda (m/s Millard/Allstot) Motion carried.

Accept Policy 2063 – IT Network Usage: The State Auditor's Office (SAO) conducted a cybersecurity audit with the City Clerk and revealed the City has a very limited policy regarding IT Network Usage.

Motion to Accept Policy 2063 – IT Network Usage(m/s Mora/Millard) Motion carried.

Amendment #10 – Contract for Engineering Services for Well #6 Claim: Director Sangster reported to Council that this amendment will allow for additional work for Well #6, to include completion of change application for the Well 6 claim, water right beneficial use review, an ecology preapplication meeting, a draft change application and public notice, and a report of examination. This work will determine the process to get Well #6 water rights back to full capacity.

Motion to Authorize Administration to execute Amendment #10 – Contract Engineering Services for Well #6 Claim (m/s Allstot/Harris) Motion carried.

Amendment #11 - Contract for Engineering Services for Dry Creek Bridge Load Rating: This amendment will allow for additional work, to include completion of Dry Creek Bridge Load Rating. Should have load rating in order to have inspected. The City has the Dry Creek Bridge inspected every two years, and the load rating is a new requirement by WSDOT as of 2020.

Motion to Authorize Administration to execute Amendment #11 – Contract for Engineering Services for Dry Creek Bridge Load Rating (m/s Moore/Allstot) Motion carried.

Administrator Report

- City Administrator reported to Council the March 15th meeting is cancelled due to a lack of staff attendance. There will be a special meeting on March 22, 2023 that will look like a regular meeting but is designated a special meeting.

There being no further business meeting adjourned at 8:07 p.m.

Bruce Reim, Mayor

ATTEST:

Carrie Lnenicka, Deputy City Clerk



CITY COUNCIL MINUTES STUDY SESSION March 7, 2023

City Council of the City of Ephrata, Grant County Washington conducted a Study Session on March 7, 2023. The Study Session opened at 5:00 p.m. by Mayor Bruce Reim

Members Present: Mayor Bruce Reim, Mayor Pro Tem William Coe, Council members Kathleen Allstot, Kathleen Harris, Sarah McDonnell, Valli Millard, Matt Moore and Tony Mora

Staff Present: Interim City Administrator Kurt Adkinson, City Attorney Anna Franz, Public Works Director Bill Sangster, Community Development Director Ron Sell, Parks and Recreation Director Traci Bennett, Fire Chief Jeremy Burns, Police Chief Erik Koch, Building Official Bill Cox, Public Works Field Supervisor Christian Roeder and City Clerk/Finance Director Leslie Trachsler

Administrator Adkinson and Counselor Franz provided Council a presentation on the proposed Personnel Policy Manual. Staff covered highlights of the major updates and revisions to the policy. There was significant Council/Staff interaction regarding shared leave. Council will consider the two options when the Personnel Policy Manual Resolution is presented in regular session.

Council transitioned to a presentation/discussion with the Comprehensive Plan consultants from SCJ Alliance. Topics generally focused on zoning and municipal code impacts concerning future planning and growth of the city.

Study Session dismissed at 7:05 p.m.

Bruce Reim, Mayor

ATTEST:

Kurt M. Adkinson, Interim City Administrator

AGENDA

Association of Grant County Cities & Towns

Date | time 3/30/2023 6:00 PM | *Meeting called by* President Dustin Swartz

Association members

Town of Coulee City | Town of Coulee Dam | City of Electric City | City of Ephrata | City of George | City of Grand Coulee | Town of Hartline | Town of Krupp | City of Mattawa | City of Moses Lake | City of Quincy | City of Royal City | City of Soap Lake | City of Warden | Town of Wilson Creek

Host – City of Royal City

March 30, 2023 at 6 PM

Dinner & Meeting – Royal City – Gard Public House

1. Welcome / Call Meeting to Order – President Dustin Swartz
2. Approval of Minutes – December 12, 2022
3. Treasurer’s Report: As of February 28, 2023 – Balance \$2,112.07
4. President’s Report:
 - A. Grant County Homeless Task Force Appointment
 - B. Council of Governance/Metropolitan Planning Organization – Allison Williams, City Manager – City of Moses Lake
 - C. Legislative Updates – Katherine Kenison, City Attorney
5. Other items for the Good of the Association
 - A. Update of bylaws (see attached)
6. Establish Next Meeting Date and Place
7. Adjourn

Dinner will be held at the Gard Public House 112 Evergreen Ave NW, Royal City Washington. Cost is \$20 per person. Spouses are invited to attend this dinner and meeting. Please **RSVP** to Jennifer Schober at (509) 764-3713 or email jschober@cityofml.com by 3/27/23.



DATE: March 22, 2023

ITEM: Ordinances & Resolutions

SUMMARY

1. Resolution 23-01 Ephrata Personnel Policy Manual Update
2. Resolution 23-02 Update of the Six Year Capital Facilities Plan

BUDGET IMPACTS

1. None
- 2.

Staff recommends acceptance and approval of all Items.

**ENABLING
ACTIONS**

Motion to Authorize, Confirm, or Approve and Accept All Items.

If you have any questions, concerns, or require additional information; please contact me prior to the meeting.

RESOLUTION NO. 23-01

**A RESOLUTION OF THE CITY OF EPHRATA REPEALING CERTAIN
PERSONNEL POLICIES AND ADOPTING THE CITY OF EPHRATA
PERSONNEL POLICY MANUAL**

WHEREAS, the City Council desires a comprehensive set of general guidelines and policies governing all personnel matters for all City employees, including employee conduct, workplace conditions, drug and alcohol policies, policies that implement state and federal employment laws, and other aspects of public employment and City services; and

WHEREAS, purpose of the manual is to provide for guidance regarding the fair and consistent administration of city personnel, but neither any contract nor implied contract rights are created hereby; and

WHEREAS, the City Administrator and Attorney have reviewed the proposed Personnel Policy Manual and recommends adoption by the City Council.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Ephrata, Washington as follows:

1. The existing “City of Ephrata Personnel Policy Handbook” is hereby renamed the “City of Ephrata Administrative Policy Manual” and all references to the “City of Ephrata Personnel Policy Handbook” shall be deemed to be references to the “City of Ephrata Administrative Policy Manual” or the “City of Ephrata Personnel Policy Manual” as applicable.

2. Policies 3001-3900, inclusive, and as set forth in the City of Ephrata Policy Handbook, are hereby repealed.

3. The City of Ephrata Personnel Policy Manual as attached hereto is hereby adopted.

ADOPTED by the City Council of the City of Ephrata, Washington, this 22nd day of March, 2023.

Bruce Reim, Mayor

ATTEST:

Leslie Trachsler, City Clerk/Finance Director

CITY OF EPHRATA

PERSONNEL POLICY

Effective March 23, 2023

City Council Resolution 23-01

03/22/2023

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CHAPTER 1 – PURPOSE, SCOPE, AND DEFINITIONS

1.1 INTRODUCTION

The City of Ephrata places the highest value on its employees. As an employee of the City of Ephrata (“City”), you are among an elite group of people who have chosen public service as a career field. Because it is vital for an employee to consistently contribute to the overall level of service provided by the City, the City designed this employee handbook to give you the foundation to formulate your personal plan of how you best represent the City.

The City believes that clear, consistent personnel policies contribute to greater employee engagement. All employees are required to be familiar with these policies. If questions arise, please begin a discussion with your supervisor or department director. Employees are encouraged to offer ideas or suggestions for improvement of these policies.

These personnel policies serve as a general guide to the City of Ephrata’s current employment practices and procedures. These policies also describe the compensation, benefits, and other support provided by the City.

1.2 INTENT OF POLICIES

Although the City desires long-term employment relationships, it is recognized this may not always occur and either the employer or employee may decide to terminate employment. Unless specific rights are granted in employment contracts, civil service rules, or collective bargaining agreements, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. No supervisor, department director, or representative of the City, other than the City Council, has authority to enter into any agreement with an employee for employment for any specified period or duration, or to make any written or verbal commitments to the contrary. It is the City’s intent to provide a summary of the City’s general policies and procedures; they should be considered as a total set of working procedures rather than interpreting each section, subsection, sentence, or phrase separately and out of context.

1.3 SCOPE OF POLICIES

These personnel policies apply to all City of Ephrata employees. In cases where these policies conflict with any Civil Service rules and regulations, provisions of a collective bargaining agreement, the Ephrata Police Department’s Policies & Procedures Manual, City ordinance or state or federal law, the terms of that law, rule, or agreement prevail. In all other cases, these policies apply. In the event of the amendment of any ordinance, rule, or law incorporated in this document or upon which these provisions rely, these personnel policies shall be deemed amended in conformance with those changes. These policies are not intended to address every aspect of your employment in detail. In some cases, details may be found in other controlling documents, such as the summary plan descriptions of benefit plans.

1.4 CHANGING THE POLICIES

As the need arises, the City Council may modify these policies, and by ordinance or resolution, may enact changes to compensation or benefit levels. The Mayor may deviate from these policies

in particular situations, especially in an emergency, to achieve the primary mission of serving the City's citizens. These policies supersede any prior policies or handbooks. Employees may request specific changes to these policies by submitting suggestions to their department director or the City Administrator.

These policies do not create an employment contract, expressed or implied contract rights for employees, nor do they create a promise or guarantee or specific treatment in a specific situation. The City retains the right to administer or implement these policies appropriate to the situation or occurrence. The City also retains the right to revise, supplement, or rescind these policies without prior notice to employees. However, union representatives for the respective bargaining units representing City employees will be given a copy of any proposed changes to these policies prior to implementation.

1.5 DEFINITIONS

At-will Employee: Unless specific rights are granted to an employee in a collective bargaining agreement, civil service rules, or written employment agreement, an employee of the City may be terminated at any time, with or without cause and with or without notice.

City: The City of Ephrata.

City Facility: Any property that is owned or leased by the City. Except as otherwise provided herein, the term does not include City parks, parking lots, sidewalks, or streets.

Class/Classification: Systematic arrangement of job titles into categories according to positions sharing similar job functions and/or responsibilities. A representative sample of the City's classification system includes classifications such as Management, Technical/Professional, Skilled Trades.

COBRA Rights: Federal law which permits employees who are terminating from City employment to continue eligible group medical coverage at their personal expense for a specified period determined by federal law.

Department Director: An employee responsible for directing one or more City departments or divisions.

Emergency: A circumstance that, if not immediately addressed, may cause injury or damage to persons or property.

Emergency Declaration: An emergency declaration is carried out by the Mayor and City Administrator and the City's continuity of operations plan would be implemented which would require definition of essential and non-essential employees.

Employee Assistance Program: A program designed to assist City employees and their family members to seek advice or solve problems through professional counseling.

Exempt Employee: An employee who does not receive overtime pay for all hours worked more than 40 hours per week as provided in the Fair Labor Standards Act (FLSA) and Washington Minimum Wage Act (WMWA) because the employee works in a

bona fide executive, administrative, professional, or other overtime exempt capacity covered by the FLSA and WMTA.

Good Driving Record: Less than two moving violations within the preceding three years; no reckless driving or driving while intoxicated violations (including a DUI which has been reduced to a First Degree Negligent Driving) within the preceding five years. Maximum of one motor vehicle accident within the preceding three years for which the applicant received a traffic or criminal citation and was convicted, forfeited bail, or pled guilty.

Immediate Family Member: Includes the following: spouse, registered domestic partner, parent (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent and regardless of age or dependency status), child (whether biological, adoptive, foster, step-child, or child for whom employee stands in loco parentis, is a legal guardian for, or is a de facto parent and regardless of age or dependency status), sibling, mother or father-in-law, brother or sister in-law, son or daughter-in-law, grandparent, grandchild, step parent, step child, step brother or sister, any relative who lives in the employee's home, or other person for whom the employee has caretaker responsibility. Other exceptions may be authorized solely at the discretion of the Mayor.

Inclement Weather: An event of nature that adversely impacts the safety of citizens or employees. Typically, such situations are the result of unusual, severe weather including, but not limited to, excessive snow, ice storms, floods, blizzards, and extreme heat and wind conditions.

Non-exempt Employee: An employee who receives overtime pay for hours worked beyond 40 hours in a standard work week in accordance with the Fair Labor Standards Act (FLSA) and Washington Minimum Wage Act. The amount of overtime pay is one and one-half times the regular rate of pay for hours worked above 40 in a workweek, unless provided otherwise in a bargaining agreement.

Non-represented Employee: An at-will employee who is not a member of a bargaining unit and is not represented by a bargaining agent in matters of wages, benefits, and working conditions.

Other Part-time Employee: Other part-time employee includes seasonal, on-call, and other part-time non-benefited employees (regularly averages less than 40 work hours per week).

Protected Status: A category by which people qualify for a special protection by a law, policy, or similar authority.

Represented Employee: An employee who is a member of a bargaining unit and represented by a bargaining agent in matters of wages, benefits, and working conditions.

Retirement: An employee who retires from service and is eligible to receive retirement benefits through the Department of Retirement Systems (DRS).

Temporary Employee: An employee hired to work a fixed or flexible schedule of hours for a specified period, or an employee who is hired on an intermittent, seasonal, or as-needed basis, as provided in Section 3.5.

Veteran: A person who has served in any branch of the armed forces of the United States and who has received an honorable discharge.

Weapon: Any object, instrument, or incendiary device which is (1) designed in such a manner to inflict harm or injury to another person, or (2) used in a manner threatening harm or injury to another person. This shall include, but not be limited to, firearms, knives (not including pocket-knives with blades less than 3 inches in length), Chaco sticks, and blackjacks.

CHAPTER 2 – GENERAL POLICIES AND PRACTICES

2.1 EQUAL EMPLOYMENT OPPORTUNITY

The City of Ephrata is an equal opportunity employer. It is the City's policy that there is no discrimination against any person based on race, color, religion, sex, sexual orientation, gender identification, national origin, age (over 40), marital status, pregnancy, disability, veteran's status, genetic information, or any other status protected by federal, state or local law. This policy extends to all areas of employment and to all recruitment, selection, placement, promotion, job assignment, compensation, disciplinary measures, demotions, layoffs, job terminations, testing, training, awards, benefits, daily working conditions, and all other terms and conditions of employment.

The City strives to foster and maintain a harmonious non-discriminatory working environment. Conduct that is discriminatory will not be tolerated and will be cause for disciplinary action, up to and including termination.

2.2 REASONABLE ACCOMMODATION OF DISABILITIES

The City complies fully with its duties under applicable federal and state law to provide disabled employees with reasonable accommodation. Any employee who has a physical or mental impairment and who desires some form of reasonable accommodation should provide notice to the City Administrator. Upon receiving such notice, the City Administrator, on behalf of the City, will begin an interactive process with the employee to ascertain what accommodations, if any, may be appropriate.

2.3 REASONABLE ACCOMMODATION OF RELIGIOUS BELIEFS

The City complies fully with its duty to provide a reasonable accommodation of any employee's sincerely held religious beliefs. If an employee desires an accommodation such as, for example, a modified work schedule, particular days off for religious observance, or to dress in a manner that varies from a dress code adopted by the City or its departments, that employee must contact the City Administrator to request accommodation. The City will seek to provide reasonable accommodation unless doing so would constitute an undue hardship or would be contrary to the City's commitment to equal opportunity for all employees.

2.4 ANTI-HARASSMENT POLICY, INCLUDING SEXUAL HARASSMENT

The City of Ephrata is committed to ensuring that the practices and conduct of all its employees comply with the requirements of federal and state laws against unlawful harassment, discrimination, and retaliation. It is the policy of the City of Ephrata that all employees have the right to work in an environment free from unlawful harassment based upon being in the protected class status. Any unlawful harassment of employees in the workplace, whether by co-workers, supervisors, or third parties, will not be tolerated by the City of Ephrata.

For the purpose of this policy, "sexual harassment" is unwelcome behavior of a sexual nature that affects terms and conditions of employment. Sexual harassment includes:

1. Sexual advances and other verbal or physical conduct where submission to the advances or conduct is made a term or condition of employment or is used as the basis for employment decisions, and
2. Unwelcome verbal or physical conduct of a sexual nature, or motivated by a person's gender, that interferes with an employee's work or creates a hostile, intimidating, or offensive work environment.

Some examples of behavior that could constitute or contribute to sexual harassment include but are not limited to:

1. Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm around another, or any other similar physical contact considered unacceptable by another individual.
2. Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
3. Verbal abuse or kidding that is sexual in nature and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexual comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.
4. Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexual in nature conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

For the purpose of this policy, "other harassment" (nonsexual) is defined as verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of such individual's protected status or characteristics such as his/her race, color, religion, gender, national origin, age, marital status, military status, sexual orientation, gender identity, genetic information, disability or any other status that is protected that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive work environment.
2. Has the purpose or effect of unreasonably interfering with an individual's work or performance; or
3. Otherwise adversely affects an individual's employment opportunities.

All issues noted above may constitute harassment whether taken place on or off duty if it has an impact on the work environment.

Some examples of behavior that could constitute or contribute to harassment include but are not limited to: using epithets, slurs, or negative stereotypes; threatening, intimidating, or engaging in hostile acts that relate to protected status or characteristics such as those referred to above; jokes or pranks that refer to or denigrate a protected status; or placing on walls, bulletin boards, or elsewhere on the work premises or circulating in the workplace written, electronically transmitted, or graphic material that denigrates or shows hostility or aversion toward a person or group because of a protected characteristic.

COMPLAINT PROCESS

An employee who feels harassed should immediately tell the offending individual how they feel and ask them to stop. If that does not work or if the employee is uncomfortable confronting the offending individual, the employee should report the incident promptly. A complaint can be made verbally or in writing to the City Administrator. In the alternative, as the employee may wish, the complaint may be brought to the attention of the Mayor or City Attorney. If an employee brings the complaint to the attention of another supervisor, the supervisor is obligated to report the complaint in compliance with this policy.

The complaint form available from the City Administrator may be used to file a written complaint. A harassment complaint will be handled as follows:

1. Every complaint is to be reported promptly either by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
2. The complaint will be promptly investigated. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
3. Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with law and the City's need to undertake a full investigation.
4. There shall be no retaliation by the City, its officers, elected officials, supervisors, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint.
5. Where the investigation confirms the allegations, the City will take prompt corrective action and, where appropriate, discipline the offending individual, up to and including termination. The complainant and accused will be informed of the outcome of the investigation.
6. Employees who bring false complaints may be subject to discipline only if the investigation reveals the complaint was made in bad faith (i.e., statements that were known to be false at the time they were made).

The City Administrator shall be responsible for disseminating information on the City of Ephrata Policy Against Unlawful Workplace Harassment, developing training programs for employees and supervisors, and guidelines for preventing sexual or other forms of harassment, and for investigating and resolving allegations of harassment.

All supervisors are assigned responsibility for implementing this policy, ensuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action in coordination with the City Administrator, if they witness or receive notice of inappropriate behavior or receive a complaint. Supervisors must open and maintain channels of communication to permit employees to raise concerns of sexual or other workplace harassment without fear of retaliation, stop any observed harassment, and treat harassment matters with sensitivity, confidentiality, and objectivity.

A supervisor's failure to carry out these responsibilities may result in disciplinary action up to and including discharge.

NO RETALIATION

The City strictly prohibits retaliation for raising a good faith complaint or participating in the investigatory process. Concerns of retaliation should be promptly reported to the City Administrator. If an investigation substantiates the complaint, the accused will be subject to disciplinary action, up to and including termination.

2.5 LIFE THREATENING/COMMUNICABLE DISEASES

Employees with life threatening illnesses or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they can 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 its employees and reserves the right, to the extent allowed by law, to reassign employees or take other job actions, including discharge, when a substantial and unusual safety risk to fellow employees or the public may exist.

2.6 WHISTLEBLOWER POLICY

The City (1) encourages reporting by its employees of improper governmental action taken by City officials or employees, and (2) protects City employees who report improper governmental actions in accordance with the City's policies and procedures.

"Improper governmental action" means any action by a City officer or employee:

1. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's performance; and
2. That is in (a) violation of any federal, state, or local law or rule; (b) an abuse of authority; (c) of substantial and specific danger to the public health or safety; or (d) 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, re-employments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of Civil Service rules, alleged violations of labor agreements, or reprimands.

REPORTING PROCEDURES

1. City of Ephrata 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 Department Director. If the Department Director is involved in the Improper Governmental Action, the employee may raise the issue with the Mayor, City Administrator, or City Attorney. This should be done as soon as the employee becomes aware of the improper action. If the complaint involves allegations of criminal behavior that may cause immediate harm to an individual or to property, the complaining employee may first report the matter to the Police Department before initiating the procedures described in this policy.

2. In the case of an Emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, or where the misconduct involves the Mayor, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee may report the Improper Governmental Action directly to the appropriate governmental agency with the responsibility for reporting improper action (See list of agencies). In all other cases, the employee should first advise either the Mayor, City Administrator, or City Attorney prior to reporting to an outside agency.
3. The supervisor, the City Administrator, or the City Administrator's designee, shall take prompt action to assist the City in properly investigating the report of Improper Governmental Action. City officers, administrators, supervisors, and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee(s) 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 the summary of the results of the investigation, except personnel actions taken as a result of the investigation may be kept confidential (to the extent permitted by law).
4. In an Emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report to the Improper Governmental Action directly to the appropriate governmental agency with responsibility for investigating the improper action, such as:
 - a) Grant County Prosecuting Attorney
 - b) Attorney General, State of Washington
 - c) U.S. Attorney (Eastern District of Washington)
 - d) Washington Human Right Commission

If the above-listed agencies do not appear to be appropriate considering the nature of the improper action to be reported, contact information for other state and county agencies may be obtained via the following link: <http://access.wa.gov/agency/agency.aspx>.

5. Employees who fail to make a good faith attempt to follow the City's procedures in reporting improper governmental action shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

PROTECTIONS AGAINST RETALIATORY ACTIONS

1. City officials and employees are prohibited from taking retaliatory action against a City employee because he or she has in good faith reported an Improper Governmental Action in accordance with these procedures.
2. Employees who believe that they have been retaliated against for reporting an Improper Governmental Action must provide written notice to the City Administrator within 30 days of the alleged retaliatory action. If the City Administrator is allegedly involved in the retaliation, the written notice should be provided to the Mayor or City Attorney. The written notice must specify the alleged retaliatory action and the relief requested. The City shall take appropriate action to investigate and address complaints of retaliation. The City has thirty days to respond to the complaint of retaliation.
3. After 1) receiving: the response of the City Administrator or 2) thirty days after the delivery of the charge to the City, the employee may request a hearing before a state administrative

law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing shall deliver the request for hearing to the City Administrator within the earlier of either fifteen (15) days of delivery of the response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation.

4. Upon receipt of request for hearing, the City Administrator shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.
5. At the hearing, the employee has the burden of proving the claim by the preponderance of the evidence (more likely than not.) The final decision of the Administrative Law Judge is subject to judicial review.
6. The City will consider any recommendation provided by the Administrative Law Judge that the retaliator be suspended with or without pay or dismissed.
7. The City Administrator or the City Administrator's designee is responsible for implementing the City's policies and procedures: (1) for reporting improper governmental actions, and (2) for protecting employees against retaliatory actions. This includes insuring that this policy is permanently posted where all employees will have reasonable access to it and that this policy is made available to any employee upon request. The City will, to the extent it considers practical, provide training and education on the whistleblower policy. City supervisors and administrators are responsible for ensuring that this policy is fully implemented within their areas of responsibility. Violations of this policy may result in appropriate disciplinary action, up to and including dismissal.

MANAGEMENT RESPONSIBILITIES:

The City Administrator is responsible for implementing City policies and procedures, for reporting Improper Governmental Action, and for protecting employees against retaliatory actions. This includes ensuring that this handbook and these procedures are:

1. Permanently posted where employees have reasonable access to them.
2. Made available to any employee upon request.
3. Provided to all newly hired employees.

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 discharge.

2.7 WORKPLACE VIOLENCE AND WEAPONS PROHIBITION

The City of Ephrata will not tolerate nor condone violence, or the threat of violence, by or against any employee or citizen of the City of Ephrata. All employees are responsible for refraining from participating in or precipitating violent or threatening actions of any kind. This type of behavior is unacceptable and contrary to the City of Ephrata policy and will be subject to serious disciplinary action up to and including termination and possible criminal charges. Nor will the City of Ephrata tolerate or condone bullying-type behavior which may result in discipline. Employees may be advised to seek guidance and counseling from the confidential Employee Assistant Program (EAP).

Employees are responsible for notifying their supervisor as soon as an act of violence or the threat of violence is made. When acts of physical violence in the workplace are occurring, employees are responsible to call 911 immediately.

The City will not tolerate any violence or threat of violence or the use of any object as a dangerous weapon. This includes, but is not limited to, any of the following conduct in or around the workplace, or otherwise related to employment:

- Threatening or causing injury to a person.
- Fighting or threatening to fight with another person.
- Using or threatening to use a weapon while on City premises.
- Damaging or threatening to damage property.
- Using obscene or abusive language or gestures in a threatening manner.
- Raising voices in a threatening manner.
- Using body language in a threatening manner.
- Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

Possession or use of dangerous weapons is prohibited on City property or in a City vehicle. Possession includes location of a dangerous weapon on an employee's person, lunch box, desk, locker, purse, briefcase, backpack, or clothing.

Exception to the above prohibitions of dangerous weapons include possession of a firearm on City property if a commissioned law enforcement officer.

The City retains the right to search an employee's work area, locker, desk, and seize any items deemed necessary. This includes, if necessary, an employee's personal possessions such as a briefcase, purse, lunch box, backpack, clothing, or person. Only in compelling circumstances will the City search an employee's person or clothing and the search will be conducted in as confidential manner as possible.

The City will maintain confidentiality to persons lodging a complaint or concern as much as possible, understanding that all notifications of workplace violence require a full investigation.

- The City will make every effort to protect the employee from retaliation for lodging a good faith complaint.
- If an employee believes he/she is being threatened by the supervisor, the employee shall contact the department head immediately.
- If an employee believes he/she is being threatened by the department head, or if the employee does not feel comfortable discussing the matter with the supervisor or department head, the employee shall contact the City Administrator immediately. In such cases, the City Administrator shall initiate an investigation.

Employees who file false charges with malicious intent will be subject to potential discipline as referenced in the Corrective and Disciplinary Action section 10.1.

After such complaint is filed and an investigation shows that the alleged violation or threat did occur, the department head or designee shall take appropriate action in accordance with the City's policies. This action may include but is not limited to suspension and/or termination of any

business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the party involved.

Any employee who obtains a court issued restraining order or anti-harassment order prohibiting another individual from contacting the employee at work should promptly notify his or her supervisor or director of the court's issuance of the order.

Any employee who reasonably believes that a situation with an aggressive employee, citizen, guest, contractor, vendor, or other party that may become violent, putting the employee or others in imminent danger, should promptly leave the work area and report the situation to his/her supervisor, department head, or the City Administrator. No disciplinary action will be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent. The supervisor should take immediate action and contact the department head or City Administrator as soon as possible for the appropriate emergency response action (e.g., call 911). In the case of an Emergency, employees should promptly call 911. The timing and circumstances of possible return by employees to the area should be coordinated by management. The employee, supervisor, department head, or City Administrator will follow City procedures in response to such events, including incident reporting and appropriate action deemed necessary by management.

All City security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility security and access rules must be strictly followed. It is especially important that building security rules and procedures are specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including discharge.

