



POLICY MANUAL

These policies serve as a general guide to the City's current employment practices and procedures. We hope they provide an understanding of how the City operates and what is expected of you as an employee. They also describe the compensation and benefits the City provides you.

We Value:



ACCOUNTABILITY
COLLABORATION
DIVERSITY
EMPATHY
INTEGRITY
INNOVATION
LEADERSHIP
PRODUCTIVITY
PROFESSIONALISM
SERVICE
STEWARDSHIP

CITY OF LACEY POLICY MANUAL

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CITY OF LACEY POLICY MANUAL

MESSAGE FROM THE CITY MANAGER

Congratulations on being a part of the City of Lacey Team! We take pride in our community and recognize the important role all Lacey employees play in providing critical services to our community members and businesses, as well as our co-workers through organizational support. The City of Lacey is an exceptional place to work with talented and skilled employees. Without you, we could not carry out our primary mission—serving the public.

As a valued team member, it is important for you to read and become familiar with the City's personnel policies. It is also extremely important that you fully understand what is expected of you and what you can expect from us. These policies were developed to guide your employment and help you fully utilize the resources available to you. The policies will acquaint you with your employee benefits, the City's personnel practices and rules, and organizational philosophy. If you have any questions regarding these policies, please contact your supervisor, Department Director, or the Human Resources Department.

As the City grows and changes, personnel policies may change. Changes will be posted to the "N drive" and the City will endeavor to notify you in a timely manner when changes occur. Please also understand that no supervisor, manager, or representative of the City, other than the City Manager, has the authority to make any exceptions to these policies.

We all have a responsibility to maintain Lacey's positive and productive work environment. As your City Manager, I am committed to investing in our workforce through on-going training and providing the necessary equipment to help you carry out the essential functions of your job. Lacey has earned a well-deserved reputation (our brand) based on leadership, accountability, customer service, and excellence. All Lacey employees are expected to exemplify these qualities and traits.

Thank you for your dedication and work on behalf of the community and organization. And, please take gratification in the knowledge that we do great things to better the lives of people within our community by the work we all do.



Rick Walk, City Manager



INTRODUCTION

1.1 Value Statement

The City's primary goal is to provide quality service to its customers, the residents of Lacey. To accomplish this goal, we all need to work together as a team. The City places the highest value on our employees and their well-being. We want to see that you are a satisfied worker, with the support and information necessary to achieve the objectives of your position. Only in this manner can your contribution to the City's organization be the most productive.

1.2 Mission/Vision/Values

Our Mission

Our mission is to enrich the quality of life in Lacey for all our citizens . . . to build an attractive, inviting, and secure community. We pledge to work in partnership with our residents to foster community pride, to develop a vibrant, diversified economy, to plan for the future, and to preserve and enhance the natural beauty of our environment.

Our Vision is to create...

- A Safe and Secure Community
- A Vibrant, Diverse Economy
- A Vibrant Place to Live, Work, and Play
- An Engaged Community
- Coordinated and Collaborative Planning
- Environmental Stewardship
- Excellence in Programs and Services
- Quality Transportation and Utility Infrastructure

We Value...

- Accountability
- Collaboration
- Diversity
- Empathy
- Integrity
- Innovation
- Leadership
- Productivity
- Professionalism
- Service
- Stewardship

1.3 Intent of Policies

These City policies serve as a general guide to the City's current employment practices and procedures. As such, we hope they will help you better understand how the City operates and what is expected of you as an employee. These policies also describe what the City provides you in terms of compensation and benefits.

1.4 Scope

These policies apply to all City employees and the violation of any of these policies may be subject to potential corrective and/or disciplinary action. In cases where these policies conflict with any City ordinance, Civil Service Rule or Regulation, the provisions of a collective bargaining agreement, an individual employment contract, or a state or federal law, the terms of that rule, law or agreement shall prevail.

1.5 Changing the Policies

Policies may be revised as a result of changes in federal and state regulations, ordinances, rules, or laws incorporated in this document. These policies shall be deemed amended in conformance with those changes.

The City Manager is the only person who is authorized to supersede, supplement, modify, or waive any of the provisions of the City's Policies. Department Directors may establish departmental policies, procedures, and work rules consistent with these policies.

1.6 Employment Rights Disclaimer

It is important to understand that these policies do not create an employment contract or any guarantee of employment of any specific duration between the City and its employees. Unless specific rights are granted by contract or statute (e.g., individual employment contracts, collective bargaining agreements, Civil Service Rules, RCW, WAC, memorandums of understanding) all employees of the City are considered to be at-will and may be terminated from City employment at any time. No one, other than the City Manager, has the authority to enter into any written or verbal commitment or agreement, which affects the at-will status of non-represented employees. Directors, managers and / or supervisors, although essential in the overall employment process, do not have the authority to fundamentally change the employment status of an employee without prior review and consultation with the City Manager.

A graphic illustration of five stylized human figures arranged in a circle, holding hands. The figures are rendered in shades of light blue, light green, and light purple. The text 'HUMAN RESOURCES POLICIES' is centered over the figures in a dark blue, bold, sans-serif font.

HUMAN RESOURCES POLICIES

2.1 – Definitions

Abandonment of Position: An absence of an employee for three (3) consecutive workdays without notification to their manager or designee, unless in the opinion of the manager, the failure to notify was clearly beyond the employee's control.

Appointing Authority: The City Manager is considered to be the appointing authority and has delegating authority over all City departments to appoint or remove employees.

Appointment: The assignment of a qualified person to a position in the City service by the appointing authority.

At Will Employment: Executive, managerial, or confidential positions and other non-represented positions held by employees which are not governed by the terms or conditions of a contractual agreement providing otherwise are considered to be "at will" – meaning either party, the employee or employer, may terminate the employment relationship at any time, for any reason.

Civil Service: All sworn personnel of the Lacey Police Department, excluding the Chief and Deputy Police Chief, are covered under the Civil Service Rules.

Complaint: Disputes involving the interpretation, application, and/or an alleged violation of the City's policies (see Policy 6.12).

Collective Bargaining Agreement: A labor contract covering employees represented by a union.

Demotion: The assignment of an employee, voluntarily or involuntarily, to a job classification generally having less responsibility and pay in a lower pay range.

Department Director: The employee designated as the head of a department of the City and includes, but is not limited to: Police Chief; Parks, Culture & Recreation Director; Finance Director; Human Resources Director; Community and Economic Development Director; Assistant City Manager and Public Works Director.

Domestic Partnership: The City defines domestic partnership as individuals (same or opposite sex) who:

- Share the same regular and permanent residence; and
- Have a close, personal and exclusive relationship; and
- Are jointly responsible for basic living expenses; and
- Are not married to, or have a domestic partner relationship, with anyone else; and
- Are each eighteen (18) years of age or older; and
- Are not related by blood closer than would bar marriage in the State of Washington; and
- Were mentally competent to consent to contract when the domestic partnership began; and
- Are each other's sole domestic partners and are responsible for each other's common welfare.

Domestic partnerships must be declared on an affidavit to be considered for benefits eligibility with the City. Verification of the domestic partnership will be completed by the Association of Washington Cities (AWC) or their designee.

Federal Fair Labor Standards Act Designation: All City positions are governed by the Federal Fair Labor Standards Act (FLSA) and are designated by the Human Resources Department as either “exempt” or “non-exempt”. Consult with Human Resources on questions about status of positions.

- **Exempt:** A position that meets the exemption tests of the Federal FLSA; thereby, making it exempt from the overtime pay requirements. (See 3.1 Hours of Work)
- **Non-exempt.** A position that is eligible for overtime pay under the Federal FLSA. Overtime for these positions is paid in accordance with the City’s policies on overtime and the respective collective bargaining agreement. (See 3.1 Hours of Work)

Job Families: A group of job functions having similar purpose and knowledge requirements, but different levels of difficulty and responsibility (e.g. financial, maintenance, administrative, etc.).

Non-Represented: A position not covered under the terms and conditions of a collective bargaining agreement with the City of Lacey and is considered to be at-will.

Probationary Period: All new hires appointed to regular positions are subject to a six (6) month probationary period unless otherwise specified in an applicable collective bargaining agreement or Civil Service Rules. Probation begins on the first day of work (or the first day back at work for an employee who formerly worked for the City and has been rehired) and continues throughout the first six months of employment. An employee who has received satisfactory performance evaluations from their supervisor and completed the designated probationary period has successfully passed probation. Employees in a probationary position may resign or be terminated at any time without cause or notice. The City reserves the right to extend probationary periods for business reasons (e.g. extended illness or continued need to evaluate an employee). **Successful completion of probation does not mean an employee is guaranteed employment for any specific length of time or that they cannot be terminated without cause.**

Represented: A position that is part of a bargaining unit represented by a union and covered under the terms and conditions of a collective bargaining agreement with the City of Lacey.

Seniority: The duration of employment with the City as measured by the original date of hire in a regular budgeted position.

Supervisor: An employee who is assigned responsibility by management to oversee the following functions with respect to their staff members:

- Selecting staff
- Training and development
- Planning and assignment of work
- Providing regular and consistent feedback
- Evaluating performance
- Resolving grievances
- Taking corrective action

Types of Appointment: An employee may fall under one or more of the following appointment types depending on their assigned position:

- **Regular Full-Time:** A position in a City approved, budgeted, continuous position that requires at least 40 hours of work per week. Employees in regular full-time positions are eligible to

participate in the City's benefit programs as defined by the respective collective bargaining agreement or the City's Benefits policy (see 5.1 Benefits) for non-represented positions.

- **Regular Part-Time:** An approved, budgeted, continuous position that requires at least 20 hours of work per week, but less than 40 hours. Employees in regular part-time positions are eligible to participate in the City's benefit programs as defined by the respective collective bargaining agreement or the City's Benefits policy (see 5.1 Benefits) for non-represented positions.
- **Limited Term:** An employee hired for a definite and limited term of employment in excess of six (6) months but not longer than 24 months, and regularly assigned to work a minimum of 20 hours per week. Non-represented limited term positions may be extended beyond 24 months depending on business need. The City Manager or designee reserves the right to extend the term of employment beyond 24 months on a case-by-case basis. Limited-term employees will be eligible for benefits (pro-rated if they work less than 40 hours per week). Seniority does not accrue unless 1) the employee has already passed probation in a regular position, or 2) the employee is later appointed to a regular position with no break in employment, in which case the employee shall be credited for time worked.
- **Seasonal:** A position with annual employment for a specified period of time (generally 180 calendar days or less). Seasonal positions typically work each calendar year in approximately the same part of the year, such as summer or winter, and are typically hired to handle peak work load periods. These positions are typically not eligible for health coverage, unless otherwise specified.
- **Temporary:** An employee working for the City on an "as needed" basis. These positions are not continuous and are needed for a specific length of time (e.g., for specific work projects, grant-funded work, back-fill work behind an absent regular full-time employee). The temporary position generally does not exceed six (6) months; however, some projects may require longer duration for completion. Employees in temporary positions may resign or be terminated at any time. Employees in temporary positions are not typically eligible to participate in the City's benefit program; unless the position is originally authorized to work for more than six consecutive months on a full-time basis and benefits are specifically authorized at the time of hire (this typically may be approved for a project with a 12 to 18 month estimated duration).
- **Variable Hour:** A position that requires less than twenty (20) hours per week. Variable hour employees are subject to monthly and annual hour limitations and are generally not eligible for health coverage, unless otherwise specified. Employees in these positions may resign or be terminated at any time without cause or notice.
- **Independent Contractor:** Contracted employees are persons employed by another agency, such as a temporary employment agency, and working on a temporary basis under the direction of the City and are not on the City's payroll or benefit plans. Typically, a contractor is involved in a distinct occupation or business, which is one that the City does not engage in or the nature of the services hired are in areas of specialty or expertise which City staff does not possess.
- **Intern:** The City may employ individuals in paid or unpaid internships. Must be currently enrolled in a post-secondary educational program leading to an undergraduate or graduate degree, or has graduated from a post-secondary educational program less than six months from the date of hire. Must be in good standing at their college or university and must retain their status until the end of the internship. May work during the summer without being enrolled; however, they must be returning to school and pre-registered for the fall term unless they meet the provision noted above as recently graduated (e.g. less than six months prior). Interns must be considering a profession related to some aspect of the City's business objective.

