



City of Yelm

INTRODUCTION

The City of Yelm enacts these policies in order to further the following goals:

- (a) To provide a uniform system of personnel administration
- (b) To ensure that the recruitment, selection, placement, promotion, retention and separation of City employees is based upon employees' qualifications and fitness, and is in compliance with federal and state laws.
- (c) To assist department heads in the development of sound management practices and procedures.
- (d) To enable employees to make effective and consistent use of their skills and abilities.
- (e) To promote communication between elected officials, department heads, supervisors and other employees.
- (f) To define and clarify the role of employees.

This personnel handbook is a general informational guide to current employment practices and procedures. As such, we hope it will help you better understand how Yelm operates and what is expected of you as an employee. These policies also describe what Yelm provides you in terms of compensation, benefits and other support.



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PURPOSE AND SCOPE OF POLICIES IMPORTANT: PLEASE READ

This handbook shall not be construed to create a contract, expressed or implied, or any type of promise or guarantee of specific treatment upon which any employee may rely, or as a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, we recognize that things may not always work out as hoped and either of us may decide to terminate the employment relationship. All non-union employees of Yelm are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. Please understand that no supervisor, manager or representative of Yelm other than the Mayor or City Administrator has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

Yelm reserves the right to amend, delete, supplement, or rescind any of the provisions of this handbook as Yelm deems necessary and appropriate, without advance notice. Yelm also reserves the right to deviate from these policies in individual situations, particularly in an emergency, in order to achieve its primary mission of serving its citizens in a safe and efficient manner.

These personnel policies shall apply to all City employees. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining contract or in cases where the application of these policies would conflict with applicable Civil Service rules and regulations, the provisions of the labor contract and/or the Civil Service rules shall take precedence. In all other cases, these policies shall take precedence.



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(Reference: Personnel Policy Chapter 8.14)

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(Reference: Personnel Policy Chapter 4.06)



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CHAPTER 1 GENERAL

1.01 PURPOSE AND SCOPE

- 1.01.010 The City reserves the right to amend, delete, supplement, or rescind any provisions of this manual as the City deems necessary and appropriate without advance notice. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely.
- 1.01.020 Except as otherwise stated herein, these personnel policies apply to all City employees. (*Resolution 270, 10/92*) They do not apply to elected or appointed officials or to independent contractors and consultants unless specifically agreed to between the City and those parties. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining contract or individual labor contract, or an applicable Civil Service rule or regulation, the provision of the labor contract and/or the Civil Service rule shall govern. Violation of City policies may result in discipline, up to and including termination.
- 1.01.030 Unless otherwise expressly provided by law, ordinance, civil service rules or regulations, or by written contract, the City Administrator, all department heads, all temporary employees and all employees who have not completed their probationary period are considered at-will employees and may be terminated from City employment at any time, with or without cause and with or without notice. Except as expressly provided otherwise by law, ordinance, civil service rules or regulations, or by written contract, all other regular employees will be terminated only by written notice and with an opportunity for a hearing as set forth in Chapter 10 of these policies. (*Resolution No. 270, 10/92*)

1.02 AMENDMENTS

- 1.02.010 These policies are adopted and may only be amended by formal or written action of the City Council. Any employee may present any proposed amendment to their Department Head or the City Administrator. Proposals to amend these policies may be initiated



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and presented to the City Council by any elected official, the City Administrator, two or more Department Heads, or five or more employees.

1.03 EQUAL EMPLOYMENT OPPORTUNITY

- 1.03.010 The City is an equal opportunity employer. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of merit, qualifications, and competence. This policy will be applied without regard to any individual's sex, race, color, religion, national origin, pregnancy, age, marital status, medical condition, or disability.
- 1.03.020 The City will not discriminate against applicants or employees who have a sensory, physical or mental impairment, and who can perform the essential functions of the job. The City will reasonably accommodate employees of disability who so request it.

1.04 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT

- 1.04.010 Sexual harassment is a form of sex discrimination and is an unlawful employment practice under the 1964 Civil Rights Act and Washington State Law against Discrimination. It is the policy of the City to provide a work environment for its employees which is free from discrimination and intimidation. Therefore, the City will not tolerate any form of sexual harassment. Prompt disciplinary action will be taken against an employee who commits or participates in any form of sexual harassment. Prompt action will also be taken against customers, vendors, and citizens who commit or participate in any form of sexual harassment.
- A. Sexual harassment is defined as unwanted, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct which has the effect of creating an offensive, intimidating, degrading or hostile work environment, or adversely interferes with or affects an employee's work performance. It can include verbal behavior such as unwanted sexual comments, suggestions, jokes, or behavior such as suggestive looks and leering, and physical behavior such as pats or squeezes, or repeated brushing against someone's body.



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- B. Hostile environment sexual harassment involves sexual conduct which unreasonably interferes with an employee's work environment or creates an intimidating, hostile, or offensive working environment. This form of sexual harassment need not have any tangible economic consequences to the employee. Actions of co-workers can also create a hostile environment.

1.04.020 Any employee who believes he or she is being sexually harassed or subjected to a hostile work environment should immediately notify their department head, or if the complaint involves the department head, the City Administrator, or if the complaint involves the City Administrator, the Mayor. The City will not retaliate against an employee who complains of sexual harassment. Employees who become aware of discriminatory behavior, including sexual harassment, are obligated to bring it to the attention of a supervisor or the City Administrator.

1.04.030 The City will promptly investigate the complaint. The investigation may include interviews with the parties or employees who may have observed the harassment or may have experienced similar harassment. If the investigation reveals that the employee did engage in sexual harassment, appropriate action will be taken. An investigation of alleged harassment will be confidential. Only the complainant and alleged harasser will be notified of the results.

1.05 DEFINITIONS

- A. **City Administrator:** The employee appointed by and serving at the pleasure of the Mayor to assist the Mayor with administrative and policy related responsibilities.
- B. **Department Head:** An employee who has responsibility for directing one or more departments as designated by the Mayor including the City Clerk, Chief of Police, Community Development Director, Public Works Director, and the Court Administrator.
- C. **Exempt Employee:** A salaried employee who holds an administrative, professional or executive position not entitled to overtime pay.



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- D. **Family Member:** An employee's spouse, child, domestic partner, parent, brother, sister, brother or sister-in-law, mother or father-in-law, son or daughter-in-law and all relatives of direct lineage such as grandchildren, grandparents, great-grandchildren and great-grandparents.
- E. **Full-time Employee:** An employee who, on a continuing basis, regularly works an average of 40 hours per week/52 weeks per year.
- F. **Hostile Work Environment:** Involves sexual conduct which unreasonably interferes with an employee's work environment or creates an intimidating, hostile, or offensive working environment.
- G. **Permanent Part-Time Employee:** An employee who is scheduled to work an average of fewer than 40 hours per week or less than 52 weeks per year. Part-time employees are eligible for benefits on a pro-rata basis as authorized by the City Council.
- H. **Regular Employee:** A full-time or part-time employee who is not a temporary employee and who has successfully completed a probationary period. (Resolution 270, 10/92)
- I. **Temporary Employee (Full- or Part-time):** An employee who holds a job of limited duration arising out of special projects, abnormal workloads or emergencies. Temporary employees are not eligible for City benefits except as recommended by the City Administrator and approved by the Mayor.
- J. **Probationary Employee:** An employee who has not successfully completed an initial probationary employment period.

1.06 EMPLOYEE PERSONNEL RECORDS

- 1.06.010 A personnel file for each employee is kept in the Personnel Office and is the property of the City. Access is limited to the employee's immediate supervisor and department head, the City Clerk, the City Administrator, the Mayor, and any other personnel authorized by the City Administrator and/or the employee. An employee's



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personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information.

- 1.06.020 An employee has the right to review his or her file. An employee may request removal of irrelevant or erroneous information in his or her personnel file. If the City denies the employee's request to remove the information, the employee may submit a written rebuttal statement to be placed in the file.
- 1.06.030 Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, no information from an employee's personnel file will be released to the public, including the press, without a written request for specific information or in response to a valid court order or government request.

1.07 REFERENCES

- 1.07.010 Upon request and after written consent, the City Administrator or Mayor may provide employment references on current or former regular City employees or volunteers.
- 1.07.020 Except as provided in Subsections 1.70.05 and 1.70.06 below, no information of any kind shall be released, either orally or in writing, directly or indirectly, unless and until written consent (See Attachments Section) first be obtained from the affected employee or former employee; and
- 1.07.030 "Blacklisting" as a policy is expressly condemned; no employee shall engage in such practice, or directly or indirectly cooperate with any attempt by any other person or agency to engage in such prohibited practice; and
- 1.07.040 A cumulative log sheet shall be kept in each individual's permanent personnel file, as a part thereof, and an entry shall be made therein contemporaneously with each and every release of information regarding that file or individual, including but not limited to the following:



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- A. what information is released;
- B. when such information release occurred;
- C. in what form the information was released;
- D. to whom the information was released.

1.07.050 No subjective opinions shall be ventured; rather, information released shall be confined to objective information (e.g., date of first/last employment; promotions/demotions; highest rank held; beginning/final salary; number of commendations/reprimands received in writing; if employment is ended/continuing; if ended, whether ended by termination/resignation; attendance/absence data.)

1.07.060 Telephone inquiries, if received regarding a current employee, shall be subject to the following procedures:

- A. The person/agency inquiring shall be first identified, his/her telephone number obtained, and the purpose of the inquiry ascertained;
- B. The employee shall next be contacted for consent to respond;
- C. If consent has been obtained, the inquirer shall be recalled, and information may be released orally, strictly limited to:
 - 1) dates of employment;
 - 2) job title(s) held;
 - 3) attendance/absence statistics;
 - 4) current salary or wage.

If more information is desired, the request and consent, and the disclosure, shall be in writing.

1.07.070 No telephone inquiry shall be honored or information released in response thereto with respect to a former employee without a



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signed release submitted by the former employee. (See Attachments Section)

1.08 DESTRUCTION OF PERSONNEL RECORDS

- 1.08.010 At the discretion of the City Clerk, personnel files and payroll records may be destroyed six (6) years after the employee has ceased to work for the City. Former employee's names, date of termination or separation, social security number, a date of employment and job classification will be listed on the City's employee history index.