2.8 EMPLOYMENT REFERENCES

Employees shall refer requests for references on current or former City employees to the City Administrator. The City Administrator will respond to such requests, or coordinate with the appropriate supervisor to respond, to ensure legal considerations are observed. Dates of employment and position will be provided absent a written release from the employee.

2.9 EMPLOYEE PERSONNEL RECORDS

The primary purpose of a personnel records management system is to establish and maintain clear lines of authority for processing and managing personnel records, and clear and efficient procedures for processing all transactions that affect employees and ensure accessible employment records for City employees.

Departments may retain copies of training records, warning letters, and/or letters of commendation in department files. Original documents and all other records are to be filed with the City Administrator.

Personnel records are the property of the City.

Employees may respond in writing to any records reflecting negatively upon the employee. This response will be included in the employee's file. Medical records will be kept in separate, confidential files of the City Administrator.

The Mayor, City Administrator, City Attorney, and appropriate department head may request and shall be granted access to any personnel records. Employees may review their personnel records by providing notification to the City Administrator and scheduling a reasonable time for their review. Employee review will occur during working hours and may be subject to supervision, and the file shall not leave the premises.

All notices of suspension, demotion, or discipline of employees subject to civil service shall also be filed with the Civil Service Commission.

CHAPTER 3 – EMPLOYMENT PRACTICES

3.1 RECRUITMENT AND SELECTION

It is the policy of the City of Ephrata to meet its workforce needs through systematic recruitment and selection activities that identify, attract, and select from the most qualified applicants for City employment. The City Administrator is responsible for employment administration including all steps necessary to recruit qualified candidates to the requesting department for consideration and selection. The hiring department Director will coordinate with the City Administrator and City Clerk (or their designees) in determining the selection process.

No oral or written commitment for employment or re-employment will be given prior to coordination with the City Administrator and upon completion of pre-employment clearance requirements.

Employment consideration will be based on the preferred requirements for each position as identified on the job description. No selection decision shall be made that will constitute unlawful discrimination based on race, color, religion, sex, sexual orientation, gender identity, national origin, age, marital status, disability, genetic information, veteran's status, or any other basis protected by applicable discrimination laws, except where protected class can be demonstrated to be a bona fide occupational qualification for employment. Successful applicants must be able to perform the essential functions of the position with or without reasonable accommodation.

Civil Service positions (Police and Fire Departments) are subject to the rules of the Civil Service Commission. Represented positions are subject to the applicable collective bargaining agreement.

3.2 EMPLOYMENT OF RELATIVES (NEPOTISM)

The City acknowledges that both fairness and the appearance of fairness are important attributes to consider in the conduct of daily city operations. In recognition of this, no relatives shall remain or be hired in positions that would place the relatives in a situation of a real or perceived conflict of interest. Situations include:

- One of the individuals would have authority or practical power to supervise, appoint, remove, or discipline the other.
- One of the individuals would be responsible for auditing the work of the other.
- One of the individuals would handle confidential materials which might create the appearance of improper or inappropriate access to the material by the other.
- One of the individuals is a policy level official of the City.
- Hiring of the individual would create an actual or potential conflict with the City's interests.

When a Department Director proposes to hire a relative of an existing employee for any part-time or full-time position, the Department Director must first obtain approval from the Mayor and City Administrator. This is to be accomplished by submitting a written request to the City Administrator explaining why (skills, etc.) the relative is clearly the best qualified for the position and confirming that the working relationship does not place the relatives in a situation of a conflict of interest.

When a relationship as described above occurs during employment, the two employees may remain in their positions provided they are not in conflict with the restrictions stated in this policy.

If a conflict of interest is created by the relationship, the City may attempt to arrange a transfer or change in position. If a suitable transfer/change in position is not available, one of the employees will be separated from City service. Every attempt will be made to effect transfer or separation based on agreement between the employees involved and the City. If a mutual agreement is unattainable, the Mayor and City Administrator will determine, in the City's best interest, the employee to be transferred or separated.

The Mayor will make the final determination as to whether or not a conflict of interest exists.

Relative, for the purpose of this policy, includes:

- Mother or father
- Sister or brother
- Daughter or son
- Step-relative of the preceding three
- Wife or husband
- Mother or father-in-law
- Sister or brother-in-law
- Daughter or son-in-law
- Grandparent
- Grandchild
- Aunt or uncle
- Niece or nephew
- First cousin
- Individuals residing with a City employee

3.3 HIRING PROCEDURE

The City of Ephrata will meet its workforce needs through systematic recruitment and selection activities that identify, attract, and select from the most qualified applicants for City employment. The City Administrator is responsible for employment administration including all steps necessary to recruit qualified candidate to the requesting department for consideration and selection. The hiring department director will coordinate with the City Administrator in determining the selection process.

No oral or written commitment for employment or re-employment will be give prior to coordination with the City Administrator and upon completion of pre-employment clearance requirements.

The first step in the selection process requires the completion of the "Authorization for Recruitment and Selection of Personnel Form" by the Department Head. Recruitment for all positions requires approval by the Mayor. Once all required parties have signed this form, the recruitment and selection process can be started.

Positions covered under Civil Service rules shall be filled pursuant to the process set forth in the Civil Service rules.

POSITION ANNOUNCEMENT PUBLISHED

Position announcements are published by the City Administrator to recruit an applicant pool for a position opening. The position announcement may be posted internally and/or externally. Individuals considered eligible for internal postings include all current employees as well as former employees (whether regular, limited duration, or supplemental) who left employment in good standing.

APPLICATIONS GATHERED

Employment applications and cover letter are required of all applicants. The application is intended to elicit information needed to determine whether an applicant is qualified for a position. An applicant's signature certifies that all information supplied on the application is true to the best of the applicant's knowledge. An employee will not be hired and may be dismissed if it is found that the employee provided false or misleading information in an application or resume. The City Administrator may require proof of education, specialized training, job experience, legal status to work in the United States, or other relevant information.

The City Administrator will receive all properly completed applications for each posted employment opportunity and record all applications received.

Prior to an employment offer, candidates may be subject to, but not limited to, written and oral examinations, oral interviews, a practical skills examination/demonstration, a background, and reference check.

JOB OFFER

Final selection of an applicant is made by the City Administrator or designee with approval of the Mayor. Appointment of department directors by the Mayor are subject to council confirmation.

Once a selection is made, the City Administrator or designee shall then send a letter to the chosen candidate making a formal offer of employment and specifying a starting date and salary.

If the candidate accepts the offer of employment, the City Administrator or designee will verify whether the candidate is legally authorized to work in the United States and will arrange for a new hire orientation. If a candidate fails to respond to an offer of employment, or fails to appear on the designated starting date, the candidate will be presumed to have declined the offer of employment.

Following a conditional offer of employment, candidates may also be subject to a financial/credit history check, pre-employment drug and alcohol test, psychological examination, and physical examination.

3.4 PROBATIONARY PERIOD

Every person hired, reclassified, promoted, or laterally transferred to a position must serve a probationary period of twelve (12) months. The probationary period may be shortened no less than six (6) months as determined by the City Administrator. Use of leave may cause the probationary period to be extended. Entry-level Police Officers shall serve a twelve (12) month probationary period. Lateral Police Officers shall serve a twelve (12) month probationary period,

unless otherwise modified by the collective bargaining agreement and the Civil Service Commission.

TERMINATION DURING PROBATIONARY PERIOD

Any employee may be terminated by the City Administrator with approval of the Mayor during the probationary period for any reason without recourse. Successful completion of the probationary period does not alter the at-will status of employment, unless otherwise provided by the collective bargaining agreement or civil service rules.

3.5 EMPLOYMENT STATUS

REGULAR STATUS EMPLOYEE

Those positions that are designated as regular status positions by the City Council because they entail the ongoing work of the City. Regular status positions may be full-time, part-time, or job-share positions, as follows:

Regular-status, full-time positions are compensated for a regularly scheduled 40 hour per week.

Regular-status, part-time positions are compensated for a regularly scheduled 20 to 39 hours per week.

TEMPORARY STATUS EMPLOYEE

The City Administrator may authorize temporary employees to be hired to work no more than 1040 hours in a rolling twelve (12) month period. The work must be temporary in nature, such as a short-term project, a seasonal project, a period of temporary workload increases, or to fill a temporary vacancy. The time limits set forth in this section shall not apply to disability/workers compensation related appointments.

Other temporary and/or non-benefit employees include temporary agency workers, student interns, on-call employees, and employees in grant-funded positions, as follows:

1. Temporary agency workers are subject to the same workplace performance expectations as temporary employees.
2. Student interns are subject to similar rules as non-benefit part-time employees. A student intern must be enrolled in a bona fide higher education program. They are employed at-will and are terminated when no longer associated with an education program.
3. On-call employees are employed at-will on a substitute or on-call basis and are not guaranteed any minimum hours of work.
4. Employees who work in assignments subject to grant funding shall be subject to the terms and conditions of the grant.
5. Non-benefit part-time employment: Non-benefit, part-time employees may be hired as deemed necessary and must be approved by the Mayor.

Temporary employees receive no City group insurance benefits unless otherwise provided through collective bargaining agreements or by exception due to special circumstances as authorized in advance by the Mayor.

Temporary employees receive no paid holiday or vacation leave unless provided through collective bargaining agreements or by exception due to special circumstances as authorized in advance by the Mayor.

Non-benefit employees receive no City group insurance benefits, paid holiday, or vacation leave, except where required by State Law.

Temporary and non-benefit employees who work in an assignment at least five (5) or more months of 70 hours or more of compensated employment during each of two (2) consecutive years will be eligible for the Washington State Retirement System in accordance with state law as amended.

3.6 PROMOTIONS

All openings will be posted so that current employees may become aware of opportunities and apply for positions in which they are interested and qualified. The City encourages our employees to seek advancement when qualified.

After promotion to a new position, a normal probationary period of twelve months will be completed. In the case of unsatisfactory performance in a promotional situation, the employee may be considered for transfer back to the previous position held by the employee if the position is still vacant, the employee remains qualified to fill the former position, and the City has determined that it needs to be filled.

CHAPTER 4 – EMPLOYEE RESPONSIBILITIES AND CONDUCT

4.1 GENERAL CODE OF CONDUCT

As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties. Conduct will not be tolerated that interferes with City operations, is detrimental to the City, and/or is offensive to coworkers or the public.

APPROPRIATE STANDARDS OF CONDUCT

- Treating all customers, visitors, and coworkers in a courteous, respectful, and professional manner.
- Refraining from behavior or conduct that is offensive or undesirable, or which is contrary to the City of Ephrata's best interest.
- Consistently providing co-workers with complete, accurate, and timely verbal and written information; willingly sharing job knowledge with co-workers who can benefit from it; voluntarily assisting co-workers when in need; responding in a positive manner to co-worker requests.
- Reporting to management suspicious, unethical, or illegal conduct by coworkers, customers, or suppliers.
- Cooperating with City of Ephrata investigations.
- Complying with all City of Ephrata safety and security regulations.
- Wearing clothing appropriate for the work being performed.
- Performing assigned tasks efficiently and in accord with established quality standards.
- Reporting to work punctually as scheduled and being at the proper workstation, ready for work, at the assigned starting time.
- Giving proper advance notice whenever unable to work or report on time.
- Smoking only at times and in places not prohibited by the City of Ephrata rules or local ordinances.
- Maintaining cleanliness and order in the workplace and work areas.

EXAMPLES OF BEHAVIOR THAT IS AGAINST CITY POLICY AND THAT WILL RESULT IN DISCIPLINARY ACTION

- Failure to treat co-workers, constituents, vendors, and others in a courteous, respectful, and professional manner.
- Engaging in destructive gossip and criticism, spreading harmful rumors, and discussing nonbusiness related information about others.
- Allowing social interaction with co-workers to interfere with your own or co-worker productivity.
- Failure to perform assigned duties, or performance of duties in an unsatisfactory manner.
- Unauthorized absence, or excessive tardiness or absences.
- Misusing, taking for personal use, destroying, damaging, or wasting property, supplies, or utilities belonging to the City or another employee.
- Assaulting, threatening, or intimidating supervisors or any other fellow employee, constituent, or any other person.
- Violation of City policy regarding workplace violence.

- Engaging in any form of sexual or other unlawful harassment of, or discrimination or retaliation towards, another employee, a client, a constituent, or other third party.
- Falsifying or altering any City record or report, such as an employment application, medical reports, production records, time records, expense records, absentee reports, financial documents, or the like.
- Misusing City communication systems, including electronic mail, computers, Internet access, and telephones.
- Refusing to follow management's instructions concerning a job-related matter, or otherwise being disrespectful or insubordinate.
- Smoking where prohibited by City policy or local ordinance.
- Using profanity or abusive or offensive language.
- Sleeping on the job.
- Disclosing confidential information regarding the City or City employees or constituent(s).
- Negligence or improper conduct resulting in injury or damage to City property.
- Failure to fully cooperate with a City investigation.
- Violating safety procedures or policies, or otherwise endangering the safety of an employee, co-workers, or other third party.
- Making, publishing, or repeating false, vicious or malicious statements concerning a co-worker or client.
- Reporting to work under the influence of alcohol, illegal drugs, controlled substances, or narcotics, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises.
- Dishonesty.
- Fighting.
- Engaging in off-duty misconduct that interferes with an employee's ability to do their job or reflects negatively on the City.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace; therefore, this list contains examples only, and is not exhaustive.

At management's discretion, any violation of City policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action. Disciplinary action may include, but is not limited to, verbal warning, written warning, suspension, demotion, or termination. The City, in its sole discretion, will determine the appropriate disciplinary response to misconduct or unsatisfactory performance. While the City supports the concept of progressive discipline, the City reserves the right to immediately terminate an employee's at-will employment and use of progressive discipline should not be construed to modify an employee's at-will status.

Depending on the nature of the behavior at issue, the City may place an employee on administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the circumstances, an employee on administrative leave shall be available to the City as needed during regular work hours, turn over all City property (cell phone, security cards, etc.), and/or remain away from City facilities without prior permission and escort.

4.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

Employees shall not, directly or indirectly, engage in any outside employment or possess a financial interest which may conflict with the best interests of the City or interfere with the employee's ability to perform his/her assigned City job. Examples include, but are not limited to, outside employment which:

1. Prevents the employee from being available for work beyond normal working hours, such as during emergencies or peak work periods, when such availability is a regular part of the employee's job.
2. Is conducted during the employee's work hours.
3. Utilizes City telephones, cellular telephones, computers, supplies or any other City resources, facilities, or equipment.
4. Is employed with a firm which has contracts with or does business with the City; or
5. May reasonably be perceived by members of the public as creating a conflict of interest or one which otherwise discredits public service.

Employees are required to disclose outside employment to their Department Directors by completing the "Outside Employment Authorization Form" and obtaining pre-approval to perform outside work or hold another job.

4.3 ANTI-DISRUPTION POLICY

Any conduct in the workplace or while on City time that is disruptive to the normal operations of City business or invades the rights of others will not be tolerated. While on City time, employees are expected to adhere to professional and work-related matters and to treat each other and the public with respect. This includes refraining while on City time from spreading rumors, gossiping, or discussing non-business-related information about others. Other disruptive conduct includes but is not limited to discrimination, harassment, threats, insults, intimidation, ridicule, profanity, vulgarity, stereotyping, physical, or verbal abuse, ignoring the rights of others, and displaying insensitivity to the beliefs and customs of others.

4.4 SMOKE-FREE WORKPLACE

Employees shall not use or carry visibly, tobacco products, or electronic cigarettes in any City-owned and/or operated facilities, vehicles, or work areas. The City may designate outdoor smoking areas; provided that there will be no smoking or vaping within 25 feet of any entrances, exits, windows that open and ventilation intakes. Directors and supervisors have the responsibility for implementing and enforcing this use policy. Tobacco cessation program information is available through the City Administrator. Additional information may be obtained by directly contacting health care providers.

4.5 POLITICAL ACTIVITIES

Employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity is performed during non-work time and does not affect the responsibilities of the employees in their positions. While in the workplace, on the job, or representing the City in any way, employees may not campaign for a candidate or ballot issue or wear or display any item relevant to any candidate or ballot issue. Employees may not solicit on City property or City time, for a contribution or petition signatures for a political cause.

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

Nothing in this policy is meant to limit the employees' participation in political activities of their choosing on their own time.

4.6 CITY PROPERTY / PERSONAL POSSESSIONS / PRIVACY LIMITATIONS

CITY PROPERTY/PRIVACY LIMITATIONS

The City may furnish desks, closets, and/or lockers for security of employee coats, purses, and other personal possessions. The City does not, however, assume responsibility for any theft or damage to the personal belongings of employees.

Employees should have no expectation of privacy when using such or any other City property. The City regards desks, closets, lockers, workspaces, computers, file cabinets, and files, city vehicles, furniture and other City property, as well as data, programs, communications, messages, and other property created on, acquired by, developed for, or located in any City facility or equipment, either in printed or digital format, as City property. The City reserves the right to search the same, including any personal possessions contained in them when it determines that there is a security, health, or other appropriate reason to do so. Such reasons may include, without limitation, the following: the need to locate City property; health or safety concerns; reasonable suspicion of misconduct; termination of employee; or for other business-related purposes. The City reserves the right to review the contents of any document or communication, created or stored on a City computer or phone system, including electronic mail, text messaging, and voicemail. Employees do not have a reasonable expectation of privacy in these areas or in any other City work areas or when using City equipment.

City owned property, equipment, and services are to be used for the conduct of official business only.

No City employee shall use or permit the use of City owned vehicles, equipment, materials, services, or property for personal convenience, profit, or gain. Use of City owned property or services by employees is restricted to such services as are available to the general public, including those for a charge. Any violation of this policy may result in disciplinary action.

Examples of equipment and services **NOT** available for general use by the public, and therefore not available to employees for their personal use, include, but are not limited to, long-distance and cellular telephone calls, copier, fax, and other office machine uses; electronic mail, computers, vehicles, lawn equipment, office supplies, credit cards, construction, or maintenance equipment.

PERSONAL PROPERTY

The City recognizes that employees may need or want to bring personal property to work. The City permits employees to do so but asks its employees to refrain from bringing unnecessary or inappropriate personal property to the workplace. Any property that is not appropriate for the conduct of normal business, that may be disruptive to workflow, may pose a safety risk to employees or the public, or which violates the terms of any City policy may be considered unnecessary or inappropriate. It will be within the City's sole discretion to determine whether certain personal property is unnecessary or inappropriate.

The only personal property that an employee may be asked to use for City business is their personal vehicle or cellular phone. However, employees may choose to bring and use personal property in the performance of job duties. If personal property is used to perform job duties, employees must obtain written approval from a supervisor prior to its use and the property must comply with City standards.

It is the employee's responsibility to safeguard personal belongings. The City will not be liable for lost, damaged, or stolen property of its employees and at no time will the City replace or reimburse an employee for personal property that an employee brings to the workplace. Employees are encouraged to exercise reasonable care to safeguard personal items brought to work. For example, employees should not bring valuables to work and should not leave personal items where they might be damaged or stolen.

Improper or excessive use of personal property brought onto City property or worksites or during work hours (for example, the excessive or inappropriate use of personal cell phones for personal phone calls, text-messaging, imaging, or videotaping), may also result in disciplinary action, up to and including termination.

WIRELESS COMMUNICATION DEVICES

Wireless communications devices include, but are not limited to, cellular telephones, wireless handheld devices, and pagers.

The City reserves the right to monitor the use of all City-owned wireless devices. Reasonable precautions should be made to prevent equipment theft, vandalism, and improper use of wireless device equipment and services.

At the time an electronic communication device is issued to an employee, the employee will be required to sign an *Acknowledgement of Policy*.

Electronic communication device records are subject to public disclosure under the Public Records Act. This includes any and all voicemails, social media messaging, emails, text messages, call history, and/or any other information stored on a City owned electronic communication device, regardless of whether stored in the device or in remote sites and/or with remote services.

Electronic communication shall be business-related only, courteous, and civil. Texts must not be used for expressing ill will or bias against individuals or groups. It should not contain obscenity, vulgarity, profanity, jokes, sarcasm, pornography, scantily clad images, or other non-business-related material. Sexually explicit material, discussions, cursing, and name calling are also not appropriate in a business communication.

Electronic communication devices are not a secure method of communication. Discretion and reasonable precautions should be used at all times when making or receiving sensitive or confidential information.

If employees choose to make long-distance personal telephone calls, calls must be charged to the employee's home number or credit card. If employees choose to make personal photocopies, or send a personal fax, they will be required to pay the fee as outlined in the city's adopted fee schedule. Such personal use must be limited to non-work time.

An employee may not add, modify, or remove applications or other services on the electronic communications device. Only the City is authorized to make any required modifications to the electronic communication device issue by the City.

NETWORK USAGE

The City's computer system is provided to assist employees to perform their jobs, share files, and communicate with each other internally and with outside individuals and organizations. The City's computer system is to be used primarily for City business purposes; occasional or incidental personal use is permitted within the guidelines below.

All software, programs, applications, templates, data, data files, and web pages residing on City computer systems are the property of the City. The City retains the right to access, copy, modify, destroy, or delete this property. Data files containing confidential or sensitive data should be treated accordingly and should not be removed from the workplace without proper authorization.

By using the City's technology resources, employees acknowledge and agree that they have no expectation of privacy or confidentiality in use of these systems or in any data that is created, stored, or transmitted on or over the systems, including any data created, stored, or transmitted during an employee's incidental personal use of the technology resources permitted under this policy. Employees further agree that they are aware of, understand, and will comply with the provisions of this policy, and that the use of the technology resources can and will be monitored and any data that is created, stored, or transmitted on or over City systems may be inspected by, or at the request of, City management at any time. Employees should understand that certain email messages, other electronic communications, and documents created on City computer systems may be considered a public record subject to disclosure and/or subject to discovery in the event of litigation.

The following uses of the City's systems are inappropriate and are prohibited at all times unless there is a legitimate business need. That need must be conveyed to, and the use authorized by, the City Administrator in writing prior to such use. Inappropriate uses of the City systems include, but are not limited to:

- Personal commercial use.
- Accessing, receiving, or sending pornographic, sexually explicit, or indecent materials including materials of a bawdy, risqué, or coarse nature, or any other offensive or morally questionable materials.
- Usage for any type of harassment or illegal discrimination including transmission of obscene, harassing, offensive, or demeaning messages to any other individual.
- Gambling.
- Usage for any unethical activity that could adversely affect the City of Ephrata.
- Usage which precludes or hampers City network performance.
- Unauthorized copying of copyrighted material.
- Usage which violates software license agreements.
- Transmission of sensitive or proprietary information to unauthorized persons or organizations.
- Attempting to make unauthorized entry to other City systems or to other networks.

- Connecting any personal device to a City device or system and downloading or copying City records to personal devices without authorization.
- Recreational purposes, including the loading and playing of computer games or playing online games.
- Sending anonymous messages and/or misrepresenting an employee's name, position, or job description.
- Using profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages; or
- Usage that violates the guidelines set forth in the City's personnel policies.

Use of the City's computer system including email and Internet services is a privilege. Inappropriate use or violations of this policy may result in disciplinary action, up to and including termination. Anyone who suspects or observes a violation of these policies should immediately report to their supervisor, Department Director, or the City Administrator. Failure to do so may result in disciplinary action up to and including termination of employment.

SOCIAL MEDIA

The City of Ephrata has several social media sites as a tool to supplement communications with the public. The official City of Ephrata website will remain the City's primary source of internet communications and information.

Departments must first obtain approval from the City Administrator before creating a social media site. Only employees designated by the City Administrator, or his/her designee, are allowed to post information and monitors comments on social media sites on behalf of the City.

AUTOMOBILE USAGE

City owned vehicles are to be used for official business only. Employees who are "on call" as determined by the City Administrator may be given permission to take a vehicle home. This permission is to expedite the response time for an emergency situation. At no time shall any city owned vehicles be used for personal use, such as shopping, stopping at restaurants to eat or drink, or to run personal errands.

The use of city owned vehicles for regular meals or authorized breaks will be permitted when vehicles are being used for official business or out of town travel. All department heads are responsible, and will be accountable for, the use of all vehicles in their departments to ensure compliance with this policy. All department heads shall ensure that any department policies are consistent with this policy.

City employees issued a City vehicle for take home use shall reside within a seven (7) mile radius of City Hall; with the exception of commissioned police officers, who will be bound by the terms of the Collective Bargaining Agreement. The City Administrator may make exceptions on a case-by-case basis.

It is the policy of the City to provide vehicles for business use and to reimburse employees for business use of their personal vehicles according to the City's travel policy. The term "vehicle" as used in these guidelines includes, but is not limited to cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.

Employees may not drive a vehicle for City business without prior approval of their supervisor. Employees that operate City vehicles or use a personal vehicle for City business shall possess a valid Washington State Driver's license with applicable endorsements. The city shall conduct an annual verification of employee driver's license status through the Washington State Department of Licensing web portal (www.dol.wa.gov). This verification shall be printed and maintained with the employee's personnel file. Employees approved to drive on City business are required to inform their supervisor of any changes that may affect their legal or physical ability to drive or their continued insurability, including but not limited to the expiration, suspension, revocation, or restriction of their driver's license (e.g., requirement to use an ignition interlock device). Employees are not permitted, under any circumstance, to operate a City vehicle or a personal vehicle for business use, when their driver's license is expired, suspended, revoked, or restricted or any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication. Employees will not be authorized to drive a City vehicle or use a personal vehicle for City business if they do not meet the foregoing driver approval standards or commit any driving related violations that the City Administrator determines should result in loss of authorization to drive a City or personal vehicle for City-related business.

Employees holding jobs requiring regular driving for business as an essential job function must, as a condition of employment, be able to always meet the driver approval standards. Employees who drive a vehicle on City business must, in addition to meeting approval requirements, exercise due diligence to drive safely and to maintain the security of the vehicle and its contents. Employees are expected to comply with all Federal, State, and local driving laws, and are responsible for any driving infractions or fines because of their driving.

Non-employee, non-business passengers are prohibited from riding in the City of Ephrata's vehicles without prior approval.

When no City vehicles are available, employees may use their own vehicles for business purposes with the prior approval of their supervisor. Insurance industry practices dictate that auto liability coverage follows the auto. Therefore, the employee's personal auto insurance would be considered primary and Washington Cities Insurance Authority's (WCIA) coverage excess. Employees who use their personal vehicle 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. Employees who operate their personal vehicles for business should obtain auto liability coverage for bodily injury and property damage with a special endorsement for Business Use, when necessary, as determined by their personal insurance agent.

Employees must submit an incident report describing any accident, theft, or malicious damage involving a City vehicle to their supervisor, 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. However, employees should make no voluntary statement other than in reply to questions of investigating officers.

As required by Washington law, anyone operating or riding in City vehicles must wear a seat belt at all times.

Any employee operating a City vehicle, or using a motor vehicle for City business, must be at least 18 years of age and have a valid driver's license. As part of the requirements for certain City positions, an employee may be required to hold a valid Washington State Driver's license and/or hold a valid commercial driver's license (CDL) and continue to meet all the requirements for maintaining such licenses. If such an employee's license is revoked, suspended, or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her department director and immediately suspend driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her department director. Depending on the duration of license suspension, revocation, or other inability to drive, an employee may be subject to disciplinary action, including termination. An employee's failure to notify his/her department director of such a license suspension, revocation, or other license disqualification may also result in disciplinary action, up to and including, termination. Periodic checks of employee's driver's licenses through visual and/or formal State Department of licensing review checks may be made by department directors, supervisors, or the City Administrator. Employees who do not hold a valid driver's license must not operate a City vehicle until such time as a valid license is obtained.