- **Volunteer:** Volunteers perform assignments without the expectation of wages and benefits, with the exception of workers compensation coverage. Volunteers normally work under the direction of City staff on City premises and may use City equipment and supplies as authorized by City staff.

2.2 – Equal Employment Opportunity Employer and Service Provider

2.2.1 Purpose

The City of Lacey values the diversity of our community as a result strives to ensure that its workforce is reflective of those we serve. In its hiring practice, the City has established standards to reflect its commitment as an Equal Employment Opportunity Employer (EEO) and Service Provider. The City of Lacey achieves better outcomes and customer service delivery when a variety of employees with different backgrounds work together toward a common goal. It is the purpose of this policy to administer these principles and mandates.

2.2.2 Policy

The City is an equal employment opportunity employer in all aspects of employment: hiring, discipline, promotion, pay and all other employment practices. The City employs, retains, promotes, terminates and otherwise treats all employees and job applicants on the basis of job-related qualifications and competence. This means that all employees, potential employees and volunteers are treated without regard to their age, sex, marital status, sexual orientation including gender expression and identity, race, creed, color, national origin, citizenship or immigration status, religion, pregnancy, honorably discharged veteran or military status, genetic information, or the presence of any sensory, mental or physical disability or the use of a trained dog guide or services animal by a person with a disability or any other basis prohibited by law.

The policies and principles of equal employment opportunity also apply to the selection and treatment of independent contractors, personnel working on City premises who are employed by temporary agencies and any other persons or companies doing business for or with the City of Lacey.

2.2.3 Remedies/Alternate Remedies

Violations of this policy, regardless of whether or not an actual law has been violated, will not be tolerated. Any employee, citizen or applicant for employment, who feels they have been the victim of discriminatory treatment in violation of this policy should bring their concern(s) to the hiring supervisor, the Human Resources Director, or the City Manager.

The City of Lacey will promptly, thoroughly and fairly investigate allegations of unfair employment practices. Violations of this policy will be subject to disciplinary action, where appropriate, up to and including termination. Nothing in this policy shall prevent the complainant from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

2.3 – Harassment/Sexual Harassment/Non-Discrimination

2.3.1 Purpose

The City of Lacey is committed to maintaining a safe and healthy work environment for its employees, and dedicated to fostering a workplace that welcomes differences, looks for ways to be inclusive and fosters respect. As such, the City has no tolerance for harassment or discrimination in the workplace. This policy will provide guidance on identifying workplace harassment, sexual harassment, and/or discrimination. All employees have the right to work in an environment free from all forms of unlawful harassment (federal and state law) based upon their race, color, sex, creed, religion, gender, national origin, age (over 40), marital status, pregnancy and maternity, honorably discharged veteran or military status, guide dog or service animal, sexual orientation including gender expression or identity, disability (including HIV, AIDS, and Hepatitis C status), genetic information, citizenship or immigration status, or victim of domestic violence, sexual abuse or stalking.

2.3.2 Policy

The City strives to maintain a work environment that fosters mutual employee respect and promotes harmonious, productive working relationships. The City of Lacey is committed to ensuring that the practices and conduct of all its employees comply with the requirements of Federal, State and local laws regarding harassment and discrimination. The City prohibits harassment and discrimination by any employee towards any other employee, supervisor, and/or third party to include citizens, volunteers, vendors, and/or visitors in the workplace. All employees are expected to be sensitive to and respectful of their co-workers and others with whom they come into contact while at the City. The City also prohibits third parties, including citizens, volunteers, vendors and/or visitors to the work place from harassing or discriminating against employees.

This policy applies to all City employees, represented and non-represented, volunteers and all others having business with the City of Lacey.

2.3.3 Definitions

Harassment: Harassment encompasses unwelcome, offensive conduct that is based on any protected characteristic and is strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, sex, creed, religion, gender, national origin, age (over 40), marital status, pregnancy and maternity, honorably discharged veteran or military status, guide dog or service animal, sexual orientation including gender expression or identity, disability (including HIV, AIDS, and Hepatitis C status), genetic information, citizenship or immigration status, or victim of domestic violence, sexual abuse or stalking or any other characteristic protected by law and that:

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

Examples of prohibited conduct that constitutes harassment includes, but is not limited to:

- Slurs or negative stereotyping.
- Threatening, intimidating or hostile acts.

- Verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public.
- Disparaging jokes.
- Written or graphic material that belittles or shows hostility or aversion toward an individual or group that is displayed on walls or elsewhere in the employer's premises or circulated in the workplace (including city owned vehicles), on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites and/or other means.

Sexual harassment: Sexual harassment as a form of sex discrimination that is an unlawful employment practice prohibited under Chapter 49.60 RCW and federal law. The federal Equal Employment Opportunity Commission (EEOC) (Section 1604.11) defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when any one of the three criteria is met:

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

Inappropriate behavior of a sexual nature:

- Behavior of a sexual nature which, by itself or if repeated, could interfere with an employee's ability to perform their job.
- Behavior of a sexual nature that could create an intimidating, hostile, or offensive work environment.
- Harassing behavior, such as demeaning, threatening, or offensive conduct, whether or not sexual in connotation, which is directed toward an individual based on gender.

Examples of inappropriate behavior of a sexual nature include, but are not limited to:

- Unwanted verbal or physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions.
- Verbal harassment of a sexual nature, including but not limited to, lewd comments, sexual jokes or references, and offensive personal references.
- Demeaning, insulting, intimidating, or sexually suggestive comments about an individual.
- Display of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, cartoons or photographs in the work environment.
- Insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.
- Solicitation or coercion of sexual activity, dates or the like with the implied or express promise of rewards or preferential treatment.
- Intimidating, hostile, derogatory, contemptuous or otherwise offensive remarks that are directed at a person because of that person's gender, whether or not the remarks themselves are sexual in nature, where the remarks cause discomfort or humiliation.

Hostile Work Environment: Harassment that creates a hostile work environment and occurs because of a person's race, color, sex, creed, religion, gender, national origin, age (over 40), marital status, pregnancy and maternity, honorably discharged veteran or military status, guide dog or service animal, sexual orientation including gender expression or identity, disability (including HIV, AIDS, and Hepatitis

C status), genetic information, citizenship or immigration status, or victim of domestic violence, sexual abuse or stalking is a form of discrimination. Hostile work environment harassment exists when an employee experiences unwelcome or offensive behavior or statements that are sufficiently severe or pervasive so as to interfere with the individual's work performance or create an intimidating, hostile or offensive work environment based on a person's protected status.

2.3.4 Guidance and Responsibility

Every manager, supervisor, and employee is responsible for creating an atmosphere free of harassment and discrimination. The City strongly urges employees to report all incidents of harassment, discrimination or other inappropriate behavior as soon as possible.

- A. **Employees:** Each employee is responsible for respecting the rights of others, including the citizens they serve. All employees are responsible for fostering and maintaining a work environment free from any kind of harassment, discrimination, sexual harassment and/or inappropriate behavior of a sexual nature.
- B. **Managers and Supervisors:** Managers and supervisors are responsible for taking necessary steps to prevent harassment, discrimination, sexual harassment and/or inappropriate behavior of a sexual nature in the workplace. This includes ensuring new employees have received a copy of this policy upon employment and that they meet any necessary training requirements regarding this policy during the duration of their employment. Managers and supervisors are also responsible for modeling appropriate behavior in the workplace.
- C. **Human Resources:** The Human Resources Department will provide management and employees with technical assistance, consultation and training regarding the prevention of harassment, discrimination, sexual harassment and inappropriate behavior of a sexual nature in the workplace. The City is legally obligated to respond to allegations concerning a violation of this policy, and it is the responsibility of the Human Resources Department to promptly determine whether an investigation is required for any reported violation(s).

2.3.5 Duty to Respond to Observed or Reported Incidents

Managers and supervisors are expected to promptly respond to observed or reported incidents of harassment, discrimination, sexual harassment and inappropriate behavior of a sexual nature. This response includes:

- Immediately stopping any observed behaviors in violation of this policy
- Notifying the Human Resources Director and/or the City Manager of the observation or reported violation.

Managers or supervisors who have failed to report harassment or discrimination to the Human Resources Director or the City Manager within a timely manner may also be subject to corrective and/or disciplinary action, up to and including termination.

2.3.6 Retaliation

The City of Lacey encourages reporting of all perceived incidents of harassment or discrimination. It is the policy of the City to promptly and thoroughly investigate such reports. The City expressly prohibits retaliation against any individual who reports harassment or discrimination or participates in an investigation of such reports. Retaliation is defined as any act of vengeance, interference or adverse

action, whether direct or indirect, against an individual for raising concerns, filing a complaint, participating in an investigation or otherwise exercising their rights protected under this policy.

Conduct of a retaliatory nature will not be tolerated and may result in disciplinary action, up to and including termination.

2.3.7 Complaint Process

This policy is intended to assist the City in addressing not only illegal harassment and discrimination, but also any conduct that is offensive and inappropriate.

If an employee believes they are being subjected to harassment or discrimination, or becomes aware of such conduct being directed at someone else, or believes another employee has received more favorable treatment because of discrimination, they must promptly notify Human Resources staff, City Manager, a manager or Department Director with whom they feel comfortable. Under unique circumstances the City Attorney is available to receive complaints of this nature.

The Human Resources Department will determine whether reported incidents will be investigated as required by law.

2.3.8 Policy Violations

Appropriate disciplinary corrective action will be taken (up to and including termination) where violations of this policy are found to have occurred.

It is a violation of this policy to knowingly report false allegations of harassment. Persons found to knowingly report or corroborate false allegations will be subject to appropriate discipline.

2.3.9 Alternative Legal Remedies

Nothing in this policy prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

2.4 – Employee Training and Development

2.4.1 Purpose

The City recognizes that employees may need to attend training or join technical and/or professional associations to remain current of best practices within their respective fields. The purpose of this policy is to outline parameters for attending internal and/or external training and development opportunities. For Police Department personnel, training and training schedules will be coordinated through the training unit in accordance with Department need, budgetary and staffing levels, accreditation standards, and state mandates.

2.4.2 Policy

The City of Lacey provides training opportunities to employees to increase their knowledge, skills and abilities directly related to their position, to obtain or maintain required licenses and certifications, and to develop a career path within the City.

The City's training program is coordinated by Human Resources. Human Resources will organize, coordinate and administer any necessary mandatory training for City employees based upon training needs and legal requirements.

Department Directors or designees may organize and coordinate required certification(s) or training(s) as outlined within job descriptions assigned to their department.

2.4.3 New Employee Orientation

The orientation of a new employee is a joint responsibility of Human Resources and the hiring department director/supervisor. Human Resources will advise new employees of the following:

- General employment practices
- General safety policies; and
- Health & welfare benefits

Within the employee's first six (6) months with the City, the new employee will be required to complete the mandatory training offered by Human Resources, as well as, their respective Department. The Department Director/supervisor is responsible for orienting and training the new employee in their new job duties and responsibilities, on-the-job safety and the proper handling of hazardous chemicals encountered (when applicable) on the work site.

For employees assigned to report to City Hall as their work site, new employees will attend a comprehensive safety orientation in accordance with the City Accident Prevention Plan. For Public Works Operations, Police Department and Joint Animal Services employees, safety orientations will be scheduled in accordance with established standard operating procedures or department policy.