CHAPTER 2 HOURS AND ATTENDANCE

2.01 WORKING HOURS

- 2.01.010 The City's ordinary working hours are Monday through Friday from 8:00 a.m. to 5:00 p.m. with a one-hour unpaid lunch period and two (2) paid fifteen (15) minute breaks.
- 2.01.020 A normal working schedule for regular, full-time employees consists of forty (40) hours each work week or one hundred and seventy-three and one-third (173.33) hours per month. Different work schedules, such as in the case of police employees, may be established by the City to meet job assignments and provide necessary City services. Each department head will advise each employee regarding specific working hours.
- 2.01.030 Part-time and temporary employees will work hours as specified by their department heads.

2.02 HOURS OF WORK AND OVERTIME

- 2.02.010 All City positions are designated as either "exempt" or "non-exempt" according to state law and the Fair Labor Standards Act ("FLSA") regulations.
- 2.02.020 For most City employees, the standard number of work hours is forty (40) hours within a seven (7) day work period. A typical work period is one week beginning at 12:01 a.m. each Saturday. For



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law enforcement ("Section K") employees, the standard number of work hours is ninety-two (92) hours during a fifteen (15) day work period. Alternative work weeks may be established by Department Heads, with approval of the City Administrator, to accommodate flex-time schedules or to meet department needs on a temporary or regular basis.

- 2.02.030 Non-exempt employees are entitled to additional cash compensation whenever they work more than eight (8) hours per day.
- 2.02.040 All non-emergency workweek overtime must be authorized in advance.
- 2.02.050 Overtime pay is calculated at one and one-half times the employee's regular rate of pay for all time worked beyond the established work-period.
- 2.02.060 Holiday, sick leave and vacation time is not counted as hours worked when computing overtime.
- 2.02.070 The exempt employees of the City are the City Administrator, City Clerk, Chief of Police, City Attorney, Court Administrator, Community Development Director, Public Works Director, Program/Project Manager and the Municipal Judge. (Res 543; 7/13, Res 428; 1/02; 370, 2/98)

2.03 COMPENSATORY TIME

- 2.03.010 Non-exempt employees working overtime may elect to receive compensatory time credit instead of a cash payment. The election is made on the employee's attendance card and is approved on a case-by-case basis by the employee's department head and the City Administrator. If the compensatory time option is exercised, the employee is credited with one and one-half times the actual number of overtime hours worked.
- 2.03.020 Employees may exchange accrued compensatory time for cash. Requests must be submitted on the purple 'Request For Payment of Accrued Time' form along with the regular monthly time sheet. All payment requests must be pre-approved by the Department Head and City Administrator prior to being turned into payroll.



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- 2.03.030 Beginning January 1, 2001 accrued compensatory time in excess of 40 hours remaining as of November 15 of each year will be paid with the November end-of-month paycheck. Any compensatory hours accrued after November 15 will be carried forward to the next year.

2.04 ATTENDANCE

- 2.04.010 Punctual and consistent attendance is a condition of employment. Each department head is responsible for maintaining an accurate attendance record of each employee. (See Attachments Section)
- 2.04.020 Employees unable to work or unable to report to work on time should notify their department head as soon as possible, ordinarily before the work day begins or within thirty minutes of the usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day. If the department head is not available, the employee may leave a message with the City Administrator stating the reason for being late or unable to report for work.
- 2.04.030 Employees are expected to be at work even during inclement weather. Department heads may allow employees to be late or leave early during severe weather conditions; however, non-attendance will be counted as absence from work and will be charged as vacation time.
- 2.04.040 An employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

2.05 BREAKS AND MEAL PERIODS

- 2.05.010 Employees may take one (1) fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public. The employee's department head will schedule meal periods. The scheduling of meal periods may vary depending on department workload. Meal periods are unpaid and usually one hour in length. Exceptions may be made at the discretion of the department head.



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2.06 CALL BACK

- 2.06.010 All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. A refusal to respond to a call back is grounds for immediate disciplinary action, including possible termination. Employees called back to duty will be paid a minimum of two (2) hours overtime at one and one-half times the regular rate of pay. An exception to this would be when the employee works within two hours before or after the end of a regularly scheduled normal workday. When this occurs, only the actual time worked shall be counted as overtime. This policy will also apply to callback that occurs on a holiday.

2.07 PAYROLL RECORDS

- 2.07.010 The City Clerk/Treasurer keeps financial payroll records. Each department head shall turn in on a monthly basis a signed work record for each employee within their department, noting hours worked, leave taken and overtime worked. Original time records are the property of the City and may not be removed at any time for any reason. Copies will be provided following general practice policies for Public Disclosure requests.



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CHAPTER 3 RECRUITING AND HIRING

3.01 RECRUITING

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

3.02 HIRING

- 3.02.010 When a position becomes vacant and prior to any posting or advertisement of the vacancy, the department head will review the position, its job description and the need for such a position. The department head will prepare and submit a written request to fill the position to the City Administrator. The position will be posted and/or advertised only after the City Administrator and the Mayor have approved the request.
- 3.02.020 Any announcement of position vacancies should include the title of the position, a brief description of the position's minimum or preferred qualifications, the position's essential duties, the dates application will be accepted for the position, and the place and manner of filing application. All announcements should state that the City is an "Equal Opportunity Employer." The City Administrator may add additional information to the announcement. All applications should be on a form supplied by the City Clerk's Office.
- 3.02.030 The department head will establish procedures in consultation with the City Administrator for selecting the best-qualified applicant. Selection criteria will measure each applicant's



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qualifications, experience and ability to perform the duties and responsibilities of the position. The department head will screen applicants, conduct interviews and check references after consultation with the City Administrator and Mayor.

- 3.02.040 Residency within the City is not a condition of employment provided that an employee's selection of residence shall not interfere with the daily performance of duties and responsibilities.
- 3.02.050 Applicants for positions in which the applicant is expected to operate a motor vehicle must be at least 18 years old and will be required to present a valid Washington State driver's license with any necessary endorsements and a five (5) year authenticated driving record. Applicants with poor driving records, as determined by the City, may be disqualified for employment with the City in positions requiring driving. City employees who drive pursuant to their employment may need to have riders on their personal vehicle insurance policies, if they drive their own vehicles. If the employee's insurance company requires a business rider, the City will pay the premium.
- 3.02.060 The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may contract with any competent agency or individual to prepare and/or administer examinations.
- 3.02.070 After an offer of employment has been made and prior to commencement of employment, the City may require persons selected for employment to successfully pass a medical examination, which may include testing for alcohol and controlled substances. The purpose of the examination is to determine if the individual is physically able to perform the job and to ensure his or her physical condition will not endanger the health, safety or well being of other employees or the public. The offer of employment will be conditioned on the results of the examination. Any medical records relating to physical examinations or other medical records involving applicants or employees will be kept confidential.
- 3.02.080 A candidate may be disqualified from employment if:
- A. found physically unable to perform the duties of the position and the individual's condition cannot reasonably



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be accommodated in the workplace;

- B. the candidate refuses to submit to a medical examination or complete medical history forms;
- C. if the exam reveals abuse of alcohol and/or controlled substances.

3.03 TEMPORARY EMPLOYEES

- 3.03.010 On recommendation by the department head and with approval of the Mayor and City Administrator, and based upon budget availability, temporary employees may be used during emergencies or other peak workload periods to temporarily replace regular employees who are absent due to disability, illness, vacation or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- 3.03.020 Temporary employees may be hired without competitive recruitment or examination.
- 3.03.030 Temporary employees are eligible for overtime pay as required by law. Temporary employees are not eligible for City benefits except as recommended by the City Administrator and approved by the Mayor.
- 3.03.040 Temporary employees are at-will employees. They may be terminated without the hearing and notice provided for by Section 10.2. (*Resolution 270, 10/92*)

3.04 PROBATIONARY PERIOD

- 3.04.010 All newly hired, rehired former employees, and employees promoted to a new classification, enter a probationary period which is considered an integral part of the selection and evaluation process. During the probationary period an employee is required to demonstrate suitability for the position through actual work performance.
- 3.04.020 The minimum probationary period is six (6) months from the employee's date of hire, rehire, or promotion. The probationary period may be extended if in the discretion of the City Administrator any aspect of the employee's performance does not



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meet minimum requirements. The probationary period shall not be shortened for any reason. A probationary employee will be evaluated at least every three (3) months.

- 3.04.022 The probationary period for police officers is one year excluding time spent in the academy.
- 3.04.030 Newly hired employees and rehired probationary employees accrue vacation and sick leave, but are not eligible to use vacation until after their probationary period is successfully completed, except as authorized by the City Administrator or Mayor.
- 3.04.040 During the probationary period, newly hired employees, and rehired former employees, may be terminated at any time for any reason, with or without cause and with or without notice.
- 3.04.050 When a department head determines an employee has satisfactorily completed the probationary period, the department head shall prepare a written performance evaluation, which will be reviewed by the City Administrator. If the probationary period is satisfactorily completed, the employee may continue as a regular employee.

3.05 EMPLOYMENT OF RELATIVE (NEPOTISM)

- 3.05.010 Family Members will not be employed by the City under any of the following circumstances:
 - A. Where one of the parties would have authority or practical power to affect any term or condition of the other's employment.
 - B. Where one party would be responsible for auditing the work of the other;
 - C. Where both parties would report to the same supervisor;
 - D. Where in the opinion of the Mayor and the City Administrator other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City;



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- E. Where one of the parties is the City Administrator, Mayor or a member of the City Council.
- F. Where one of the parties would handle confidential material which might create the appearance of improper or inappropriate access to that material by the other.

3.05.020 Family Member: An employee's spouse, child, domestic partner, parent, brother, sister, brother or sister-in-law, mother or father-in-law, son or daughter-in-law and all relatives of direct lineage such as grandchildren, grandparents, great-grandchildren and great-grandparents.

3.05.030 If the above circumstances result from new marriage, new sharing of living quarters with one another, election, or other change in circumstances and in the Mayor and City Administrator's judgment the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to remain employed with the City. The decision as to which relative will remain with the City must be made by the two employees within thirty (30) calendar days of receiving written notice from the City Administrator that such election be made. If no decision is made during this time, the City will terminate one of the employees as it deems in its best interest.