Use of Handheld Wireless Communication Devices While Driving is Prohibited: Except as provided herein, the use of handheld wireless communication devices, including but not limited to cellular telephones and smart phones (including text messaging), is not permitted while operating a car or other moving vehicle unless a hands-free device is used. If a hands-free device is not used, all necessary phone calls must be made before leaving the previous location or after arriving at the next destination. In the event an employee must make or receive a call or message while driving, he/she must find a safe place to pull over and stop the vehicle. Under Washington state law, a person operating a moving motor vehicle while holding a wireless communications device to his or her ear is guilty of a traffic infraction (RCW 46.61.667). Also under state law, a person operating such a vehicle is prohibited from sending, reading, or writing a text message while driving (RCW 46.61.668). These prohibitions do not apply to: an authorized emergency vehicle; or to a person operating a moving motor vehicle using a hand-held wireless communications device or electronic communications device to report illegal activity, summon medical or other emergency help, or prevent injury to a person or property. RCW 46.61.667 does not apply to a person operating a moving motor vehicle while using a hearing aid. Employees violating this policy are subject to disciplinary action up to and including termination.

4.7 CITY CREDIT CARD

Employees who are issued a city credit card are to ensure that it be used ONLY for official business expenditures, not personal expenses.

The cardholder is responsible for ensuring that the credit card purchases are within budget and properly approved. Cardholders must maintain physical proof of each credit transaction with the corporate card and provide an itemized receipt when practicable. Personal charges will not be made with a City credit card. Any charges that cannot be properly identified or which are not appropriate to City policies or regulations shall be paid immediately by the user of the card by cash, check, or payroll deduction. Charges to be reimbursed shall include any interest and all other related charges made by the credit card company. Credible transactions should contain the following information when appropriate: date of purchase, vendor name, and address, quantity, unit price, and grand total of expenditures. When applicable, a written notation should supplement

the receipts with the following information: the business purpose and names of persons in attendance, including their professional titles or affiliation.

The credit card may not be transferred, assigned to, or used by anyone other than the designated cardholder. The cardholder is accountable for all activity on the credit card. The City may suspend or cancel cardholder privileges at any time for any reason. The cardholder will forfeit the credit card upon request to the City or any authorized agent of the card issuer. The credit card will be returned to the City upon any notification of resignation and the cardholder must reconcile all expenditures on the credit card since the last credit card statement. It is the responsibility of the departing cardholder to ensure that the account is settled prior to departure.

Authorized uses of the City's credit card are hotel room deposits to hold rooms for authorized official travel on City business; equipment and supply vendors with which the City does not currently have an account, is not expected to have an account, or where the requirements of opening an account would delay a critical purchase or result in less beneficial terms; or internet purchases.

4.8 SUBSTANCE ABUSE

No employee may use, possess, manufacture, distribute, promote, or sell alcohol, any drug, or drug paraphernalia while performing work for the City or while on City property or in a City vehicle. No employee may report to work, remain on duty, or perform any City business while impaired by or under the influence of any drug or alcohol. No employee may use City property or the employee's position to make or engage in the selling, dispensing, transporting, distributing, manufacturing, compounding, or promoting of alcohol or drugs.

The use of prescribed or over-the-counter drugs or possession incident to such use is not prohibited by this policy if the drug has been legally obtained and is being used for the purpose for which it was prescribed or manufactured; the drug is being used by the person for whom it was prescribed at the dosage prescribed or authorized; and the use of the drug is not inconsistent with the safe and efficient performance of the employee's duties. It is the employee's responsibility to determine from his/her licensed practitioner, physician, or dentist whether the prescribed drug would impair their ability to perform the essential functions of their position.

REPORTING REQUIREMENTS

In accordance with the Drug Free Workplace Act of 1988, an employee who is convicted of any federal or state criminal drug statute for a violation occurring in the workplace shall notify the City Administrator of the conviction no later than five (5) days after such conviction.

The employee is required to immediately notify his or her supervisor of the use of any prescription medication that may affect the ability to perform duties safely and/or efficiently. The City may determine that such use is inconsistent with the City's policy to maintain a safe workplace and direct the employee to use sick leave until able to safely perform their job. It is the responsibility of the employee to advise his/her treatment provider of the duties he/she is required to perform to determine the best form of treatment for the employee and any available alternatives.

The City may refer any employee to a fitness for duty evaluation by a physician selected by the City if there are reasonable grounds to question their ability to perform the employee's job satisfactorily and safely and/or compliance with this policy. Such evaluation shall be at the City's

sole expense. An employee may submit any information from the employee's treating physician regarding prescribed drugs and potential impact on job performance.

TESTING

Pre-Employment Testing – Applicants who have been given a conditional offer of employment in a safety sensitive position or positions that require a Commercial Driver's License with the City may be required to pass a drug and/or alcohol test prior to probational appointment. For the purposes of this section, the following categories of positions shall be considered safety sensitive: police officer, any position requiring the employee to carry a firearm or other weapon, any position requiring the operation of heavy equipment, any position with unsupervised access to confidential drug-related police information, and any position requiring traffic control flagging. Each applicant subject to this section shall be advised in writing (generally at the time of application) that pre-employment testing will be conducted to determine the presence of drugs and/or alcohol in the applicant's system. An applicant who refuses to submit to or fails the drug and/or alcohol test will not be hired by the City.

Testing Based On "Reasonable Suspicion" – Reasonable suspicion testing is used when circumstances arouse a belief that an employee may have alcohol and/or drugs present in his or her system or has otherwise violated this policy. Reasonable suspicion may arise from, among other factors:

- a. Observable phenomenon while at work, such as direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of alcohol or a drug.
- b. Abnormal conduct or erratic behavior while at work or significant performance decline, or otherwise unexplained significant attendance, work habit, behavior, or personality changes indicating possible violation of this policy.
- c. Information provided either by reliable and credible sources or independently corroborated.
- d. Evidence that an individual has tampered with a drug or alcohol test.
- e. Involvement in a workplace, on-the-job incident, or vehicular accident, or any other actions which indicate a possible error in judgment or negligence which may be due to the presence of drugs or alcohol.
- f. Arrest or conviction for an alcohol or drug-related offense, or the identification of an employee as the focus of a criminal investigation into the illegal use, possession, sale, dispensation, transportation, distribution, manufacture, or promotion of alcohol or a drug.

While an employee may be relieved of duty at any time because of such concerns, two supervisory personnel, at least one of whom is trained in detection of the possible symptoms of drug or alcohol use, shall substantiate and concur in the decision to test an employee. If possible, the City Administrator should be consulted regarding the decision to test an employee for reasonable suspicion. An employee who is believed to be impaired by alcohol, drugs, or other substance shall not be allowed to operate equipment or machinery or drive a vehicle, including a private vehicle, until the condition of the employee has been determined.

Post-Accident Testing – Following an accident involving an employee driving a City 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 because 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 discipline for refusal to test as provided in this policy.

Refusal to Take Test – Refusal by an employee to submit to a drug and/or alcohol test authorized by this policy shall be considered insubordination and the same as a “positive” test result and shall be grounds for discipline up to and including termination.

Tampering with Test Results—Attempting to falsify drug or alcohol test results is prohibited and shall be grounds for discipline up to and including termination.

TESTING PROCEDURES

If the City determines that testing is appropriate, the employee will be advised of the reason(s) for the test.

At the employee’s request, the employee shall be given an opportunity to confer with his/her union representative prior to submitting to a drug and/or alcohol test if such representative is readily available. Under no conditions shall the availability of a representative cause a test to be cancelled or unreasonably delayed.

Drug and alcohol testing shall be administered at a facility designated by the City. The City will provide the employee’s transportation to the facility.

The collection and testing of the samples shall be performed only by a laboratory and by a physician or health care professional qualified and authorized to administer and determine the meaning of any test results. The employee shall complete appropriate consent forms and cooperate fully with the testing procedure and staff of the facility.

The testing facility will report the results of the test directly to the City Administrator or designee. The City Administrator, or designee, will have the test results reviewed by a medical professional, or individual trained/certified in the analysis of such results, who shall report an interpretation of the results directly to the City Administrator, or designee, and shall indicate whether an employee passes or fails, and/or state an opinion as to whether the employee is able to return to duty. If an employee tests positive, the employee may obtain a copy of the test results.

Except as provided herein, all testing results and records will be kept confidential to the extent permitted by law. The results and records may be made available to the Mayor, City Administrator, employee’s department head, City Attorney, and other management level City personnel who are required to know for the purpose of determining appropriate discipline and/or counseling.

The City shall pay for all costs of the tests, including the expenses of the MRO.

An employee who submits to a drug and/or alcohol test will be placed on suspension with or without pay until the test results are delivered to the City Administrator or his or her designee.

RETURN TO WORK

Following a Negative Result – If the test is negative, the employee should be returned to work without loss of pay or benefits. However, the employee may still be subject to disciplinary action arising from the situation and/or behaviors demonstrated which gave rise to the test.

Following a Positive Result – A positive test will result in disciplinary action up to and including termination. Should the discipline for a result of a positive test be less than termination, the employee who has tested positive for drugs or alcohol will not be permitted to return to work until the employee has passed a drug and/or alcohol test and has been determined to be fit to return to work by a medical professional and the City. Additionally, if the employee is required to undergo evaluation and/or rehabilitation, he/she must have the approval of the appropriate rehabilitation program coordinator to return to work, where applicable. On return, such employee is subject to random testing as determined by the appropriate substance abuse professional after consultation with the City. Additionally, any employee allowed to return to work will be required to sign a “Last Chance” agreement. Refusal to comply with any requirement of this section shall disqualify the employee from employment with the City, be considered an act of insubordination and result in appropriate discipline.

SEARCH NOTICE AND CONDITIONS

The purpose of this section is to provide the parameters under which the City may conduct a search of City property under the control of an employee to determine whether the employee has committed a violation of this policy. When a supervisor has reasonable suspicion to believe that an employee possesses alcohol or a drug in violation of this policy, the supervisor may conduct a search of any property that is owned and maintained by the City that the employee directly or indirectly controls or uses, including but not limited to City vehicles, offices, shelves, books, desks, file cabinets, storage furniture, machinery, clothing owned by the City but not worn at the time the search is conducted, and other property or equipment in which alcohol or a drug could be stored. Prior to conducting the search, the supervisor shall consult with the City Administrator, or his or her designee, to determine whether reasonable suspicion exists. An employee may request the presence of his/her union representative if such representative is readily available. To the degree appropriate, employee privacy and confidentiality shall be preserved by the City. However, employees shall have no expectation of privacy as to the work areas and City property described above. Any substance discovered on City premises in violation of this policy will be confiscated.

The search of any employee, his or her personal purse, personal handbag, or personal briefcase, or his or her personally owned vehicle during a criminal investigation shall be conducted by a law enforcement officer and shall be outside the scope of this policy. However, nothing in this policy shall prohibit the City from notifying law enforcement officers if criminal conduct is discovered during an investigation into a violation of this policy.

ENFORCEMENT AND DISCIPLINE

A violation of this policy may be grounds for immediate termination. Additionally, law enforcement authorities may be notified if criminal conduct is suspected.

REHABILITATION

Subject to the coverage limitations of its benefits programs, the City offers employees the use of rehabilitative services through the Employee Assistance Program (EAP) and or medical insurance. Any employee who comes forth and notifies the City 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. Moreover, the fact that an employee is chemically dependent does not relieve the employee in any way from abiding by this policy. In addition, chemically dependent employees are subject to appropriate disciplinary action up to and including termination if they violate this policy, do not meet satisfactory general performance standards, conduct requirements, or other conditions of employment.

Sick leave, vacation leave, or leave of absence without pay may be granted for treatment and rehabilitation as in other illnesses. 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.

PRIVACY

The City recognizes that employee or applicant records and information regarding substance abuse are extremely sensitive. Accordingly, records of employees receiving treatment for chemical dependency or other records, or information secured regarding employees or applicants will be maintained and used by the City in confidentiality to the extent provided by law. The results and records may be made available to the Mayor, City Administrator, employee's department head, City Attorney, and other management level City personnel who are required to know for the purpose of determining appropriate discipline and/or counseling. The City will maintain records and reports as required by appropriate government authorities.

4.9 DRUG AND ALCOHOL TESTING FOR EMPLOYEES WHO OPERATE COMMERCIAL VEHICLES

The City has a significant interest in the health and safety of its employees and the citizens of the City of Ephrata. In furtherance of that interest, it is the policy of the City to take those steps necessary to ensure that its employees perform their duties and responsibilities free of the influence of drugs and alcohol. Employees are encouraged to seek confidential counseling on problems associated with alcohol and drug abuse through the Employee Assistance Program. There will be mandatory drug and alcohol testing for employees and job applicants under the circumstances outlined in this policy.

PROHIBITED CONDUCT

The following conduct regarding alcohol and drug use or abuse is prohibited:

- An employee may not report for or remain on duty requiring the performance of duties covered under this policy while having an alcohol concentration of 0.04 or greater.
- An employee may not possess or use alcohol while on duty or while operating a commercial vehicle.
- An employee may not report to work or be at work in an impaired condition due to alcohol. An employee may not operate a commercial vehicle within four hours after using 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.

- An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident, or until a post-accident alcohol test is given, whichever comes first.
- An employee may not report for duty or remain on duty which requires driving a commercial vehicle under the influence of any Controlled Substance. An employee may not report for duty or remain on duty which requires driving a commercial vehicle when the employee has used a drug or drugs. Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively must provide written notice from their physician or pharmacist with respect to the effects of such substances.
- An employee may not refuse to submit to a post-accident, random, reasonable suspicion, or follow-up alcohol or drug test as directed by this policy. Failure to do so shall be considered the same as a positive test result.
- An employee may not report for duty or remain on duty requiring the performance of duties covered under this policy if the employee tests positive for a controlled substance or alcohol.
- An employee may not tamper with, adulterate, alter, substitute, or otherwise obstruct any testing process required under this policy. Tampering shall be considered the same as a positive test result.
- No employee may manufacture, distribute, dispense, possess, use, or sell drugs or alcohol in the workplace, while on duty, or while performing City business.

TESTING

All individuals who are covered by this policy must pass a drug/alcohol test as a post-offer condition of employment. In accordance with 49 C.F.R. Part 40, Section 655.41(a) (2) when a covered employee or applicant has previously failed or refused a pre-employment drug test administered under this section, the employee must provide the City proof of having successfully completed a referral, evaluation, and treatment plan as described in 49 C.F.R. Part 40 Section 655.62 before being eligible to reapply.

Employees subject to this policy shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy (except the prohibitions against 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 (specific, current observations concerning appearance, behavior, speech and/or body odors of the employee). 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 only be conducted just before, during or after an employee operates a commercial vehicle or performs a job subject to the provisions of this policy. 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 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.

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 because 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 discipline for refusal to test as provided in this policy.

Employees covered by this policy will be subject to random, unannounced alcohol and drug 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 may not exceed an alcohol concentration of 0.02. The City has sole discretion to determine whether the employee is fit to return to duty.

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 not to exceed 60 months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional (SAP) and the City but will not be less than six tests in the first 12 months following the employee's return to driving duty. The employee must also comply and remain in compliance with all SAP prescribed/recommended rehabilitation and/or treatment programs.

Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result by the Medical Review Officer.

The City shall pay for all costs of the tests, including the expenses of the MRO.

REFUSAL TO TAKE AN ALCOHOL OR DRUG TEST

No employee shall refuse to submit to an alcohol or drug test as directed under this policy. A refusal to submit shall include, but is not limited to:

1. failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing in accordance with the procedures as prescribed in the Omnibus Transportation Employee Testing Act of 1991 and CFR 49 Part 40.
2. failure to provide adequate urine for drug testing without a valid medical explanation after the employee has received notice of the requirement for urine testing in accordance with the procedures as prescribed in the Omnibus Transportation Employee Testing Act of 1991 and CFR 49 Part 402q.

3. engaging in conduct that obstructs the testing process.

Refusal to submit to a test shall be considered the same as a positive test result.

SECURING INFORMATION FROM PREVIOUS EMPLOYERS

If a person is to be hired into a position subject to this policy and during the previous two (2) 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 (2) years to release information on the following:

1. Positive alcohol or drug tests
2. Refusal to be tested

This information must be obtained before the person is employed by the City. 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, after 14 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 (2) 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.

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.

CONSEQUENCES OF ENGAGING IN PROHIBITED CONDUCT OR POSITIVE DRUG OR ALCOHOL TESTS

An employee will be subject to appropriate disciplinary action as specified in the appropriate collective bargaining agreement and the Corrective and Disciplinary Action Policy, up to and including termination from employment if:

1. the employee tests positive for a controlled substance or drug.
2. results from an alcohol test indicate a blood alcohol level of 0.02 or greater; and/or,
3. the employee has engaged in prohibited conduct as outlined in Section 4.9.

All employees, regardless of disciplinary action taken, will be advised of resources available to the employee in evaluating or resolving problems associated with drug use or alcohol misuse.

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

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 4.9, 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 for up to sixty (60) months as recommended by the Substance Abuse Professional and the City, with a minimum of six (6) such unscheduled tests within the first twelve (12) months of returning to duty.

Employees having a breath alcohol concentration of at least 0.02 but less than 0.04 shall be removed from duty requiring the driving of a commercial vehicle for at least 24 hours.

EMPLOYEE ASSISTANCE PROGRAM/VOLUNTARY REFERRAL

The City 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 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 may be granted for treatment and rehabilitation as in other illnesses. 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.

4.10 ACCIDENT PREVENTION AND SAFETY

It is the City's intent to provide safe working conditions for its employees. Every employee is responsible for maintaining a safe work environment and following city, state, and federal safety policies.

Employees shall promptly report all unsafe or potentially hazardous conditions to their supervisor. The City will make every effort to remedy problems as quickly as possible. The City encourages the promotion of accident prevention and safety education at regular department/division safety meetings. Employees in certain jobs or when performing certain tasks, operating equipment, or as otherwise instructed are required to use personal protective equipment provided by the City, such as safety vests/glasses, hearing protection, gloves, and/or hard hats. Employees are prohibited from removing guards or other protective devices from machinery and equipment or in any way tampering with or disabling safety measures. Violations of safety requirements may result in discipline, up to and including termination.

In case of an accident involving personal injury or damage to property regardless of how minor or if a motor vehicle is involved in a collision of any kind, any involved employees shall immediately notify their supervisor or department director or designee and complete an accident report per the policy below. Testing for drugs or alcohol use may be required under Sections 4.8 or 4.9. In

addition, no City employee is permitted to engage in conduct after an accident or injury occurs, that will negatively impact the City's or law enforcement's investigation of the accident.

On the Job Employee Injuries: When an on-the-job injury occurs, employees are to report to their immediate supervisor each injury or illness regardless of the degree of severity. As soon as possible after an accident or occupational illness is discovered, the employee must complete the City's Personal Injury Accident/Report form and submit it to the City Administrator within twenty-four (24) hours. If applicable, the employee is responsible for completing the Washington State Labor and Industries claim form. Supervisors are required to complete the supervisor portion of the accident report form. Should the injury require attention beyond basic first aid, the employee should have his or her treating physician complete the applicable portion of the Washington State Labor and Industries Claim form. Injured employees must submit physician time loss certification to their Department Director or designee and if absent from work for more than seven (7) days, contact his or her Department Director or designee once a week or as otherwise required to keep the City informed of their condition, progress, and intent to return to work. The injured employee's Department Director or designee shall immediately forward the original completed time loss certification to the City Administrator.

Accidents/Incidents: Employees shall report any work-related accidents involving a third party personal injury and/or damage to public/private property or equipment, regardless how minor, to their immediate supervisor, department director, and the City Administrator. Such report shall be made as soon as possible, but in no event later than one (1) hour following such accident. So that an accident may be timely reported, the initial report may be given verbally. Accident report forms are available from supervisors or the City Administrator. A written accident report shall be completed by the employee as soon as possible, and, unless the employee is medically unable to, no later than twenty-four (24) hours following the accident, or sooner if required by the employee's department director or the City Administrator. Employees shall compile any reports requested by their supervisor, department director, or the City Administrator. In the case of a vehicular accident, the employee shall immediately notify the law enforcement agency having jurisdiction, which shall determine whether or not an accident investigation and/or police incident report is necessary. If required, a State Motor Vehicle Collision Report shall be completed by the employee.

Bloodborne Pathogens: Since being exposed to a bloodborne pathogen may lead to sicknesses (such as hepatitis or HIV), and because the City wishes to assure its employees a safe and healthy work environment, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to bloodborne pathogens. Employees should familiarize themselves with the City's Exposure Control Plan and follow it at all times. Failure to comply with this Plan will result in discipline up to and including termination.

4.11 PROFESSIONAL APPEARANCE

Employees shall dress neatly and appropriately for the type of work engaged in and are expected to exhibit a professional appearance. A professional appearance is essential to a favorable impression with the public and good grooming and appropriate dress reflect employee pride and inspire confidence.

- Employees shall be neat, clean, and well groomed.

- Attention shall be given to appropriate work attire. Office employees shall dress appropriately for a business office. Suits, slacks, dresses, skirts, shirts, blouses, sweaters, and shoes shall be worn which are appropriate for public contact and the type of work performed.
- Regardless of work environment, clothing shall be maintained in good condition and shall be neat, clean, and pressed.
- Employees whose job duties include working outdoors may dress appropriately when working outdoors for weather conditions and type of work.
- The use of Personal Protective Equipment (PPE) required by the City's Accident Prevention Program supersedes all clothing/garment standards.

Examples of inappropriate attire may include, but is not specifically limited to:

- Apparel with logos that may be deemed offensive or inappropriate (inappropriate pictures, inappropriate verbiage)
- Apparel that is too revealing, or otherwise draws excessive attention to one's self
- Camouflage or jeans/pants below the waistline that show undergarments
- Ragged or torn clothing of any kind
- Athletic Apparel

Facial and visible body piercings shall be limited. Visible tattoos and accessories that are offensive are prohibited. "Offensive" tattoos or accessories include, but are not limited to, any tattoo, decal, or charm depicting nudity, violence, sexually explicit, or vulgar art or words, or that is objectionable or demeaning to the image of the City. In general, if the City's harassment policy would prohibit the speaking of the words or display of the art in the workplace, then the tattoos or accessories may not be visibly worn at work.

Perfumes and colognes should not be excessive so as not to disturb fellow employees and the public who may be sensitive to fragrances.

Supervisors should communicate their department's workplace attire and appearance guidelines to staff during the new employee orientation period and on an as-needed basis for employees needing additional guidance and/or correction. Any questions about the department's guidelines for attire should be discussed with the immediate supervisor or department head.

Special requests or medical exceptions may be granted upon approval of the department director. The City will accommodate employees who require particular grooming or attire because of sincerely held religious beliefs; provided the accommodation does not create an undue hardship or violation of a safety practice. Employees seeking an accommodation should submit their request to their supervisor or department head.

Employees are responsible for ensuring their personal appearance meets the guidelines set forth in this policy and is appropriate for work. Any employee who does not meet the standards will be required to take the specified corrective action, which may include being asked to go home and change clothing. Non-exempt employees will not be compensated for any work time missed because of failure to comply with the workplace attire standards. Violation of this policy may result in disciplinary action, up to and including termination.

Department Heads are responsible for oversight and enforcement of this policy in their respective departments and shall have full discretion to resolve matters within their departments, consistent with the guidance provided by the City Administrator.

4.12 ACCEPTANCE OF GIFTS

No City employee shall solicit or accept, directly or indirectly, any gift, loan, favor, retainer, entertainment, or other thing of monetary value from any person, firm, or corporation having dealings with the City when such acceptance would conflict, or create the appearance of a conflict, with the performance of the employee's duties. Provided, this policy shall not prohibit:

- Attendance at a hosted meal provided in conjunction with a meeting, seminar, conference, etc. which relates directly to City business, or which is attended as a staff representative.
- An occasional non-money gift having a monetary value of \$50.00 or less when the gift is offered without obligation or the appearance of obligation, per department policy.
- An award publicly presented in recognition of public service.
- Any gift which would have been offered or given to the employee regardless of City employment.

Employees shall report the receipt of all gifts to their department head who will, in turn, report the gift to the City Administrator.

4.13 DISPUTE RESOLUTION

The City expects employee dissatisfaction and concerns to be resolved promptly, informally and at the lowest supervisory level able to handle the matter where possible. This policy and procedure provide a dispute resolution procedure whereby: (1) the causes of a dispute can be informally addressed (supervisors and employees are expected to resolve problems as soon as they arise); and (2) if a resolution is impossible at an early stage, employees feel confident that no retaliatory action will be taken due to the employee's use of this procedure.

STEP ONE - ORAL PRESENTATION OF DISPUTE TO THE SUPERVISOR

The employee or group of employees may informally present a dispute to their immediate supervisor orally within ten (10) calendar days from the date the act or incident occurred or the date the employee(s) should have reasonably become aware of the act or incident. The employee and supervisor are encouraged to discuss the issue(s) in an open manner and to reach a mutually satisfactory solution. The employee and supervisor may invite an impartial person to assist them in resolving the matter. Any disputes or concerns regarding violation of the City's harassment policy should be addressed using the procedure set forth in that policy.

STEP TWO - WRITTEN APPEAL TO THE DEPARTMENT HEAD

If the dispute is not settled in Step One, the employee may submit the appeal in writing to the department head within five (5) working days from the date of receipt of the supervisor's response to the oral appeal. To be considered valid, a written complaint must include all of the following:

1. The specific provision of the Ephrata Personnel Policies the employee contends has been violated.
2. A statement of facts describing the alleged violation.
3. The date of the alleged violation.

4. Witnesses to the alleged violation; and
5. The requested remedy.

The department head will reply in writing within a reasonable time, generally not more than ten calendar days after receipt of the written dispute, not including the day received. The decision of the department head shall not act as precedent or bind the City as to how future disputes may be handled.

STEP THREE - WRITTEN APPEAL TO THE CITY ADMINISTRATOR

If the appeal is not settled in Step Two, the written appeal may be presented along with pertinent correspondence, records and information accumulated to date to the City Administrator within ten (10) calendar days after the department head's written response is given. The City Administrator may meet with all individuals involved with the dispute and related proceedings. The City Administrator will reply within a reasonable time, generally not more than ten (10) calendar days after receipt of the grievance or the date of the meeting with the City Administrator. The decision of the City Administrator is final and binding on the employee or group of employees, the supervisor, and the department director concerned. The City Administrator may appoint a hearing officer, a neutral panel, or other representative(s) to conduct the process as outlined in Step Three.

TIME LIMITS

The time limits prescribed in this section for the initiation and completion of the steps of the procedure may be extended by mutual consent of the parties involved. Any step in the procedure may be eliminated by mutual consent. Mutual consent shall be in writing and shall be signed by all parties involved.

COLLECTIVE BARGAINING AGREEMENTS AND/OR CIVIL SERVICE

Employees covered by the provisions of a collective bargaining agreement shall not use this policy and procedure. Employees represented by a bargaining unit or who are covered under Civil Service rules should follow the grievance procedure set forth in their respective labor contract or in applicable Civil Service rules where applicable. In all other cases, the complaint procedure described in this chapter is to be used.