2.4.4 Training Requests

The City offers full-time regular employees the opportunity to participate in training. The training event to be attended must have a direct relationship to the job the employee performs. For work scheduling purposes, an employee's request for attendance should be submitted at least thirty (30) days in advance of the event, and the employee's supervisor must approve the request. Requests for Training will be made using the City of Lacey-Training and Travel Request Form.

Registration payments associated with approved training requests, will be paid by the Finance Department. Employees that elect to self-pay for registration costs may be reimbursed only if the Training and Travel Request Form has been approved and only upon sending proof of training completion to the Finance Department.

For all trainings paid for by the City, a copy of the training certificate or proof of completion must be placed in the employee personnel file. Employees are responsible for sending this proof of training completion to the Human Resources Department.

2.4.5 Professional Association Requests

The City may consider paying for training and membership in one (1) professional organization, which shall be directly related to the employee's work. The association material(s) will be presented to the supervisor for consideration and approval. The Internal Revenue Service (IRS) establishes regulations regarding when agency payments for training and memberships should be considered a taxable fringe benefit. General guidance is provided in IRS Fringe Benefit Guide at <http://www.irs.gov/pub/irs-pdf/p5137.pdf>.

2.4.6 Tuition Reimbursement

Tuition reimbursement applies to degree programs pursued through accredited colleges and/or universities. The course work must be relevant to career paths offered within the City, as demonstrated within the qualifications of the City's job descriptions. Employees will not be on paid City time while attending such courses nor will books, transportation, lab fees or course material costs be reimbursed. Tuition paid for by federal or state grants (FAFSA), or any other outside scholarship, are not eligible for reimbursement. Department Directors will need to approve their employee reimbursement requests using the Tuition Reimbursement Form (Appendix B), which will then be forwarded to the Human Resources Director for approval. Approved employee tuition reimbursements will be made on a "first come, first served" basis and may not exceed \$2,000 per employee per calendar year. Department Directors shall work with Human Resources regarding tuition reimbursement requests to ensure equitable and fair practices. The program shall be budgeted through and administered by the Human Resources Director or designee.

To be considered for tuition reimbursement, employees must:

- Be in a full-time regular position and have worked for the City for a minimum of two (2) years.
- Submit a written request (Appendix B-Tuition Reimbursement Form) prior to the start of each school term to their direct supervisor, along with an attachment of the course program registration. A 30-day advance notice is requested to ensure the employee will receive either official approval or denial prior to the start of submitted courses. A new form must be submitted for each semester or quarter term that reimbursement is being requested for.

Reimbursement will be provided following the employee submitting proof of payment and completed course grade. Employees must obtain a passing grade of B/3.0 or better in order to qualify for reimbursement. Employees will submit the copy of their approved reimbursement form, proof of payment and completed course grade to the Human Resources Department for reimbursement processing.

2.4.7 Licenses and Certifications

The City will reimburse examination fees associated with obtaining, maintaining, and/or upgrading required licenses or certifications. The City will typically only reimburse for study materials, sample tests and/or course work in preparation of certification and/or recertification if it is a requirement of the job (should be outlined within the job description). The course work must be relevant to career paths offered within the City, as demonstrated within the qualifications of the City's job descriptions. Examples may include:

- First Aid/CPR
- Water Distribution
- Flagging
- CDL test and endorsement

The City may approve reimbursement for licenses and/or certifications not listed as a requirement of the job if employees can demonstrate to management the benefit for the City and is ultimately approved by management and Human Resources.

A copy of the completed exam or certification(s) which are reimbursed for by the City, must be placed in the employee personnel file. Employees are responsible for sending a copy of license/certification completion to the Human Resources Department.

2.5 – Separation From Service

2.5.1 Purpose

The separation of an employee will be handled in a professional manner with minimal disruption to the workplace, and this policy puts forth the various ways a separation from employment may occur.

This policy applies to all City employees, represented and non-represented. Represented employees shall refer to the Collective Bargaining Agreement provisions that may supersede any portion of this policy.

2.5.2 Policy

Employment with the City of Lacey is voluntary and subject to termination by the employee or the City at will, with or without cause, and with or without notice at any time. Nothing in this policy shall be interpreted to conflict with or to eliminate or modify in any way the employment-at-will status of the City of Lacey employees.

Termination from employment with the City of Lacey may be for a number of reasons including, but not limited to:

- A. **Voluntary Termination (Resignation)**: Employment termination initiated by the employee in writing of their intent to leave the City out of their own accord.
- B. **Involuntary termination (Discharge)**: An involuntary termination of employment, including a layoff of over 30 days, is a management-initiated termination with or without cause.
- C. **Lay-off**: Involuntary employment termination initiated by the City for non-disciplinary reasons due to lack of work, limited funds, organization change or needs of the City, and is not related to the employee's performance.

2.5.3 Resignation

An employee whose intention is to leave City service in good standing will, as a professional courtesy, provide a written resignation letter to the Department Director at least two (2) weeks' in advance of the anticipated separation date. City management expects Department Directors to provide four (4) weeks' advance notice of resignation whenever possible. The Department Director will forward a copy of the employee's resignation letter to the Human Resources Department. An exit interview with the Director of Human Resources and/or designee is encouraged. At the employee's request, an exit interview may alternatively be conducted by the Department Director.

2.5.4 Termination (Discharge)

An employee may be terminated (discharged) from City employment for any of the following reasons:

- During or at the end of an employee's probationary period with or without cause.
- At-will employees may be discharged with or without cause.
- Employees may be discharged for the following reasons (but not limited to):
 - a) As a result of disciplinary action.
 - b) For unsatisfactory job performance.
 - c) Other conditions which would make the employee unable to satisfactorily perform the job or unfit for duty.

2.5.5 Employee Lay-off and Recall

The City may lay-off employees where there are changes in duties or a reorganization of positions; a position and/or service is eliminated; there is a lack of work or shortage of funds; or other appropriate reasons. Reasonable efforts will be made to integrate affected employees into other available positions.

2.5.6 Medical Disability Separation

If an employee has a physical or mental impairment that prevents them from performing the essential duties of their position and the employee cannot be reasonably accommodated, the employee and/or the City may terminate the relationship for medical reasons. The City may require an independent medical examination, at its expense, performed by a physician of its choice, prior to a medical termination. Failure by the employee to submit to such an examination may result in an involuntary termination.

2.5.7 Retirement

Employees who choose to retire are requested to give the Human Resources Department as much advance notice as possible of their intent or at least 90 days' notice.

2.5.8 Death of an Active Employee

Upon receiving notification of the death of an active employee, the employee's supervisor should immediately notify the Human Resources Department. The Human Resources Department and Payroll will process all appropriate beneficiary payments from the City's various benefits plans. The employee's supervisor will ensure that Payroll receives the deceased employee's timesheet.

2.5.9 Exit Interview

Exit interviews often occur when an employee voluntarily leaves the workforce. Such interviews, usually conducted by the Human Resources Department, provide the employer an opportunity to gather invaluable information. The interviews also allow the employer to explain the benefits available to the separating employee and answer procedural questions the employee may have. Following a disciplinary termination (or discharge), however, exit interviews may not be possible due to circumstances.

2.6 – Volunteers

2.6.1 Purpose

The City of Lacey Volunteer Program is designed to promote the spirit of partnership and increase interaction with residents, community organizations and local businesses.

2.6.2 Policy

The Human Resources Department oversees the Volunteer Program and assists departments in onboarding volunteers in the following categories:

- Public Safety (i.e. Lacey Resource Officers)
- Community organizations
- One time project or special event
- Continuous service by an individual (i.e. Animal Services, Lacey Museum, Parks, Culture & Recreation, Lacey Veterans Services Hub, etc.)

Volunteer programs are established to provide services to residents and visitors of Lacey and to provide residents with opportunities within the City.

With the exception of volunteers used for one day or short-term event (e.g. Adopt a Trail, park planting events or light maintenance events) all on-going or long term volunteers over the age of 18 must successfully complete any applicable background check(s). For on-going or long-term volunteers under the age of 18 who are responsible for the supervision of individuals belonging to a vulnerable population (e.g. other minors or elderly) a background check must be successfully completed. For on-going or long-term volunteers under the age of 18 who do not supervise individuals belonging to a vulnerable population background checks are optional and subject to the discretion of the Department Director. Background checks are only valid for two (2) years from the time the check is ran during the application process. Volunteers will be required to reapply, and go through a new background check every two (2) years. Departments are also encouraged to perform reference checks on volunteers as needed. For minors under the age of 18, they will be required to sign a liability and hold harmless waiver.

For volunteers that are required to drive their own personal vehicle for the purpose of the requirements of the established City program, the City will confirm the volunteer has a valid driver's license and liability insurance on their vehicle.

For volunteers that are required to drive a City owned vehicle for the purpose of the requirements of the established City program, the volunteer must have a driving record acceptable to the City and the City's insurance carrier. The volunteer must also attend defensive driving training and complete any applicable liability waiver for the transport of passengers.

2.6.3 Authorized Volunteer Programs

Each Department Director will determine the need for volunteers and/or programs (i.e. adopt the road, etc.) with respect to new events or a new use of volunteers. For new events or new use of volunteers, Department Directors will notify Human Resources prior to authorizing the event and/or onboarding of the volunteer(s). The Department Director or designee will assign an existing employee as the Volunteer Coordinator as a part of their work assignment. Volunteer Coordinator duties include the following:

- Collaborate with Human Resources regarding the volunteer selection process and necessary training.
- Serve as liaison between the program and the department.
- Based on department needs, schedule program activities and events.
- Assist volunteer program leaders with program operation.
- Submit quarterly reports of volunteer hours to Human Resources.
- Submit quarterly activity reports to Department Directors.

Volunteers are not employees of the City and therefore have no property interest in their positions and serve at the pleasure of their assigned department and the City. The services of a volunteer may be terminated as necessary, with or without cause.

Volunteers are expected to conduct themselves in a manner that does not reflect negatively on themselves or the City. Volunteers are expected to abide by the Policies and Procedures of the City of Lacey, directives and other rules and regulations that guide the behavior of those associated with the City. Volunteers will receive a health and safety briefing as necessary for certain events.

No close relatives will be selected to perform on-going volunteer work with the City of Lacey, unless given an exception by the Human Resources Manager, when:

- A current employee is a relative and would have the authority or practical power to affect decisions and/or actions related to the volunteer.
- A relative would be responsible for auditing the work of the volunteer.
- Circumstances exist which would place the relatives in a situation of actual or potential favoritism or conflict between the City's interests and their own.
- The volunteer is a close relative of: an elected official of the City, a Board or Commission Member (who is associated with a department and the volunteer opportunity is in that department), the City Manager, Department Directors, or policy level officers of vendors, regulatory agencies, or others with whom the City deals in an enforcement or regulatory capacity.
- In most cases, the City will not utilize volunteers who are related to current employees in the same department, although there may be exceptions made to this rule as needed to comply with state law (e.g. state law prohibits discrimination on the basis of marital status except when one or more of the above conflicts or restrictions would exist).

2.6.4 Record Keeping/Retention

Volunteer Coordinators should keep records of each volunteer including, but not limited to:

- Signed application
- Any signed Volunteer Agreement
- Background Check – ***Kept in Human Resources***
- Documentation of hours worked
- Training documentation.

Documentation that relates to an accident involving a minor should be kept for three (3) years after the minor's 18th birthday. All other records should be kept in accordance with the City's General Records Retention Schedule.