3.06 PROMOTIONS AND TRANSFERS

3.06.010 The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the department head's recommendation, work force requirements, performance evaluations, job descriptions and related City requirements.

3.06.020 Regular employees are eligible for promotion, transfer or voluntary demotion. To be considered for another position, an employee must possess the qualifications for the vacant position.



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CHAPTER 4 COMPENSATION

4.01 SALARY CLASSIFICATION AND GRADES

- 4.01.010 Each position within the City is placed into one of the City's classifications for salary purposes. This classification is based on job requirements such as education and training, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required. Each classification is designated on the City's salary and wage schedule, which is approved annually by the City Council.

4.02 EMPLOYEE PAY RATES

- 4.02.010 Employees will be paid within the wage range to which their positions are assigned based on the City's current Salary Step Schedule. Employees usually advance from one step to the next step concurrent with calendar year changes.
- 4.02.020 New employees will either start their employment at the minimum wage rate for their classification, or at a higher rate when warranted.
- 4.02.030 Pay increases are discretionary and contingent upon performance, and annual budget approval. If an employee's performance is consistently unsatisfactory, the City Administrator on recommendation of the department head and with written approval from the Mayor may defer a scheduled pay increase for a stipulated period of time or until the employee's job performance is satisfactory. Such action should be documented in the employee's file.
- 4.02.040 The Mayor may propose and the City Council may grant an across the board pay adjustment (cost-of-living increase) from time to time, raising the salaries of all positions by a specified amount or percentage within a defined group of classifications. Such adjustments if any will not change an employee's next scheduled step pay increase.



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4.03 PAYDAYS

- 4.03.010 City employees are paid monthly on the fifth day of each month following the close of the preceding calendar month pay period. When the fifth falls on a Saturday/holiday, checks are released on the preceding day. If the fifth falls on a Sunday/holiday, checks are released on the next business day.

The City will not issue paychecks early except in emergency conditions. Requests for an early paycheck must be made to the City Clerk via the department head. The City Administrator will determine if the reason for an employee's request for an early paycheck is an appropriate emergency. (*Resolution 428, 11/02; 291, 5/93*)

4.04 DEDUCTIONS

- 4.04.010 Some regular deductions from the employee's earnings are required by law. Other deductions are specifically authorized by the employee. The City will withhold from the employee's paycheck those deductions required by law and any voluntary deductions authorized by the employee, applicable union contract, or statute.

4.05 TRAVEL EXPENSE REIMBURSEMENT

- 4.05.010 City employees will be reimbursed for reasonable and customary expenses actually incurred in connection with the business of the City, including food, and travel expenses while away from the City, but excluding any expenses for alcoholic beverages. If private automobiles are used, employees will be reimbursed at the Internal Revenue Service rate approved for business travel. (*Ordinance 652, 1/99*) Sharing of vehicles should be done whenever possible. Tips, not to exceed 15%, for meals, taxis, or baggage handling are reimbursable. Expenses associated with commuting or travel to and from an employee's home to the place of work are not reimbursable.
- 4.05.020 Requests for advances or reimbursement shall be submitted on an expense report form signed by the employee and shall include



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receipts. (See *Attachments Section*) The City Administrator must approve any advances.

4.06 COMPENSATION UPON SEPARATION OR TERMINATION

- 4.06.010 When an employee's employment with the City is terminated, for whatever reason, the employee will receive the following compensation:
- A. Regular wages for all hours worked up to the time of separation/termination which have not already been paid.
 - B. Any overtime or holiday pay due.
 - C. A lump sum payment for any accrued but unused vacation and compensatory time, plus 25 percent of accrued, unused sick leave up to a maximum equivalent of one month's gross salary.
 - D. Payment of final compensation will be processed at the next payroll-processing period.



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CHAPTER 5 PERFORMANCE EVALUATIONS AND TRAINING

5.01 PERFORMANCE EVALUATIONS

- 5.01.010 To achieve the City's goal of training, promoting and retaining the best-qualified employee for every job, the City conducts periodic performance evaluations for all positions.
- 5.01.020 The City Clerk is responsible for developing and maintaining the City's performance evaluation program.
- 5.01.030 Prior to completion of their probationary period, and thereafter on or before April 30 of each year, each employee is to be evaluated in writing by their department head. Each department head is to be evaluated by the City Administrator and the Mayor, with input from the City Council Liaison, and the City Administrator is to be evaluated by the Mayor.
- 5.01.040 The evaluation becomes a part of an employee's personnel record and will be a factor in determining all actions relating to the employee's employment with the City.

5.02 TRAINING POLICY

- 5.02.010 The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge and abilities directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to; on-the-job training, in-house workshops and seminars sponsored by other agencies or organizations. Permission of the department head is required to attend training sessions at City expense or during working hours.



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CHAPTER 6 BENEFITS

6.01 RETIREMENT BENEFITS

- 6.01.010 The City makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through FICA payroll deductions.
- 6.01.020 All regular fully commissioned uniformed employees in the police department are covered by the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF). The State of Washington sets benefit levels and contributions rates.
- 6.01.030 All regular full-time and eligible part-time non-uniform employees are covered under the Public Employees Retirement System (PERS).
- 6.01.040 Temporary employees who work more than 70 hours per month for more than five (5) months per year will receive retirement benefits.
- 6.01.050 Employees intending to retire shall notify their department head of their intent to retire at least three months prior to the date of retirement.

6.02 DISABILITY BENEFITS

- 6.02.010 All employees, except those covered by LEOFF I, are covered by the State Industrial Insurance program (worker's compensation). This type of insurance covers employees in case of on-the-job injuries or job-related illnesses. For qualifying cases, State Industrial Insurance will pay the employee for workdays lost for any disability resulting from job-related injuries or illnesses. All job-related accidents should be reported immediately to the department head or City Administrator.



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- 6.02.020 When an employee is absent for one or more days due to an on-the-job accident, the employee is required to file a claim for coverage under Washington State Department of Labor and Industries (L&I) for Worker's Compensation benefits. If the employee files an uncontested claim for such benefits, the City will continue to pay the employee's regular pay or base salary by using the employee's unused sick leave pending receipt of the employee's first check for Worker's Compensation benefits.
- 6.02.030 An employee is not entitled to receive sick leave benefits and retain worker's compensation benefits for the same pay period when those combined benefits exceed the employee's regular pay or base salary. To the extent an employee later receives worker's compensation benefits for hours previously paid through the employee's sick leave, the sums representing any duplication in compensation must be promptly repaid to the City at the time the employee first receives worker's compensation benefits. .
- 6.02.040 Employees drawing against sick leave while recovering from a qualified L&I injury may request that an amount representing their reimbursement of wages from L&I, be either:
- A. withheld from their next regular paycheck, along with a signed acknowledgement approving the City's right to withhold; or
 - B. be reimbursed to the City by assigning all or part of their worker's compensation check to the City at the time such check is initially received.
- 6.02.050 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 when the employee will be capable of performing the duties and responsibilities of the position.

6.03 INSURANCE BENEFITS

- 6.03.010 All regular full-time and permanent part-time employees (*Ordinance 470, 6/93*) are eligible to participate in City's insurance programs. The level of funding per employee and any City contribution for family members is established by the Yelm City Council and adopted as part of the annual budget. The programs



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will be explained at the time the employee becomes eligible to join.

6.03.020 If openings exist, an employee may elect to forego enrollment in the City sponsored medical insurance plan. Upon request of an employee, and with City Council approval, an amount of \$150.00 per month may be awarded to full-time employees in lieu of medical insurance. (*Resolution 313, 7/94*) Part-time employees working more than half time, but less than full-time shall be eligible to receive one half of the stipend amount. (*Resolution 348, 7/96*) This option may be made available only as long as the participation requirements of the insurance provider are met. If no openings exist, part-time employees shall be required to enroll in the City sponsored medical plan. Temporary employees are not eligible for benefits.

- A. As vacancies to receive cash in lieu of medical insurance benefits occur they will be announced. Employees will at that time be given an opportunity to apply to fill vacancies based on seniority and other factors as determined by the City Administrator and Mayor. Reinstatement of medical insurance at any time other than during open enrollment (January 1) will result in the employee being responsible for payment of both the employee's and employer's costs from the reinstatement date to the last open enrollment period.

NOTE: Eligible part-time employees receive pro-rata benefits based on the number of hours worked each week (i.e., 20 hours per week receives 50% benefit) and are responsible for payment of the difference between the city paid pro-rata share and the actual cost of insurance benefits. (*Ordinance 470, 6/93*) Temporary employees are not eligible for insurance benefits.

- B. Upon the date of hire, the employee becomes eligible for insurance benefits for themselves, their spouse and eligible dependents as determined by the insurance company. (*Resolution 471*) Benefits include medical, dental, vision and employee assistance program. The only exception from this practice would be for negotiated approval labor or employee contracts.



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- 6.03.030 Upon mutual agreement between the employee and the City, and in accordance with the terms and conditions of the insurance policy, the City will continue health insurance coverage at the employee's expense during an approved unpaid leave of absence. The Consolidated Omnibus Budget Reconciliation Act (COBRA) continuation rights may apply in the event coverage is not extended through the City.
- 6.03.040 While an employee is receiving Worker's Compensation benefits, the City may continue to pay the employee's health insurance premiums for one (1) month, after which the employee may choose to use COBRA rights and self-pay insurance premiums.
- 6.03.050 Upon an employee's separation/termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA. Continuation rights are not available if an employee is terminated for "gross misconduct."
- 6.03.060 An administrative handling fee over and above the cost of the insurance premium may be charged the employee or any dependents electing to exercise their COBRA continuation rights.
- 6.03.070 The City participates in the Washington State Unemployment Compensation Program.