CHAPTER 5 – EMPLOYEE DEVELOPMENT

5.1 PERFORMANCE EVALUATIONS AND DISCUSSIONS

PURPOSE

The City aspires to train, promote, and retain the best qualified individuals for every position. In support of this aspiration, in addition to ongoing informal monitoring and feedback regarding each employee's performance, each supervisor is expected to formally evaluate individual performance at least once each year. While the City deems performance evaluations as valuable, the City has no obligation to complete performance evaluations prior to discipline or termination of at-will employees.

The goals of formal performance appraisals are:

- To provide an opportunity for supervisors and employees to discuss the employee's performance relative to job requirements and to set objectives for future performance.
- To promote professional growth and development of employees and identify training needs; and
- To provide documentation for personnel decisions, such as discretionary wage adjustments and the completion of probation.

GUIDELINES

A formal performance appraisal includes completion and signing of an approved performance evaluation by the supervisor, an interview in which the supervisor provides the employee with the written evaluation and answers questions, and an opportunity for the employee to respond in writing to the evaluation. An employee self-evaluation form may be offered to be completed by the employee at least two weeks prior to the actual performance review and may be used as a tool by the supervisor when evaluating the employee's performance.

ANNUAL PERFORMANCE EVALUATIONS

An annual performance evaluation is a formal discussion on job performance to include employee strengths and weaknesses, goals attained, and areas needing improvement. If the employee receives a satisfactory performance evaluation a Personnel Action Form (PAF) will be created for advancement to the next salary step increment in accordance with the current pay plan, if applicable.

Employee's Responsibilities

Employees are responsible for ensuring that the job duties, performance standards, and goals are clearly understood and to seek clarification during the annual performance period if there is a question. Employees shall document their accomplishments for the period in review. Employees may also document progress toward accomplishment of goals and/or set written goals for the upcoming review period to be discussed with their supervisor.

Supervisor's Responsibilities

The employee's immediate supervisor completes the performance appraisal form and conducts the appraisal interview on a timely basis. If an employee has worked under more than one supervisor during the evaluation period, then the employee's current supervisor consults with previous supervisors before completing the performance appraisal.

FREQUENCY OF OTHER PERFORMANCE DISCUSSIONS

Goal-Setting Discussions

The goal-setting discussion is to be used to establish job duties, expectations, and goals for performance over the next evaluation period.

Progress Reviews

A progress review is an informal discussion to assess the employee's performance during the year. It is an opportunity to adjust goals and to discuss any areas of concern identified. The progress review time frame is generally at a 6-month interval (mid-year and annual). A more frequent evaluation may be determined by the supervisor, but it is suggested to occur quarterly.

Probationary Evaluations

It is the City's goal to conduct a probationary evaluation for all new hired employees to assess their performance and to formally acknowledge regular-status employment or need to extend the probationary period. A completed probationary performance evaluation form and a Personnel Action Form (PAF), if applicable, are required.

Promotional Evaluations

It is the City's goal to conduct a promotional evaluation for all newly promoted employees to assess their performance and to formally acknowledge successful completion of the probationary period. Annual performance evaluations will be conducted twelve (12) months from the promotion date.

5.2 EMPLOYEE RECOGNITION

The City will provide funds to support employee awards and recognition programs within the limitations of the annual budget.

Length of Service Recognition Award shall consist of a year pin or other service recognition and may also include an appropriately worded certificate or another award signed by the Mayor, City Administrator, or the employee's Department Director. All employees who have been employed with the City for 5, 10, 15, 20, 25, 30, and 35 or more years respectively (not inclusive of temporary time) will be invited to a scheduled City Council meeting and the Mayor will be asked to present the employee(s) with an appropriate award indicating the number of years of service.

Commendable Action Awards may be given by the Awards Committee to acknowledge a meritorious or commendable act by an employee or volunteer of the City of Ephrata which may include, but is not limited to, the following:

- Superior handling of a difficult situation by an employee.

- Conspicuous bravery or outstanding performance by any employee of the City.
- Any action or performance that is above and beyond the typical duties of an employee.
- Any notable action or performance that saved the City substantial funds or labor. A more extensive list will be available within the Awards Committee internal procedures.

Recognition for a Commendable Action Award may include:

1. Shout Out Recognition – issued for a job well done within the scope of the person’s job responsibilities. (City-wide email thanking the employee).
2. Certificate of Commendation – awarded for an act or acts performed above the person’s job responsibilities. (Includes a gift certificate of \$25).
3. Award of Merit – awarded for an act or acts beyond the person’s job responsibilities which greatly benefit the city and citizens. (Includes a gift certificate of \$50).
4. Mayoral Award of Professional Excellence – actions that helped save a life or those who risked their own, level not quite meeting LSA/MH. (Certificate awarded).
5. Lifesaving Award/Medal of Honor – awarded for saving a life or performance of a hazardous act at extraordinary risk to their lives. (A plaque and Commendation bars for Fire/Police).

Distinguished Service Award may be awarded by the Awards Committee to employees or volunteers who have demonstrated exceptional performance over an extended period of time. This award includes a gift certificate of \$60.

Fire Department Awards may be issued by the Awards Committee to fire personnel or volunteers based upon the “Suggested Firefighter Commendation Guideline” published by Eagle Engraving Inc.

To further recognition programs, the City Administrator may authorize events funded by the City for all employees, provided that the City shall not pay for alcoholic beverages.

Awards Committee

The Committee will consist of a representative from each of the City Departments. The Committee, once established, will elect the Chairman from among the committee members. The Chairman will serve a term of 3 years. The Committee will meet every other month.

The Committee will also review all nominations for the Spirit of Ephrata Awards and provide recommendations to the City Administrator and Mayor.

Process

Recommendations by any City official, employee, or volunteer will be submitted on a Commendation Recommendation Form and forwarded to the Awards Committee Chairman.

The Committee will determine the criteria for each award. Once guidelines have been established for each award, the committee will use those guidelines to evaluate each recommendation. The purpose of this process is to provide uniformity.

Once the Committee has determined whether to recommend an award for an employee that recommendation will be forwarded to the City Administrator and Mayor for final approval. If the

recommendation was not submitted by a supervisor, the supervisor of a nominated employee/volunteer will be notified prior to final approval.

The presentation of the award will occur in a manner reflecting the actions of the employee/volunteer and with consultation with the recipient of the award.

Employees will be given the option to choose a business within the city limits of Ephrata for their gift certificate. The business must have an active city business license.

Departments may establish awards specific to their operations. Receipt of an award under this Section will not preclude the employee or volunteer from receiving a departmental reward

5.3 PROFESSIONAL ASSOCIATIONS AND CERTIFICATIONS

The City may pay directly or reimburse an employee for professional certifications, subscriptions, and professional associations dues if doing so is in the best interest of the City, with the recommendation of the Department Directors and approval of the City Administrator.

5.4 TRAINING AND EDUCATION

The City encourages employees to obtain additional training and education to increase their job knowledge and skills. The City Administrator will designate a certain training budget per department, and training allocated at the direction of the Department Director.

Under the provision of the Fair Labor Standards Act, training time outside of regular working hours is generally non-compensable when the training is not required by the City or when the training or follow-up training is required for certification of employees by local, State, or Federal law.

The City will compensate employees for mandatory training held outside of regular working hours as required by state and federal law. Training sessions may be held during regular work hours at the discretion of the Department Director.

Approval for any training program longer than one week shall be made by the recommendation of the Department Directors and approval of the City Administrator in advance of registration. This limitation shall not apply to the basic law enforcement academy required by the State of Washington for all new police recruits.

5.5 TUITION REIMBURSEMENT

Upon the recommendation of the City Administrator and Mayor and the approval of the City Council, reimbursement may be granted in full or in part for a formal study course from an accredited school, college, or university provided the course is related to the employee's work and will increase his or her knowledge, skills, and abilities to perform the work. Time spent in attendance at these courses shall be considered the employee's personal time and must not interfere with the employee's job. If approved, the affected employee's work schedule may be altered so the course does not occur during his/her regularly scheduled working hours. Books and supplies will be at the expense of the employee, unless the City Council agrees otherwise. Employees may be eligible for tuition refunds by meeting the following conditions or such other conditions as approved by the City Council:

1. He/she must be a regular full-time or regular part-time employee of the City of Ephrata;

2. Prior to enrollment, the City Administrator shall approve the employee's course choice;
3. Application for tuition reimbursement must be made within sixty (60) days following the completion of the course of study;
4. Employee must complete the course with a minimum grade of "C" or equivalent; and
5. Funds to reimburse the employee for tuition must be available through appropriations in the current department budget.

The City of Ephrata may require an employee to submit a signed statement agreeing to remain for a specified time in the service of the City as a condition of reimbursement for tuition/training expenses. Employees who fail to remain employed by the City for the specified time period shall reimburse the City for the monies given him/her on the basis of that agreement.

CHAPTER 6 – ATTENDANCE AND HOURS OF WORK

6.1 CITY BUSINESS HOURS – ESTABLISHED WORK WEEK

The City recognizes that to be of service of the public, regular office hours and a designated work week must be established. In recognition of this, normally scheduled business hours for all departments are Monday through Friday, 7:30 a.m. to 4:30 p.m. for non-emergency, routine business matters, excluding holidays. Schedules may vary as otherwise determined by the City. The established work week is Monday 12:01 a.m. to Sunday 12:00 midnight unless otherwise defined for a flexible work schedule.

6.2 MEAL PERIODS AND BREAKS

Non-exempt employees are entitled to a paid 10-minute break for every four hours of working time. Where the nature of the work permits intermittent rest periods equivalent to ten minutes every four hours, scheduled rest periods are not required. Break periods cannot be accrued or waived. If you do not believe you are receiving adequate rest periods or a meal period during your workday, please promptly advise your supervisor.

Non-exempt employees are also entitled to a middle of the workday unpaid lunch break of 30 minutes per day. Employees may voluntarily waive their unpaid lunch break in writing. Employees may revoke their waiver of their unpaid lunch break at any time by providing written notice to the City.

6.3 LACTATION BREAKS

Additionally, for up to two years following childbirth, employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. These breaks will be paid to the extent they run concurrently with the above-referenced daily breaks.

The City will support breastfeeding by adapting, whenever possible, work schedules to accommodate breastfeeding staff. Most nursing mothers typically require reasonable breaks (i.e. 15 to 30 minutes duration) to express milk. These breaks should normally coincide with the employee's regular scheduled break with brief extensions as needed. Staff may request in writing, a flexible schedule to breastfeed or pump. Requests shall be made with adequate advance notice to allow for the necessary schedule adjustments. The City will provide a quiet, private location for this purpose, with onsite refrigeration if facilities allow.

Within the limitations of the current collective bargaining agreement and other policies and procedures, and with respect to work unit needs, the breastfeeding employee's schedule can be adapted to provide consistent breaks allowing adequate time for pumping and/or nursing. If necessary, the lunch hour may be modified or the beginning and/or ending of the workday may be adjusted to accommodate longer breaks to ensure a full workday.

Please contact the City Administrator to make appropriate arrangements if you need nursing breaks.

Use of Paid Leave – employees may use their vacation, floating holiday, comp time, or unpaid time if accrued leave is not available to cover the extra time needed.

OVERTIME/COMPENSATORY TIME/CALL-BACK AND CALL-IN

Employees who meet the definition of executive, professional, administrative, or computer professional in accordance with the Fair Labor Standards Act and Washington Minimum Wage Act are Exempt from this policy. Exempt employees are paid a salary for all hours worked and do not receive overtime pay or compensatory time in lieu of hours worked more than 40 hours per week. Employees who have exhausted their leave banks will receive a reduction in their salary for full day or partial day personal absences due to principles of public accountability. Exempt employees must maintain good work habits, be accountable, and regularly available during working hours.

Employees who meet the FLSA definition of non-exempt, and who work more than 40 actual work hours in a work week, will be granted compensatory time (comp time) or paid overtime.

Compensatory time or overtime will accrue at the rate of 1.5 times the hours worked more than 40 actual work hours per week. Work performed beyond 40 hours a week must have prior written approval from the Department Director. All comp time or overtime must be approved in advance and is based on budget. Comp time may be accumulated up to a maximum of forty-eight (48) hours. The earning and use of comp time will be documented on the employee's time sheet and scheduled with mutual agreement of employee and supervisor.

6.4 CALL-BACK

Employees called back to work after completing a normal workday at a time other than during their normal work hours will receive a minimum of two (2) hours pay at the overtime rate of 1.5 times regular pay. Call back time will commence when the employee arrives at their work site and will end when the reason for call back has ended or been resolved. Any time worked more than the two (2) hours will be paid in accordance with this policy. Refusal to respond to a callback is grounds for disciplinary action.

6.5 CALL-IN

Employees called to work while they are on paid leave (i.e., vacation) will be allowed to select overtime, comp time, or regular time for those hours worked during the time they would normally be on paid leave. This selection must be made with the approval and consent of their supervisor. If overtime or comp time is selected, the leave bank will be adjusted. If regular time is selected, the paid leave will be rescheduled for a later time. If the employee is required to work subsequent days, these days will be considered regular work time and any leave will be rescheduled.

6.6 TARDINESS AND ABSENTEEISM

Employees shall be at work on time and performing their duties in accordance with the employee's work schedule. Employees are responsible for notifying their supervisor or designated individual responsible for receiving absentee calls as soon as possible (and no later than the start of the workday) of an absence, late arrival to work or if they must leave early and the reason. Prior notice is required absent extenuating circumstances or prior arrangements.

Any unauthorized or excessive absences or tardiness (not subject to protected state or federal laws) will result in disciplinary action, up to and including termination, consistent with state and federal law. An absence is considered to be unauthorized if the employee has not followed proper

notification procedures or the absence has not been properly approved. An unauthorized absence will be considered an absence without pay and may be cause for disciplinary action. (See “Corrective and Disciplinary Action,” Policy). Absent extenuating circumstances, in the event the City has not heard from the employee for three (3) consecutive scheduled workdays, the employee will be considered to have resigned from employment.

Factors that may be considered in determining whether poor attendance is an issue include, but are not limited to, the following:

- A pattern of unauthorized tardiness or absence that disrupts the flow of work, burdens co-workers with extra tasks, causes an operational burden for supervisors, or increases labor costs or adversely affects the quality of services.
- A pattern of unauthorized tardiness or absences the day before and/or the day after a holiday or days off.
- A pattern of unauthorized tardiness and absences on scheduled work weekends, Saturdays, Sundays, and/or holidays; or
- Inclement weather is not normally considered an acceptable cause for absence. In cases where unexpected, severe inclement weather restricts vehicular traffic, those employees who arrive at work late may use accrued leave for missed time.

Each department, division, or section shall designate an individual who will be responsible for receiving absentee and tardy calls. It is the employee’s responsibility to have all necessary telephone numbers to report their delay or absence. To be eligible for paid sick leave, an employee must report his/her absence to the designee a minimum of thirty (30) minutes prior to shift or longer as determined by each department, absent extenuating circumstances or prior arrangements. Paid sick leave may be granted for absences reported after the predetermined deadline only in extenuating circumstances provided that the employee reports the absence as soon as reasonably possible. (See the “Sick Leave” Policy)

6.7 INCLEMENT WEATHER – EMERGENCY DECLARATION

The City of Ephrata provides a wide array of services, including many emergency-related functions. It is the City’s policy to remain open during normal business hours, and employees are expected to make every effort to report to work during inclement or adverse weather conditions and under emergency declarations. However, in some cases, it may be necessary to temporarily modify city services or functions and closure may be deemed appropriate.

When inclement weather or an emergency declaration prevents performance of regular operations or services, the determination to modify services will be made by the City Administrator or designee in consultation with the Mayor and Department Directors.

All employees are expected to report to work for their normal shifts. However, in the event of extreme conditions resulting in an emergency closing of city facilities, or if the City Administrator deems that it is unsafe for employees to travel or come to work, non-essential employees may be instructed not to report to work or to leave work prior to the end of their shift. The Department Director will determine which employees are required to be at work, even when City facilities have closed or other employees have been instructed not to report to work, or to leave work due to inclement weather.

The notification process may include, but is not limited to:

- Email message
- Text Message or call
- Internet or intranet announcement

Pay during inclement weather closures/non-closures or emergency declarations:

When the determination is made to close city offices, scheduled employees will be paid for their scheduled shift.

When the determination is made to either close city offices early or open late, scheduled employees will be paid for the remainder of their scheduled shift.

When city offices are not closed, but the employee chooses to stay home or leave early/arrive late due to weather conditions, they may charge the time missed to vacation, floating holiday, paid time off, or comp time. The employee shall advise the supervisor by phone as in any other case of late arrival or absence.

Employees already on approved paid leave shall have time off charged to the leave bank as originally scheduled.

When city offices are directed to be closed under an Emergency Declaration and when resources are expected to be provided through the declaration, the City may opt to reimburse the leave bank of employee time or direct the use of administrative leave under the declaration with the approval of City Council.

All time shall be tracked in a separate city fund and prepared for reimbursement through the emergency declaration.

Administration of leave/procedures during an extended emergency declaration/pandemic are determined by the City Administrator.

CHAPTER 7 – COMPENSATION

7.1 SALARY ADMINISTRATION

The City is committed to compensation principles which provide fair pay for the work performed, competitive salary and benefit packages, and salary placement and increases which are consistent, equitable, and responsive to changes in the organization.

REVIEW OF COMPENSATION

The City Administrator is responsible for coordinating with department Directors regarding the continuing review of compensation, and for ensuring that each position is evaluated and assigned a job classification and salary range. This review should determine whether compensation accurately and fairly reflects the job responsibilities and employee performance. Internal and external equity will be taken into consideration in salary administration. Review of the compensation level is within the City Administrator's discretion, and the results of such review will be considered final.

MARKET ANALYSIS

The City Administrator should conduct compensation surveys covering comparable cities with similar jobs when circumstances warrant, or the department may use the AWC Salary Survey. This and other available information should be used to help set pay policy and to determine the relative competitive position of the City's pay structure. Compensation policy decisions should also take into consideration the City's overall financial condition and competitive position.

ENTRANCE RATE OF PAY

New employees are generally hired at the beginning step of their salary range; however, an entrance rate of pay above the minimum may be offered to an applicant in the City's discretion whose education and experience exceed the minimum qualifications for the classification or when external labor market pay-practices impact recruitment.

TRAINING RATE

At times, the City may hire employees who do not meet the minimum qualifications and a training rate will be established for a probationary period, allowing acquisition of minimum qualifications.

7.2 WORK AT A HIGHER CLASSIFICATION

A non-represented employee who is temporarily assigned to a position that is a higher pay classification and who performs all duties of the higher classification as determined by the City Administrator will receive a temporary pay increase as authorized by the City Administrator. Voluntary, training, and temporary assignments during a vacation period of less than 80 hours are excluded from any pay increase for working at a higher classification.

7.3 MANAGEMENT AND CLASSIFICATION OF POSITIONS

The classification of positions and job descriptions will be maintained by the City Administrator. Supervisors and employees are encouraged to review their classifications and job descriptions annually. Changes to classifications and job descriptions will be made as necessary to reflect

changes in duties, authority, responsibility, and qualifications, and as authorized in the City budget. Positions will be grouped into classifications according to the type of work performed, working conditions and level of difficulty of assigned tasks and responsibility.

A periodic review of all or any part of the classification system will be conducted. The purpose of this review is to: 1) determine if the system accurately reflects existing conditions; 2) determine the accuracy of classification specifications; and 3) ensure positions are properly classified.

Reclassification requests will be submitted in writing to the City Administrator by the department Director or may be initiated by the City Administrator. Requests shall include a statement of the rationale for the reclassification.

The City Administrator will then instruct the affected employee to complete a Position Description Questionnaire, which must be approved by the supervisor and department Director. The City Administrator will analyze the completed position description questionnaire and conduct a desk audit to determine the appropriate classification. Approved reclassifications will be effective on the date specified by the City Administrator.

Vacant positions will be reviewed by the immediate supervisor and/or department Director to: 1) assess the need to fill the position and 2) determine the position necessary to meet the needs of the department. Supervisors and department directors have the flexibility to fill positions based on department objectives and needs with approval of the City Administrator.

7.4 PAYDAYS

All employees are paid monthly on the last business day of the month. If a scheduled pay date falls on a holiday, the actual pay date will be moved to the preceding business day.

7.5 GARNISHMENT

A garnishment is a legal stoppage of a specified amount from wages to satisfy a creditor. If an employee's wages are garnished, the payroll staff will make the necessary changes to the employee's wages and a check for the garnished amount will be forwarded to the creditor as required. The employee will be notified that the garnishment is being processed.

7.6 TRAVEL AND BUSINESS EXPENSES

Department Directors are authorized to approve all in-state travel. The City Administrator must approve all out-of-state travel. Employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, lodging, and travel expenses, in accordance with the per diem rate tables provided by the Washington State Office of Financial Management (OFM) for in-state travel (www.ofmwa.gov) or the US General Services Administration (GSA) for out of state travel (www.gsa.gov). For unusual circumstances, the City Administrator may authorize individual variances from the policy for employees.

Travel that involves an overnight stay shall be approved in advance of the proposed travel. If meals are provided in the registration fee, the employee shall not be reimbursed for those meals.

Compensation will not be provided for banquets, golf packages, tours etc. outside the scope of the allowed schooling, seminar, training courses etc. Compensation will be allowed for schooling,

seminars, training courses etc. that require additional hours over a normal 8 hour day. The employee's regular shift, to accommodate training, may be altered to coincide with the scheduled schooling, seminar, and training courses, etc.

In some instances such as association conferences, it is customary to stay at the hotel hosting the event. Room rates are typically negotiated between the association and the host hotel and in some instances may be higher than the approved rates posted on the OFM or GSA websites. In these instances, the City will pay the actual amount of the expense incurred by the employee.

Whenever possible, employees should use City vehicles to travel to and from approved conferences and events. In the event this is not possible, mileage reimbursements will also be calculated using the rate established by OFM for each mile actually and necessarily traveled on such business and provided that mileage shall not include travel from the residence of the employee to or from his or her place of employment.

Required receipts and travel expense vouchers must be completed in full, signed and turned into the City before reimbursement will be processed.

When any City officer or employee or other officially authorized person is required to travel on the business of the City, he or she may have use of the City Credit Card. Authorized uses of the City Credit Card are for the actual and reasonable expenses for, lodging and other necessary expenses while traveling. If the employee or other officially authorized person has use of a City owned vehicle, the Credit Card may be used for the purchase of fuel. If the employee is required to use a personal vehicle in the performance of official duties, the City Credit Card is not to be used for the purchase of fuel for that vehicle; instead the employee or officially authorized person will be reimbursed actual mileage at the rate established by OFM.

The officer, employee or other officially authorized person using the City Credit Card has five (5) days from the date of charges to submit a fully itemized travel expense report approved by the authorized approval authority along with an approved purchase order with correct charge account coding to accounts payable. Any charges against the City credit card that are not properly identified on the travel expense report, or not allowed, following audit required by RCW 42.24.080, shall be paid by the charging official or employee.

If disallowed charges are not paid, then the City Administrator or his/her designee is authorized to assert a lien authorized by RCW 42.24.115, and may withhold any or all funds payable to or to become payable to the official or employee up to the amount of disallowed charges, late fees and interest at the same rate as charged by the company which issued the credit card. The City Administrator may also revoke the use of the City Credit Card by any official or employee when disallowed charges are outstanding. Failure to submit travel expense reports and purchase order in a timely manner will result in disciplinary action.

7.7 LONGEVITY

In addition to their base salaries, non-union Employees shall receive longevity pay commencing at the beginning of the sixth (6th) year of service in an amount equal to Eighteen Dollars (\$18.00) per month per year of service, not to exceed Six Hundred Dollars (\$600.00) per month.

7.8 DUAL LANGUAGE PAY

Employees classified as able to fluently speak and write the Spanish or Russian language shall receive an additional two percent (2%) of their base monthly salary. Fluency shall be confirmed by testing, a City selected language specialist, or such other method as the City shall reasonably determine. Such pay increase will be effective as of the next pay period following confirmation of fluency. Employees receiving dual language pay are expected to serve as an interpreter or translator as the need arises, may be required to report to work during non-scheduled hours, and will be expected to work during periods of a City emergency for response and recovery efforts.

To be eligible for dual language pay, the job functions of the employee shall routinely require translation or interpretation services. Approval of the classification shall be made by the City Administrator, in his or her sole discretion, and in consultation with the employee's Department Director. The dual language pay shall be discontinued if the employee is reassigned to a different job position, the functions of the job position no longer meet the requirements, or if the employee does not maintain fluency.

CHAPTER 8 – BENEFITS

8.1 INTRODUCTION

The following are general descriptions of the City’s benefit plans. A summary description for each plan is available from the City Finance Director. Exact terms and conditions of the benefit plans are governed by the plan documents. The plan documents control over any inconsistent statements or descriptions, written or oral. The plan documents also describe regular-status positions that are eligible for City group insurance benefits, unless otherwise provided for through collective bargaining agreements. Benefits will be assigned as outlined in the City’s Health Insurance Policy.

8.2 RETIREMENT BENEFITS

MEDICARE

All employees are required to contribute to Medicare Insurance. The City provides the required employer contribution.

SOCIAL SECURITY

All employees are required to contribute to Social Security. The City provides the required employer contribution.

DEPARTMENT OF RETIREMENT SYSTEMS – PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

Eligibility rules and contribution rates for PERS are established by the Washington State legislature. An employee in an eligible position is required to participate in this tax-deferred retirement plan (Note: the employee contribution is not tax deferred).

DEFERRED COMPENSATION

Regular full-time and regular part-time employees are eligible to have voluntary employee-only contributions made to one or more deferred compensation plans, up to certain dollar limits defined by Internal Revenue Code section 457.

8.3 GROUP LIFE AND LONG-TERM DISABILITY INSURANCE

The City of Ephrata provides Employee Life, AD & D and Dependent Life from Washington Teamsters Welfare Trust, Plan B. The City of Ephrata provides group Long Term Disability Insurance coverage from Association of Washington Cities for its represented and non-represented employees at a level of Option 2 – 60% benefit/180-day elimination.

For employees who qualify for the above group insurance benefits, the premiums will be paid by the City. These group insurance benefits may change from time to time based upon insurance market conditions, City resources or other reasons. Regular status employees also may be eligible to apply for other optional insurance(s) through payroll deduction. Optional insurance coverage will not be effective until the application is approved by the provider.

Cancellation of Coverage: The insurance of any employee will automatically be canceled on the last day of the month in which an employee terminates. Refer to the policy regarding other conditions when insurance coverage may end.

8.4 TEMPORARY LIGHT DUTY

ELIGIBILITY AND BASIS FOR LIGHT DUTY

The temporary light duty program is designed to accommodate those employees who are temporarily unable to perform essential job duties due to a medical condition. To be eligible for a temporary light duty assignment, the requesting employee must first be evaluated by a physician. Once the employee's limitations and prognosis for recovery are determined, light duty employment opportunities may be considered if they are available and will assist the individual in returning to work. **In no event will the City have an obligation to provide temporary light duty assignments.**

INJURY OR SERIOUS ILLNESS

It is the policy of the City of Ephrata that in the event an employee is injured or has a serious illness that temporarily prevents them from performing their position, that the City may require or allow the employee to return to work in a light duty status, provided the proper medical clearance has been obtained. Each request will be considered in light of the relevant factors, including the duties of the position, the anticipated return for full duty, and the overall operation and functioning of the department or division.