2.6.5 Volunteer Training/Identification/Uniforms

With regards to on-going or long-term volunteers, the following is a list of guidelines regarding training, identification and uniforms that should be provided by the sponsoring Department for ongoing volunteers at the City of Lacey:

- All new volunteers will be on-boarded with the sponsoring Department on the City of Lacey's policies and the expectations of employees and volunteers.
- Before participating in program assignments, all new volunteers receive a general orientation on the nature and purpose of the department, department rules and regulations that apply to them, and the nature and operation of the program or activity for which they volunteered.
- Volunteers receive practical training and any appropriate safety training to provide them with the information and skills necessary to perform their volunteer assignments.
- The timing and methods of delivery of such training is appropriate to the complexity and demands of the assignments and the capabilities of the volunteers.
- Volunteer Coordinators have primary responsibility for the design and delivery of training for volunteers assigned to them.
- Volunteers may be required to wear City issued uniforms or safety gear as needed.
- All volunteers who will need to access or work within City facilities will be issued a City of Lacey identification card that designates them as volunteers. Volunteers are prohibited from using the

City of Lacey identification card for personal or financial benefit, as a means of obtaining privileges not otherwise available to them, and/or for avoiding consequences of illegal acts.

- Volunteers will be expected to be dressed appropriately for the volunteer work they are performing.

2.7 – Employee Reference Check

2.7.1 Purpose

The City of Lacey conducts reference checks to ensure that there is equity in the processes used to fill vacant positions and to facilitate the hiring and promotion of the best-qualified applicants. Reference checks are needed with respect to hiring and/or post-employment decisions and are done in compliance with applicable federal, state and local laws.

2.7.2 Policy

For professional references, with the applicant's consent, the City of Lacey will contact current and past employers to determine information regarding the applicant's fitness for employment. Information may be collected pertaining to the quality and quantity of work performed by the applicant.

Generally, each applicant is asked to provide a minimum of three (3) professional references to be consulted regarding the applicant's ability to perform the functions of the position under consideration. Personal references may also be requested. Candidates who are selected to move forward will be required to complete and sign an authorization to release information form prior to the start of the reference check process. Information regarding the applicant's character, general reputation, or demonstrated competencies may be part of these reference inquiries.

2.7.3 Post-Employment Reference Check

In accordance with RCW 4.24.730, the City will release information regarding an employee's separation from the City only to supervisors or parties who have a "need to know" about the reasons for the employee's separation from the City (e.g., a future employer that an employee has authorized the City to release reference information, unemployment compensation claims representatives, federal or state disability or wrongful discharge claims investigators, court orders for information, etc.)

The Human Resources Department must be consulted prior to responding to a request for a post-employment reference. The employee's Department Director or designee (after authorization from Human Resources) may provide employment references, including letters of reference, on a current or former full-time or permanent part-time City employee. Employees shall refer requests for references on former full-time or permanent part-time employees to the Human Resources Department who will contact the appropriate Director. References will be limited to verification of employment unless the employee has completed a written waiver and release. For former temporary or seasonal employees seeking a post employment reference, immediate supervisors of that employee may provide employment references, including a letter of reference, after authorization from Human Resources.

Human Resources and/or the Department Director or designee providing a reference for former full-time or permanent part-time employees and/or post-termination information on full-time or permanent part-time employees shall document the nature of the inquiry and the substance of the information they provided. Department Directors or designee will forward a copy of this documentation to Human Resources.

2.8 – Employee Background Check

2.8.1 Purpose

The City of Lacey believes that hiring qualified individuals contributes to its overall strategic success. Background checks serve as an important part of the selection process. The information collected helps the City to promote a safe work environment for our current and future employees. Background checks also help in the gathering of information necessary to determine an applicant's overall employability.

2.8.2 Policy

This policy applies to all positions at the City, with exception of positions which are assigned to the Lacey Police Department. The City of Lacey elects to conduct background checks, through a consumer reporting agency, concerning a prospective new and promoted employee's criminal, driver's license information or traffic convictions and verification of education and credit report as it applies. The City complies with all applicable federal, state and local laws, including the Fair Credit Reporting Act (FCRA), Equal Employment Opportunity (EEO), and fair employment practices when conducting background checks.

The City of Lacey relies on the accuracy and information contained in employment applications, as well as, the accuracy of other data represented throughout the hiring process and during employment. Any misrepresentations, falsifications, or material omissions in any of the information or data may result in an applicant being excluded from further consideration for employment, or if an individual has already been hired, termination of employment.

All prospective and promoted (if there have not been any background checks within the last three (3) years) employees of the City will undergo a background check. For Parks, Culture & Recreation temporary employees, please refer to Parks, Culture & Recreation Procedures for Part-time Staff. For new employees this will be performed before a conditional offer is made if a pre-employment examination is required. This requirement is also applicable to current employees who are being considered for a new classification/position that requires such a background check. A background check is also a requirement for interns and volunteers, as well as, for Parks, Culture & Recreation and other programs with staff that may have unsupervised contact with children, developmentally disabled individuals and/or vulnerable adults.

2.8.3 Background Check Guidelines

The hiring guidelines for individuals with prior criminal convictions or traffic infractions will be based on an established list of prohibited offenses that will be applied uniformly throughout each classification/position of the City of Lacey. There will be an individualized review of each situation relative to the position being applied for to ensure there are no mitigating circumstances.

Verification of education is used to confirm the educational credentials as indicated in the prospective employee's job application, resume or as stated by the prospective employee during the hiring process for those positions where such credentials are a pre-requisite for employment as determined appropriate by the City Manager and Department Directors.

Where the City retains a third party to conduct a background check or obtain a consumer report, it will apply the guidelines set forth by the federal Fair Credit Reporting Act (FCRA). Applicants/candidates must provide written authorization before a consumer report may be obtained. If the results of the background check are negative, the Human Resources Department is responsible for informing the applicant of those results.

All background check components are based upon the type of position, business necessity, and applicable state and federal laws, policies and regulations. The Human Resources Department is responsible for ensuring that all processes are completed in accordance with applicable laws and regulations.

2.9 – Employee Personnel Records/Access to Personnel Files

2.9.1 Purpose

The City of Lacey will attempt to maintain only the personnel information that is necessary to conduct its business as required by federal, state, or local law.

2.9.2 Policy

The official personnel file for each employee is kept in the Human Resources Department. An employee's personnel file contains the employee's name, title and/or position, department to which the employee is assigned, pay, changes in employment status, training received, certifications, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Employees medical information is contained in a separate confidential file.

2.9.3 Access to Personnel File

Employees have the right to review their personnel file after a formal request has been made to Human Resources. This review will be scheduled within ten (10) business days of receipt of the employee's request and will take place in the Human Resources Department. A mutually convenient location agreed upon between the City and the employee may be arranged so long as the personnel file remains under the observation of Human Resources staff.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment, copies of information from an employee's personnel file will not be released to the public, including the press, unless required by law (e.g., pursuant to a legal subpoena or public records request). Any request for information from the employee personnel file will be processed through the City Clerk or designee.

2.9.4 Records Removal

An employee may request the removal of records from their personnel file that they believe to be irrelevant or erroneous information. If the City denies the employee's request to remove the record(s), the employee may file a written rebuttal statement to be placed in their personnel file. Any request processed under this policy, will be in compliance with the Washington State Records Retention Schedule.

2.10 – Recruiting, Hiring, and Promotion

2.10.1 Purpose

The City's primary goal is to provide quality service to its customers, the citizens of Lacey. In order to accomplish this goal, the City endeavors to attract and retain talented and high-quality employees, who are competent, motivated, productive, team focused and customer oriented.

The City believes the most efficient way to attract the most qualified employee is to conduct a fair and consistent selection and screening process. The City also values an open and competitive employment

process in which all qualified applicants have the opportunity to apply for City employment and are selected on the basis of objective job-related criteria.

2.10.2 Policy

The City of Lacey is an equal opportunity employer, and hiring practices are based upon an individual's qualifications and competence, knowledge, skill, and ability to perform the essential functions of the position to be filled. It is the policy of the City to meet its workforce needs through systematic recruitment and selection activities that ensure fairness and consistency.

2.10.3 Recruitment and Selection Process

The Human Resources (HR) Department coordinates and monitors the recruitment and selection process, and is responsible for ensuring that any associated legal requirements are met. In partnership with HR, the hiring Department's involvement in the recruitment process includes such activities as applicant screenings, developing interview questions, participating on interview panels, performing reference checks and necessary background checks and sending offer letters.

Each applicant shall complete and sign an electronic City application form which includes an authorization to release information, prior to being considered for any position, unless as otherwise specified. Submissions are required to be completed through the City's online applicant tracking system (NEOGOV), unless as otherwise specified. Additional materials may be required for certain positions and departments such as Police Department applicants. Applicants that need assistance under the Americans with Disabilities Act (ADA) should contact the Human Resources Department for assistance.

The HR Department utilizes a variety of platforms for advertising, and will conduct outreach activities that support the City diversity and inclusion initiatives. The City reserves the right to seek qualified applicants outside of the organization at its discretion. For internal applicants to be considered for a promotion, the employee must have successfully completed their probation period and meet the minimum qualifications for the vacant position, unless the qualification requirement of having regular status in current position is waived by the City Manager. For existing internal applicants participating in an interview process for a City position, that time spent in interview(s) during their regular work schedule is considered to be paid work time.

Applications will not be accepted after the published closing date for the position. If there are not a sufficient number of qualified candidates in the pool, the position may be extended. Applications will be accepted only for a published vacancy opening and are retained for such period of time in accordance with the Washington State Records Retention policies and requirements. They will not be kept on file for future vacancies.

Any applicant supplying false or misleading information is subject to immediate termination, if hired.

2.10.4 Hiring

When a regular position becomes vacant and prior to any posting or advertisement of the vacancy, the Department Director and/or designee shall review the position, its job description, and assess the need to fill the position. The Department Director and/or designee will submit a request to fill the position to the HR Department. Prior approval from the City Manager may also be required due to financial considerations and economic outlook.

Vacancies in positions shall typically be filled on a competitive basis. Vacancies in positions above the lowest rank in any classification series may also be filled by promotions of current City employees. The City encourages employees to apply for promotional opportunities.

If the Human Resources Director finds that there are a sufficient number of individuals within the current employ of the City qualified to compete for promotion, an internal-only recruitment may be held. Regular full-time or part-time, limited term, temporary (seasonal), variable hour, and interns, are eligible to apply for internal-only recruitment. The appointing authority will consider the applicant's qualifications, and record of performance. Vacancies will be posted within City departments of five (5) working days concurrent with or prior to publicizing outside City departments.

The City may administer pre-employment examinations to test the qualifications and ability of applicants, as determined necessary by the City. The City may also conduct additional pre-employment screening such as reference checks, background checks, fitness for duty and/or verification of identity to work in the United States. The City may contract with an agency or individual to prepare and/or administer examinations. Additional pre-employment checks and screening may occur for Police Department positions

Residency within the City shall not be a condition of initial appointment or continued employment; provided, however, that an employee's selection of residence shall not interfere with the daily performance of their duties and responsibilities including the ability to respond to emergency callouts within an established period of time if applicable. The minimum time required for an employee to respond to an emergency callout is established by each Department, or as otherwise noted in the respective collective bargaining agreement for the bargaining unit by which the employee will be represented, or the applicable employment contract.

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 license with any necessary endorsements. Applicants with poor driving records, as determined by the City, may be disqualified from employment with the City in positions requiring driving.

The City will comply with State law (RCW 41.04.010 or RCW 73.16.010) with regard to any applicable veterans' preference during the hiring process.

2.10.5 Probationary Period

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

The probationary period is typically six (6) months from the employee's date of hire, rehire, or promotion, unless otherwise specified in an applicable collective bargaining agreement or Civil Service Rules.

The Department Director in consultation with the HR Director may authorize an extension of the probationary period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee. The City may terminate an employee with or without cause from employment at any time during the probationary period. In the case of unsatisfactory performance in a promotional situation, the employee may be returned to the previous position held by the employee, if the previous position is still available.