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CHAPTER 7 LEAVES OF ABSENCE AND TIME OFF

7.01 LEAVES

7.01.010 The City has ten (10) different types of leave:

LEAVE TYPE	SECTION	LEAVE TYPE	SECTION
Vacation Leave	7.02	Jury and Witness Leave	7.06
Sick Leave	7.03	Administrative Leave	7.07
Parental Leave	7.03.030, F.		
Shared Leave	7.03.070		
Bereavement Leave	7.04	Military Leave	7.08
Leave w/out Pay	7.05	Decision Making Leave	10.01.060,D

NOTE: Eligible part-time employees receive pro-rata leave benefits based on the number of hours worked each week. (i.e., 20 hours per week receives 50% leave benefit.) Temporary employees are not eligible for leave benefits unless approved by the Mayor and City Administrator.

7.02 VACATION

7.02.010 Vacation leave accrues monthly. Each regular full-time and eligible part-time employee is entitled to vacation leave as follows:

YEARS OF EMPLOYMENT	VACATION EARNED
First and Second year	80 hours p/year
Third and Fourth year	104 hours p/year
Fifth – Ninth year	120 hours p/year
Tenth – Fourteenth year	160 hours p/year
Fifteen – Nineteenth year	176 hours p/year
Twenty or more years	200 hours p/year



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- 7.02.020 Except as approved by the Mayor and City Administrator, all new employees must satisfactorily complete their probationary period to be entitled to use accrued vacation leave.
- 7.02.030 Employee leave requests must be submitted to their department head. (See Attachments Section) Each department is responsible for scheduling its employees' vacations without undue disruption of department operations.
- 7.02.040 A maximum of 240 vacation hours may be carried over from one calendar year to the next. It is the employee's responsibility to schedule vacation leave far enough in advance to accommodate this policy. Failure to do so may result in loss of accrued vacation time. In cases where City operations have made it impossible for an employee to use vacation time, the department head, with the approval of the City Administrator and Mayor may authorize additional carry over.
- 7.02.050 Employees will be paid for unused vacation time upon separation/termination from City employment.

7.03 SICK LEAVE

- 7.03.010 All full-time and eligible part-time employees, accrue sick leave benefits at the rate of eight (8) hours, or pro-rated if part-time, for each calendar month of continuous employment.
- 7.03.020 Employees accrue and may use sick leave during their probationary periods. Temporary employees do not earn sick leave benefits. Employees do not accrue sick leave benefits during a leave without pay.
- 7.03.030 Sick leave covers those situations in which an employee is absent from work due to:
- A. Physical injury or illness to the employee;
 - B. The need to care for the employee's family member
 - C. Medical or dental appointments for the employee, or family member provided that the employee must make a reasonable effort to schedule such appointments at times



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which have the least interference with the work day;

- D. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others;
- E. Use of a prescription or over the counter drugs which impair job performance or safety;
- F. Actual periods of temporary disability and maternal or paternal care associated with pregnancy or childbirth. In association with the birth or adoption of the employee's child, the employee may take an additional thirty (30) working days time off beyond the actual period of disability; for this purpose vacation leave, compensatory time, or sick leave may be used. An employee lacking sufficient combined accrued leave to take advantage of maternal/paternal leave benefits as described in this section may request a maximum of (15) fifteen days of shared leave. The employee must meet requirements identified in the City's Shared Leave Ordinance. No. 472, as amended by Ordinance 501. (*Resolution 310, 4/94*)
- G. Actual periods of disability associated with the death of a family member as defined in Section 1.5, subsection D.

7.03.040 A doctor's certification of ability to return to work may be required when an employee is absent for a period in excess of (3) three days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his or her ability to perform the job. Employees who are habitually absent due to illness or disability may be terminated if their disability cannot be reasonably accommodated and/or when the employee's absenteeism prevents the orderly and efficient provision of services to the citizens of the City.

7.03.050 Employees who use all their accumulated sick leave and require more time off work due to illness or injury may use vacation leave or compensatory time or, with the City Administrator's and Mayor's prior approval, may take leave without pay.



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- 7.03.060 Employees will be paid for 25% of any unused sick leave, up to a maximum of one month's gross salary, upon separation/termination from City service.
- 7.03.070 Employees may each donate vacation, holiday, comp time or sick leave to any other regular employee who has been approved to receive shared leave when the employee has exhausted his or her bank of available paid leave. Donations are entirely voluntary. Donating employees must retain a minimum of ten (10) days accrued leave. Leave amounts are deducted equally from all donors in incremental amounts as needed to balance the monthly requirement of the receiver. (Full details are found in *Ordinance No. 472, 7/93*, which is available upon request.)

7.04 BEREAVEMENT LEAVE

- 7.04.010 Up to forty hours of leave due to the death of a family member. An employee's family member includes an employee's spouse, child, domestic partner, parent, brother, sister, brother or sister-in-law, mother or father-in-law, son or daughter-in-law and all relatives of direct lineage such as grandchildren, grandparents, great-grandchildren and great-grandparents. Bereavement leave requests are made to and approved by the City Administrator.

7.05 LEAVE WITHOUT PAY

- 7.05.010 The Mayor and City Administrator may grant leaves of absence without pay for an absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as prolonged illness, a Labor and Industries eligible injury recovery period, parenting, caring for an ill relative, pursuing an education, or fulfilling a military obligation in excess of fifteen (15) days. Section 7.05 does not apply to unpaid holiday leave defined in Section 7.10.
- 7.05.020 Only regular full and part-time employees who have satisfactorily completed their probationary period are eligible for leave without pay. The following requirements apply unless otherwise required by law:
- A. Leave may be granted to an employee for a period of up to 60 workdays upon the approval of the City Administrator



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and Mayor. Extensions require the approval of and are at the discretion of the City Council.

- B. Unpaid leave is taken in full hour increments.
- C. All accrued leave, if any, must be exhausted prior to taking any leave without pay.
- D. An employee's benefits are suspended during the period of unpaid leave until the employee returns to work. Vacation, sick leave and/or any other benefits do not accrue while an employee is on leave without pay.
- E. In certain circumstances, self-payment of benefits may apply. (*Please see Section 6.3 on Insurance Benefits.*)
- F. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning from a temporary disability may, at the City's option, return to the same position or similar position at a comparable rate of pay.

- 7.05.030 If the leave without pay is due to an illness, the City may require a doctor's certificate stating that the employee is capable of returning to work and performing the work, duties and responsibilities of the employee's positions.

7.06 JURY DUTY AND WITNESS LEAVE

- 7.06.010 Employees will be granted time off with pay to serve on a jury or as a court witness. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from duty.
- 7.06.020 An employee granted such leave shall forward to the City any compensation received for serving as a juror or witness during regular work hours.

7.07 ADMINISTRATIVE LEAVE

- 7.07.010 As determined by the Mayor to be in the best interests of the City during the pendency of an investigation or other administrative proceeding and on a case-by-case basis, the City may place an employee on administrative leave with or without pay for an



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indefinite period of time. (Please see Section 10.1)

7.08 MILITARY LEAVE

- 7.08.010 Employees who are members of the National Guard or federal reserve military units may be absent from their duties, with pay, for a period of up to fifteen (15) work days per calendar year when they are performing required military active or training duty and while going to and from that duty. Reservists absent from a City position due to active military duty will be reinstated in accordance with state and federal law.

7.09 HOLIDAYS

- 7.09.010 Regular full-time employees receive 11 paid 8 hour holidays per year. The following holidays are recognized by the City:

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

NOTE: Eligible part-time employees are paid for holiday hours on a pro-rata basis.

- 7.09.020 Any holiday falling on Saturday will be observed on the preceding Friday. Any holiday falling on Sunday will be observed on the following Monday.
- 7.09.030 Employees who work on a holiday shall be paid for that day at a rate of 1 1/2 times their straight time rate of pay. The eight (8) hours for that holiday will remain in the employee's holiday hour accrual and can be taken off throughout the year. Any accrued holiday hours remaining as of November 15 of each year will be paid with the November end-of-month paycheck. Any holiday hours accrued after November 15 will be carried forward to the



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next year.

- 7.09.034 Other types of leave may not be substituted for or used in place of holiday leave.
- 7.09.036 Police Department employees working in specialty positions (DARE, SRO, Detective) will have a work schedule as designated by the Department Head. A work week for these positions will not typically include holiday duty. Officers in specialty positions must obtain prior approval from the department head prior to working on a holiday.
- 7.09.040 For the purpose of this agreement, holiday pay will be paid based on the starting times that occur on the actual day of the holiday.
- 7.09.050 Part-time employees receive the above benefits pro-rated according to hours worked.
- 7.09.060 Temporary employees will be paid at one and one-half times their regular straight-time rate for hours worked on a holiday7.09.070
- 7.09.070 New employees hired prior to July 1 will be entitled to a floating holiday for that year. New employees hired after that date do not receive a floating holiday in the year hired. Each floating holiday must be used on or before December 31 and may not be carried over to the next year.

7.10 RELIGIOUS HOLIDAYS

- 7.10.010 If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, or as an approved unpaid holiday, the employee may, with the department head's approval, take the day off by using vacation, compensatory time.
- 7.10.020 Employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization. Employees may select the days, unless the absence would unduly disrupt operations, impose an undue hardship as defined by the Office of Financial Management, or the employee is necessary to maintain public safety. Unpaid holidays do not carry over from year to year and must be requested,



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approved and taken within the calendar year. Employee shall submit a written request for an unpaid holiday to their Department Head 14 days prior to the requested date.



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CHAPTER 8 EMPLOYEE RESPONSIBILITIES AND CONDUCT

8.01 GENERAL POLICY

- 8.01.010 All City employees are expected to represent the City to the public in a professional manner which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance appropriate to their work assignment, as determined by their position and department head.
- 8.01.020 Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct. Among the City's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost effective services to all citizens.

8.02 CODE OF CONDUCT, CONFLICTS OF INTEREST AND OUTSIDE EMPLOYMENT

- 8.02.010 "Code of Conduct." No officers, employee, or agents of the City of Yelm shall participate in the selection, award, or administration of a contract supported by the federal grant funds, if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
- A. the employee, officer, or agent;
 - B. any member of his/her immediate family;
 - C. his/her partner; or
 - D. an organization which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.



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The City of Yelm officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or subcontractors. (Resolution 316, 7/94)

- 8.02.020 Employees who engage in any outside employment shall disclose to their department head, the off duty job so as the City may determine whether a conflict exists.