Employees in light duty status will continue to accrue vacation, sick leave, and receive paid holidays pay consistent with City policy. Employees in a light duty status will not be eligible for call back or standby overtime.

Employees will have health benefits paid by the City during the period of light duty status. However, the employee must work a total of thirty (30) hours per week or be eligible for health benefits under the Family and Medical Leave Act.

Employees on light duty status may be entitled to their former positions upon return to full duty and retain all rights, seniority, and benefits applicable to such positions.

8.5 HEALTH INSURANCE

The City of Ephrata provides full group medical, dental, and vision insurance coverage for its non-union employees and their dependents as defined by the benefit plan. Commencing on January 1, 2011, the City will pay full coverage for Washington Teamsters Welfare Trust Medical Plan B; Dental Plan A; and Vision Plan A. The City additionally provides yearly group membership to Northwest MedStar Critical Care Transport Service for its employees and all LEOFF I Retired employees. Represented employees should refer to their Collective Bargaining Agreement.

PREMIUM PAYMENT

The City will pay the monthly health insurance premiums for eligible employees in regular-status, full-time positions provided the employee completes and submits an enrollment form. The City will make coverage available for eligible dependents. The City's contribution toward dependent

health insurance premiums may vary. Detailed information concerning dependent premiums can be obtained from the Finance Director or designee.

DOMESTIC PARTNER ELIGIBILITY

Under Washington state law an employee may add a registered domestic partner to their insurance plan if they meet the requirements set forth under RCW 26.60.030.

Employer-paid premiums for a domestic partner and their children (who are not natural or adopted children of the employee) are taxable wages. The exception to this tax issue is when a domestic partner is disabled by definition of the Internal Revenue Service and claimed by the employee on the annual income tax filing.

MEASUREMENT PERIOD FOR SEASONAL EMPLOYEES OR EMPLOYEES WITH VARIABLE HOURS

The initial measurement period for seasonal employees and employees who work variable hours is twelve (12) months to determine if an average of at least thirty (30) hours per week has been worked.

If the employee is determined to have worked the requisite 30 hours/week on an average during the initial measurement period, then health coverage will be offered to the employee during the following twelve (12) month stability period.

An employee falling into the seasonal/variable worker category who has a break of twenty-six (26) consecutive weeks or more without working for the City, will be treated as a new employee for purposes of this policy.

Employees who resign/retire/terminate are no longer subject to measurement and stability periods and need not be offered health insurance except for COBRA requirements.

APPLICATION FOR MEMBERSHIP AND CHANGES IN COVERAGE

Enrollment for health insurance or changes in coverage are to be made on prescribed forms available from the Finance Director.

OPEN ENROLLMENT

An open enrollment period for health insurance will be offered annually (typically in the month of November). At that time, employees may join, add dependents, or transfer between plans without evidence of insurability. Prior to the open enrollment period, the Finance Director will notify all employees of the time and conditions of the open enrollment period.

EFFECTIVE DATE OF COVERAGE

For eligible new employees, insurance coverage will commence on the first day of the month following employment and completion of a minimum of 70 work hours, provided the application forms have been properly completed and returned to the Finance Director or designee.

SPOUSE/DEPENDENT COVERAGE

Employees must complete and submit an enrollment form listing all eligible dependents to be covered upon being hired or when there is any change in status:

- Loss of coverage: If a spouse/registered domestic partner or dependent that is covered by another medical plan loses that coverage, they may be added to an employee's plan if enrolled within 30-days of loss of coverage.
- A newly acquired spouse/registered domestic partner and stepchildren must be enrolled within 30-days of the date of marriage/registered domestic partnership.
- A newborn child may be covered from the date of birth provided the child is enrolled within 60-days of the date of birth.
- A newly adopted child may be covered from date of placement provided the child is enrolled within 60-days of the date of placement.
- Divorce: If an employee divorces, they must notify Finance Director within 30-days of the divorce being finalized to remove the spouse from coverage.

Failure to add a new spouse, registered domestic partner, or child within the time frame set forth will result in the dependent not being eligible until the next open enrollment period or based on the rules of the insurance provider.

Failure to remove an ineligible dependent from coverage within the time frame set forth above will result in the employee having to repay the cost of insurance coverage for the ineligible dependent(s); and subject to further disciplinary action up to and including termination.

COVERAGE WHILE ON SICK LEAVE OR OTHER PAID LEAVE OF ABSENCE

Employees who are on approved sick leave or other paid leave will be treated as though they were at work for insurance coverage purposes.

COVERAGE WHILE ON LEAVE OF ABSENCE WITHOUT PAY

Please refer to Leave of Absence Without Pay Chapter.

CANCELLATION OF COVERAGE

For health insurance purposes, the employee's actual last day worked is considered the termination date unless on approved paid leave, or other protected leave or as determined by the City Administrator.

An employee's health insurance coverage will expire automatically per the terms of the Washington Teamsters Welfare Trust; the employee fails to pay the premium as provided in Leave of Absence Without Pay Policy or according to union contract.

BENEFIT INFORMATION

Information explaining the health insurance plans and respective benefits are available upon request from the Finance Director or designee, and/or accessible via the Plan Provider websites.

The benefit programs and eligibility information will be explained upon hire, and complete information about the benefit programs can be obtained from Finance Director. Represented employees should refer to their union contract for information on programs that may be specific to the bargaining unit. Benefit programs, coverage, and cost-sharing are subject to change from time to time based on insurance market conditions, City resources, and changes to applicable bargaining agreements.

HRA VEBA PLAN

The City has adopted the HRA VEBA Medical Expense Plan (“Plan”). The City shall contribute to the Plan on behalf of all non-union employees (“Group”) defined as eligible to participate in the Plan. Represented employees should refer to their Collective Bargaining Agreement. Each eligible employee must submit a completed and signed Enrollment Form to become a Plan participant and be eligible for benefits under the Plan.

Eligibility is limited to full-time employees and regular part-time employees who are eligible to receive health care benefits. The City will fund the Plan at \$125.00 per month per eligible full-time employee and on a pro-rated basis for eligible regular part-time employees. Part-time employees working less than 20 hours per week, seasonal, and temporary part-time employees are not eligible to receive an HRA VEBA Account.

8.6 UNEMPLOYMENT COMPENSATION

City employees may qualify for State unemployment compensation after termination from City employment depending upon the reason for termination and if certain qualifications are met.

8.7 SAFETY FOOTWEAR

Substantial footwear, as defined by WAC 296-155-212, shall be worn by an employee performing work in which there is danger of injury to the feet through falling or moving objects, burning, scalding, cutting, penetration, or like hazard.

The Department Director will determine the budget and intervals for replacement based on safety regulations and actual deterioration. When unable to be invoiced to the City, approved expense will be reimbursed from a purchase receipt provided by employee.

8.8 SAFETY EQUIPMENT AND RAIN GEAR

Use of City furnished safety equipment and rain gear is limited to wearing on duty or during approved volunteer activities. Safety hats, masks, raingear, rubber boots, reflective vests, and gloves will be provided to employees when needed. Employee safety hats and reflective vests shall bear the City of Ephrata logo. Safety equipment and raingear shall always remain the property of the City and shall be returned upon termination of employment.

8.9 CITY APPAREL

Use of City furnished clothing is limited to wearing on duty or during approved volunteer activities. City furnished work clothes shall be maintained in a presentable manner by the employee. The employee is responsible for cleaning issued clothing. City apparel shall be deemed necessary and replaced as needed, as determined by the Department Director. An approved expense will be reimbursed from a purchase receipt provided by employee.

8.10 EMPLOYEE IDENTIFICATION CARDS

All employees will be issued a City of Ephrata identification card that shall be always with them when working to be easily identified as an employee by the public and in the event of emergencies.

8.11 WELLNESS PROGRAM

MISSION

Information The City of Ephrata recognizes employees alone create quality and efficient local government services. The health of our employees directly affects their ability to perform their job duties and provide services to its citizens. The health of our employees also has a direct effect on the costs of the City. The City recognizes the need to contribute in a positive way to the health and well-being of our employees. This policy is established as a means to provide information and activities to City employees to encourage health, safety, and efficiency in the work environment.

GOALS

1. Lead by example and demonstrate improved quality of life, and quality of work, through healthy lifestyles.
2. Improve morale, efficiency, well-being, and our service to the community.
3. Reduce long-term costs related to treatment of illness and injury.

METHODS

The City may establish a Wellness Team to recommend to the Administration and Council such measures to achieve the three goals. These methods will include the following:

- Use of leave for membership at an Administration approved athletic club.
- Use of leave for individual lap-swim pass to Splashzone.
- Special events to educate and inform the staff and community about healthy and safe lifestyles.
- Processes for employees to monitor their health, exercise routine, and promote healthy and safe lifestyles.

ELIGIBILITY

Employees desiring to participate in the use of leave for membership or passes must meet the following criteria, as determined each January:

1. Successful completion of their probationary period.

2. Maintain minimum balances for use of leave hours.
3. No history of sick-leave abuse.
4. Commitment of 1-year to the program.

CONVERSION OF LEAVE

For the purpose of memberships or Splashzone pass purposes only, employees meeting the eligibility requirements may convert sick leave hours to a cash-equivalent, solely for the use in the wellness program. The City Clerk, with the approval of the City Administrator, shall annually average all City employees' total monthly salary. That figure shall correspond to a number of hours of leave equivalent to the employee's cost of membership to the approved athletic club or lap-swim pass, rounded to the nearest .25/hour. Non-eligible employees are allowed to use payroll deduction for memberships or passes.

MINIMUM BALANCES

- 1st Year of Employment: 84 hours
- 2nd Year of Employment: 112 hours
- Thereafter: 140 hours

Employees wishing to withdraw are responsible for notifying the Wellness Coordinator and City Clerk, and must pay any associated fees. All withdraws must be done no later than the 20th of each month.

All benefited employees may participate and qualify for incentives of AWC sponsored Wellness Committee events. Non-AWC benefited employees are encouraged and allowed to participate in Wellness events but may not receive AWC funded incentive awards.

COMMITTEE

The Wellness Committee may assist with the planning, oversight, management, promotion and execution of the program activities.

1. The Committee may have at least 4 members.
2. The Mayor shall appoint interested employees to the Committee.
3. The Mayor shall endeavor to ensure that the Committee is representative of the entire City workforce.

The Committee shall generally have the following duties:

1. Formulating recommendations to the Administrator for action.
2. Attending Wellness meetings.
3. Assisting other members with their Wellness events.
4. Representing your department and educating them of the various Wellness activities.
5. Sharing ideas freely and raising any concerns or objections and offering alternative solutions when a decision is to be reached by consensus.

6. Working in conjunction with management and AWC to increase awareness about the benefits of healthy living.
7. Other duties as assigned.

8.12 WORKERS' COMPENSATION PROGRAM

All employees are covered by the Workers' Compensation Program as regulated by the State of Washington State Department of Labor and Industries.

It will be the responsibility of the employee to report a work-related injury/illness immediately to their supervisor or designee. The supervisor shall direct the injured employee to seek immediate medical treatment if necessary and shall be responsible to ensure that that the employee completing an Accident form.

If an employee files an L&I claim, the employee can request that accrued sick leave, vacation, comp time, and/or floating holiday time be applied to the leave, pending receipt of Worker's Compensation benefits. When the employee received Workers' Compensation benefits, they are required to repay the City the amount covered by Workers' Compensation and previously advanced by the City. Upon the repayment of funds advanced, the appropriate amount of vacation, comp time, floating holiday, and sick leave, in this order, shall be restored to the employee's account.

The City may require an examination at its expense, performed by a physician of its choice, to determine when the employee can return to work and if they can perform the essential duties of the position, with or without a reasonable accommodation.

CHAPTER 9 - LEAVES

9.1 HOLIDAYS

The following holidays will be paid to all regular status City employees. To receive holiday pay, an eligible employee must be in paid status or taking an approved absence on the workdays immediately preceding and immediately following the day on which the holiday is observed. An approved absence is a day of pre-approved vacation, sick leave, floating holiday, or comp time. If an employee is absent on one or both days because of an illness or injury, the City may require verification of the reason for the absence before approving holiday pay.

If a holiday below falls on a Saturday, the preceding Friday shall be given as a holiday. If the holiday falls on a Sunday, the following Monday shall be granted as the holiday. If the holiday falls on an employee’s regularly scheduled day off, the employee shall be granted another day off during the work week in which the holiday was observed. When a holiday falls within a period of paid leave, the holiday shall not be counted in computing the amount of paid leave used.

Employees shall accrue five (5) Floating Holidays at the beginning of the year to be taken within the calendar year. Exempt employees shall be granted an additional five (5) Administrative Holidays at the beginning of each year to be taken within the calendar year. Any unused Floating/Administrative Holidays shall not be carried forward at year end. Employees shall be eligible for the Floating/Administrative Holiday(s) (prorated) following five months of continuous employment unless otherwise addressed by a collective bargaining agreement.

All permanent employees shall receive their regular compensation for each holiday. If an employee is required to work on a holiday, it shall be the employee’s option to choose compensatory time or overtime for the time worked. All holidays are paid on a prorated basis and shall not exceed 8 hours of pay per holiday. Part-time employees, scheduled to work less than forty (40) hours in the workweek, shall receive holiday pay on a prorated basis, when a holiday falls on their normally scheduled workday.

HOLIDAY	DATE OBSERVED
New Year’s Day	1 st day of January
Memorial Day	Last Monday in May
Independence Day	4 th day of July
Labor Day	1 st Monday in September
Veteran’s Day	11 th day of November
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day immediately following Thanksgiving
Christmas Day	25 th day of December
Floating Holiday(s)	Five paid holidays per calendar year (to be taken within the calendar year – prorated for new employees)
Administrative Holidays	Five paid holidays per calendar year for exempt employees (to be taken within the calendar year – prorated for new employees)

Under Washington law all employees are entitled to up to two unpaid holidays per calendar year for “a reason of faith or conscience or an organized activity conducted under the auspices of a

religious denomination, church, or religious holiday.” Partial days off will count as a full day toward your yearly allotment.

If you seek to take an unpaid day off under this law, you must submit a Request for Leave of Absence form to your Department Director, at least two weeks in advance. The form must include: the date you are requesting off listed on the “other” row, you must also include a sufficient description of the reason for the leave in the box provided, so that your Department Director can determine if it is an allowable request.

The request can be denied if:

- It was not submitted timely, or
- The reason for the requested leave is not appropriate under the law, or
- You have already exhausted your allotment of days off under the law, or
- You are in a public safety position, such as police or fire, and granting the leave would result in the shift falling below minimum staffing levels, or
- Granting the request would cause an undue hardship.

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

Temporary and other non-benefit employees are not entitled to holiday benefits.

9.2 ANNUAL VACATION LEAVE

ANNUAL VACATION LEAVE ACCRUAL

All employees shall accrue vacation leave at the accrual rate as listed in the chart below:

Year of Service	Hours Per Pay Period	Annual Hours Earned
0-5	12.0	144
6-15	16.0	192
16-19	18.64	224
20-24	19.33	232
25+	24	288

Annual vacation accrual will be prorated for regular-status, part-time employees based on the number of hours worked.

Except as otherwise noted in this policy, service credit for vacation accrual purposes shall be based upon the total length of continuous service with the City. All new employees shall accrue vacation leave through the first year of employment but must be employed twelve (12) months before vacation leave may be taken; provided however, upon receipt of a statement from a licensed physician or health care practitioner an employee may use vacation leave up to the accrued amount in the first year of employment after sick leave is exhausted.

Vacation hours shall accrue according to the accrual rates set forth above. However, under special circumstances, and with prior approval of the City Administrator, additional vacation or a higher accrual rate may be granted in an offer of initial employment with the City due to previous

experience. Granting such additional vacation leave as part of an employment offer is solely at the City Administrator's discretion. In most cases, this provision will apply only to supervisor or director level employees. If higher accrual rate is granted, employee will be placed on the vacation scale with a credit for the number of years of prior service and will progress accordingly.

Employees who are hired on the first day of a 30 day pay period will accrue vacation on that pay period. Employees who are hired in the middle of a pay period will begin accruing vacation the following pay period.

Employees who leave employment on the last day of a 30 day pay period will accrue vacation for that pay period provided they have not reached the maximum hours of vacation accrual for their years of service as listed above. Employees who leave employment before the end of a full 30 day pay period will not accrue vacation for that pay period.

At the end of each calendar year an employee shall only carryover into the next year a maximum of 280 hours. For any excess Vacation Leave over 280 hours, the employee shall be paid up to a maximum of 80 hours and any remaining hours will be moved into sick leave. An employee may address extenuating circumstances for the conversion of unused leave with their Department Director and City Administrator.

USE OF ANNUAL VACATION LEAVE

Employees shall submit requests for use of Vacation Leave to his or her supervisor in accordance with Department policy. Department Directors are responsible for the administration of reporting procedures and may establish a minimum number of hours for reporting prior to the beginning of each shift. Management reserves the right to approve when vacations are taken to ensure adequate staffing levels.

ANNUAL VACATION LEAVE PAYOUT

At the time of separation or retirement, employees shall receive a cash amount of their vacation accrual up to a maximum of 280 hours. Upon death of an employee, accrued Vacation Leave shall be paid to the employee's estate or, heirs if applicable, as provided by RCW Chapter 11, up to 280 hours. All hours accrued above the maximum cap shall be forfeited. The cash value of the accrued vacation shall be equal to the hours in the employee's vacation balance, or the applicable limit, times their base hourly rate as it exists at the time of separation.

9.3 SICK LEAVE

In compliance with Washington State's Paid Sick Leave, all employees shall begin to accrue sick leave upon employment with the City. Represented employees should refer to the applicable bargaining agreement for their accrual benefits.

SICK LEAVE ACCRUAL REGULAR FULL-TIME EMPLOYEES

Sick leave will accrue at the rate of eight (8) hours per month upon employment with the City in full-time, regular-status positions. Accrued sick leave of a former employee shall be reinstated and the previous period of employment shall be counted for purposes of determining sick leave use eligibility if the employee is rehired within 12 months from their separation from employment with the City.

SICK LEAVE ACCRUAL PART-TIME, SEASONAL AND TEMPORARY EMPLOYEES

Sick leave accrual will be prorated for part-time, temporary, and seasonal employees based on the number of hours worked. The accrual rate will be equivalent to 1 hour for every 40 hours worked. Part-time, seasonal, and temporary employees may carry over up to 40-hours of accrued sick leave to the following year. Any accrual over 40-hours at the end of the year shall be forfeited without compensation. Part-time, seasonal, and temporary employees shall be allowed to cash out 50% of their accrued sick leave, at the end of each season or term, at their final hourly rate for that season, up to 20-hours total cash out. Accrued sick leave of a former employee shall be reinstated and the previous period of employment shall be counted for purposes of determining sick leave use eligibility if the employee is rehired within 12 months from their separation from employment with the City.

USE OF SICK LEAVE

Sick leave may be used for the following:

- An employee's own or family member's mental or physical illness, injury, or health condition, medical diagnosis, care or treatment of the same, or preventive medical care.

Family member is defined as:

- A child (Including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status);
 - A parent (Including a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child).
 - A spouse.
 - A registered domestic partner.
 - A grandparent.
 - A grandchild; or
 - A sibling.
- Closure of the employee's place of business or child's school/place of care by order of a public official for health-related reasons.
 - If the employee or the employee's family member is a victim of domestic violence, sexual assault, or stalking. See Section 9.12 Domestic Violence/Sexual Assault Leave.

To be granted sick leave with pay, an employee eligible for sick leave under this policy for a qualifying absence, must notify his/her supervisor at least 10 business days in advance of a foreseeable absence, or as soon as practicable. If the qualifying absence is unforeseeable, the employee must notify his/her supervisor as soon as practicable.

The City may require documentation regarding the use of leave where an employee uses more than three consecutive days of paid sick; provided that if the request for documentation would result in an unreasonable burden or expense, the City will confer with the employee to address

this concern. With respect to such documentation, the City will not require disclosure of the nature of the illness or other private medical information unless necessary to also evaluate a request for reasonable accommodation of a disability or for other lawful reason.

SICK LEAVE UPON REHIRE FOR PART-TIME, TEMPORARY, AND SEASONAL EMPLOYEES

If a part-time, temporary, or seasonal employee separates from the City and is rehired within 12 months any sick leave balance that existed at the time of separation, that has not been paid out, will be reinstated, provided that if the rehire occurs in the following calendar year, reinstatement of the balance will be limited to no more than 40 hours.

SICK LEAVE PAYOUT

Unused accumulated sick leave will be paid upon death, retirement, voluntary termination, or a reduction in force on the following basis: After an employee reaches a threshold of Two hundred (200) hours of unused accumulated extended leave, compensation for accumulated illness leave above and including the threshold shall be paid at Fifty percent (50%) of total unused accumulated extended leave hours at their current rate of pay. Maximum compensation shall not exceed Four hundred eighty (480) hours.

Unless provided by an employment agreement, terminations by the City shall not result in payment for any unused sick leave.

Any employee found to have abused sick leave privileges by falsification or misrepresentation shall be subject to corrective action, including but not limited to, repayment to the City of any amounts paid to the employee for such periods of absence, suspension, and/or discharge.

9.4 WASHINGTON FAMILY CARE ACT

Consistent with the Washington Family Care Act, employees may take any accrued leave (e.g., vacation or sick leave) that they have available to:

- Family member with a serious health condition.
- Child with a health condition requiring treatment or supervision including preventative health care.
- Wife or daughter who is disabled because of pregnancy or childbirth.

Qualifying Family Members include:

- Child under 18 (biological, adopted, foster, stepchild, etc.) or adult child incapable of self-care
- Parents
- Spouse
- Registered domestic partner
- Parents-in law
- Grandparents

Employees are required to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City reserves the right to require verification or documentation confirming a family member's health condition when available leave is used to care for that family member; provided, that if the employee elects to use paid sick leave, verification procedures described in the sick leave policy will be applied.

Leave taken under this policy may also qualify as Family and Medical (FMLA) leave and, if so, will run concurrently.

9.5 SHARED LEAVE

The purpose of shared leave is to permit City employees, at no additional cost to the City, to aid another City employee who is suffering from or who has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his or her employment.

Shared leave may be requested by a non-probationary regular-status employee needing shared leave or by any individual aware of an employee's need for shared leave by notifying their Department Head in writing. If the request is submitted by someone other than the employee, the request will not be processed further without the employee's consent. The request for shared leave will be considered if all the following conditions apply:

- The employee who is in a no pay status who suffers or has an immediate family member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which is likely to cause the employee to take leave without pay or to terminate his/her employment with the City.
- The employee has depleted or will deplete his/her total accrued vacation, sick leave, compensatory time, holiday time, and other accrued paid leave.
- Prior to the use of shared leave, the employee has abided by the City's "Sick Leave" and "Absence from Work" policies. Failure to provide proper leave notification to the employer in a timely manner and/or receipt of any corrective/disciplinary action for absenteeism or attendance-related problems may be cause for denial of this request.
- The employee has been found to be ineligible for Labor and Industries worker's compensation benefits or LEOFF I disability leave.
- The employee has provided a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition.

The City Administrator will determine the amount of shared leave which an employee may receive. The employee will provide appropriate medical justification and documentation which supports the necessity for the leave and the duration of the absence. An employee may receive no more than a total of 160 hours of shared leave in any 12-month period. The 12-month period is defined as a 'rolling' 12-month period measured backward from the first date an employee uses shared leave.

The City Administrator will approve the transfer of a specified amount of accrued vacation leave to shared leave. The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below 80 hours. Leave

may be transferred from employee(s) in one department to an employee of the same department or to an employee of another department.

While an employee is on shared leave, he/she will continue to be classified as a City employee and shall receive salary and benefits as he/she would otherwise receive if using accrued leave. All salary benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.

The Finance Director or designee is responsible for computing shared leave as well as for adjusting the accrued leave balances to show the transferred leave. All shared leave donations will be distributed equally from each donor each pay period to the employee receiving the donated hours. Records of all leave time transferred will be maintained and any leave transferred which remains unused will be returned to the employee or employees who donated the leave.

The City Administrator or designee will monitor the program and maintain all shared leave records to ensure impartial treatment of all City employees. Inappropriate use of the provisions of this policy may result in the cancellation of the donated leave or use of shared leave. In no event will any unused shared leave be paid to the employee in the event of leaving employment with the City.

The City of Ephrata, at its sole discretion, may cancel this program. Participation in the program will be predicated upon a receipt from each affected bargaining unit of a written waiver by the appropriate union representative indicating that the union understands that the program will not establish a past practice by the City or otherwise obligate the City to continue the program and acknowledges that the City may cancel the program at any time or review it on one-year increments, extending it from time to time as the City, in its sole discretion, determines appropriate.

Employees wishing to donate vacation leave to another employee should obtain a Voluntary Shared Leave Donation Form from the City Administrator.

All donations of leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

9.6 BEREAVEMENT LEAVE

With the department Director's and/or supervisor's approval, non-union personnel may be granted up to five (5) days leave with pay to assist with funeral arrangements and attend funeral services for immediate family members. For the purposes of bereavement leave, immediate family includes only persons related by blood or marriage: spouse, children of employee; mother, father, brother, sister of employee; mother, father, brother, sister of employee's spouse; and grandparents of employee or spouse. When funeral attendance requires travel beyond five hundred (500) miles, the employee may make a request and obtain approval for an extension of leave by the supervisor, the department Director, and final approval by the City Administrator. The request for an extension must state the number of days needed and include the date of return to work. An employee must use their leave accruals (vacation, sick, or compensatory time) for the extension. If the employee does not have any leave accruals, he or she must request leave without pay. Bereavement leave for union employees will be granted in accordance with their collective bargaining agreement.

Bereavement leave is not considered sick leave or vacation leave.

Leave with pay may be granted to City employees required to attend funerals as a matter of protocol. Prior approval must be granted by the City Administrator before leave may be taken. The request for leave shall contain the names of all employees who are to attend, including their expected period of absence. Only full-time regular-status employees are eligible for bereavement leave.

9.7 JURY DUTY/COURT APPEARANCE

The City encourages employees to take part in the judicial process. Therefore, a leave of absence may be granted to those regular status employees (as defined in 3.5) who are called for jury duty or those compelled to attend court for any work-related reason. Those employees who are subpoenaed as witnesses for cases in which they are not a party in the action will also be granted a leave of absence.

Eligible employees will be compensated by the City of Ephrata during their period of jury service, or when appearing at the direction of the City. In this case, all funds received by the Employee, either being a witness or being a juror shall be immediately remitted to the City. Mileage payments paid by the court for transportation are exempt from the refund requirements.

Employees who are required to appear in court for personal matters are not eligible under this policy and must request vacation or compensatory time. If vacation or compensatory time is not available or the employee does not have sufficient hours, then leave without pay must be requested prior to the scheduled court appearance.

Employees are expected to return to work during lapses or recesses in court appearances that are greater than four (4) hours.

Any union personnel who are required to attend court in their regular course of employment shall be compensated in accordance with the terms and conditions set forth in the collective bargaining agreement.