During the probationary period for new hires, employees may use their accrued sick leave or any accrued compensatory time from the beginning of their employment, but may not use earned vacation or

floating holidays until they have successfully completed their probationary period. Police personnel may use vacation after the completion of the first six (6) months of employment.

Successful completion of probation does not mean an employee is guaranteed employment for any specific length of time or that they cannot be terminated.

2.10.6 Promotions

The City encourages promotion from within the organization. Employees who are promoted into a new position, will be required to serve a six-month (6) probationary period unless otherwise specified in Civil Service Rules and/or applicable collective bargaining agreement. Police Department personnel who are promoted into a new position will be required to serve a twelve-month (12) probationary period. If the employee is unsuccessful during their probationary period, they may be returned to their previous position, if the position still exists.

2.10.7 Transfers/Lateral Moves

Upon recommendation of the appropriate Department Director and in consultation with the HR Department, or to meet the needs of the City, a transfer may be made. Transfers are based on workforce requirements and the supervisor's recommendation, unless otherwise noted in an applicable collective bargaining agreement. To be considered for a transfer, an employee must possess the qualifications for the vacant position.

2.10.8 Rehire

The City may rehire previous employees, provided they performed satisfactorily in their prior employment with the City and left employment on good terms. If an employee has retired from the Washington State Department of Retirement System (DRS), they will not be allowed to exceed the Washington DRS retiree maximum number of hours limit that may be worked per year as a retiree. If a DRS retiree is being rehired, they must have their eligibility of maximum number of hours they are allowed to work verified by the HR Department.

2.11 – Employment of Relatives (Nepotism)

2.11.1 Purpose

In keeping with the City's commitment to equal opportunity in employment, and to ensure fairness, objectivity and to avoid perceptions of favoritism in the hiring process, the City of Lacey created this policy to avoid perceived or actual conflicts of interest and to assure and maintain accountability.

2.11.2 Policy

There are certain situations where the City may restrict or prohibit the employment of relatives and/or family members. This policy applies to all individuals employed by the City of Lacey, and for the purposes of avoiding conflict of interest, this policy also applies to City Council Members.

2.11.3 Definitions

Nepotism: - The practice of favoring or exerting authority for the benefit of relatives.

Relatives and/or Family Members:

For the purposes of this policy family members or 'relatives' include:

- Spouse
- Legal domestic partner
- Domestic partner's relatives
- Children or step-children
- Daughter-in-law or son-in-law
- Grandchild
- Niece or nephew
- Parent or step-parent
- Mother-in-law or father-in-law
- Grandparent
- Sibling or step-sibling
- Sister-in-law or brother-in-law
- Aunt or uncle
- Cousin

Conflict of Interest: The immediate family of current City employees and City Council members will not be employed by the City where:

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

The City Manager will make the final determination as to whether or not a conflict would exist.

2.11.4 Restriction on Employment of Relatives/Friends

In order to avoid the appearance of and/or the possibility of a conflict of interest, improper influence, or favor, the City does not allow the hiring of close relatives or allow employees to give preferential consideration to friends or relatives when making hiring decisions.

2.11.5 Relationship Occurring During Employment (Consensual Romantic or Sexual Relationships)

The City of Lacey prohibits supervisors from dating or having an intimate romantic or sexual relationship with any subordinate (an employee who reports directly or indirectly to that person) or volunteer they supervise because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation (see Policy 2.3 Harassment, Sexual Harassment, and Non-Discrimination). Supervision is defined as the authority to direct the daily work of, evaluate the work of, or the practical power to hire, appoint, promote, transfer, discipline, audit the work of, and/or affect employment decisions and/or employment actions related to said employee or volunteer.

The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment.

If two employees start dating and it becomes a conflict of interest as defined above, then they should notify their supervisor and Human Resources as soon as possible. If two employees marry, become related or become domestic partners both employees shall notify their supervisor(s) and/or Human Resources within two (2) weeks from the date the relationship is legally official. If the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to remain employed with the City, unless realistic alternatives, as determined by the City Manager in consultation with Human Resources and/or the City Attorney, can be made to eliminate the potential problem. If there are no realistic alternatives, the decision as to which employee will remain with the City must be made by the two employees within 180 calendar days from the date they marry, become related or become legal domestic partners. If the employees fail to make a timely proposal (for example, by one employee seeking to transfer to another job,) or if the City Manager determines that the proposal is inconsistent with the City's employment needs, the City may take steps to bring the employees into compliance with the rules; up to and including transfer, demotion and/or termination of one of the employees.

3.1 – Hours of Work

3.1.1 Purpose

In compliance with applicable federal and state laws regarding hours of work, the City establishes standard workweeks, work hours, meal periods and breaks for its employees. This policy applies to all City employees, represented and non-represented. Represented employees shall refer to the Collective Bargaining Agreement provisions that may supersede any portion of this policy.

3.1.2 Policy

In establishing workweeks, work hours, meal periods and breaks, the City of Lacey ensures the efficient operations of its programs and services to meet the public service needs of its community. This is accomplished by ensuring maximum staff availability and coverage and the equitable administration of work schedules throughout the organization. There may be opportunities for exceptions which must be requested in writing and approved by the City Manager and/or designee for:

- Work schedules that vary from the norm - typically established for the work assigned to the position and the business needs of the City.
- Providing employees with a reasonable accommodation under the Americans with Disabilities Act (ADA).
- Extenuating or unusual circumstances.

The City will follow applicable laws pertaining to hours of work, Civil Service rules and/or any applicable collective bargaining agreements regarding hours of work for its members.

Regular and punctual attendance is an essential function of every position in the City. Each supervisor is responsible for maintaining an accurate attendance record of their employees. Every employee has the responsibility of maintaining a good attendance record. Employees are expected to be at the assigned place of work during their scheduled work time.

Employees unable to work or report to work on time should notify their supervisor as soon as possible. For unforeseeable absences, employees are usually expected to notify their supervisor and/or designee as soon as possible but at least before the work day begins or within thirty (30) minutes of the employee's usual starting time. For foreseeable absences, employees are usually expected to notify their supervisor as soon as reasonably possible or within 30 days prior to the first day of the expected absence, depending

on the eligible leave sought ([see Policy 5.5 - Leave Types](#)). If an absence continues beyond one day, the employee is responsible for reporting in each day unless an extended leave has been pre-authorized. If the supervisor is unavailable, the employee may leave a message with the Department Director and/or designee stating the reason for being late or unable to report for work. An employee who is absent without authorization or notification is subject to disciplinary action, up to and including termination.

3.1.3 Fair Labor Standards Act (FLSA)

The Fair Labor Standards Act (FLSA) is the federal law which sets minimum wage, overtime pay, equal pay, record keeping, and child labor guidelines for all City of Lacey positions. The federal designation of “exempt” and “nonexempt” employees will be identified below. These designations may be subject to change due to the following:

- A change in the essential duties and responsibilities of the position.
- A change or new ruling on a position from the Department of Labor.
- Case law or clarification of Department of Labor regulations regarding the definition of “exempt” and “non-exempt” positions.
- Change in federal or state law.

Deduction from the pay of an employee for absences due to a budget-required furlough shall not disqualify the employee’s FLSA exempt status in the workweek in which the furlough occurs and for which the employee’s pay is accordingly reduced. The City may additionally make adjustments to pay as allowed under the FLSA without resulting in a change to FLSA exempt status for disciplinary suspensions of one or more workdays.

- A. **Exempt:** Exempt employees are not covered by the FLSA or Washington Minimum Wage Act overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. Exempt positions meet the definition of executive, professional, administrative, or computer exemption in accordance with the FLSA. An exempt employee is paid to perform a job which may not necessarily be completed in a normal 40 hour work week.
- B. **Non-Exempt:** Employees in positions which are determined to be eligible for overtime compensation under the FLSA.

1. **Temporary Hourly Employees:** Department Directors and Managers may use hourly employees for positions which meet at least one of the following requirements:
- a) Work on an as-needed or variable basis, which is typically less than 20 hours per week.
 - b) Perform seasonal employment.
 - c) Temporarily replace regular employees who are on extended vacation or other leave(s).
 - d) Meet peak workload needs.
 - e) Temporarily fill a vacancy until a regular employee is hired.

Temporary hourly employees may be hired without a competitive recruitment or examination process, although all hiring processes will comply with City policy, state and federal laws. Hourly employees are considered at-will employees and may be terminated from City employment at any time, with or without cause, and with or without notice, by their Department Director and/or designee in consultation with Human Resources.

Temporary employees are eligible for overtime pay as required by law. Temporary employees are eligible for sick leave in accordance with Washington State law and the

City’s leave policy (see Section 5.5, Leave Types). Temporary employees normally do not receive vacation, health insurance, holidays, or any other benefits during their employment.

Temporary hourly employees pay into Social Security and pay a portion of premiums for the Washington Paid Family & Medical Leave (PFML). Temporary hourly employees will not be placed in the state PERS or any other state retirement system, although there are a few exceptions depending on PERS eligibility criteria, as well as, any applicable collective bargaining agreement language regarding hours worked.

3.1.4 Standard Work Hours

Although the City's normal business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m., the City uses a variety of different work schedules to meet the varied service demands of the public. Departments are allowed to establish regular work schedules, including alternate schedules such as flextime and 9/80 schedules, provided that they do not conflict with business needs, and subject to the City Manager and Human Resources Director approval. Due to the nature of the City's operations, longer hours may be necessary in some instances and overtime may be required. The City Manager may terminate the alternative work schedule program by department or on an individual basis at any time.

A normal work schedule for regular, full-time employees consists of forty (40) hours each workweek. Different work schedules, such as in the case of the Police Department employees, have been established by the City to meet job assignments and provide necessary City services. Each employee's immediate supervisor will advise the employee regarding their specific working hours. Part-time and hourly employees will work hours as specified by their supervisor.

- A. **FLSA Workweek:** A fixed and regular recurring period of seven consecutive twenty-four (24) hour periods. For most City employees, the established work period is forty (40) hours within a seven (7) day workweek. For the majority of City employees, the FLSA Workweek runs Sunday from 12:00 a.m. through Saturday 11:59 p.m. Employees who are on an approved alternate work schedule may be a different established workweek. Public Safety personnel may have a modified work period as established in the collective bargaining agreements.

- B. **Alternative Workweek 9/80:** An alternative workweek is any two-week period involving nine (9) days and eighty (80) hours. The alternate workweek eighty (80) hours may be split using four payroll scheduling options (e.g. a two-week period split 44 hours first week/36 hours second week), and the specific alternative workweek hours will be determined on a case by case basis by the employee’s Department and Finance staff. Unless otherwise noted in CBA, for non-exempt employees working on this schedule, overtime shall be defined as hours compensated over eighty (80) hours in a two-week period and must be authorized by the immediate supervisor.

9-80 Work Schedule Example:

| | Monday | Tuesday | Wednesday | Thursday | Friday |
|---------------|---------------|----------------|------------------|-----------------|---------------|
| Week 1 | 9 hours | 9 hours | 9 hours | 9 hours | 8 hours |
| Week 2 | 9 hours | 9 hours | 9 hours | 9 hours | Off |

3.1.5 Meal and Rest Breaks

- A. **Meal Period:** A non-exempt employee who works at least five (5) hours in a workday will be provided an unpaid meal period of at least thirty (30) minutes, approximately midway through the workday, unless otherwise specified. Non-exempt employees must notify their supervisor if they have not had a meal period and must not perform any work during the meal period. An exempt employee is expected to effectively manage their meal period schedule.

Non-Exempt employees working at least three (3) hours longer than a normal workday will be allowed a meal period before or during the overtime portion of the shift. A "normal workday" is the shift the employee is regularly scheduled to work. If the employee's scheduled shift changes due to working a double shift, or working extra hours, the additional meal period will be permitted. Employees working a regular twelve (12) hour shift will be entitled to a second meal period.