8.03 POLITICAL ACTIVITIES

- 8.03.010 City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.
- 8.03.020 Any City employee who meets with, may be observed by the public, or otherwise represents the City to the public while performing regular duties may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit for a contribution for a partisan political cause on City property or City time.
- 8.03.030 Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment Rights and to belong to and participate in the activities of political, religious, civic service, educational and other organizations and associations.

8.04 SMOKING

- 8.04.010 For health and safety considerations, the City prohibits smoking by employees in all City facilities, including City owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. Smoking by employees during working hours is permitted outdoors and within non-city facilities where otherwise permitted.

8.05 USE OF CITY VEHICLES AND EQUIPMENT



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8.05.010 Use of City phones for local and toll-free personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other City equipment, including vehicles, may be used by employees only for City business; all other use is prohibited. City vehicles may be used for travel between home and work only with the approval of the City Administrator. Approval will be granted only if such use is deemed to be in the best interest of the City. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

8.05.020 No employee shall operate a City vehicle without a valid Washington State driver's license. Failure to report the temporary or permanent loss of driving privileges to the employee's department head on the first working day following the court finding may result in disciplinary action including termination.

8.06 BULLETIN BOARDS

8.06.010 Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of a department head.

8.07 CONTACT WITH NEWS MEDIA

8.07.010 The City Administrator and department heads are responsible for all official contacts with the news media during working hours, including answering questions from the media. The City Administrator or a department head may designate specific employees to give out procedural, factual or historical information on particular subjects. Other employees shall refer members of the news media to the City Administrator or department head. A copy of all news releases and similar documents shall be delivered to the City Administrator prior to distribution.

8.08 SEAT BELT USE

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



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8.09 DRIVER'S LICENSE REQUIREMENTS

- 8.09.010 As part of the requirements for certain specific City positions, an employee may be required to hold a valid Washington State Driver's license.
- 8.09.020 If an employee's license is revoked, suspended, or lost, or is in any other way not current, valid and in the employee's possession, the employee is immediately suspended from driving duties and the employee shall promptly notify his or her department head. The employee may not resume driving until proof of a valid, current license is provided to the department head.
- 8.09.030 Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

8.10 SAFETY

- 8.10.010 Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to a department head. The City will make every effort to remedy problems as quickly as possible. (*Resolution 206, 8/90*)
- 8.10.020 In case of an accident involving a personal injury, or risk of infection with a contagious disease, regardless of how serious, employees should immediately notify their department head, the City Clerk or the City Administrator.

8.11 DRUG FREE WORKPLACE

- 8.11.010 In order to further the objectives of both public safety and workplace safety, as well as promoting employee's careful and efficient job performance, the City may require employees to undergo testing procedures to determine if job duties, or safety, may be impacted by the use of alcohol or drugs. The City will utilize drug or alcohol testing procedures in the following situations:



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Pre-employment testing for all employees who perform safety-sensitive functions. Testing will be performed as outlined in the DOT regulations (49 CFR 653, 654, and 655). The City has adopted a Drug and Alcohol testing policy for all City employees who operate a City vehicle under a commercial vehicle license. This policy establishes compliance with Federal Highway Administration requirements for mandatory drug and alcohol testing for maintenance of a Commercial Driver's License. Copies of this policy are available through your department head. The City Administrator provides oversight of the Commercial Driver's License policy and these procedures. As to other employees, who do not operate a commercial vehicle, the following testing procedures and policies will apply:

A. Reasonable suspicion testing, along with a fitness for duty evaluation for all employees who are suspected of impairment by drugs or alcohol during working hours or during the performance of any job duties or safety sensitive functions.

B. Post accident testing for all employees who were operating a City vehicle when an accident results in the following:

- 1) substantial damage to the vehicle (over approximately \$1,500 or the vehicle is not operable post accident) and the employee is cited for or considered to be the at fault driver.
- 2) an injury results from the accident requiring medical assistance at the scene.

Following an accident, testing will occur within 2 hours of the accident, if possible. All employees who have access to City vehicles will be required to sign a medical authorization for such testing, a sample of which is attached to these policies. This includes employees covered by the Commercial Driver's License policies. All employees must cooperate with the testing process, and assist the medical evaluator in completing the test as soon as possible after an accident occurs.

Failure to cooperate in the testing procedures outlined above will result in disqualification of an applicant for hire, or, or existing employees, non-cooperation will result in discipline, up to and including termination. Most violations of the City's drug and alcohol policies are considered serious violations of an important work place safety policy and will likely result in termination, including an



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employee's refusal to cooperate with the testing process outlined in these policies. However, for any employee permitted to return to work after a positive test result, the employee will likely be suspended without pay, and must test negative prior to returning to duty. In addition, at least six follow up tests will be conducted randomly over the next 12 months, or up to 60 months following an employee's return to work, as needed to verify the employee remains alcohol and drug free.

The City of Yelm has a significant interest in the health and safety of its employees and the citizens of the City of Yelm. 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.

The City may discipline or terminate an employee possessing, consuming, controlling, selling or using alcohol, drugs or other controlled substances during work hours. The City may also discipline or terminate an employee who exhibits an on-going dependence on alcohol, drugs or other controlled substances which, in the Mayor's and City Administrator's opinion, impairs the employee's work performance, poses a threat to the public confidence, or is a safety risk to the employee or others.

- 8.11.020 Employee assistance is available to employees who need counseling or treatment due to their concerns regarding the misuse of alcohol or drugs. Training and rehabilitation programs are also available upon request. The City is committed to supporting employees who voluntarily undergo treatment or rehabilitation programs for alcohol or other chemical dependency, provided the employee requests such assistance prior to any pending disciplinary process which may be related to or caused by the employee's misuse of drugs or alcohol, impacting that employee's job duties. Failure to request such assistance prior to a work performance problem may render these employee assistance, rehabilitation or training programs unavailable.

Requests for employee assistance will be kept confidential. Employees who voluntarily seek treatment, counseling, or rehabilitation services prior to any disciplinary process, as outlined above, may be eligible to use accrued sick leave or other leave options to facilitate treatment. The City may condition continued



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employment upon successful completion of a treatment, rehabilitation or counseling program and continued monitoring to verify the employee remains alcohol and drug free and free of controlled substances.

- 8.11.030 Employees who voluntarily report an alcohol, drug or controlled substance dependency problem will not be subject to retaliation or discrimination. Employees who voluntarily seek treatment may use sick leave to attend a bona fide treatment or counseling program. The City may condition continued employment on the employee's successful completion of treatment or counseling programs and future avoidance of alcohol, drugs or other controlled substances.
- 8.11.035 An employee may be required to submit to alcohol, drug or controlled substance testing when the employee's work performance causes a reasonable suspicion that the employee is impaired due to current intoxication, drug or controlled substance use or in cases where employment has been conditioned upon remaining alcohol, drug or controlled substance free following treatment. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.
- 8.11.040 Employees using any prescription or over-the-counter drugs which might impair their work performance should notify their department head. At the option of the department head, an employee may be reassigned to less hazardous duty or be placed on sick leave if impaired work performance might pose a threat to the public confidence or the safety of the employee or others.
- 8.11.050 The manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees is strictly prohibited.
- 8.11.060 Employees must notify the City within five (5) days of any arrest or conviction for a drug violation.
- 8.11.070 Violation of this policy can result in disciplinary action, including termination. Continued poor performance or failure to successfully complete an assigned rehabilitation program is grounds for termination.



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8.12 CELLULAR PHONE USE

- 8.12.010 The City has an established policy (under RCW 49.48.010 (2)) enabling City employees with personal cellular phones to participate in group discount rates available through the City's service provider. Under the terms of agreement, the service provider will mail each employee's bill to the participating employee at the City's address. To retain this privilege, the employee's bill must be paid on or before the due date.
- 8.12.020 Participating employees must recognize that this is a privilege and not an employee benefit, and agree that the City may deduct the charges from the employee's paycheck, and terminate the provision of cellular telephone services at the special group rate, if the employee's bill becomes delinquent and the City is required to pay the bill.
- 8.12.030 Participating employees must provide their department head and the City Clerk/Treasurer with their cellular telephone number, enabling city personnel to contact participating employees in the event of an emergency.
- 8.12.040 To participate in this program employees must complete, with their department heads, and provide the following items to the appropriate parties:
- A. A Personal Cellular Phone Agreement Form (See Attachments Section);
 - B. A service provider's Cellular Phone Plan Form;
 - C. Forward copies of each of these documents to the City Clerk/Treasurer's office for placement in the participating employee's personnel file.
- 8.12.050 Upon separation/termination this privilege shall also terminate.

8.13 INTERNET POLICY



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- 8.13.010 It is the policy of the City of Yelm to encourage effective and efficient use of all City equipment for completion of City business. This includes use of the Internet by city employees to provide information to City residents, businesses and other governmental agencies; to search for information; and, for information exchange.

With the widespread use of the Internet as an information exchange medium, employees are able to access data that exists on the World Wide Web. Along with this access to the Web comes the potential for abuse. The intention of this policy is to outline issues regarding access, and to set out the rules to be followed for Internet access. (*Resolution No. 376, 10/98*)

- 8.13.020 Authorized employees will have immediate access to the Internet. They may designate someone else, in special circumstances, to have access for business purposes only. A critical concern is that nothing is transported from the World Wide Web which might contaminate and compromise the City computer systems.
- A. All workstations with Internet access will be provided with an internal virus scanning mechanism.
 - B. Internet access is primarily for business purposes, although limited personal use during breaks or before/after work hours is acceptable within reason.
 - C. By using the Internet access provided, every employee agrees that he or she is aware of the policy and that the Internet records may be read or monitored by authorized individuals.
- 8.13.030 Files are not to be downloaded from the Internet without express consent by the employee's Department Head. The possibility of downloading a file with a computer virus is great and care must be taken not to contaminate any computers in the City. Files downloaded from the Internet, or any other outside service, must be scanned by a virus checking software prior to being used on a City computer. Department Heads can contact Information Services for options available for virus checking of downloaded files. Files are not to be uploaded to the Internet without express consent by the employee's Department Head. Files uploaded to the Internet have the possibility of being intercepted by others and used against



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the City's interest.