When called for jury duty or a court appearance, the employee shall provide a copy of the summons or subpoena to his/her immediate supervisor and the Finance Director and a request for leave of absence form as soon as possible.

9.8 FAMILY AND MEDICAL LEAVE (FMLA)

It is the policy of the City of Ephrata to grant up to twelve (12) weeks of family and medical leave during any twelve (12) month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA), upon receiving sufficient information from the employee and/or the employee's medical provider to determine that the reason for leave is an FMLA qualifying reason under the Family and Medical Leave Act. If the reason for leave is determined to be an FMLA-qualifying reason, the City of Ephrata must follow FMLA regulations and designate leave as FMLA, regardless of the preference of the employee.

FMLA leave is a job-protected, unpaid leave; however, it may be paid by utilizing accrued leaves, depending on the circumstances, and as specified in this policy.

To qualify to take family and medical leave under this policy, the employee must meet **all** of the following conditions:

1. The employee must have worked for the City at least twelve (12) months, or fifty-two (52) weeks. The twelve (12) months or fifty-two (52) weeks need not have been consecutive.
2. The employee must have worked at least 1,250 hours (average twenty-four (24) hours per week) during the twelve (12) month period immediately before the date when the leave would begin.

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care.
- To care for a spouse, son, daughter, or parent who has a serious health condition.
- To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care, or childbirth); or
- For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a **covered military member** who is on active duty or has been notified of an impending call to active duty in support of a contingency operation. Covered military members include members of the National Guard or Reserves and certain retired military service personnel who have been called to active duty or notified of an impending call to active duty.
- Definition of Qualifying Exigency: Qualifying exigencies are generally activities related to the active duty or call to duty, including short-notice deployment, attending certain military events, arranging for alternative childcare or parental care, addressing certain financial and legal arrangements, attending certain counseling sessions, rest and recuperation, and attending post-deployment reintegration briefings.

An eligible employee may also take up to twenty-six (26) weeks of leave during a single twelve (12) month period to care for an injured service member who is the employee's spouse, parent, child, or next of kin. A covered service member is a current member of the Armed Forces, including National Guard or Reserves members, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. For purposes of this kind of leave, the twelve (12) month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed twenty-six (26) weeks in the applicable leave year.

A "serious health condition" means a health condition which involves:

1. Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.
2. A period of incapacity of more than three consecutive calendar days that also involves continuing treatment by a health care provider and any subsequent treatment or period of incapacity relating to the same condition.
3. A period of incapacity due to pregnancy or for prenatal care.

4. A period of incapacity or treatment for such incapacity due to a chronic, serious health condition (e.g., asthma).
5. A permanent or long-term period of incapacity because of a condition for which treatment may not be effective (e.g., Alzheimer's).
6. A period of absence to receive multiple treatments (including any period of recovery therefrom) for restorative surgery after an accident or other injury; or multiple treatments for a condition which would likely result in a period of incapacity of more than three consecutive calendar days if not treated (e.g., Cancer).

“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: (a) under eighteen years of age; or (b) eighteen years of age or older and incapable of self-care because of a mental or physical disability. Persons who are *in loco parentis* include those with day-to-day responsibilities to care for and financially support a child.

“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. This term does not include parents “in law.”

FMLA TRACKING

An eligible employee can take up to twelve (12) weeks of leave under this policy during any twelve (12) month period. The twelve (12) month period is defined as a ‘rolling’ twelve (12) month period measured backward from the date an employee uses FMLA leave. For example, if an employee requests and is granted a twelve (12) week FMLA leave beginning March 1 of one year, then that employee would not be eligible for any additional FMLA leave until March 1 of the following year. Each time an employee takes FMLA leave, the City (payroll) will compute the amount of leave the employee has taken under this policy and subtract it from the twelve (12) weeks of available leave and the balance remaining is the amount the employee is entitled to take.

SPOUSES

If spouses both work for the City, are both eligible for FMLA, and each wish to take leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent with a serious health condition, they may only jointly take a total of twelve (12) weeks of FMLA leave. Each spouse is, however, eligible for the full twelve (12) weeks of leave in the twelve (12) months leave period to care for a child or spouse with a serious health condition or for either employee’s own serious health condition.

EMPLOYEE STATUS AND BENEFITS DURING LEAVE

During all leave under this family and medical leave policy, the City will continue to pay the employer’s portion of health insurance premiums, provided that the employee continues to pay his/her share of insurance premiums, if any. Failure of the employee to pay his/her portion of the premium may result in cancellation of health insurance. Leaves such as vacation and sick leave will continue to accrue during paid leave but not during unpaid leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount it paid for the employee’s health insurance premium during the leave period.

If the employee does not return at the end of the FMLA leave period, the employee's notification of his/her intent not to return will be the COBRA qualifying event.

EMPLOYEE STATUS AFTER LEAVE

Upon completion of FMLA leave, the employee will be entitled to:

1. Return to the same position or a position with equivalent status, pay, and benefits; or
2. If circumstances have changed so that neither the same position nor an equivalent position is available, the employee shall be offered any other position which is vacant and for which the employee is qualified.

Reinstatement is not required if one or more of the following conditions exists:

1. The position was eliminated by a bona fide restructuring or reduction in force.
2. The employee takes another job while on leave.
3. The employee fails to return from the leave at the agreed FMLA ending date.

LEAVE FOR PREGNANCY DISABILITY AND TO CARE FOR NEWBORN

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

NOTICE

Employees who need to take time off due to their own or a family member's serious medical condition as described above must provide the City with at least thirty (30) days' notice of the need for leave if the need for leave is foreseeable. If thirty (30) days advance notice is not possible, notice must be provided as soon as practicable (which is generally the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the City's regular procedural requirements when requesting FMLA leave. When requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of the requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified. An FMLA form can be obtained from the Clerk's Office for the type of FMLA leave being requested.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment to prevent disruptions to City operations. In addition, employees who need leave for their own or a family member's serious health condition must provide medical certification from a health care provider of the serious health condition. The City may require a second or third opinion (at City expense), periodic recertification's of the serious health condition and, when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. Employees who need leave for a qualifying

exigency arising from a family member's military leave must provide a certification confirming the need for leave. The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

USE OF PAID AND UNPAID LEAVE

While on FMLA leave, employees must first use accrued sick paid leave, then vacation, or other accrued leave and, if necessary, take the remainder of FMLA leave as unpaid leave. Accrued paid leave shall be used according to applicable policies and procedures or as specified in the collective bargaining agreement. FMLA shall run concurrently with paid sick leave or any other accrued paid leave when the reason for the leave meets the FMLA criteria. If a worker's compensation injury/illness meets the criteria for a serious health condition, the worker's compensation absence and the FMLA leave entitlement shall also run concurrently.

INTERMITTENT OR REDUCED WORK SCHEDULE LEAVE

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

ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

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

CERTIFICATION OF SERIOUS HEALTH CONDITIONS

The City may ask for certification of the serious health condition. The employee should respond to such a request within fifteen (15) days. Failure to provide certification may result in a denial of continuation of leave. Medical certification may be provided by using the Certification of Health Care Provider form.

Certification of the serious health condition shall include: the date when the condition began, its expected duration and a brief statement of treatment. For medical leave for the employee's own medical condition, the certification must also include a statement that the employee is unable to

perform work of any kind or is unable to perform the essential functions of the employee's position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

If the employee requests leave on an intermittent or reduced schedule basis for the employee's serious health condition, including pregnancy, that may result in unforeseeable episodes of incapacity, information sufficient to establish the medical necessity for such intermittent or reduced schedule leave and an estimate of the frequency and duration of the episodes of incapacity must be included on the certification.

DISPUTE RESOLUTION

In the event of a dispute as to whether and when an employee is entitled to FMLA leave, the City may require confirmation by a health care provider.

The City may, at its own expense, obtain a second opinion as to whether the necessary conditions of the leave are met.

If the two opinions disagree on any factor which is determinative of leave eligibility, the two health care providers may select a third, whose opinion obtained at the City's expense, and shall be conclusive.

FOR GUIDANCE

For more information on any of these leave policies, or if you think you may need to take Family and Medical Leave, please contact the City Administrator. The leave laws, particularly those applicable to pregnancy and childbirth, can be confusing. Employees are encouraged to contact the City Administrator with any questions about how the various laws are coordinated in a particular situation.

9.9 WASHINGTON PAID FAMILY AND MEDICAL LEAVE

The Washington State Paid Family and Medical Leave (PFML) law and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. This policy provides a summary of the PFML program. Employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the Employer will administer this benefit program consistent applicable statutes and regulations.

PAYROLL DEDUCTIONS

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

ELIGIBILITY

Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows:

Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.

Job Protection: In order to be eligible for job protection under PFML, an employee must have worked for the Employer for at least 12 months and have worked 1250 hours in the last year.

An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for remuneration or profit (e.g., outside employment or contracting).

LEAVE ENTITLEMENT

Eligible employees are entitled to take up to 12 weeks of medical or family leave, or a combined total of 16 weeks of family and medical leave per claim year; an additional two weeks of leave may be available in the event the employee's leave involves incapacity due to her pregnancy. The claim year begins when the employee files a claim for PFML benefits. PFML leave may be taken for the following reasons:

- Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the Family Medical Leave Act (FMLA) and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.
- Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA. For purposes of family leave, covered family members include the employee's child, grandchild, parent (including in-laws), grandparent (including in-laws), sibling, or spouse.

PFML runs concurrently with FMLA where an absence is covered by both laws. PFML leave may be taken intermittently, if there is a minimum claim requirement of eight consecutive hours of leave in a week for which benefits are sought.

PFML APPLICATION PROCESS

An employee must submit an application to ESD to seek PFML benefits. For guidance on the application process, please refer to the ESD website (www.paidleave.wa.gov). Eligibility determinations will be made by ESD. If approved, the employee will need to file weekly benefit claims with ESD to continue receiving benefits.

NOTIFICATION REQUIREMENTS

An employee must provide written notice to the City of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and

duration of the leave. If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

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

If taking leave intermittently, an employee must notify the City each time PFML leave is taken so that the Employer may properly track leave use.

PFML MONETARY BENEFITS

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage, subject to a weekly maximum (which is \$1,206 for 2021 and thereafter subject to annual adjustments by the State). ESD's website includes a benefits calculator to assist employees in estimating their weekly benefit amount.

Except for leave taken in connection with the birth or placement of a child or leave taken for a qualifying military exigency, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued leave to cover absences during the waiting period.

Paid leave accruals (vacation, sick leave, floating holidays, compensatory time, or any other accrued leave) are not supplemental to PFML benefits, meaning that an employee cannot receive accrued leave and PFML benefits for the same absence. If an employee elects to use accrued leave during a PFML-covered absence, the receipt of accrued leave must be reported to ESD as part of the PFML claims process and will result in a pro-rated (reduced) weekly PFML benefit to reflect that the employee already received some compensation for the absence.

Important note: failure to report the receipt of accrued leave may result in an overpayment by ESD, which ESD may recoup from the employee.

COORDINATION WITH OTHER BENEFIT PROGRAMS

When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in unpaid status for purposes of City policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City policy and subject to any FMLA or other legal requirements requiring continuation of coverage.

JOB RESTORATION; RETURN TO WORK RECERTIFICATION

An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). The City may require a return-to-work certification from a health care provider before restoring the employee to

work following PFML leave where the employee has taken leave for the employee's own serious health condition.

9.10 ADMINISTRATIVE LEAVE

Department Directors may place employees on paid or unpaid administrative leave, with the approval of the City Administrator, for unusual circumstances including, but not limited to:

- Pending investigations.
- Pending disciplinary action.
- Pending a fitness-for-duty assessment by City-appointed physician; or
- Acts of nature which may create a dangerous work environment.

Exempt employees may be granted administrative leave with pay at the discretion of the City Administrator, which shall not exceed twenty-two (22) working days within any twelve (12) month period for purposes other than personnel, disciplinary, fitness for duty investigations, or other matters which require extended inquiry.

9.11 MILITARY LEAVE & RETURNED VETERAN RE-EMPLOYMENT

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

Any regular-status employee of the City shall be entitled to a paid military leave of absence for a period not exceeding 21 working days during each year beginning October 1 and ending the following September 30. For purposes of this policy, a working day is calculated according to the number of days the person would have worked, but for the military commitment. Thus, if the employee was scheduled to work two hours on a calendar day, but for the military commitment, that would be a military leave day. Similarly, if the employee was scheduled to work twelve hours on a single calendar day, that too would constitute one military leave day.

Such leave shall be granted in order that the person may report for active duty, when called, or take part in active training duty in such manner and at such time as he or she may be ordered to active duty or training duty. (RCW 38.40.060). Military leave beyond the 21 days of paid time off will be unpaid, provided that employees may elect to use accrued vacation, compensatory time or other available time off during the period of military leave. Employees should notify their supervisor as soon as they receive notice of the need to report for military leave and provide the supervisor with a copy of the orders.

Military leave with pay shall be granted only when an employee receives bona fide orders to temporary active duty or training duty and shall not be paid if the employee fails to return to his/her position immediately following the expiration of the period ordered. An extension may be granted for circumstances beyond the control of the employee, i.e., transportation delays from overseas deployment exercises, hospitalization due to injuries sustained while on active duty, or in cases where the employee is retained in an active-duty status for matters pertaining to the Uniform Code of Military Justice.

Any regular-status employee of the City who is called or volunteers for service with the armed forces of the United States or Washington National Guard may be granted military leave without pay, provided that such request is in writing, accompanied with a validated copy of military orders ordering the employee into active service, and that the period of service is four (4) years or less. The City reserves the right to request of the armed forces that an employee not be ordered to service. Eligibility for and terms of reinstatement are administered in accordance with RCW 73.16.033.

An employee temporarily hired by the City or assigned 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, the employee filling the vacancy is returned to his/her original position or an equivalent position subject to the provisions of RCW 73.16.033. A temporary employee is subject to lay-off if no other position is available.

The City will comply with the requirements of Chapter 73.16 RCW and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as amended, with respect to unpaid leave of absence and return rights for employees who leave City service to serve in the Armed Forces of the United States. An employee who takes a military leave of absence from City employment may choose to run out his or her unused vacation balance, compensatory time off, personal holidays, and executive and merit leaves, as applicable, prior to going on unpaid status. An employee who leaves a job, voluntarily or involuntarily, to enter active duty in the United States armed forces, shall be granted a military leave of absence with guaranteed restoration to his or her position upon release from active duty as long as:

1. The position is a regularly budgeted, non-temporary position;
2. The reason the employee leaves the position is to report for active duty;
3. The length of the employee's military leave of absence does not exceed 5 years except at the request of the federal government;
4. The employee is honorably discharged from the military; and
5. The employee applies for reemployment within a reasonable period of time following separation from active duty. The USERRA defines a reasonable period of time as:
 - For service less than 31 days, the beginning of the first regularly scheduled work day after release from active duty, allowing time to travel from the duty arena to the employee's residence, to rest, and to travel to the place of employment;
 - For service between 31 and 180 days, no more than 14 days following release from active duty; and
 - For service longer than 180 days, no more than 90 days following release from active duty.
 - An employee on military leave of absence shall continue to accrue service credit for purposes of salary step increments and seniority.
 - An employee's vacation accrual rate and unused vacation and sick leave balances shall be restored upon return from military leave of absence.
 - An employee who interrupts his or her probation or trial service with a military leave of absence shall complete the remainder of the probationary or trial service period upon

return. However, an employee returning from military leave of absence cannot be discharged except for cause for 1 year following his or her return, if the military leave of absence was for 181 days or longer, or for 6 months following his or her return if the military leave of absence was at least 30 days but less than 181 days.

When an employee who was in a probationary service status at the time of leaving for military service returns to City employment, the employee shall complete the remaining portion of the trial service.

Pursuant to RCW 49.77 Leave of Spouses and Registered Domestic Partners of Military Personnel. During a period of military conflict declared by the President or Congress, an employee who is the spouse or registered domestic partner of a member of the Armed Forces, National Guard or Reserves is entitled to up to fifteen (15) days of unpaid leave while their spouse and/or registered domestic partner is on leave from deployment, or before and up to deployment. The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

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

Employees on extended tours of active duty shall complete an application for reemployment within ninety (90) days following the date of separation from active military duty. Failure to comply with these military leave procedures shall terminate military leave and the employee's reemployment privilege as defined above. If an employee voluntarily reenlists, his/her military leave shall be deemed canceled and reemployment privileges denied.

9.12 MATERNITY / PARENTAL / FAMILY LEAVE

MATERNITY LEAVE

Maternity leave is available to female employees due to pregnancy and childbirth, as follows:

1. Pregnancy disability leave, and
2. Family leave for the birth of a child in order to care for that child for qualified employees as covered by the Family and Medical Leave Act (FMLA) and Washington Family Leave Act (FLA).

Pregnancy Disability Leave: Pregnancy disability leave is granted for the period that a woman is temporarily sick or disabled because of pregnancy or childbirth. Such leave is limited to the actual period of disability. An employee taking leave due to pregnancy disability during pregnancy or recovering after the birth of a child must first use paid sick leave. The employee must then use paid vacation, compensatory time, and all other accrued leave, and then will be eligible for unpaid leave for the remainder of the period of pregnancy disability. Request for additional leave beyond the actual period of disability as defined in this policy may require medical documentation in accordance with the Family and Medical Leave Policy. To be eligible for continued City-paid

health benefits during pregnancy disability leave, a female employee must have worked at least 12 months for the City of Ephrata and for at least 1,250 hours during preceding 12 months.

Family and Medical Leave Under Federal Law: An employee may also be entitled to FMLA leave during the period of pregnancy disability leave. In such cases, the pregnancy disability leave will run concurrently with FMLA leave. For further information, refer to Family and Medical Leave Policy.

Parental Leave (Family Leave): The Family and Medical Leave Act entitles qualified employees to take up to 12 weeks of leave to care for a child due to its birth or placement for adoption or foster care. For further information, refer to Family and Medical Leave Policy.

Family Leave Under State Law: In addition to pregnancy disability leave, a qualified employee may take up to 12 weeks of leave for the birth of a child to care for that child. Washington Family Leave may run concurrently with FMLA but does not run concurrently with the pregnancy disability leave.

Leave Benefits: An employee in an unpaid leave of absence status will not accrue additional sick leave, vacation leave, or holidays during the period of absence.

Upon return from pregnancy disability or Family Medical Leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits, and conditions of employment, unless unusual circumstances may have arisen. An employee on such leave retains all rights, seniority, and benefits commonly offered City employees.

9.13 DOMESTIC VIOLENCE / SEXUAL ASSAULT LEAVE

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, registered domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave may be taken in blocks, intermittently, or on a reduced leave schedule. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g., vacation, sick leave, compensatory time) in connection with such leave. Due to the nature of the leave, a confidential agreement for leave time will be negotiated with the City Administrator and documented for time tracking purposes only.

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

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

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

Accommodation. The City will also make reasonable safety accommodations for any personnel who are victims of domestic violence, sexual assault, or stalking. Accommodations may include, for example, modification of a telephone number or email address, modified work schedule, or implementation of safety procedures. If you are a victim in need of safety accommodations, please contact the City Administrator.

Use of Paid/Unpaid Leave. Domestic violence leave is not limited by an employee's available paid time off. It can include reasonable amounts of unpaid leave. An employee can use any available leave (vacation, sick leave or leave without pay).

9.14 LEAVE OF ABSENCE WITHOUT PAY

Employees may request a leave of absence without pay for a period according to the following guidelines:

- **Medical Leave:** It is the policy of the City of Ephrata to grant up to twelve (12) weeks of family and medical leave during any twelve (12) month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993 (FMLA). Refer to the Family and Medical Leave Policy. Pregnancy disability leave is also granted for the period that a woman is temporarily sick or disabled because of pregnancy or childbirth. Refer to Washington Pregnancy Disability Leave and Washington Paid Family Leave policies. It is also the policy of the City of Ephrata to grant an unpaid leave of absence as a reasonable accommodation in accordance with state and federal law. See Disability Accommodation policy.
- **Non-Medical Leave:** If the absence would not cause undue disruption to the delivery of City services or otherwise be averse to the City's best interests, an unpaid leave of absence may be granted for a period not to exceed ninety (90) calendar days. Such leave may be granted at the City's sole discretion and may be used for personal or family situations after all other accrued leave has been exhausted; provided, sick leave accruals may not be used for non-medical leaves of absence. Reasons for non-medical leaves may include extended vacation, education, training, or childcare.

The City will not continue payment of insurance premiums while employees are on unpaid leave of absence, except for those employees who are entitled to continuation of health insurance coverage under the Family and Medical Leave Act or the Washington Paid Family Medical Leave Act. If an employee begins an unpaid leave of absence after the monthly premium has been paid by the City (normally during the first week of the month), insurance coverage will continue for that employee throughout the month. Employees who wish to keep their medical, dental, and vision coverage in effect while on unpaid leave are allowed to extend their health benefits in

circumstances when coverage would normally terminate. Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees, spouses and dependents have the option to continue health coverage on a self-pay basis when coverage would otherwise terminate (other than for gross misconduct). Depending on the circumstances, the employee or their dependents may extend benefits for up to eighteen (18), twenty-nine (29), or thirty-six (36) months at the employee's expense.

Seniority for purposes of salary or longevity increments, promotions, vacation accrual rate, etc., shall not be affected for the first thirty (30) days of unpaid leave. Thereafter, the employee's anniversary date will be adjusted to reflect the period of leave without pay.

An employee in an unpaid leave of absence status will not accrue additional sick leave, vacation leave, retirement credit, or holidays during the period of absence.

9.15 FURLOUGH

During certain budget situations, the City Administrator may allow or require an employee to take furlough. In furlough situations, regardless of whether the employee has existing leave available or not, the employee may be required to take time off without pay as a budget-reduction measure. All furlough is subject to the provisions of related Personnel Policies and existing state and federal laws and is subject to approval by the City Council.

9.16 FLEX TIME

At times it may be in the best interest of the City to work with employees on flexing schedules provided there is no adverse financial impact or performance cost to the City. At the employee's request or the City's direction, hours/shift may be modified.

The City is committed to a safe and healthy workplace. Rest breaks provide essential ergonomic and mental rest from the stresses of work. Start and end times for rest breaks may be altered. However, the employee may not combine rest breaks with meal periods to leave early or to report late to work. A non-exempt employee cannot waive the right to overtime pay for hours worked over 40 hours of work in a workweek.

Flex time is a temporary flexible hours schedule that allows the City or workers to alter workday start and finish times. In contrast to traditional work arrangements that require employees to work a standard 8 a.m. to 5 p.m. day, flextime typically involves a "core" period of the day during which employees are required to be at work, and a "bandwidth" period within which all required hours must be worked. The working day outside of the "core" period is "flexible time", in which the City or employees can establish alternate schedules, subject to achieving total daily and weekly hours within the "bandwidth" period set by the City, and subject to the necessary work being done. The total working time required of employees on temporary flextime schedules is the same as that required under traditional work schedules. Hours may not be flexed between workweeks.

CHAPTER 10 - DISCIPLINE AND TERMINATION

10.1 CORRECTIVE AND DISCIPLINARY ACTION

Supervisors are to give prompt attention to minor infractions, provide early counseling of employees when their behavior or job performance falls below acceptable levels, and allow reasonable time for employees to improve or correct problems brought to their attention when circumstances warrant.

The City subscribes to the principle of corrective action and follows a policy of progressive steps for minor infractions, as determined by the City. All corrective actions shall be documented on the Job Performance Documentation Record. Corrective action for minor infractions will normally begin with a documented Caution/Counseling and when circumstances warrant, proceed to a documented Written Warning. If the employee fails to correct performance or conduct after a Written Warning, disciplinary action is usually taken, proceeding to suspension from work with or without pay, demotion in status, and/or termination. However, in the case of serious infractions, the progressive approach may not be suitable, and the City may proceed directly to the appropriate corrective/disciplinary action, including consideration of termination. Subject to collective bargaining or other legal requirements, the City retains the right to determine the appropriate level of discipline in any particular situation considering the seriousness of the offense and other considerations.

All City employees are responsible for keeping themselves informed of the various rules that affect their job responsibilities and personal conduct while on duty and/or representing the City. These rules include but are not limited to: Administrative Policies and Procedures, Civil Service Rules, collective bargaining agreements, and departmental policies and standard operating procedures.

Directors should ensure that supervisors: (a) have a thorough knowledge of the applicable rules (b) understand the reasons for each of the rules; (c) administer the rules fairly, consistently, and uniformly and (d) ensure that all employees they supervise are aware of and understand the rules.

Supervisors should maintain a continuing record of all actions taken with respect to corrective/disciplinary action. Notation should include dates, times, those present at all discussions of corrective/disciplinary action matters, as well as the content of discussion and any agreements reached.

Before any corrective/disciplinary action is taken against an employee, the supervisor should determine: (a) what rule was violated; (b) who was involved; (c) when the violation or deficiency occurred; (d) who were the witnesses, if any; and (e) the employee's past record (length of service as well as previous violations).

The Mayor, City Administrator, and City Attorney should be consulted prior to proceeding with corrective and/or disciplinary action.

Depending on the nature of the behavior at issue, the City may place an employee on paid administrative leave pending an investigation and determination regarding discipline.

All corrective actions shall be documented on the Job Performance Documentation Record.

PRE-DISCIPLINARY ACTION BY SUPERVISOR

Minor employee behavior which is not consistent with established rules, regulations, or standards of performance should first be called to the employee's attention orally by the responsible supervisor, in a timely manner.

A documented Verbal warning is generally the first step taken for relatively minor infractions and should be taken promptly. The supervisor should discuss the matter with the employee in private and provide the employee reasonable opportunity to correct the matter involved. The employee may request union representation consistent with the law and applicable bargaining unit agreement (if applicable).

- The employee should be advised of probable consequences of failure to improve or correct the matter involved.
- The verbal warning should be documented in writing, signed by the employee, and maintained in the supervisor's working file.

WRITTEN WARNING

Issued when an employee disregards an oral warning, for continuing unrelated infractions, or for infraction(s) of a more serious nature. The responsible supervisor should identify the nature of the infraction in detail, specify the corrective measures to be taken, the timeframe, and place the employee on notice that further behavior of the kind cited will lead to serious consequences, i.e., termination, demotion, suspension.

1. A Written Warning should be discussed, prior to issuance, with a supervisor of higher level (director) and/or the City Administrator to ensure the appropriateness of the action.
2. The Written Warning should be signed by the person who has the authority to implement the action that the notice states will be taken if the problem is not resolved.
3. The Written Warning should be discussed with the union representative (if applicable) and the employee receiving the warning to ensure that the employee understands the reasons for the action. The employee should be provided a copy of the Written Warning at the time it is discussed and should sign an acknowledgement that it has been received and is understood.
4. The original copy of the Written Warning is placed in the employee's personnel file.
5. The employee may prepare a written statement presenting his/her viewpoint regarding the matter. A copy of this statement should be provided to the supervisor and the original placed in the employee's personnel file.

DEMOTION, SUSPENSION, OR TERMINATION:

1. Each action to demote, suspend, or terminate an employee should be documented by a written statement of the basis for action taken that is signed by the supervisor taking the action, reviewed by the City Attorney, and approved by the City Administrator and Mayor prior to the action being taken.
2. The supervisor should provide the employee with a copy of any written complaints and other documents upon which the disciplinary action is based. These documents may have the names redacted for confidentiality purposes.
3. The employee will be informed of the disciplinary action being considered and, if appropriate, possible future action(s).