- B. **Breaks:** A non-exempt employee will be provided one (1) paid fifteen (15) minute rest break for every four (4) hours worked. Rest breaks may be taken on a scheduled or intermittent basis as determined by the employee's supervisor. Rest breaks are paid, but may not be used to extend a lunch period, leave early, or arrive late. A non-exempt employee must notify their supervisor if they have not had a rest break. An exempt employee is expected to effectively manage their rest break schedule. Police Department employees' meal and break periods may differ from this policy due to the nature of their work.

Except in urgent situations, personal phone use (e.g. phone calls, texting, etc.) should only occur during meal periods and rest breaks, and not during working time.

- C. **Lactation Breaks:** In accordance with the Patient Protection and Affordable Care Act, the Providing Urgent Maternal Protections (PUMP) Act and Washington law, nursing mothers will be allowed lactation breaks for two (2) years following childbirth. Non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. It is generally anticipated that three (3) breaks per eight (8) hour shift, each lasting 15 to 25 minutes, will be sufficient. The City will provide a suitable, private location for these breaks.

If a non-exempt employee expresses milk during a standard rest break, they will be paid for the time. If the non-exempt employee expresses milk on an unpaid meal period, or is taking an additional break that is uninterrupted for the purpose of expressing milk, this time will be unpaid. If a non-exempt employee continues to work, or is interrupted during the lactation break, then they must be paid for the entire break. The pay of exempt employees will not be deducted for taking breaks under this policy.

Employees will not be retaliated against for exercising their rights under this policy. Any employee who feels they have been disadvantaged as a result of this policy or who believes this policy is not being adhered to should report their concerns to the Director of Human Resources.

3.1.6 Overtime

All City positions are designated as either "exempt" or "non-exempt" according to the FLSA and Washington Minimum Wage Act regulations. Employees will be informed of their overtime status at the time of their appointment.

Non-exempt employees are entitled to additional compensation (overtime), either as pay or compensatory time off, when they work more than the maximum numbers of hours during a work period. Overtime is recorded to the nearest fifteen (15) minute increment.

All overtime must be authorized in advance by the Department Director or supervisor in charge, although exceptions may be made for emergency situations. Overtime may not be voluntarily worked without the supervisor's permission. In the event that unauthorized overtime is worked, the employee will be compensated but may be subject to disciplinary action. Overtime pay is calculated at one and one-half times (1.5x) the employee's regular rate of pay for all hours worked beyond forty (40) hours in a workweek. Employees in represented positions who are covered by a collective bargaining agreement will be paid overtime and/or compensatory time in accordance with the provisions in the agreement and the FLSA.

Employees in non-represented positions that are covered by the FLSA regulations and who are authorized to work overtime will receive one and one-half times (1.5x) the regular rate of pay for all hours over 40 in a work week. For the purposes of calculating overtime under the City's policy, the use of vacation leave, sick leave and holidays will be included as part of a 40-hour work week.

3.1.7 Compensatory Time

Non-exempt employees entitled to overtime pay may request compensatory time off in lieu of pay. This is approved on a case-by-case basis by the supervisor. Represented positions will accumulate and be paid compensatory time in accordance with the provisions in the collective bargaining agreement.

The City is not required to grant compensatory time in lieu of overtime pay. If the compensatory time option is exercised, the employee is credited with one and one-half times (1.5x) the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty (40) hours unless specified by applicable collective bargaining agreements. After maximum accrual, overtime compensation shall be paid. Employee compensatory time balances may be reviewed at least annually as part of the City's budget process. Use of compensatory time must be approved by the supervisor except when requested by the employee in accordance with the protected leave or applicable CBA provision.

Generally, employees may use compensatory time within a reasonable timeframe after making a request to their supervisor, unless doing so would unduly disrupt City operations, except when requested by the employee in accordance with the WA Family Care Act. Use of compensatory time in lieu of overtime may be requested by the employee and must be approved by the supervisor.

3.1.8 Standby Joint Animal Services

Non-represented overtime eligible Field Service Officer employees that are assigned to be on standby shall be compensated at a standby rate set and approved by the City Manager. Guidelines for employees being assigned to standby are maintained in the Animal Shelter standard operating procedures. Field Service Officer(s) working standby who respond to a call out in accordance with applicable Animal Shelter procedures shall be compensated at the overtime rate for hours worked.

3.1.9 Call Back

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 termination. Employees called back to duty will be paid their appropriate rate of pay for hours worked or according to the collective bargaining agreement, whichever is appropriate for the employee.

3.1.10 Timesheets and Payroll Records

Timesheets and payroll records are maintained by the Finance Department. All non-exempt employees are responsible for accurately reporting all hours worked on time sheets supplied by the City. All exempt employees are responsible for accurately reporting scheduled hours on time sheets supplied by the City.

For exempt positions the FLSA does not limit the amount of work time that may be required or expected, on any schedule, without additional compensation.

Each employee shall submit a signed timesheet to their supervisor for approval each pay period. Each supervisor is responsible for submitting a timesheet signed by the employee and their supervisor to Finance, for each employee within their department, noting hours worked and leave taken. Each department director is responsible for assigning a timekeeper for their department. The City Manager shall sign timesheets for all Department Directors.

Employees failing to accurately record time worked are subject to corrective and/or disciplinary action, up to and including termination.

3.2 – Emergency Conditions/Inclement Weather

3.2.1 Purpose

It is the intent of the City that all City offices shall be open and in operation during established working hours. This policy is to provide guidance for employees on reporting to work in the event of inclement weather, natural disaster conditions or other emergency conditions.

3.2.2 Policy

During times of inclement weather, pandemic or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is an expectation that civilian employees make every reasonable effort to report to work and/or remain at work without endangering their personal safety. Commissioned Police personnel are expected to report to and remain at work during times of emergency conditions. The Mayor and/or City Manager has the authority to declare an emergency when a natural or man-made disaster creates a need for the services of a large number of staff. Emergencies may include:

Man-Made Disasters

- Civil Unrest
- Explosion
- Fire
- Hazardous Material Incident
- Plane Crash
- Riot
- Train Wreck
- War (bomb attack, invasion, or terrorism)

Natural Disasters

- Unhealthy Air Quality
- Earthquake
- Flood
- Microburst
- Volcanic Eruption
- Wind Storm
- Winter Storm (e.g. snow, ice, etc.)

As required under State law, whenever an emergency is declared by the City Manager, all employees, regardless of their regular assignment, must report for duty according to the staffing needs determined by their supervisor (see [RCW 38.52.110](#)).

Those regular positions identified by the Department Directors are expected to report to work in an emergency and/or inclement weather. These regular positions are designated by the Department Director due to position requirements for public safety and health, maintenance and/or protection of critical City facilities, utilities, equipment and resources.

In the event of unexpected inclement weather or natural disaster, at the discretion of the City Manager, employees may also be allowed a delay in their arrival to work, up to a maximum of two (2) hours “grace” period (except police officers or other designated personnel). Any extended delay times beyond two (2) hours may be granted by the City Manager or Human Resources Director for emergent situations.

3.2.3 Facility Open

Regardless of inclement weather, related conditions or natural disasters — including snow, black ice, ice storms, earthquakes, and related adverse elements, it is the intent of the City of Lacey to remain operational, to provide services to citizens during established business hours, unless an emergency renders the City facility unsafe or inoperable.

Employees unable to report to work will be granted the option of utilizing any earned compensatory time or accrued vacation leave. If no earned compensatory time or accrued vacation leave is available, the employee shall be on unpaid leave during periods of absence. Sick leave cannot be used for time lost due to inclement weather, natural disaster and related conditions.

The Department Directors are responsible to ensure all essential services and operations are being performed and may require temporary re-assignment of duties of those employees who have reported to work or to require employees to report to work to perform reassigned duties. Employees unable to work or report to work on time should notify their supervisor as soon as possible.

3.2.4 Facility Closed

Closure of designated facilities or all City facilities, except the Police Department and Public Works Maintenance Shop, will only be made in response to emergencies (including but not limited to pandemics, fires, earthquakes, landslides, windstorms, snow/ice storms) and related hazards that prevent the opening or continued operations of City facilities and require the suspension of services, except law enforcement, therein.

In the event of a delayed opening or early closure of City facilities, regular employees who reported to work, as instructed for the delayed opening or were at work when the early closure decision was implemented, will be credited for the entire scheduled workday. Regular employees who were unable to report to work will be granted the option of utilizing any earned compensatory time or accrued vacation leave in lieu of receiving leave without pay.

In the event that City facilities are required to remain closed for periods in excess of one business day, the affected Department Director may assign non-represented employees to alternative worksites or implement alternative work arrangements for the affected pay period (e.g. telecommute or flex schedules). Implementation of alternative work schedules must comply with provisions of the City policies and with applicable collective bargaining agreements and/or civil service rules.

Announcements of delayed opening and closures will be provided in the Thurston County Alert System (TC Alert). The TC Alert system is intended to be used for emergency alerts and non-emergency incidents that may have significant impacts to residents. The alerts could be related to specific hazards that require action to be taken, or non-emergency events such as transportation issues or police or fire activity. All employees who have not signed up for the alert system are required to do so at www.co.thurston.wa.us/em/alerts. The City of Lacey uses this system for internal notifications, such as weather issues or shelter in place.

3.3 - Remote Work

3.3.1 Purpose

To define the remote work program and the guidelines and rules under which it will operate. This policy is intended to support a work environment that creates flexibility, supports productivity, meets Commute Trip Reduction (CTR) goals, reduces cost and fosters employee work/life balance all while meeting the business needs of the City and the service needs of the community. This policy provides

overall guidance for remote working for all City Departments where positions exist that are deemed eligible to participate in this program as described below.

3.3.2 Policy

It is the policy of the City of Lacey to provide for the use of remote working, where appropriate and operationally feasible, as part of an eligible position's regular work schedule. The ability for a position to perform work remotely is at the sole discretion of the City as the employer.

The City recognizes that remote working is a way to achieve the following:

- The City's ability to be resilient and responsive during emergencies and/or natural disasters.
- CTR goals.
- Increased workplace productivity and job satisfaction.
- The ability to recruit and retain skilled and diverse employees.

3.3.3 Remote Working Employees Maintain all Terms of Employment

Remote working does not change salaries (including overtime), benefits, job responsibilities, responsibility to follow work expectations, major medical leave or any other basic terms of employment.

Remote working does not change the assigned primary work station of the employee. The City address of the employee's office or the physical location where the employee is assigned to work (when not remote working) remains the same.

Remote working does not change an employee's required compliance with City policies or procedures.

3.3.4 Remote Working Must be Feasible

The employee must be able to effectively perform most of their essential work functions through remote capability (such as by phone or computer). Employees are responsible for establishing satisfactory connection to perform work through remote working devices.

The City will not approve a remote arrangement involving a work location outside the State of Washington that would subject the City to a range of payroll tax, workers comp and other obligations, which create additional cost and administrative burden.

Remote working is only feasible for those tasks within a job that are amenable to being performed away from the regular office. Selection of employees shall not be arbitrary, but shall be based on the assigned essential functions of the position and the ability of the employee to be able to perform essential functions of work remotely (e.g. access to internet and/or telephone service). Selection may also be based upon a medical diagnosis that supports reasonable accommodation(s) for employees with disabilities. For selection via the reasonable accommodation process, the request will be reviewed by both Human Resources in conjunction with the Department Director and the employee's direct supervisor (see 4.2 Disability Discrimination/Reasonable Accommodation).

Employees interested in remote work shall work with their direct supervisor to determine if the position they are assigned meets the criteria of eligibility as outlined in this policy. Upon mutual agreement, employees will submit a Remote Work Request and Agreement Form to their direct supervisor. The request may be reviewed by additional supervisors, and then routed to the Department Director for approval. The Human Resources (HR) Director shall review requests for consistency based on the assigned classification and for adherence to the terms of this policy. A copy of the Remote Work Request

and Agreement form will be kept in the personnel file.