8.13.040 Prohibited and/or Inappropriate use includes, but is not limited to:

- A. Commercial use – any form of commercial use of the Internet is prohibited;
- B. Copyright violations – any use of the Internet that violates copyright laws is prohibited;
- C. Harassment – the use of the Internet to harass employees, vendors, customers, and others is prohibited;
- D. Political – the use of the Internet for political purposes is prohibited;
- E. Aliases – the use of aliases while using the Internet is prohibited. Anonymous messages are not to be sent. Also, the misrepresentation of an employee's job title, job description, or position in the City is prohibited;
- F. Misinformation/Confidential Information – the release of untrue, distorted, or confidential information regarding City business is prohibited;
- G. Non-Business Related Information – any illegal or unethical activity or any activity which could adversely affect the City is prohibited. This includes, but is not limited to, entertainment sites or pornographic sites.

8.13.050 Legal Issues

- A. Copyrights – most of the information available on the Internet is copyrighted. It is illegal to reproduce or distribute copyrighted information regardless of its source. It is the Department Head's responsibility to ensure that copyrighted information is not misused by employees. Violations of copyright laws endanger the City and legal remedies include large fines.
- B. Discrimination – harassing messages, derogatory comments, or other forms of discrimination based upon race, sex, religion, or creed is against the law. It is the



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Department Head's responsibility to ensure that employees do not engage in discriminatory behavior while accessing the Internet. Violations of discrimination laws include fines and jail time.

- C. Privacy – an employee's rights while accessing the Internet by use of City property does not include the right to privacy. The city reserves the express right to monitor, in any way, the activities of the employees while accessing the Internet. Violation of City policy regarding Internet use may result in disciplinary action up to and including dismissal. Court cases have upheld a businesses' right to monitor and discipline employees based upon electronic activities which are prohibited by a company's policy.

8.14 VIOLENCE IN THE WORKPLACE

- 8.14.010 The purpose of this policy is to prohibit violent actions on City property or facilities, or while on City business. Violence in any form will not be tolerated or ignored. Unlawful violent actions committed by employees or members of the public while on city property, or while using City facilities, will be prosecuted as appropriate. The City intends to use reasonable legal, managerial, administrative, and disciplinary procedures to secure the workplace from violence and to reasonably protect employees and members of the public.

- 8.14.020 All City employees are responsible for refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace. City employees are required to report any dangerous or threatening situations that occur in the workplace to their department head or supervisor.

This policy applies to all City of Yelm employees except law enforcement officers while acting in an official capacity.

- 8.14.030 City employees are encouraged to report to their department head or supervisor situations that occur outside the workplace which may affect workplace safety, i.e., instances where protection orders have been issued, etc.

- 8.14.040 The City offers an Employee Assistance Program (EAP) designed to assist employees and their families who are experiencing personal or job-related problems. An employee of the City wishing



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confidential assistance for a personal or job-related problem can call the EAP office at 1-800-570-9315 (current phone number as of 8/01). The City will not have access to any EAP information unless an employee authorizes the EAP to release this information to the City. The EAP is available for assessment, referral to treatment, and follow-up. Treatment and follow-up expenses are the employee's responsibility (some or a portion of this cost may be covered by an employee's medical insurance coverage provided by the City).

The City will provide reasonable accommodation to support employees participating in a professional treatment program as long as the accommodation does not impose a hardship on the City. No employee will be disciplined or discriminated against simply for seeking help and/or participating in a treatment program. However, if an incident at work occurs, or a professional psychological or medical evaluation indicates the employee represents a reasonable concern to the workplace and/or the public, the City reserves the right to take disciplinary, and/or corrective actions as appropriate, up to and including termination.

8.14.050 The City of Yelm is committed to providing a safe environment for performing City business at other locations.

- A. Violent or intimidating behavior is unacceptable. Violence means an act or behavior that:
 - 1. is physically assaultive;
 - 2. a reasonable person would perceive as obsessively directed, e.g. intensely focused on a grudge, grievance, or romantic interest in another person, and reasonably likely to result in harm or threats of harm to persons or property;
 - 3. consists of a communicated or reasonably perceived threat to harm another individual, or in any way endangers the safety of an individual;
 - 4. would be interpreted by a reasonable person as carrying potential for physical harm to the individual;
 - 5. is a behavior, or action, that a reasonable person would perceive as menacing;



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6. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
7. consists of a communicated or reasonably perceived threat to destroy property.
8. Physically intimidating others including such acts as obscene gestures, getting in your face and fist-shaking.

This policy applies whenever an employee is on City time (including breaks and meal periods), property, surrounding grounds and parking lots, leased or rented spaces, in any vehicle used on City business, is acting as an agent of the City, and in other circumstances which creates concerns for City operations or safety. This includes actions involving, but not limited to inappropriate use of City time, workplace phones, Fax machines, mail or E-mail.

8.14.060

In order to ensure a safe environment for employees and customers, the City prohibits the wearing, transporting, storage, or presence of firearms or other weapons as defined in RCW 9.41 whenever an employee is on City time (including breaks and meal periods), property, surrounding grounds and parking lots, leased or rented spaces, in any vehicle used on City business, is acting as an agent of the City, and in other circumstances which creates concerns for City operations or safety.

Exceptions include employees of the City engaged in military or law enforcement activities or legally in possession of a firearm, for which the employee holds a valid permit that is secured within an attended personal vehicle or concealed from view within a locked unattended personal vehicle while that person is working on City property.

8.14.070

All City employees are responsible for notifying Department Heads and /or supervisors of any threats they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, employees should also report any behavior they have witnessed which could be regard as potentially threatening or violent. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening



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behavior and the person or persons who were threatened or were the focuses of the threatening behavior.

Any person involved in situations where they fear that physical retaliation may take place or where someone has made verbal threats of physical violence or displays inappropriate behavior should immediately discuss it with their department head or supervisor. Employees involved in violating this policy will be disciplined, up to and including termination.

- 8.14.080 Any employee/member of the public who is subject to, or observes, violent behavior or threat of violent behavior, a firearm or other weapon, or any situation that appears to be potentially dangerous, must immediately report such action to his/her Department Head or supervisor, or the Police Department.

Any employee concerned about personal safety may request an escort or other appropriate intervention from fellow employees comfortable with providing assistance or the City police department at any time.

- 8.14.090 Department Heads and/or supervisors are responsible for responding to potential or violent situations. Additional assistance from the City Administrator and/or emergency services, 911, is also available in appropriate situations.

Department Heads and/or supervisors are responsible for assessing the situation, making judgments on the appropriate response, and then responding to reports of or knowledge of violence and for initiating the investigation process.

- A. Any report of violence, will be evaluated immediately and confidentially, and appropriate action will be taken, where possible, in order to protect the employee from further violence. Appropriate disciplinary action will be taken when it is determined that City of Yelm employees have committed acts of violence.
- B. Where issues of employee safety are of concern, managers and supervisors should evaluate the workplace and make



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appropriate recommendations regarding a reasonable response.

- 8.14.100 The City Administrator will assist Department Heads in investigating and preparing documentation for action surrounding an incident of violent behavior. In some cases, a referral to the employee assistance program may also be appropriate.
- A. The City Administrator shall be responsible for developing procedures that are designed to reasonably achieve:
1. prompt and appropriate response to any act of violence;
 2. providing guidance and oversight of investigations of violence;
 3. communicating this policy and administrative procedures to employees, department heads and supervisors.
- 8.14.110 Any employee who violates this policy will be subject to corrective or disciplinary action, up to and including dismissal and/or referral to the police department for prosecution for criminal action depending on the circumstances.
- 8.14.120 The Violence in the Workplace Crisis Plan and Procedures, attached as Appendix A to this document provides additional information for employees.



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CHAPTER 9 EMPLOYEE DISSATISFACTION

9.01 SUGGESTIONS

- 9.01.010 The City encourages employees to offer any and all suggestions by which the City may improve delivery of services to the public. Such suggestions may be submitted in writing to the employee's supervisor, department head, the City Administrator, or the Mayor.

9.02 COMPLAINT PROCEDURES

- 9.02.010 The City recognizes that sometimes situations arise in which an employee feels that he or she has not been treated fairly or in accordance with City rules and procedures. For this reason the City provides its employees with procedures for resolving complaints.

Step 1:

An employee should first try to resolve any problem or complaint with his or her supervisor or department head.

Step 2:

When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies and procedures, the employee should attempt to resolve the problem with the department head. The department head will respond to the employee within five (5) working days after meeting with the employee, if possible.

Step 3:

If the employee is not satisfied with the response from the department head, the employee may submit the problem, in writing, to the City Administrator and Mayor (or Mayor if the City Administrator is the department head). The written complaint must contain at a minimum:

- A. A description of the problem;
- B. A specific policy or procedure which the employee believes has been violated or misapplied;



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- C. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances;
- D. The remedy sought by the employee to resolve the complaint. The written complaint should be filed within ten (10) working days of the occurrence leading to the complaint, or ten (10) working days after the employee becomes aware of the circumstances.

9.02.040 The City Administrator and Mayor may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) working days of the meeting. The Mayor's response or decision shall be binding.

9.02.050 Certain employees may have more than one source of dispute resolution rights, such as Civil Service rules, disability access or discrimination review, a collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under civil service rules should follow grievance procedures set out in their respective labor contracts or civil service rules, where applicable.

9.03 DISABILITY COMPLAINTS

9.03.010 As an alternative to the complaint process above, complaints regarding limited access or discrimination due to a disability or failure to reasonably accommodate a disability may also be submitted to the City Administrator or Mayor.

9.03.020 If the City Administrator is unable to resolve the complaint to the satisfaction of the employee, the City Administrator will request that the City Council appoint a review committee composed of one elected city official, one disabled person, and one appropriate health care professional or structural designer.

9.03.030 The Committee will hear the complaint within thirty (30) days of the Committee's organizational meeting and submit a recommendation to the City Council.

9.03.040 The City Council may hold an additional hearing and will render a final decision within thirty (30) days of receipt of the Committee's recommendation.