4. In the event demotion, unpaid suspension, or termination is the proposed action, the supervisor shall notify the employee of a date, time, and place the employee is to meet with the supervisor and other authorized persons, (such as the employee's union representative) to discuss the proposed disciplinary action. Advance notice of the meeting should be given. During the meeting the employee should be given ample opportunity to respond to all allegations.
5. The employee will be notified of the date the final decision regarding the proposed disciplinary action will be made and communicated to the employee.
6. The employee will be informed of the right to submit a written rebuttal to all allegations involved in the case and the right to include such document in the employee's personnel records.
7. FLSA-exempt personnel are not subject to unpaid corrective/disciplinary suspensions except as follows:
 - Unpaid suspensions of less than one week are permitted only for violations of safety rules of major significance.
 - All other unpaid suspensions shall be in full week increments.

10.2 RETALIATION

The City of Ephrata does not tolerate unlawful retaliation against employees, volunteers, or contractors who engage in protected activities. Retaliation occurs when an employee, volunteer, or contractor suffers employment-related adverse consequences because of their protected activity.

Protected activities include, but are not limited to, the following:

- Reporting unlawful discrimination, harassment, or retaliation.
- Cooperating in an internal investigation regarding discrimination, harassment, or retaliation.
- Testifying in a legal proceeding regarding discrimination, harassment, or retaliation.
- Requesting reasonable accommodation for a disability or sincerely held religious belief or practice.
- Reporting workplace safety issues.
- Reporting financial irregularities or the mismanagement of public funds.
- Reporting criminal misconduct.
- Filing a worker's compensation claim; or
- Serving on a jury.

Employees, volunteers, and contractors do not receive protection for actions taken in bad faith. Bad faith occurs when the employee, volunteer, or contractor provides false information with knowledge that the information provided is false.

Adverse employment-related consequences include, but are not limited to, the following:

- Termination of employment
- Demotion in position, responsibilities, or pay
- Suspension
- Other disciplinary action
- Harassment

10.3 TERMINATION

RESIGNATION

To resign in good standing, an employee must give the City at least fourteen (14) calendar days prior written notice. This time limit may be waived by the employee's Department Director or the City Administrator. In certain circumstances, a resignation may be accepted and implemented immediately.

INVOLUNTARY TERMINATION

The Mayor or designee has the authority to discharge or dismiss personnel from City employment based on applicable standards under civil service, collective bargaining agreements, or other City law policy, or practice. Other personnel may have the authority to effectively recommend to the Mayor the involuntary termination of an employee.

LAYOFF

The City Administrator may, with approval of the Mayor, lay off employees because of changes in duties in the organization, elimination of a position, lack of work, shortage of funds, or other needs of the City as determined by the City Administrator. Every reasonable effort will be made to integrate those employees into available positions for which they are qualified by transfer. Layoffs will not result in "bumping" employees in other departments or in the same department.

Duties performed by laid off or terminated employees may be reassigned to other employees.

10.4 RE-HIRING OF LAYOFFS

Individuals laid off may be eligible to be rehired to the position from which they were laid off within six months of their layoff if they remain qualified to perform the position. Represented employees should refer to their bargaining agreement regarding rehire or recall rights, if any. Individuals who are rehired to a regular full-time position within 6 months of layoff will receive previous service credit towards their vacation accrual, unless provided under civil service or in a collective bargaining agreement.

10.5 EXIT INTERVIEW

When any regular-status employee leaves City employment, an exit interview may be offered by the City Administrator. The purpose of this interview is to allow both employee and employer an opportunity to explore any areas for improvement that might exist within the department and/or the City.

10.6 RETURN OF CITY PROPERTY

Upon separation, employees must immediately return all City property to the City, including keys, security cards, equipment, documents etc.

10.7 FINAL PAYCHECK

The final paycheck following a separation of employment will be distributed on the next regularly scheduled payday. The employee has the option of using direct deposit (if they are already signed up for it), having the check mailed to them, or picking up the check in person from the Finance

Department. In the case of a death, the final paycheck will be distributed in accordance with RCW 49.48.120.

Receipt of City of Ephrata Personnel Handbook

1. All employees should read the following and sign, date, and return this page to the City Administrator. The form will be placed in your personnel file.
2. It is your responsibility to have read these policies, as they will acquaint you with your employee benefits, City personnel practices and rules, and our organizational philosophy.

It is important to understand that these policies do not create an employment contract or a guarantee of employment of any specific duration between the City and its employees. Although we hope that your employment relationship with us will be long term, we recognize that at times things do not always work out as hoped, and either of us may decide to terminate the employment relationship.

3. Unless specific rights are granted to you in employment contracts, civil service rules or elsewhere, all employees of the City are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice.
4. Cities are subject to state and federal laws and, as a result, personnel policies may change. The City, therefore, reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate by the Mayor. You will be notified of any such changes.
5. Please also understand that no supervisor, director, or other representative of the City other than the Mayor has the authority to make any written or verbal statements or representations which are inconsistent with these policies.
6. If the City of Ephrata mistakenly overpays you, you consent to the deduction of the overage from your later paychecks. You also consent to deduction from your final paycheck of: (1) any amounts advanced to you that remain unearned when your employment with the City of Ephrata ends, or (2) any amount necessary to reimburse the City of Ephrata for your own actions, such as failure to return City equipment, unauthorized telephone charges, or damage to City equipment or property.
7. If you have any questions about these policies or any other policies of the City, please feel free to ask your supervisor, director, or the City Administrator.

I have read and understand the Personnel Handbook and statements above, have had an opportunity to ask questions, and agree to abide by said policies.

Employee Signature

Date

Print Name



CITY OF EPHRATA STAFF REPORT

To: Mayor and City Council,
Kurt Adkinson, City Administrator

From: Ron Sell, Community Development Director

Date: March 22, 2023

Proceeding Type: Public Meeting

Subject: Resolution - Amend Ephrata Comprehensive Plan, Capital
Facilities Element

Legislative History:

-
- Requested Action: Review and Approve
-

Staff Report Summary

Public facilities are those physical improvements that are constructed primarily by the City and provide the basic urban services of Ephrata. The Growth Management Act (GMA) requires that communities plan for capital facilities to ensure that adequate levels of facilities and services are in place to support development at time of occupancy or use.

A Capital Facilities Plan (CFP) is a long range, six (6) year, financial plan that allows the City to prioritize public projects and identify funding sources. The CFP doesn't commit the City to a particular expenditure for a particular year, it allows the City some flexibility in scheduling projects based on need or funding opportunities and doesn't lock the City into projects that may not be needed at time of funding.

Financial Implications

The 6-year plan provides a framework for decision makers about what to buy, when to buy, how to pay for it. It also provides a mechanism to help prioritize capital projects and match projects with the local budget and funding options such as grants or loans.

Environmental Review A Determination of Non-Significance was issued on January 25, 2023. No appeals were filed.

Public or Agency Comments:

- Grant Co. Health District: GCHD has no comment/conditions for this project.
- Grant Co. Public Works: Public Works has reviewed the material that was provided for the City of Ephrata comp plan amendment and has no comments.
- WA St. Dept. of Commerce: Thank you for submitting your materials to the Growth Management Services Review Team.
- Grant Co. PUD: GCPUD has no comments to offer at this time.

No public comments were received.

Staff Recommendation

Staff recommends approving the resolution as presented.

Attachments

A.	Resolution 23-02 amending Ephrata Comprehensive Plan, Capital Facilities Element
B.	Planning Commission Resolution 23-02

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
Resolution	Resolution 23-02, A resolution of the City of Ephrata updating the Capital Facilities Element of the City of Ephrata Comprehensive Land Use Plan.	_____

Resolution No. 23-02

A RESOLUTION RECOMMENDING APPROVAL OF AN
AMENDMENT TO THE CITY OF EPHRATA
COMPREHENSIVE PLAN, CAPITAL FACILITIES ELEMENT

FINDINGS:

1. WHEREAS, the Ephrata Planning Commission has reviewed the amendment to the Capital Facilities Element of the Ephrata Comprehensive Land Use Plan.
2. WHEREAS, the Ephrata Planning Commission held a duly noticed public hearing on February 9, 2023, to receive comment on the proposed amendments to the Comprehensive Plan, Capital Facilities Element and no person from the public participated in the public hearing.
3. WHEREAS, the Ephrata Planning Commission finds that it is in the public interest to adopt the amendments to the Capital Facilities Element of the Ephrata Comprehensive Land Use Plan.
4. WHEREAS, the Ephrata Planning Commission finds that per EMC 17.02.050, the amendment:
 - A. Will not result in development that will adversely affect the public health, safety, and general welfare.
 - B. Is consistent with other goals and policies of the comprehensive plan, and that the amendment will maintain concurrency between the land use, transportation, and capital facilities elements of the plan.

THE EPHRATA PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

1. The Ephrata Planning Commission recommends that the Ephrata City Council approve the proposed amendments to the Capital Facilities Element of the Ephrata Comprehensive Land Use Plan, attached to this resolution as Exhibit A.

THIS RESOLUTION was passed and adopted at the regular meeting of the Planning Commission of the City of Ephrata, Washington on the 9th day of February, 2023.

Tom Moncrief, Chair

ATTEST:

Stacy Hooper, Secretary



City of Ephrata
Community Development Department
121 Alder Street Southwest
Ephrata, Washington 98823

Phone: 509-754-4601
Fax: 509-754-0912

Voice: 1800-833-6384
TDD: 1800-833-6388

Staff Report

Planning Commission Consideration

February 9, 2023

Submitted by Ron Sell, Community Development Director

Request:

The proposal is an update to the City of Ephrata Comprehensive Land Use Plan, Capital Facilities Element. These updates are being considered to maintain an accurate listing of Capital Facility projects and their proposed funding sources.

Proponent:

City of Ephrata
121 Alder St. SW
Ephrata, WA 98823

Property Location:

This proposal affects all those lands located within the corporate limits of the City of Ephrata in Township 21 North, Range 26 East, WM, Grant County, Washington.

SEPA Compliance:

A Determination of Non-Significance was issued on January 25, 2023. No appeals were filed against this proposal.

REVIEW AND COMMENTS

<i>Agencies Notified</i>	<i>Response Received</i>	<i>Agencies Notified</i>	<i>Response Received</i>
Ephrata Fire Department	None	Ephrata Parks and Recreation Department	None
Ephrata Public Works Dept.	None	WA St. Department of Ecology	None
Ephrata Building Dept.	None	WA St. Department of Commerce	1/9/2023
Grant County Public Works Department	1/17/2023	WA St. Department of Transportation	None
U.S. Bureau of Reclamation	None	Port of Ephrata	None
Grant County PUD	1/26/2023	WA St. Department of Fish and Wildlife	None
Grant County Health District	1/11/2023		

Agency Comments:

- Grant Co. Health District: GCHD has no comment/conditions for this project.
- Grant Co. Public Works: Public Works has reviewed the material that was provided for the City of Ephrata comp plan amendment and has no comments.
- WA St. Dept. of Commerce: Thank you for submitting your materials to the Growth Management Services Review Team.
- Grant Co. PUD: GCPUD has no comments to offer at this time.

Public Comments:

No public comments were received.

Public Notice:

Notice of Public Hearing was published on January 9, 2023 and posted at the Ephrata City Hall and on the City's website on January 9, 2023.

STAFF COMMENTS:

- 1) Proposal conforms to the goals of the Ephrata Comprehensive Plan and complies with state law.

ACTION

1. Accept public comment at the Open Record Public Hearing on the Ordinance Update and forward a resolution to the City Council for approval of said updates.

Comprehensive Plan Text Amendment

PLEASE PRINT

Application # 23-001

Application Name: Ephrata Comprehensive Plan Amendment, Capital Facilities Element Update

Address/Location: Citywide, City of Ephrata in Township 21 N., Range 26 East, W.M., Grant County

Applicant 1: (mandatory)

Name: City of Ephrata Daytime Phone: (509)754-6967

Mailing Address 121 Alder Street SW Fax Number: _____

City/State/Zip: Ephrata, WA 98823 Contact Person: Ron Sell

Professional License # _____ Signature: Ron Sell

Applicant 2: (mandatory)

Name: _____ Daytime Phone: _____

Mailing Address _____ Fax Number: _____

City/State/Zip: _____ Contact Person: _____

Professional License # _____ Signature: _____

Agent/Consultant Attorney: (mandatory if primary contact is different from applicant)

Name: _____ Daytime Phone: _____

Mailing Address: _____ Fax Number: _____

City/State/Zip: _____ License #: _____

OFFICE USE ONLY:

City Initiated Privately Initiated

Date Application Received: 1/5/2023 Received By: R.S.

Date Application Complete: _____ Completeness Review By: _____



2023		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Sewer Vac Truck Savings	Equipment Rental Fees	\$50,000
General Street Improvements	TBD, REET	\$25,000
2 Fleet Vehicles	Equipment Rental	\$60,000
Fire Equipment	Equipment Rental Fees/Gen. Fund	\$50,000
Ephrata Heights Pressure Zone- Well and Reservoir	PWFT, Water Utility, DWSRF	\$4,000,000
<u>Parks Master Plan</u>	<u>REET</u>	<u>\$30,000</u>
Park Improvements	METRO Parks, RCO Grant	\$100,000
1st NE, 2nd NE & Peachtree Drive	TBD Funds	\$400,000
<u>Splashzone Improvements/Upgrades</u>	<u>REET</u>	<u>\$25,000</u>
<u>Library Improvements/Upgrades</u>	<u>REET</u>	<u>\$15,000</u>
<u>ERC Improvements/Upgrades</u>	<u>REET</u>	<u>\$83,000</u>
<u>Parks O & M</u>	<u>REET</u>	<u>\$25,000</u>
<u>City Hall Improvements/Upgrades</u>	<u>REET</u>	<u>\$82,000</u>
<u>Nat Washington Way resurfacing Project</u>	<u>REET</u>	<u>\$60,000</u>
<u>Nat Washington Way overlay</u>	<u>TIB</u>	<u>\$750,000</u>
New City Hall Land Acquisition	General Fund	\$150,000
Sewer Treatment Facility		

2024		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Water System Upgrade- Well and Reservoir	PWFT, Water Utility, DWSRF	\$4,000,000
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
Police Vehicles	Equipment Rental Fees	\$80,000
Sewer Vac Truck Savings	Equipment Rental Fees	\$50,000
General Street Improvements	TBD, REET	\$25,000
Cherry Blossum Drive Reconstruction	TBD	\$150,000
<u>Splashzone Improvements/Upgrades</u>	<u>REET</u>	<u>\$25,000</u>
<u>Library Improvements/Upgrades</u>	<u>REET</u>	<u>\$15,000</u>
<u>ERC Improvements/Upgrades</u>	<u>REET</u>	<u>\$83,000</u>
<u>Parks O & M</u>	<u>REET</u>	<u>\$25,000</u>
<u>City Hall Improvements/Upgrades</u>	<u>REET</u>	<u>\$82,000</u>
<u>Nat Washington Way resurfacing Project</u>	<u>REET</u>	<u>\$60,000</u>
<u>Nat Washington Way Extension</u>	<u>PWFT, Others</u>	<u>\$2,000,000</u>
<u>Parks Master Plan</u>	<u>REET</u>	<u>\$30,000</u>
Park Improvements	METRO Parks, RCO Grant	\$100,000
Side Roads from Basin to C St.	TBD	\$400,000

2025

<u>Project</u>	<u>Funding Source</u>	<u>Estimated Cost</u>
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
Police Vehicles	Equipment Rental Fees	\$82,500
Sewer Vac Truck Savings	Equipment Rental Fees	\$50,000
<u>City Hall Improvements/Upgrades</u>	<u>REET</u>	<u>\$82,000</u>
Park Improvements	METRO Parks, RCO Grant	\$100,000
Grandview Heights Storm Drains	TIB/State Grant/TBD Funds	\$100,000
Dodson Road Overlay	TBD by County	\$400,000
Beezley Hill Trail	QUADCO and others	\$260,000
Orchard Home Park	METRO Parks, RCO Grant	\$500,000
<u>Splashzone Improvements/Upgrades</u>	<u>REET</u>	<u>\$25,000</u>
<u>Library Improvements/Upgrades</u>	<u>REET</u>	<u>\$15,000</u>
<u>ERC Improvements/Upgrades</u>	<u>REET</u>	<u>\$83,000</u>
<u>Parks O & M</u>	<u>REET</u>	<u>\$25,000</u>
General Street Improvements	TBD,REET	\$20,000
3rd Ave NW Reconstruction	TBD	\$250,000

2026

<u>Project</u>	<u>Funding Source</u>	<u>Estimated Cost</u>
Canal And Strand Road Reconstruction	TBD, others	\$1,000,000
9th Street SE Reconstruction	TIB, TBD, Savings, Private	\$130,000
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
Sewer Vac Truck Savings	Equipment Rental Fees	\$50,000
Police Vehicles	Equipment Rental Fees	\$85,000
General Street Improvements	TBD,REET	\$25,000
New City Hall, Fire Station, and Police Station	Genral fund, grants, bond	\$7,000,000
<u>Splashzone Improvements/Upgrades</u>	<u>REET</u>	<u>\$25,000</u>
<u>Parks O & M</u>	<u>REET</u>	<u>\$25,000</u>
Peach Tree Drive Extension	Sewer and Water or PWTF	\$530,000
Park Improvements	METRO Parks, RCO Grant	\$100,000

2027

<u>Project</u>	<u>Funding Source</u>	<u>Estimated Cost</u>
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
D Street SW Reconstruction	TBD	\$100,000
Beezley Hill Land Purchase	Acquire from DNR	\$300,000
Railroad Ave. Reconstruction	TBD	\$500,000
Police Vehicles	Equipment Rental Fees	\$87,500
Canal Pedestrian Bridge	METRO Parks, RCO Grant	\$200,000
Sports Complex Improvements	METRO Parks, RCO Grant	\$600,000
General Street Improvements	TBD,REET	\$25,000
Splashzone Improvements/Upgrades	REET	\$25,000
Parks O & M	REET	\$25,000
Park Improvements	METRO Parks, RCO Grant	\$110,000
Splashzone General Improvements	METRO Parks, RCO, REET	\$3,000,000

2028

<u>Project</u>	<u>Funding Source</u>	<u>Estimated Cost</u>
Park Improvements	METRO Parks, RCO Grant	\$100,000
General Street Improvements	TBD,REET	\$30,000
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
Alder Street Signalization	TIB	\$940,000
Railroad Crossing-South end	TIB,TBD,others	\$500,000
Railroad Ave. Improvements	TIB	\$500,000
Splashzone Improvements/Upgrades	REET	\$25,000
Parks O & M	REET	\$25,000
Police Vehicles	Equipment Rental Fees	\$90,000

2029

<u>Project</u>	<u>Funding Source</u>	<u>Estimated Cost</u>
General Street Improvements	TBD,REET	\$30,000
Alder Street Signalization	TIB	\$700,000
Park Improvements	METRO Parks, RCO Grant	\$100,000
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
Police Vehicles	Equipment Rental Fees	\$92,500
NE Chip Seal Project	TBD	\$300,000

2030		Estimated
Project	Funding Source	Cost
Park Improvements	METRO Parks, RCO Grant	\$100,000
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
Police Vehicles	Equipment Rental Fees	\$95,000
SE Chip Seal Project	TBD	\$300,000
General Street Improvements	TBD,REET	\$30,000

2031		Estimated
Project	Funding Source	Cost
Park Improvements	METRO Parks, RCO Grant	\$100,000
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
Police Vehicles	Equipment Rental Fees	\$97,500
GrandView Heights Chip Seal Project	TBD	\$300,000
Alder Street Sewer	TIB, PWTF	\$600,000

2032		Estimated
Project	Funding Source	Cost
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
SW Chip Seal Project	TBD	\$300,000
Police Vehicles	Equipment Rental Fees	\$100,000
Park Improvements	METRO Parks, RCO Grant	\$100,000

2033		Estimated
Project	Funding Source	Cost
Fire Equipment Savings	Equipment Rental Fees/Gen. Fund	\$50,000
NW Chip Seal Project	TBD	\$300,000
Port of Ephrata Sewer Extension	EDC/SIP	\$500,000
Police Vehicles	Equipment Rental Fees	\$102,500
Park Improvements	METRO Parks, RCO Grant	\$100,000

2034		Estimated
Project	Funding Source	Cost
Lee Park Improvements	General Fund, Grant	\$200,000

2035		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Lions Park Improvments	General Fun, Donation, Grant	\$200,000

2036		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
New Reservoir in SE section of town	PWFT, Water Utility, DWSRF	\$10,000,000

2037		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Patrtick Park Improvements	General fund, Donation, Grant	\$210,000

2038		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Corporate Street to Division St Improvements	EDC, SIP	\$500,000

2039		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Nat Washington Way to Corporate	TIB	\$500,000

2040		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
5th Ave sidewalk widening	TIB	\$600,000

2041		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Replace Brigde to Well #4	PWTF, TIB	\$450,000

2042		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Gun Range expansion	IAC, City, Private	\$1,000,000

2043		
		<u>Estimated</u>
<u>Project</u>	<u>Funding Source</u>	<u>Cost</u>
Municipal Golf Course	IAC, City	\$9,000,000



DETERMINATION OF NON-SIGNIFICANCE

- Proposal:** Capital Facilities Element Update SEPA Review
File # P 23-002
- Description of Proposal:** The proposal is an update to the City of Ephrata Comprehensive Land Use Plan, Capital Facilities Element. These updates are being considered to maintain an accurate listing of Capital Facility projects and their proposed funding sources.
- Proponent:** City of Ephrata
121 Alder Street SW
Ephrata, WA 98823
- Location of Proposal:** This proposal affects all those lands located within the corporate limits of the City of Ephrata in Township 21 North, Range 26 East, WM, Grant County, Washington.
- Lead Agency:** City of Ephrata Community Development Department, 121 Alder Street SW, Ephrata, WA 98823

The lead agency for SEPA review has determined that this project will not have probable significant adverse impacts on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (c). The decision was made after review of a complete environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

- There is no comment period for this DNS pursuant to WAC 197-11-355 Optional DNS process.
- There is no comment period for this DNS.
- This DNS is issued under 197-11-340(2). The lead agency will not act on this proposal for 14 days from the date of this decision; there is a subsequent 14-day appeal period which immediately follow the close of the comment period as provided by GCC 24.04.220 and WAC 197-11-680.

Findings:

1. The proposal is a non-project action under SEPA.
2. The application was found to be Technically Complete as of January 5, 2023.



3. The proposal site is located within the City of Ephrata corporate limits.

Responsible Official: Ron Sell, Community Development Director
City of Ephrata
121 Alder St SW
Ephrata, WA 98823
(509) 754-4601 Ext. 124

Signature: Ron Sell
Ron Sell, Community Development Director

Date: 1/25/2023

Ron Sell

From: Damien Hooper <dhooper@gcpud.org>
Sent: Thursday, January 26, 2023 8:53 AM
To: Ron Sell
Cc: Lands
Subject: RE: DNS - Ephrata Comprehensive Land Use Plan Update - Capital Facilities Element - City of Ephrata Planning

CAUTION: External Email

Good morning Ron,

Thank you for the opportunity to review the City of Ephrata's Capital Facilities update materials. Grant PUD has no comments to offer at this time.

Damien Hooper

*Lands and Permitting Supervisor
License Compliance and Land Services*

OFFICE (509) 754-5088 EXT. 2352

Direct (509) 754-5014

CELL (509) 398-3817

EMAIL Dhooper@gcpud.org



grantpud.org

From: Ron Sell <rsell@ephrata.org>
Sent: Wednesday, January 25, 2023 7:14 AM
To: Lands <Lands@gcpud.org>; mwren@portofephrata.gov; FrontDesk, BOR EFO <sha-EFO-Frontdesk@usbr.gov>; jmele@qcbid.org; wdfwr2Planning@dfw.wa.gov; Anderson, Cindy (ECY) <CYAN461@ECY.WA.GOV>; nc-review@wsdot.wa.gov; Jeremy Burns <JBurns@ephrata.org>; Anthony Graaff <AGraaff@ephrata.org>; Bill Sangster <BSangster@ephrata.org>; Bill Cox <BCox@ephrata.org>; Traci Bennett <TBennett@ephrata.org>; reviewteam@commerce.wa.gov
Subject: DNS - Ephrata Comprehensive Land Use Plan Update - Capital Facilities Element - City of Ephrata Planning

Attached is the SEPA Determination of Non-Significance for the Ephrata Comprehensive Land Use Plan Update to the Capital Facilities Element for the City of Ephrata.

Thank you.

Ron

Ron Sell
Community Development Director
121 Alder St SW
Ephrata, WA 98823
(509)754-4601 extension 124
rsell@ephrata.org

Please take care when opening links, attachments, or responding to this email as it originated outside of Grant.

Ron Sell

From: Chris Clarke <cclarke@gcpud.org>
Sent: Thursday, January 26, 2023 8:38 AM
To: Ron Sell
Subject: RE: DNS - Ephrata Comprehensive Land Use Plan Update - Capital Facilities Element - City of Ephrata Planning

CAUTION: External Email

Grant PUD has no comments at this time.

Thank you

From: Ron Sell <rsell@ephrata.org>
Sent: Wednesday, January 25, 2023 7:14 AM
To: Lands <Lands@gcpud.org>; mwren@portofephrata.gov; FrontDesk, BOR EFO <sha-EFO-Frontdesk@usbr.gov>; jmele@qcbid.org; wdfwr2Planning@dfw.wa.gov; Anderson, Cindy (ECY) <CYAN461@ECY.WA.GOV>; nc-review@wsdot.wa.gov; Jeremy Burns <JBurns@ephrata.org>; Anthony Graaff <AGraaff@ephrata.org>; Bill Sangster <BSangster@ephrata.org>; Bill Cox <BCox@ephrata.org>; Traci Bennett <TBennett@ephrata.org>; reviewteam@commerce.wa.gov
Subject: DNS - Ephrata Comprehensive Land Use Plan Update - Capital Facilities Element - City of Ephrata Planning

Attached is the SEPA Determination of Non-Significance for the Ephrata Comprehensive Land Use Plan Update to the Capital Facilities Element for the City of Ephrata.

Thank you.

Ron

Ron Sell
Community Development Director
121 Alder St SW
Ephrata, WA 98823
(509)754-4601 extension 124
rsell@ephrata.org

Please take care when opening links, attachments, or responding to this email as it originated outside of Grant.

Ron Sell

From: Ashly Beebe <abeebe@granthealth.org>
Sent: Wednesday, January 11, 2023 10:47 AM
To: Ron Sell
Subject: RE: Ephrata Comprehensive Plan Update - Capital Facilities Element - City of Ephrata Planning

CAUTION: External Email

GCHD has no comments/conditions for this project

Thank you,

Ashly Beebe

Environmental Health Specialist I

1038 W Ivy St

Moses Lake WA 98837

Phone: 509-766-7960 ext 29 • abeebe@granthealth.org • Fax: 509-766-6519 • granthealth.org



GRANT COUNTY HEALTH DISTRICT

Always working for a safer and healthier Grant County



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This e-mail may be considered subject to the Public Records Act and as such may be disclosed by Grant County Health District to a third-party requestor.