Once final approval is given, eligible employees will be provided City equipment and resources (such as laptops and/or access to VPN accounts) and will be required to adhere to the expectations for work as set forth by the individuals' supervisor or management team.

Remote work is at the discretion of the City and if determined that the approved schedule needs to be modified or canceled due to business need, management will notify the employee in writing of the reason for schedule change or discontinuation of the remote work agreement with at least 14 calendar days' notice.

3.3.5 Remote Working Expectations

It is expected that the above referenced remote workers who are able to perform the essential functions of their work will perform their work remotely in accordance with supervisory expectations. The supervisor will work out a remote work schedule with the employee for the workweek, which will be outlined within the Remote Work Request and Agreement form. Remote workers need to be available during agreed upon hours of work by phone or any other outlined communication platform and in regular contact with supervisors and any appropriate co-workers, or customers. At times, remote workers may also need come into their physical location where the employee is assigned during a scheduled day for remote work, if operations require (e.g., staffing levels, specific department meetings, emergency, etc.). Regular and consistent communication between the supervisor and the employee on a remote schedule is needed to avoid missed expectations related to scheduled workweek. Employees approved to remote work may work remotely up to three (3) days or an equivalence of up to three (3) days in their scheduled workweek. The number of authorized days will depend on operational need and may be limited by the supervisor or Department Director.

The supervisors must authorize overtime and compensatory time off if still applicable (such as with a call back or call out situation) as per City policy and any applicable collective bargaining agreement.

As with any work schedule, changes in work schedules may be made to meet operational needs or to accommodate an employee's request and shall be at the discretion of the Department Director. Upon mutual agreement, occasional changes in the work week schedules may be flexed on a weekly basis between employees and the direct supervisor and does not require an updated telework form to be submitted. These occasional work week changes will not exceed the number of authorized days of remote work as described in this policy.

Leave policies apply to any instance where the remote worker does not perform work either at the remote work site or at the alternative work location as scheduled. Applicable leave banks must be used when appropriate.

Employees actively participating in a remote work agreed schedule understand that due to space needs, the City may assign the employee's office or workstation as a flexible work station for other employees that are performing work on site.

While remote working City employees must adhere to any laws, code or policy that pertains to the management of City documents, records, information, data, and equipment. This includes not creating or managing City records, data, and information on any personal electronic devices (e.g. cell phones, smartphones, tablets, computers, etc.). All call records, communications, texts, documents, data, photos, etc., used to conduct City business, may be subject to review or audit in the event of a litigation hold,

public records request or audit.

3.3.6 Remote Workers' Use of Equipment and Supplies

The City provides incidental office supplies and materials of de minimis value to be used according to applicable laws, rules and policies. The City must approve use of City owned equipment for remote working (e.g. laptop, cellphone, mouse, etc.). Hardware or software purchased by the City remains as property of the City.

Remote workers are required to sign the City Remote Work Request and Agreement form, and as part of that agreement, acknowledge that:

- While remote working, they remain subject to all established City policies.
- They understand that all City owned equipment, including software and supplies, are only to be used to perform assigned duties.
- They understand that transmissions on City owned mobile data devices, including email, text messages, telephone calls, voicemail, and access to the Internet, which are not related to the conduct of official City business are prohibited.
- They are responsible for maintaining a functional and ergonomic work space.
- They understand not to create or manage agency records, data, and information on personal electronic devices (e.g. cell phone, smartphone, tablet, laptop, computer, etc.).
- They understand they are not to conduct in-person meetings with community members, contractors, vendors, or other customers at a private residence.
- They understand that all call records, communications, texts, documents, data, photos, etc., used to conduct City business are subject to public disclosure request, audit or litigation hold.
- They will immediately report any loss of or damage to City owned equipment and software.
- They will not be reimbursed for any costs associated with using equipment not located at a City owned facility.
- They agree to be responsible for their own compliance with tax laws. The City is not responsible for substantiating an employee's claim for tax deductions for operating a home office. If a remote working employee has questions concerning whether home office expenses are tax deductible, the employee should seek advice from their tax consultant.
- They will use City owned software according to applicable software licenses.
- They understand that any City hardware or software provided for remote work must be returned to the City before they leave the City for any reason, or upon termination of the remote work agreement.
- They agree to not to engage in outside employment while remote working.
- The employee agrees to abide meal period and rest breaks as defined in City policy (3.1 Hours of Work) and/or any applicable collective bargaining agreement.
- They agree if granted a remote work schedule that the office space or workstation that the City has assigned to their position at the City building location may be used by other employees as a flexible workspace.

3.3.7 Remote Work Agreements are Reviewed at Least Once Each Year

At least once each year, the supervisor and employee review and evaluate the remote work agreement to assess:

- Employee productivity during agreed upon remote work hours.
- Impact, if any, on business operations, work group productivity, and service to the public.

- Whether the costs of the remote working agreement exceed the predicted commute trip reduction benefits.

3.3.8 Meeting Performance Standards

Employees are expected to meet work performance standards, attend meetings, be responsive and meet any other performance criteria as outlined by their supervisor. Management has the discretion to determine for those employees who are not meeting performance standards, whether they may continue to remote work. Engaging with employees, and managing performance can be challenging when employees are not onsite. Management may discontinue or not allow remote work for employees not meeting performance standards. Management will provide the reason for discontinuation of the remote work agreement and at least 14 calendar days notice to the employee.

4.1 – Classification and Compensation

4.1.1 Purpose

The City's goal is to provide a competitive compensation program designed to attract and retain employees. This policy applies to all positions within the City of Lacey (both non-exempt and exempt under the Fair Labor and Standards Act (FLSA)) and are classified as non-represented or not covered by collective bargaining agreements. This policy provides the overall guidance with regards to classification and compensation (pay plan). In the event any provision of this policy conflicts with State, Federal laws or Collective Bargaining Agreements (CBA), those laws or CBAs will prevail.

4.1.2 Policy

It is the City of Lacey's policy to administer a Classification and Pay Plan System, subject to the City's revenues; that allows the City to effectively recruit and retain qualified personnel; and ensures pay is commensurate to the duties and responsibilities normally assigned to City positions.

This policy also establishes that the City Manager has the authority to make pay determination decisions which include, but are not limited to, adjusting the pay structures and granting employees a general pay increase based on competitive conditions, the City budget and applicable collective bargaining agreements.

Provided, nothing contained in this policy, the compensation and classification plans of the City, or the City's past practices or customs relating to classification and pay, shall prevent the City from reducing its work force, laying off, promoting, demoting, restructuring the jobs of employees, reorganizing a department and/or section of a department, or modifying the City's pay plan, fringe benefits or otherwise managing the direction and operation of the City and its work force as deemed necessary and proper.

4.1.3 Classification and Pay Range

The City shall establish a classification and assign a pay range for each position covered by this policy. All regular employees are assigned to an established classification and perform work as specified in their job description. The classification assigned pay range of a position is generally based upon a combination of some or all of the following data points: (a) Competitive labor market data; (b) Availability of qualified applicants in a particular classification; and (c) Internal equity.

Throughout the City's pay plans, position titles will be determined by Human Resources and generally be standardized as appropriate. Positions will be ranked and classified based upon an internal "whole" job ranking process; which includes, but is not limited to a comparison of the following:

- **Minimum Required Education/Certification** - The amount of required accredited higher education (e.g. Associate's degree, Bachelor's degree, etc.), professional certification(s) (e.g. Certified Professional Accountant, Commercial Driver's License, etc.) that is deemed necessary to perform the essential functions of the position.
- **Technical Knowledge** - The amount of specialized or subject knowledge required to perform the essential functions of the position.
- **Supervisory Skills** - The extent to which a position is required to exercise supervisory skills (e.g. organizing work, hiring, disciplining, training, and performance evaluation and management).
- **Interpersonal Skills** - The customer service and interpersonal communication skills required of a position including active listening, collaboration, problem-solving, conflict resolution, empathy, diplomacy, adaptability, leadership, mediation, patience, etc.
- **Problem Solving Skills** – A competency assigned to a position to analyze alternatives and solve problems. This is a soft skill we look for to ensure applicants have the aptitude to problem solve.
- **Responsibilities** – The state, quality or fact of being responsible. The amount of, and degree of, responsibilities for staff, budgets, public relations, projects, equipment, and/or customer service.
- **Working Conditions** - The amenities, physical environment, stress and noise level, degree of safety or danger associated with the position.

4.1.4 Determining Pay

- A. **New Hires:** As a general rule, all new hire employees will be appointed at the starting step of the pay range for their position. In consultation with Human Resources, Department Directors or designee, may authorize a higher starting step for extenuating circumstances and business factors including, but not limited to:
1. Employee's knowledge, skills, and credentials.
 2. Contributions expected from the employee or candidate.
 3. Significant increase/decrease in complexity of duties and responsibilities.
 4. Recruitment/retention issues.
 5. Funding.
 6. Value of the position to City mission and goals.
 7. Any other documented factors that pertain to the position.

Wage or pay history must not be requested or considered in determining base pay. The City may confirm an applicant's wage or pay history if 1) the applicant has voluntarily disclosed this information; or 2) after the City has negotiated an offer and made an offer of employment, including compensation, to the applicant. The hiring supervisor/manager shall consult with Human Resources Director or designee for guidance on pay determination actions upon hire and promotion. The rationale and business justifications used in pay setting and adjustment actions must be submitted by the hiring department with the Personnel Action Form (PAF).

For Director level positions, consideration will be given for relocation expenses for new hires and must be approved by the City Manager. Eligible expenses include packing, transportation, fuel and temporary storage, and the receipts of expenses must be submitted to the Finance Department within 30 days of occurrence. Temporary housing expenses may also be approved for Director level positions by the City Manager for up to six-months from date of hire. Eligible expenses include rental costs, or hotel, and mileage cost associated with trips to locate temporary housing.

- B. **Reinstatement:** A non-represented employee who has resigned, leaving the City in good standing, and is subsequently rehired with the City within 90 calendar days from the date of

separation to their former position or classification, shall be reinstated to the pay and benefit accrual levels held upon resignation.

- C. **Promotion:** Promotion is defined as an appointment to a class with a higher pay range maximum that results in a pay increase. Non-represented employees promoted to a higher classification which is on the same pay schedule as they are currently classified will advance to the minimum pay step in the range for the new position or to the step in that range which is at least five percent (5%) greater than their previous pay, not to exceed the top step of the range. Employees who promote into a position which is on a different pay schedule, for example, from a position on the AFSCME pay schedule to one on the Management/Exempt pay schedule, shall have their starting pay negotiated depending on qualifications and other extenuating circumstances or business factors noted above. The date of the promotion shall be the employee's new anniversary date for annual step increases.

After consulting with the Human Resources Director or designee the Department Director may recommend a higher increase for promotion greater than five percent (5%), not to exceed the top step of the pay range, for reasons such as internal pay alignment, significant increases in duties and responsibilities, to bring the employee up to the minimum step of the pay range, or for other documented business factors noted above. Any pay authorization above the minimum requirement will be documented in writing on the PAF. Promotions change an employee's pay anniversary date (see 4.1.5.B).

4.1.5 Anniversary Date and Step Increases

- A. **Step Increases:** Progression from step to step within the pay range shall be on an annual basis on the employee's anniversary date.
- B. **Anniversary Date:** A new, regular employee whose hire date is on or before the 15th of the month shall have an anniversary date of the 1st of that month. A new, regular employee whose hire date is after the 15th of the month shall have an anniversary date of the 1st of the following month. For internal promotions, the date of the promotion shall be the employee's new anniversary date for annual step increases. If the date of promotion is on or before the 15th of the month, the anniversary date shall be the 1st of that month. If the date of promotion is after the 15th of the month, the anniversary date shall be the 1st of the following month.