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9.04 WHISTLE BLOWER PROTECTION POLICY

9.04.010 POLICY STATEMENT (*Resolution 295, 7/93*)

It is the City of Yelm's policy to:

- A. Encourage its employees to report improper governmental action taken by City of Yelm officials or employees; and,
- B. Protect City of Yelm employees who have reported improper governmental actions in keeping with the City's policies and procedures.

9.04.020 DEFINITIONS

- A. **Good faith** means a deliberate and genuine action taken with confidence in its truth or correctness, along with a lack of interest in taking any conscious advantage or another.
- B. **Improper governmental action** means any action by a City of Yelm official or employee that:
 - 1) Is undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment; and,
 - 2) One or more of the following appears to be present:
 - (a) A violation of any federal, state, or local law or rule;
 - (b) An abuse of authority;
 - (c) A substantial and specific danger to the public health or safety, or;
 - (d) A waste of public funds.



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

Examples of improper governmental action include, but are not limited to, misappropriating City equipment and supplies for personal use, having City employees do work on a public official's private property while on City time or on their own time without compensation, operating a private business on City time, and accepting gratuities or kickbacks.

- 3) **Retaliatory action** means any adverse changes in the terms and conditions of a City of Yelm employee's employment.
- 4) **Emergency** means a circumstance that if not immediately changed may cause damage to persons or property.

9.04.030 REPORTING PROCEDURES

A. Report to Supervisor or Department Head First

City employees who become aware of improper governmental actions, including those involving individuals outside their own departments, must raise the issue first with their supervisor or department head, except as qualified below. If requested by the supervisor, the employee shall submit a written report to the supervisor or department head, or to some person designated by the supervisor or department head, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

B. If Improper Action Involves Supervisor or Department Head



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Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee shall raise the issue with the department head, the City Administrator, or with the Mayor.

C. In Case of Emergency

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

If the City Fails to Adequately Investigate

If the employee reasonably believes

- 1) That an adequate investigation was not undertaken by the City of Yelm to determine whether an improper governmental action occurred, or
- 2). That insufficient action has been taken by the City to address the improper governmental action, or
- 3) That the improper governmental action is likely to recur, the employee shall give written notice to the Mayor. Not sooner than 48 hours after notifying the Mayor, and if the employee still reasonably believes that the proper corrective action has not been taken, the employee may report information about the improper governmental action directly to the City Council Department Liaison, or the appropriate governmental agency with responsibility for investigating the improper actions. (See listing of agencies on page 43.)

D. If Improper Action Involves City Council or Mayor

Where the employee reasonably believes the improper governmental action involves a City Council member, the employee may raise the issue directly with the Mayor.



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Where the employee reasonably believes the improper governmental action involves the Mayor, the employee may raise the issue directly with the City Council Department Liaison, City Attorney or Thurston County Prosecuting Attorney.

E. Good Faith Attempt to Follow These Procedures Required

City employees who do not make a good faith attempt to follow these procedures in reporting improper governmental action shall not receive the protection provided by the City in these procedures.

9.04.040 INVESTIGATION PROCEDURES

The supervisor, department head, City Administrator or the Mayor, as the case may be, shall take action within fifteen (15) calendar days within receipt of the complaint, to properly investigate the report of improper governmental action. The employee raising the issue shall be notified by the Mayor when the investigation is begun and approximately when it will be concluded. City of Yelm officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing.

After an investigation has been completed, the employee reporting the improper governmental action shall be given a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential. The employee may be notified at his/her home address if he or she so requests.

9.04.050 PROTECTION AGAINST RETALIATORY ACTIONS

A. Retaliation Prohibited

City of Yelm 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 policies and procedures.



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B. If Retaliation Occurs

An employee who believes that they have been retaliated against for reporting an improper governmental action should advise his/her supervisor, department head, the City Administrator, Mayor or the official indicated in the following matrix:

If Perceived Retaliation is by:	Advise in Writing Within Thirty (30) days:
1. Supervisor	Department Head with a copy to the City Administrator and Mayor
2. Department Head	City Administrator with a copy to the Mayor
3. Other Individual Not Named Above, Including Councilmembers	Mayor
4. Mayor	Council Liaison, City Attorney, or Thurston County Prosecutor

City employees shall provide the written charge of retaliation to the appropriate individual no later than thirty (30) days after the occurrence of the alleged retaliatory action. The Department Head, City Administrator or Mayor shall take appropriate action to investigate and address complaints of retaliation and respond, via registered or certified mail with return receipt requested, within thirty (30) days, to the charge of retaliatory action. Only in cases where the Mayor is perceived to have taken a retaliatory action, should the employee send such charge of retaliation to the Council Liaison or City Attorney and the Council Liaison must respond within thirty (30) days, to the charge of retaliatory action.

C. If the Complaint is Not Satisfactorily Addressed

If the person advised of the retaliatory action does not satisfactorily resolve the employee's complaint, the employee may obtain protection under this policy and pursuant to State law by providing a written note to the Council Liaison that specifies the alleged



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retaliatory action and the relief requested.

D. When to Request a State Hearing

After receiving either the response of the City of Yelm or thirty (30) days after the delivery of the charge to the Mayor, the employee may request a hearing before a State administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Mayor with the earlier of either fifteen (15) days of delivery of the City's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City of Yelm for response.

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

Office of Administrative Hearings
919 Lakeridge Way SW
P.O. Box 42488
Olympia, WA 98504-2488
(360) 664-8717

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

9.04.060 MANAGEMENT RESPONSIBILITIES

Department heads, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

9.04.070 COMMUNICATION AND IMPLEMENTATION

The City Administrator is responsible for implementing the City of Yelm's policies and procedures for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are:



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- A. Permanently posted where all employees will have reasonable access to them;
- B. Make available to any employee upon request; and,
- C. Provide to all newly hired employees.

9.04.080 VIOLATIONS

Violations of this policy and these procedures may result in appropriate disciplinary action, up to and including dismissal.

9.04.090 QUESTIONS?

Contact the City Clerk or City Administrator

9.04.100 LIST OF AGENCIES

Thurston County 360-754-5540	Thurston County Prosecuting Attorney Thurston County Courthouse 2000 Lakeridge Dr. SW Olympia, WA 98502
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State of Washington 206-464-6684	Attorney General's Office Fair Practices Division 2000 Bank of California Center 900 Fourth Avenue, Suite 2000 Seattle, WA 98164
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360-902-0370	State Auditor's Office Legislative Building P.O. Box 40021 Olympia, WA 98504-0021
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United States 206-553-7979	U.S. Attorney 800 Fifth Avenue, Suite 3600 Seattle, WA 98104-3190
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CHAPTER 10 DISCIPLINE AND TERMINATIONS

10.01 DISCIPLINE

- 10.01.010 All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to the citizens of the City.
- 10.01.020 Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline, including termination.
- 10.01.030 The Mayor, City Administrator, or each department head, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- 10.01.040 The following are examples of the types of behavior which may result in discipline, including possible termination. (*Resolution 270, 10/92*) This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated below.
- A. Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job, or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.
 - B. Violation of a lawful duty.
 - C. Insubordination.
 - D. Absence from work without first notifying and securing permission from the department head.
 - E. Habitual absence or tardiness for any reason.



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- F. Unsatisfactory job performance.
- G. Conviction of a felony or a misdemeanor involving moral turpitude.
- H. Acceptance of fees, gratuities or other valuable items in the performance of the employee's official duties for the City.
- I. Inability, refusal or failure to perform the duties of the assigned job.
- J. Violation of duties or rules imposed by this manual, or by any other City rule, regulation or administrative order.
- K. Employee misuse of City services, telephones, vehicles, computers, equipment or supplies.
- L. Reference City's anti-discrimination/harassment policies as discussed.

10.01.060 In the event that discipline is necessary, the choice of what level of discipline to apply in any particular case is solely the City's. Depending on the particular situation, the following types of disciplinary actions may be used:

- A. **Oral Warning.** An oral warning is a counseling session between the employee's department head and the employee on the subject of the employee's conduct and performance, or the employee's failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, attitude, habits, or work methods.
- B. **Reprimand.** A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written reprimands are placed in the employee's personnel file.
- C. **Suspension.** A suspension is a temporary leave of absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. A



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suspension requires the approval of the City Administrator/Mayor and is a severe disciplinary action which is made part of the employee's permanent record. There are two (2) types of suspensions.

- 1) Suspension with Pay is administrative leave pending the results of an investigation or disciplinary action.
- 2) Suspension without Pay is a temporary leave of absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. Suspension of an exempt employee shall be in weekly blocks coinciding with the employee's designated work week.

D. **Decision Making Leave.** A department head may recommend, with the approval of the Mayor and/or City Administrator that an employee be given a one (1) day paid "Decision Making Leave" as the last step prior to termination. A "Performance Commitment Contract" would be filled out and signed by the department head and employee specifying the areas for improvement and the expectations and requirements of the City for continued employment. The employee would use the one (1) day paid leave to decide whether he/she can agree to the stated conditions. If agreement is not reached, the City would move to the termination step. If agreement is reached, the document will be used as the agreement between the City and the employee for continued employment.

10.02 TERMINATION

10.02.010 The following are examples of the types of situations (in addition to behavior types listed in 10.01.040) which may result in discipline, including possible termination: (*Resolution 270, 10/92*)

- A. An employee may be terminated at any time during or at the end of the employee's probationary period.
- B. As a result of disciplinary action.



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- C. Due to loss of skills, certifications or other conditions which would make the employee unfit for service.
- D. The Mayor shall be responsible for the selection and termination of employees in response to a City Council determination that a lack of work or funding exists.
- E. When the employee has a physical or mental impairment that prevents performance of required duties of the employee's position and the employee cannot be reasonably accommodated. The City may require an examination at its expense performed by a physician of its choice. Failure to submit to such request may result in terminations.

10.02.020 No employee will be disciplined or terminated for a discriminatory or otherwise illegal reason.

10.03 LAYOFF

- 10.03.010 The Mayor shall be responsible for laying off employees in response to a City Council determination that a lack of work, budgetary restrictions or other changes have taken place.
- 10.03.020 Temporary employees or employees who have not completed their probationary period will be laid off before regular employees.
- 10.03.030 In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal.
- 10.03.040 Employees who are laid off may be eligible to be re-employed, if a vacancy occurs in a position for which they are qualified.
- 10.03.050 Except as required by budgetary restrictions, no employee will be laid off without at least two (2) weeks written notice. (*Resolution 270, 10/92*)

10.04 RESIGNATION

- 10.04.010 An employee should provide two (2) weeks notice of resignation. (*Resolution 270, 10/92*) The employee's department head or the



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City Administrator may waive this time limit.