From: Ron Sell <rsell@ephrata.org>
Sent: Monday, January 9, 2023 6:29 AM
To: steve.davenport@commerce.wa.gov; Hanson, Sydney (DAHP) <Sydney.Hanson@dahp.wa.gov>; wdfwr2Planning@dfw.wa.gov; russell.mau@doh.wa.gov; Ashly Beebe <abeebe@granthealth.org>; dpheasant@grantcountywa.gov; publicworks@grantcountywa.gov; southeast.region@dnr.wa.gov; chiefstucky@grant13firerescue.org; jcook@grantcountywa.gov; office@portofephrata.gov; Anderson, Cindy (ECY) <CYAN461@ECY.WA.GOV>; ECY RE SEPA REGISTER <separegister@ecy.wa.gov>
Subject: Ephrata Comprehensive Plan Update - Capital Facilities Element - City of Ephrata Planning

Attached are the application and SEPA materials for the Ephrata Comprehensive Plan Update to the Capital Facilities Element for the City of Ephrata. Please review and return comments by the date indicated.

If you need any additional information or the pages are unreadable, please let me know and I can resend.

Ron Sell

From: Robert G. Harris <rgharris@grantcountywa.gov>
Sent: Tuesday, January 17, 2023 6:32 AM
To: Ron Sell
Cc: Dave Bren; Samuel Castro; Samuel Dart; Katherine I. Bren
Subject: Ephrata Comp Plan Update.

CAUTION: External Email

Ron,
Public Works has reviewed the material that was provided for the City of Ephrata comp plan amendment and has no comments.



Rob Harris

Assistant County Engineer
Grant County Washington
Mobile 509-906-6415
Web www.grantcountywa.gov
Email rgharris@grantcountywa.gov
124 Enterprise St SE
Ephrata Washington 98823

NOTICE OF PUBLIC DISCLOSURE:
*This e-mail account is public domain.
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Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.*

Ron Sell

From: COM GMU Review Team <reviewteam@commerce.wa.gov>
Sent: Monday, January 9, 2023 6:39 AM
To: Ron Sell
Subject: Email confirmation

CAUTION: External Email

Thank you for submitting your materials to the Growth Management Services Review Team.

Ron Sell

From: COM GMU Review Team <reviewteam@commerce.wa.gov>
Sent: Wednesday, January 25, 2023 7:15 AM
To: Ron Sell
Subject: Email confirmation

CAUTION: External Email

Thank you for submitting your materials to the Growth Management Services Review Team.



RESOLUTION 23-02
2023 UPDATE OF THE SIX-YEAR CAPITAL FACILITIES PLAN

WHEREAS, pursuant to the requirements of the laws of the State of Washington, the City of Ephrata did prepare a revised Comprehensive Capital Facilities Plan for the ensuing six years as well as an amendment to the Capital Facilities Element 20-year Capital Facilities Plan as found in the Comprehensive Land Use Plan; and

WHEREAS, pursuant further to said law, the City Council of the City of Ephrata being the Legislative body of said City, did hold a Public Meeting on said revised Comprehensive Capital Facilities Plans at 6:00 p.m. on March 22, 2023; and

BE IT THEREFORE RESOLVED by the City Council of the City of Ephrata, that the revised and amended 6-year and 20-year Comprehensive Capital Facilities Plans for the City of Ephrata, as submitted to the City Council of the City of Ephrata, be and the same is hereby adopted, Public Meeting being held on the same at 6:00 p.m. on March 22, 2023; and

UPON motion made by Councilmember _____ and seconded by Councilmember _____ of the City Council of the City of Ephrata, for adoption of said Resolution 23-02, the following vote cast by the City Council of the City of Ephrata:

Sarah McDonnell:
Kathleen Harris:
Matt Moore:
Will Coe:

Valli Millard:
Kathleen Allstot:
Tony Mora:

SAID Resolution was thereupon declared to be passed by the City Council of the City of Ephrata this 22nd day of March 2023.

Bruce Reim
MAYOR

Leslie Trachsler
CITY CLERK



DATE: March 22, 2023

ITEM: Council Action

SUMMARY

1. Letter of Support for Ephrata Pickleball Courts
2. Elimination of Policy 9040, Section 3.8: Recreation Non-Resident Fee

BUDGET IMPACTS

1. Unknown
2. \$8,361.17 based on 2022 registrations

Staff recommends acceptance and approval of all Items.

**ENABLING
ACTIONS**

Motion to Authorize, Confirm, or Approve and Accept All Items.

If you have any questions, concerns, or require additional information; please contact me prior to the meeting.



CITY OF EPHRATA STAFF REPORT

To: Mayor and City Council
Kurt Adkinson City Administrator

From: Traci Bennett - Director of Community Services

Date: March 16, 2023

Proceeding Type: Council Action

Subject: Letter of Support for Ephrata Pickleball Courts

Legislative History:

- | | |
|------------------------|---------------------|
| • First Presentation: | February 15, 2023 |
| • Second Presentation: | March 22, 2023 |
| • Requested Action: | City Council Action |
-

Staff Report Summary: The Ephrata Pickleball Courts group is requesting a letter of support for the fundraising of the future pickleball courts project.

Discussion/Analysis: A request was made by the Ephrata Pickleball Courts group to City Council to write and submit a letter of support. At the direction of the Mayor the pickleball support proposal was forwarded to city legal counsel for guidance on how to proceed. Counsel advised that the proposal of support be placed on the next council meeting agenda under Items for Council Consideration. The intent is to have Council redirect this request to the park and recreation commission for review and a recommendation of whether the city should make a dedication of city property to construct courts, if the answer is yes, where. This would be the appropriate path in respect of EMC 2.09.040.

Staff Recommendation: Staff recommendation would be to follow legal counsel advice and take to the next regular meeting of the park and recreation commission, scheduled for April 27, 2023.

Financial Implications: Unknown

Attachments

A.	Pickleball support proposal from Ephrata Pickleball Courts group
B.	
C.	

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
• Proposal	Ephrata Pickleball Courts letter of support document	3-14-23



Proposal for Pickleball
March 8, 2023

The group known as “Ephrata Pickleball Courts” is raising money for quality courts to be built on city park property. The group plans to raise funds to build 2-4 courts in a location to be determined by the City with community input. The EPC is willing to seek grants and donations to completely pay for the courts that meet their specifications and keep an account open for future maintenance of same. EPC has opened a special projects fund with the Columbia Basin Foundation which will be able to receive charitable donations. Columbia Basin Foundation is excited to work on this community project and will be assisting with seeking and writing grants.

Pickleball is the type of activity that appeals to a broad range of ages and abilities. Players are known for their friendliness and inclusion, often teaching anyone who shows up at the courts how to play and pulling them into the community. The courts would be enjoyed by local players and be an attractive facility for tourists that may wish to stop and spend more time in our town if they know other recreation is available.

The recent draft of the Ephrata Parks and Recreation Plan for 2023-2028 clearly states that improving existing parks and providing a range of recreational facilities are goals for the future of Ephrata. There is much more information in the report that supports pickleball in our town.

It is our hope that the application for grants can begin soon and our goal is to raise the money for a minimum of two courts and be able to begin construction in the spring of 2024.

Jean Patterson, EPC

Cc Kurt Adkinson, Interim City Administrator
Jeremy Burns, Fire Chief
Traci Bennett, Parks & Rec Director
Corinne Isaak, Columbia Basin Foundation



CITY OF EPHRATA STAFF REPORT

To: Mayor and City Council
Kurt Adkinson City Administrator

From: Traci Bennett - Director of Community Services

Date: March 16, 2023

Proceeding Type: Council Action

Subject: Elimination of Policy 9040, Section 3.8

Legislative History:

- | | |
|------------------------|---------------------|
| • First Presentation: | February 15, 2023 |
| • Second Presentation: | March 22, 2023 |
| • Requested Action: | City Council Action |
-

Staff Report Summary: At the November and December 2022 and the January and February 2023 Park Commission meetings, Commissioners discussed the resident and non-resident fee policy. A staff report was given to Council at the February 15, 2023, meeting regarding Commissioners discussions.

Discussion/Analysis: At the February Park Commission meeting discussion continued on the non-resident fee. Commissioner Donovan stated that he is not in favor of having a non-resident at all, similar to Moses Lake Parks and Recreation Department. Commissioner Donovan believes all citizens residing in the 98823-zip code should be paying the same. Commissioner Sieg made a motion that the non-resident be eliminated, Commissioner Lybbert seconded the motion, motion carried.

Staff Recommendation: Staff understands the rational and justification of the non-resident fee but believes the 30% charged to non-residents is too high. Staff recommendation would be to lower the percentage rather than completely eliminate. The additional revenue is important to the Parks and Recreation Department budget.

Financial Implications: + \$8,361.17 based upon 2022 registrations

Attachments

A.	Park Commission minutes from November and December 2022 and January and February of 2023
B.	January 11,2023 staff report
C.	

Legal Review

The following documents are attached and subject to legal review:

Type of Document	Title of Document	Date Reviewed by Legal Counsel
• n/a		

EPHRATA PARKS AND RECREATION COMMISSION MINUTES

November 17, 2022

Ephrata Parks Commission met on November 17, 2022, at 12:00 pm at City Hall Council Chambers. Commission members present: Jenny Sieg, Rebecca Lybbert, Mike Donovan, Susy Maceda, and Patti Ferguson. City staff present: Director, Traci Bennett, Recreation Supervisor, Josh Johnson, and Park Superintend, Rod Virden, and public Jo Beth Carlson.

Call to Order:

- a. Jenny Sieg called the meeting to order at 12:00 pm and confirmed present Commission members. Members verbally noted and excused Melissa Leonard, and Carrie Wanke.

II. Additions and Corrections to Agenda:

- a. None

III. Approval of Minutes:

- a. September 22, 2022 - (Lybbert/Ferguson m/s). Motion carried.

IV. Citizen Correspondence/Propositions:

- a. None

V. Consideration of Action/Information Items:

- a. Update on six-year comprehensive plan – Director Bennett reported that all comment that were received on the first draft of the comprehensive plan had been forwarded to AHBL to be incorporated into the next draft. Following completion of the draft, a Town Hall meeting will be held for the Council and the public.
- b. Splash Zone fees/minimum wage – Commissioners were informed that that minimum wage is going to \$15.74 in 2023, a \$1.25 increase or 8.62% from 2022. In addition, the C.P.I. for 2023 is 8.7% for a combined increase of 16.69% for staff wages and admission fees, discussion ensued regarding the large increase to admission rates and staff wages. Commissioners were concerned that admission rate increases would make the swimming unaffordable for many citizens. On a motion by Commissioner Donovan and second by Commissioner Lybbert, apply just the minimum wage increase of 8.62% to admission rates and no C.P.I. increase to all pool fees. Motion Carried.
- c. Proposed 2023 budget – Director Bennett advised that the City Council passed the 2023 budget at the November 16, 2022, City Council meeting. Some lines items in the Parks and Recreation budget were reduced but necessary operational funding was left in place.
- d. Beezley Hill lease – Commissioner Donovan inquired if there was an easement or lease of use in writing with DNR. Director Bennett will research and present the information at the December 22, 2022, meeting.
- e. Breakfast with Santa - Commissioners were informed that Breakfast with Santa will be held at the ERC on December 10, 2022, from 8:00-10:00am. The event is in partnership with the Ephrata Chamber of Commerce and students from the High School will assist with the event. Park Commissioners were invited to help or attend.

VI. Special Event Permit:

- a. Bells On Basin – December 10, 2022

VII. Commissioner Questions and Comment

- a. Commissioner Ferguson asked how recreation program fees are established. It was explained that fees are developed to cover the cost of running the program or are established with input from a contracted instructor. In May of 2012 City Council passed policy 3.8 which charged non-resident, those who do not pay property taxes in the City of Ephrata an additional 30% fee. Commissioner Ferguson would like to discuss the non-resident and/or the percentage that is charged at a future meeting.

VIII. Department Report:

- a. Sam's Dance – Supervisor Johnson informed that Sam's Dance has 100 participants, one of the biggest months ever.
- b. Girls' youth basketball – Supervisor Johnson reported low number for the program with 31 girls participating. Due to low numbers the league is being ran like a clinic.

Adjourn: Seig adjourned the meeting at 12:53 pm. Next meeting will be on December 22, 2022.

Approved this _____ day of 2022.

Jenny Sieg, Chair

Traci Bennett, Director

EPHRATA PARKS AND RECREATION COMMISSION MINUTES

December 22, 2022

Ephrata Parks Commission met on December 22, 2022, at 12:00 pm at City Hall Council Chambers. Commission members present: Rebecca Lybbert, Mike Donovan, Carrie Wanke, Melissa Leonard, and Patti Ferguson. City staff present: Director, Traci Bennett, and public Jo Beth Carlson.

Call to Order:

- a. Rebecca Lybbert called the meeting to order at 12:00 pm and confirmed present Commission members. Members verbally noted and excused Jenny Sieg, and Susy Maceda.

II. Additions and Corrections to Agenda:

- a. None

III. Approval of Minutes:

- a. November 17, 2022 - (Ferguson/Leonard m/s). Motion carried.

IV. Citizen Correspondence/Propositions:

- a. None

V. Consideration of Action/Information Items:

- a. Update on six-year comprehensive plan – Director Bennett reported that the Department has been in contact via email regarding completion of the draft and no timeline has been indicated. The next step to come is a Town Hall meeting that will be held for the Council and the public.
- b. Splash Zone fees/minimum wage – Commissioners were informed that City Council approved the Commission's recommendation of applying just the minimum wage increase of 8.62% to admission rates at Splash Zone for 2023.
- c. Beezley Hill lease – Director Bennett reported that there is written lease agreement with the Department of Natural Resources. It is a ten-year lease costing approximately \$1,061.69 yearly. This is a renewable lease and will expire on December 31, 2026. This lease covers 240 acres of recreational trails.
- d. Non-resident fee – Commissioners discussed reviewing policy 3.8 that was passed on May of 2012, establishing the 30 percent additional fee applied to nonresidents. Commissioners thought it appropriate to review the ten-year-old policy. Additionally, it was noted that the recent six-year comprehensive plan survey revealed several negative comments regarding the nonresident fee. Director Bennett advised the Commission of nonresident fees in surrounding communities and like size eastern Washington cities and it was discovered that the city of Ephrata is ten percent higher than any neighboring city. A motion was made by Lybbert and second by Wanke to further discuss and review the 30 percent nonresident and bring a recommendation to City Council.

VI. Special Event Permit: Thrills at Beezley Hill – April 29 & 30, 2023

VII. Commissioner Questions and Comment

- a. Commissioner Wanke inquired why the BOLD after school program is not being offered. It was explained that the necessary bus transportation to get students to the BOLD site was not able to be offered by the school district.

VIII. Department Report:

- a. Little Dribblers – The program is full, and a waiting list has been started, program begins mid-January.
- b. Boys’ youth basketball – Director Bennett reported registration is going well and this will run as a league ran than a clinic.
- c. Daddy Daughter Dance – Registration is being accepted and the dance will take place on February, Saturday 25, 2023. This event is once again expected to sell out.

Adjourn: Lybbert adjourned the meeting at 12:50 pm. Next meeting will be on January 26, 2023.

Approved this _____ day of 2023.

Jenny Sieg, Chair

Traci Bennett, Director

EPHRATA PARKS AND RECREATION COMMISSION MINUTES

January 26, 2023

Ephrata Parks Commission met on January 26, 2023, at 12:00 pm at City Hall Council Chambers. Commission members present: Mike Donovan, Carrie Wanke, Jenny Sieg, Susy Maceda and Patti Ferguson. City staff present: Director, Traci Bennett, Recreation Supervisor Josh Johnson, and Park Superintendent Rod Virden.

Call to Order:

- a. Jenny Sieg called the meeting to order at 12:00 pm and confirmed present Commission members. Members verbally noted and excused Rebecca Lybbert and Melissa Leonard.

II. Additions and Corrections to Agenda:

- a. Under Department Report add
 - d. Art Class
 - e. Super Tots program

III. Approval of Minutes:

- a. December 22, 2022 – Minutes approved as amended (Ferguson/Wanke m/s). Motion carried.

IV. Citizen Correspondence/Propositions:

- a. None

V. Consideration of Action/Information Items:

- a. Update on six-year comprehensive plan – Director Bennett reported that the Department has been in contact with AHBL regarding completion of the comprehensive plan. A Town Hall meeting will be held on March 1, 2023, from 5:30 to 7:00pm for the public to attend and comment. Following the Town Hall meeting, AHBL will present to City Council.
- b. Non-resident fee – Director Bennett advised Commissioners that a staff report for council has been done and has been placed on the agenda for discussion. The discussion to Council will include the history of policy 3.8 that was passed on May of 2012, establishing the 30 percent additional fee applied to nonresidents. It will be explained that Commissioners thought it appropriate to review the ten-year-old policy and that the recent six-year comprehensive plan survey revealed several negative comments regarding the nonresident fee. It will be explained that surrounding communities and like size eastern Washington cities have at least a ten percent lower non-resident fee than the city of Ephrata. Council will be informed that Commissioners will further discuss and bring a recommendation to City Council.
- c. ERC construction – The Commission was informed that the ERC will be getting new windows and exterior doors. The work should be completed by early spring and construction will work around existing programs and rentals.

VI. Special Event Permit: None

VII. Commissioner Questions and Comment

- a. Commissioner’s Maceda and Wanke inquired about an upcoming pickleball interest meeting. It was explained that this a citizen driven effort, but the city has been in contact with the person. Commissioner Wanke wanted to know if the Department had ever offered pickleball lessons. It was explained that both lessons and tournament play had been advertised but there was little to no interest.
- b. Commission Wanke asked about the youth soccer in held at the sports complex. It was explained that is not a city program and the city is not involved other than providing fields.
- c. Commissioner Wanke inquired about new programs and activities; it was explained the new programming opportunities are always being explored.
- d. Commissioner Wanke inquired about developer’s being required to put in parks in new developments. It was explained that developer’s have the option of donating land in a new development or pay an impact fee. The impact was revised in 2022 and is substantially higher than it was in the past.

VIII. Department Report:

- a. Little Dribblers – The program has started, and thirty children are participating. The program meets every Tuesday and Thursday evening at Parkway.
- b. Boys’ youth basketball – Recreation Supervisor Johnson informed the Commission that there will be two divisions, third and fourth grade and fifth and sixth grade. Teams have been formed and practices have started. Games will begin the end of January.
- c. Daddy Daughter Dance – Registration is still being accepted and the dance will take place on February, Saturday 25, 2023. This event is once again expected to sell out.
- d. Art Class – The Department was approached by a citizen interested in teaching a monthly art class at the ERC. This class would be open to young adults and adults. The class would focus on home decor art projects.
- e. Super Tots program – A new program will begin the first of February for children ages one to three and three to five. The class will meet every Thursday. This class will include beginning tumbling, fun obstacle courses, and organized play.

Adjourn: Sieg adjourned the meeting at 1:00 pm. Next meeting will be on February 23, 2023.

Approved this _____ day of 2023.

Jenny Sieg, Chair

Traci Bennett, Director

EPHRATA PARKS AND RECREATION COMMISSION MINUTES

February 23, 2023

Ephrata Parks Commission met on February 23, 2023, at 12:00 pm at City Hall Council Chambers. Commission members present: Mike Donovan, Jenny Sieg, Rebecca Lybbert and Patti Ferguson. City staff present: Director, Traci Bennett, and Recreation Supervisor Josh Johnson.

- I. **Call to Order:** Jenny Sieg called the meeting to order at 12:00 pm and confirmed present Commission members. Members verbally noted and excused Carrie Wanke, Susy Maceda, and Melissa Leonard.
- II. **Additions and Corrections to Agenda:**
 - a. None
- III. **Approval of Minutes:**
 - a. January 26, 2023 – (Lybbert/Ferguson m/s). Motion carried.
- IV. **Citizen Correspondence/Propositions:**
 - a. None
- V. **Consideration of Action/Information Items:**
 - a. Update on six-year comprehensive plan – Director Bennett reminded Commissioners that a Town Hall meeting will be held on March 1, 2023, from 5:30 to 7:00pm for the public to attend and comment. Following the Town Hall meeting, AHBL will present to City Council.
 - b. Non-resident fee – Director Bennett advised Commissioners that a staff report was presented to Council regarding the discussions Commissioners have had on the 30 percent additional fee applied to non-residents. Commissioners were advised that Council was informed that Commissioners would be making a recommendation on the fee to present to Council. Commissioner Donovan stated that he is not in favor of having a non-resident at all, like Moses Lake Parks and Recreation. He believes all citizens residing in the 98823-zip code should be paying the same fee. Commissioner Sieg made a motion that the non-resident fee be permanently eliminated, Commissioner Lybbert seconded the motion, motion carried. Commissioners stated they would like the fee removed as soon as is appropriate for the city.
 - c. ERC construction – Director Bennett advised that the door and window replacement project has been started. A timeline for completion is not known.
 - d. EasyWorkForce time system – Commissioners were informed that staff has been exploring a new time keeping system. Currently hours are handwritten on a monthly time sheet and then added and entered into an excel spreadsheet, this process is extremely time consuming and inefficient. The EasyWorkForce system is cloud based and time in and out is done with a fingerprint. The data can then be accessed through EasyWorkForce reporting system. The software is very user friendly and the cost for this system is very reasonable.
 - e. Back stop removal – Commissioners were advised the two back stops at the Sports Complex have been removed.
- VI. **Special Event Permit:**
 - a. Gran Fondo – March 19, 2023
 - b. Fishing Derby – April 15, 2023
 - c. Sage N Sun Fun Run – June 10, 2023

VII. Commissioner Questions and Comment

- a. Commissioner Ferguson inquired about the pickleball interest meeting held at the high school. Director Bennett attended and reported that there were 28 people there, and a brief overview of what the group would like to accomplish was shared.

VIII. Department Report:

- a. Spring programming – Supervisor Johnson advised that spring programs and activities are being discussed and upon a decision a brochure may be developed.
- b. Splash Zone early bird special – Commissioners were informed that the early bird season passes will go on sale March 1 and end April 28. The early bird passes are 10 percent off the regular price.
- c. Daddy Daughter Dance – The dance is scheduled for February 25 at 7:00 pm. Decorating and supplies are nearly done. Approximately 180 will be attending.

Adjourn: Sieg adjourned the meeting at 12:49 pm. Next meeting will be on March 23, 2023.

Approved this _____ day of 2023.

Jenny Sieg, Chair

Traci Bennett, Director

RECREATION PROGRAMS

Recreation Programs

1.0 Purpose:

The purpose of this policy is to clearly define the procedure in which the City will administer recreation programs as well as clearly define the duties and expectations of the City and the instructors of the various recreation programs we offer.

The City of Ephrata is responsible for developing and producing, or aiding in the development and production of, various recreation programs and events that will help meet the educational, physical and recreational needs of Ephrata residents and improve their quality of life. The City cannot do this without the good will of those willing to teach or supervise public programs. Thus, it is important to balance the recreation needs of the citizenry with the needs of the instructor because without instructors, there are no programs.

2.0 Definitions

- 2.1 Good Taste shall be defined as satisfying generally accepted social or aesthetic standards, inoffensive to a reasonable and prudent person, fitting the generally accepted community norms, and appropriate to the overall mission of the Parks and Recreation Commission, staff and Council of the City of Ephrata.
- 2.2 Direct Expenses shall include, but not necessarily be limited to, costs and fees associated with registration software, staff hours, and/or special equipment needs. These costs shall be assessed on a “per registrant” basis whenever possible.
- 2.3 Private Good Programs are programs that benefit an individual, individual business or smaller group of people generally 20 or less.
- 2.4 Merit Good Programs are programs that fall somewhere between “Public Good,” and “Private Good.” The program meets the needs of individuals, or a fairly large group of more than 20, but not necessarily the general public. These programs are commonly referred to as “Pay As You Go,” programs.
- 2.5 Public Good Programs are programs that are run for the general good of the public, are used by a large number of people of varying ages, and generally promote the general health, safety, and welfare of the entire community. Public good programs also may be characterized as educational in nature, designed to promote tourism or economic development.
- 2.6 Fund Raisers are programs that are a partnership with another entity or group of volunteers in which a program or activity is produced, strictly on a volunteer basis, to raise money for a cause. The program must be educational or community oriented and consistent with the goals and mission of the Council.
- 2.7 Non-Resident is any person who does not reside within the incorporated area of the City of Ephrata, and does not own taxable property within the incorporated area of the City of Ephrata.

3.0 Policy:

It is hereby policy of the City of Ephrata:

- 3.1 The Recreation Director, or their designee, will ensure that all programs are appropriate for the general public and in good taste.

- 3.2 The City will classify all programs as Private Good, Merit Good, Fund Raiser or Public Good programs.
- 3.3 All instructors shall pass a WSP criminal background check. The Recreation Director, in consultation with the Chief of Police, shall determine if any relevant criminal history shall disqualify an instructor from teaching or leading a class for the City of Ephrata.
- 3.4 Private Good programs will require the user fee cover any and all direct expenses as well as an administrative fee to be set by the Recreation Director. Administrative fees will be predetermined.
- 3.5 Merit Good programs are scheduled programs that will require the participant pay a fee that will cover all direct expenses of the program.
- 3.6 Public Good Programs shall not use cost recovery to determine fees due to the service it provides the community. However, a fee shall be charged to ensure participation, commitment, and cover minimal expenses.
- 3.7 Fundraisers will designate all profits to a legitimate non-profit agency, such as a 501(C)(3) or the like.
 - 3.7.1 The City may withhold an amount of the gross revenue equal to the department's related expenses in the production of the program.
 - 3.7.2 The City may write and distribute any remaining funds directly to the designated non-profit.
- 3.8 An additional 30% will be added to fees charged to a non-resident for all recreation programs.
 - 3.8.1 Fund Raisers will not be required to charge the non-resident fee.
- 3.9 The City will maintain liability insurance coverage for Merit Good and Public Good program instructors. Private Good programs by negotiation.
- 3.10 The City will provide the facility necessary for the program/event at the City's expense for Merit Good and Public Good programs. Private Good facility fees will be negotiated.
- 3.11 The City may purchase all necessary equipment for Merit Good and Public Good programs to ensure program directives will be met. The purchase of equipment for Private Good programs will be negotiated. Any equipment purchased by the City will be the property of the City.
- 3.12 Volunteers who coach, manage, or otherwise make a program possible may have their registration fees reimbursed by the Mayor, City Administrator, or Department Director.
- 3.13 Program Instructors shall ensure the safety and well-being of the participants at all times.
- 3.14 Program Instructors shall follow guidelines set by the national governing body or organization of the activity they are instructing whenever possible.
- 3.15 Program Instructors will communicate any class schedule changes with the City Recreation staff.
- 3.16 Program Instructors shall ensure that there is a signed waiver for each participant prior to their participation and submit said waivers to the City at the end of each program.

4.0 **Procedure**

- 4.1 The City and the Instructor shall jointly decide program dates, times, materials, registration fees, payment percentage and facility.
- 4.2 The City will advertise the program as is economically feasible to maximize the participation in the program. Generally, advertisement will consist of the following:
 - 4.2.1 Direct email to those who have supplied email addresses through the City Web Site and the online registration system.
 - 4.2.2 Flyers distributed to local grade schools.
 - 4.2.3 Public Service Announcements.
 - 4.2.4 Advertisement in the Grant County Journal.