10.05 EXIT INTERVIEW

- 10.05.010 Whenever an employee leaves the service of the City of Yelm, there is a loss of talent to the organization and a substantial cost involved in finding a replacement. All separating City employees are valuable sources of information regarding working conditions observed and/or experienced during the period of their employment with the City of Yelm.

The City of Yelm strives to maintain a work environment that is positive. It is the policy of the City of Yelm to encourage all individuals separating from City employment to comment on their work experience with the City so that the reasons for employee turnover may be effectively and consistently monitored and addressed.

- 10.05.020 Employees will be afforded an opportunity to constructively comment on City employment through a discussion with the Department Head, City Administrator or Mayor. (See Attachments Section)

10.06 DEATH

- 10.06.010 Upon the death of an employee, all compensation due shall be paid to the surviving spouse or the estate of the employee.



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PERSONNEL POLICIES PART 2

ATTACHMENTS AND FORMS Form Name

Forms are updated as required. Please request forms as needed.



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PERSONNEL POLICIES PART 3

TABLE OF APPENDICES

- A. **Violence in the Workplace Crisis Plan and Procedures**
(Resolution 428, 12/02)
(Reference: Personnel Policy Chapter 8.14)

- B. **Association of Washington Cities Employee Benefit Trust Underwriting Rules and Benefit Enrollment Form**
(Resolution)
(Reference: Personnel Policy Chapter 6.03)

- C. **Severance Benefits for Exempt Employees**
(Resolution 520, 01/11)
(Reference: Personnel Policy Chapter 4.06)



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VIOLENCE IN THE WORKPLACE CRISIS PLAN AND PROCEDURES

Achieving Goals and Evaluating Progress

To achieve the goals and objectives of this policy, the city intends to do the following:

- Establish procedures and methods for implementing policies and for addressing violence in the workplace.
- Provide training to increase awareness and recognition of potentially violent situations and behaviors.
- Check references of all prospective employees.
- Establish a zero tolerance policy towards violence and consider threats of violence as acts of violence.
- Develop a written policy of how to respond to security threats.
- Limit public access to work areas when logistically possible.
- Evaluate the physical environment for safety and consider modifications.
- Evaluate progress in achieving the goals and objectives of this policy.

EMPLOYEE RESPONSE PROCEDURES

When a violent act occurs:

If the act or altercation constitutes an emergency, CALL 9-911.

The City of Yelm staff should become familiar with the following plan of action in order to best address any issues of workplace violence. Workplace violence can include varying degrees of threat, including displaying irrational behaviors or anger, physically assaulting persons or property, or using or threatening to use a weapon.

LOCATION AND EXITS



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Each department head shall inform all department employees of appropriate exits to use in the event of a violent occurrence requiring escape of the building.

EMERGENCY PLAN

Depending upon the circumstances, an escape/exit route could be any window or door. If it is necessary to leave the building and depending upon the direction of travel, go to the pre-determined location until help arrives.

The following actions may be taken in the event of violence in the workplace:

1. NO WEAPONS IMPLIED OR SHOWN:

- A. If you see or feel the situation escalating, and no weapons are implied or present, remove yourself from the situation immediately to ask for assistance from the Department Head or City Administrator.
- B. If the Department Head is unable to defuse the situation or remedy inappropriate behavior by a citizen or employee, he/she will say the code word **DENNIS**, this signals any staff member to call the Police at 9-911 and/or press the panic button.
- C. If a staff member hears the word **DENNIS** stated by an employee at any time, go to a back office and call the Police at 9-911 and/or press the panic button if possible.
- D. Other methods of seeking help: Yell for help; push the panic button, call 9-911; lock any doors between you and the threat/person; get behind a physical barrier such as a desk or counter if it doesn't block you in; leave the area using an escape/exit route as mentioned above.
- E. If the opportunity presents itself in any of these situations, remove yourself from the danger, go to the agreed upon location and call 9-911.

2. WEAPON IMPLIED OR SHOWN:

- A. If a firearm or explosive device is present, calmly go to a back office and call 9-911.



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- B. Attempt to notify co-workers with the code word **DENNIS**
Attempt to hit the panic button if possible. Remain as calm as possible.
- C. If a firearm is drawn, drop to the floor and seek cover.
- D. If the weapon is not a firearm or explosive device, there may be time for help to arrive before any personal harm is inflicted.
- E. If the opportunity presents itself in any of these situations, remove yourself from the danger, go to the agreed upon location and call 9-911.

FOLLOW-UP PROCEDURES

- Secure work areas where disturbance(s) occurred.
- Account for all employees and others and ensure the physical safety of those remaining in the area as soon as possible.
- Provide for site security while others assist the victim or help in securing the area.
- Quickly access the work area, if it was disturbed or damaged during an incident, to determine if it is safe.

MANAGEMENT RESPONSE PROCEDURES

- If employees experience workplace violence, check for the health and safety of yourself first. If you are okay, check for the safety and health of others involved in the incident. If they are not okay, let others know you need medical help immediately, and ask them to call 9-911.
- In instances that involve emergency situations, or criminal activity, the Department Head will contact the City Administrator and the Police Department. Incidents involving emergency situations and/or criminal activity will be referred to the Police Department for assessment and, if necessary, investigation.
- Minimize talking among employees prior to preparation of an incident report. This aids in obtaining the most accurate account of what



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happened. Submit the completed incident report to the Department Head who will refer it immediately to the City Administrator.

- Debriefing may occur with a Critical Incident Stress Debriefing Team from either the Police Department or Fire Department. They can help employees deal with the effects of experiencing workplace violence.
- Individuals may also contact the Association of Washington Cities with the employee assistance program to work through the situation.
- Provide accurate communication to outside agencies, media and law enforcement.

CONDUCTING AN INVESTIGATION

Incidents involving emergency and/or criminal activity will be referred to the Police Department for investigation. Incidents that do not involve an emergency situation, and/or criminal activity, will be handled by the City Administrator who will determine whether an investigation is needed and who will conduct the investigation.

1. Data Collection

There are great liabilities and legal implications associated with violent behavior in the workplace, therefore, before beginning any investigation, consult with the City Administrator and appropriate legal counsel.

The investigation could lead to disciplinary action; please be sensitive to the rights of all persons involved and proceed in a manner that demonstrates objectivity, fairness and a concern for confidentiality. Remember to document all aspects of the investigation.

2. Interview with the Alleged Victim

When talking with the alleged victim, speak clearly and non-judgmentally. Approach the interview in a sensitive, supportive manner. The goal of the interview is to develop a true and accurate account of the incident.



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- Obtain the date/time of the violent incident.
- Find answers to the questions: who, what, when and where.
- Find out what specifically happened in this and any other incidents.
- Determine the background of the situation, including the relationship between the parties before the incident.
- Obtain the names of anyone else who:
 - Saw or heard the incident.
 - Has spoken with the alleged victim about the incident.
 - May have had encounters with the alleged offender.
- Find out what the alleged victim did in response to the violent encounter.
- Find out whether the alleged victim has documented the incident, or any other violent encounters that the victim has had with the alleged offender.
- Reassure the alleged victim that the City is actively responding to the incident and that any retaliation will not be tolerated.

3. Interview with the Alleged Offender

Approach the interview in a non-judgmental, sensitive manner. Keep in mind that a person is innocent until proven at fault. Unreasonable assumptions of guilt before an investigation has been completed can impede an appropriate investigation.

- If the alleged offender asks for representation, allow it.
- Present the incident or incidents described by the alleged victim, or your own observations if you directly saw the incident.
- Get the alleged offender's side of the story.



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- Investigate with such questions as:
 - "Describe the incident that occurred between you and the alleged victim."
 - "Describe your relationship with the alleged victim and other interactions that you have had."
- Listen attentively as the alleged offender talks.
- Advise the offender of the seriousness of any form of retaliation against the alleged recipient/victim, or any action that might be interpreted as retaliation.

4. Interviews with Observers or Others in the Workplace

In an investigation, realize that observers may also be disturbed by the violent interaction they have witnessed. Investigate with questions such as:

- "What type of interaction did you observe between the alleged offender and the alleged victim?"
- "Are there others who might be able to comment, or who observed the same incident?"

Resolution No. 428, 12/02

SEVERANCE BENEFITS

OBJECTIVE

When it is necessary to involuntarily separate an employee for reasons unrelated to performance or conduct, it is the City's objective to provide severance benefits as outlined in this policy.

I. EMPLOYEES TO WHOM POLICY APPLIES

This policy applies to the following exempt positions: the City Administrator, City Clerk/HR Manager, Municipal Court Administrator, Community Development Director, Chief of Police and Public Works Director.

II. DEFINITIONS

A. Involuntary separation

Includes, but is not limited to, terminations and layoffs from employment with the City, or being placed on involuntary separation or equivalent status, due to budget reductions, agency reorganizations, work force downsizings, or other causes not related to the job performance, misconduct of the employee, or voluntary resignations.

B. Eligible employees

Employees who are entitled to severance benefits.

III. SEVERANCE BENEFITS

The benefits below will be provided to those employees who are involuntarily separated from their positions.

A. Severance payments

1. Based on years of service (see Attachment A for a total breakdown of severance weeks due to exempt employees.)

Attachment A

Eligible employees will be entitled to severance payments, paid together with the final paycheck, based on the following formula:

Years of Consecutive Service	Amount of Benefit
2 years or less	2 weeks' salary
3 years through 5 years	4 weeks' salary
6 years or more	6 weeks' salary

1. Maximum benefit

The maximum severance benefit to which an employee may be entitled is 6 weeks of salary.

2. Partial years service rounded

Employees with partial years of service will have that service rounded up to the next highest year for the purpose of determining the severance benefit. Partial years of service will not affect leave accrual or years toward service for retirement purposes.