4.1.6 Paychecks

- A. **Payday:** City employees shall sign up for direct deposit of their paycheck and are paid monthly on the last working business day of each month. Any pay increases that occur become effective at the beginning of the next pay period.
- B. **Overpayments or Underpayment:** Every effort is made to avoid errors in paychecks. However, any employee who believes that an error has been made, including improper deductions, should contact the Finance Department immediately. The Finance Department will take the necessary steps to research the problem and to assure that any necessary correction is made properly and promptly. The City will not permit retaliation against any employee who raises a concern or makes a complaint regarding payroll calculations. If an employee has been overpaid in error, the Finance Department will notify Human Resources and the employee. The City will ask that the amount be repaid by payroll deductions or by agreement, consistent with applicable laws (RCW 49.48.200).

- C. **Deductions:** Some regular deductions from the employee's earnings are required by law; all other deductions shall be approved by the City and specifically authorized in writing by the employee. The City shall withhold from the employee's paycheck those deductions required by law and any voluntary deductions approved by the City and authorized by the employee, by applicable union contract, or by statute or regulation.

4.1.7 Reclassification/Restructure and Reorganization

A restructure is when management determines a position has a significant change in the body of work performed that results in the allocation of work to a different classification (typically when a position is vacant). Department Directors, Managers and Supervisors are responsible for managing the work being performed within the assigned job classification. Restructures should be put forward through the budget process by Department Directors and/or may during collective bargaining negotiations. When more than one position is being put forward at any given time to be restructured within a Department, this action is considered a reorganization.

When a restructure of a position is requested by a Department Director, the Department Director shall obtain verbal approval from the City Manager prior to the written request submittal to the Human Resources Director or designee detailing the duties of the position. After analysis and review of the position, the Human Resources Director or designee shall forward any recommended changes or amendment of the class specification and/or pay allocation of the position to the City Manager for final approval.

A reclassification request may be made when a regular fulltime employee, or the employee's designated representative, considers their position to be improperly classified. The employee or the employee's designated representative shall first submit a request in writing for reclassification of their position to their direct supervisor or manager. Employees can obtain a reclassification form to complete for this written request from the Human Resources Department. The supervisor or manager will forward the written request to the department director who shall review the request and transmit it with written recommendations to the Human Resources Director or designee. If approved, the request will be assigned to Human Resources staff, and an analysis of the work being performed (e.g. a desk audit or job analysis) will be initiated. If the analysis of work results in a significant change of the essential functions (50% or more) a reclassification may be recommended. If the appropriate classification currently exists within the City's classification system, the recommendation will be to place the position into that existing classification with assigned pay range. If the appropriate classification does not exist within the City's classification system or if the position is classified into a classification of its own, the HR department may conduct a survey of the City's comparable market and review internal equity to determine the appropriate compensation level for the updated position classification.

If the Department Director and/or City Manager finds the reclassification request is not justified, they shall advise the employee or their designated representative of such decision. Non-represented employees may appeal under the Filing Complaints policy (Section 6).

- A. **Restructure/Reorganization/Reclass to a Higher Pay Range:** For reclassification of a position with an incumbent to a classification with a higher pay range, the employee will advance to a step of the range for the new classification that is nearest to five percent (5%) above their previous pay, not to exceed the top step of the range. Only the City Manager may authorize an increase higher than five percent (5%) and the reasons for the exception will be documented in writing on the PAF. The date of the reclassification shall be the employee's new anniversary date for annual step increases.
- B. **Restructure/Reorganization/Reclass to a Lower Pay Range:** An employee who is reclassified to a position that is at a lower pay range will move to the step in the range equal to the

employee's length of service with the City or the step that is closest or equal to the employee's current pay, whichever is lower. Provided, the City Manager may authorize the employee's pay be frozen (paid at an amount exceeding the top step of the range, and not subject to general increases and/or a COLA) until such time as the new pay range and step equal the employee's current rate of pay. The employee's anniversary date for step increases shall remain the same as it was previous to the personnel action.

4.1.8 Transfers

A transfer is an employee-initiated request or City business decision for move from one position to another position, within or between departments, either in the same class or a different class, with the same pay range assignment.

- A. **Transfers to Position with Same Pay Range:** An employee who transfers to a position that is classified at the same pay range shall continue to receive the same rate of pay. The employee's anniversary date for step increases shall remain the same as it was previous to the personnel action. For classifications not previously held, the employee may have to serve a probationary period.

4.1.9 Demotion

- A. **Involuntary Demotion:** No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. An employee being demoted will generally be provided two weeks' notice prior to the demotion. An employee may be demoted when:
1. The employee's performance falls below that established for the employee's particular position.
 2. The employee becomes physically or mentally incapable of performing the duties of the employee's position and is reassigned to a classification with a lower pay range.
 3. For disciplinary purposes.
 4. In lieu of layoff.

An employee who is demoted will move to the demoted range and the step within that range that is closest or equal to the existing employee's pay. The employee's anniversary date for step increases shall remain the same as prior to the demotion. For classifications not previously held, the employee may have to serve a probationary period.

- B. **Voluntary Demotion:** An employee may also voluntarily demote to a position with a lower pay range. Voluntary demotion of an employee from one department to another, from one division to another, or within a department or division, may occur following the recommendation of the Department Director in accordance with the provisions of the personnel policies and procedures. No employee will be allowed to demote to a position for which they do not possess the qualifications. An employee who voluntarily demotes to a position that is at a lower pay range will move to the step in the range equal to the employee's length of service with the City or the step that is closest or equal to the employee's current pay, whichever is lower. Provided, the City Manager may authorize the employee's pay be frozen (paid at an amount exceeding the top step of the range, and not subject to general increases) until such time as the new pay range and step equal the employee's current rate of pay. The employee's anniversary date for step increases shall remain the same as it was previous to the personnel action. For classifications not previously held, the employee may have to serve a probationary period.

4.1.10 Layoff and Recall

The City may layoff employees where there are changes in duties or a reorganization of positions, a position or service is abolished, there is a lack of work or shortage of funds, or other appropriate reasons. Efforts will be made by impacted Departments in cooperation with Human Resources (HR) to integrate affected employees into other available positions whenever practicable.

Whenever a layoff is anticipated, employees whose positions may be affected will be notified by their Department Director and HR of the situation and what options may be made available to them. An official notice of layoff will be provided at least four (4) weeks prior to the date of layoff.

An employee whose position is determined to be subject to layoff, and is offered a different position with the same pay range as a layoff option will keep their same base pay assignment. An employee who accepts a demotion in lieu of layoff or accepts a layoff option to a position with a lower pay range assignment will be placed into the new pay range at a pay equal to the employee's previous base pay, provided it is within the range. If the prior pay assignment exceeds the top of the range, the employee will be placed into the new range top step or pay range maximum.

In cases where this policy is in conflict with a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

4.1.11 Temporary Acting Pay - Working Outside of Classification

When a vacancy or extended absence occurs, the City may assign an employee to temporarily perform the duties of the vacant position. If the employee's "acting appointment" is at a higher classification than their regular position and extends ten (10) or more consecutive calendar days, the employee shall be compensated at the minimum wage on the range of pay for the higher classified position, or assigned 5% more than their regular rate of pay, whichever is greater. At no time will the pay for the acting appointment exceed the pay range assigned to the higher classification.

All supervisory requests to assign an employee to work outside of their classification on a temporary basis must be authorized in advance by the Department Director.

In cases where this policy is in conflict with a collective bargaining agreement, the provisions of the collective bargaining agreement shall prevail.

4.1.12 Compensation upon Separation from Service

When an employee is separated from employment with the City, the employee will receive the following compensation on the next regularly scheduled payday including:

- Regular wages for all hours worked up to the time of termination which has not already been paid.
- Any overtime or holiday pay due.
- With exception of an employee who is terminated during probation (probationary separation), a lump sum payment of any accrued, but unused vacation.
- A lump sum payment of any accrued but unused compensatory time. Employee may cash out leave or transfer to their deferred compensation account. Retirees may also utilize the option of rolling funds into an HRA VEBA as prescribed by the City Manager.

4.1.13 General Pay Increases

Following collective bargaining and City Council approval of annual budget adjustments, a cost-of-living increase may be implemented which adjusts pay structures by an approved percentage or flat dollar amount. Pay schedule adjustments for bargaining units is determined by collective bargaining agreements. The City Manager recommends cost-of-living adjustments for non-represented employees based on the CPI; Seattle-Tacoma-Bellevue; All Items, not seasonally adjusted, First Half, as published by the Bureau of Labor Statistics.

4.1.14 Market Survey and Compensation Methodology

The City's objective goal is to provide a competitive compensation program designed to attract and retain employees. In order to ensure fair and competitive compensation and classification, the City's Human Resources Department conducts a periodic review and adjustment of classifications due to changing service demands based on operational needs (i.e. Department reorganizations), qualification requirements, and/or the position's scope of responsibilities. Additionally, to maintain competitive pay plans, a Cost-of-Living Adjustment (COLA) may also be applied to City classifications.

To establish the benchmark cities or "comparable cities" market, the City uses the following criteria: population, assessed valuation, and sales tax revenues. These comparable cities, which meet the above outlined criteria, are the ones most similar to Lacey in terms of economic and geographical factors. Human Resources is responsible for determining the benchmark cities, which are then approved by the City Manager to be used as the "comparable cities" for market study purposes.

Prior to surveying external comparable cities, The Human Resources Department will work with the Department Director or designee to update the job description(s) of the chosen classification(s) to ensure they accurately reflect the work duties that are expected to be performed in the position. The City may review all classifications individually or benchmark classifications found internally, as well as, comparable cities, which are similarly matched in job responsibilities. Benchmark positions are those which are assigned clearly recognizable work at a well-defined level of responsibility, and for which comparable classifications are easily identified to ensure that sufficient data can be collected.

HR will review the external data in conjunction with internal benchmark positions for equity. HR reviews internal classifications to identify similar skills, functions, responsibilities, and accountabilities to ensure consistent application of market pay information within the City of Lacey. HR will formulate a recommendation for the pay classification, and the pay schedule each classification surveyed will be covered under.

HR will meet with the appropriate department director to present the findings on classifications identified in the market survey as needing an adjustment. For large survey's (e.g. all non-represented positions salary survey) there will be an appeal process for employees to use once preliminary findings are communicated to Department Directors to distribute. As part of the appeals process, a form will be provided to any employee whose position may be impacted by the market survey findings along with the preliminary finding of the survey. Employees will be provided instructions on how to process the appeal and a timeline in which to submit the appeal. All appeals are to be submitted to the HR Department and may be heard by the Human Resources Director and/or the City Manager.

After finalization of the appeal process (if applicable) and a presentation of the findings and recommendations, HR will prepare a staff report outlining the labor market analysis, the pay schedule in which the classification will be covered, and the final recommendation(s). The staff report will then be sent to the City Manager for approval and adoption. The decision made by the City Manager is considered final and binding.

4.2 – Disability Discrimination/Reasonable Accommodation

4.2.1 Purpose

This policy is designed to provide guidance on reasonable accommodation and affirms the commitment of the City of Lacey to provide accommodation for persons with disabilities in order to ensure equal employment opportunities and equal terms, benefits, privileges and conditions of employment. This policy also sets forth provisions for meeting state and federal law requirements. This policy shall not be construed as providing rights or obligations not provided by applicable laws.

4.2.2 Policy

As part of the City's Equal Employment Opportunity commitment, the City of Lacey will follow all applicable provisions of the Americans with Disabilities Act (ADA), the Washington State Law Against Discrimination (WLAD), the Pregnant Workers Fairness Act (PWFA), and other applicable federal, state, and local laws.

This policy applies to all employees and candidates for employment with the City of Lacey. The Human Resources Department, must be notified of requests for an accommodation. Once notified, the Human Resources Department coordinates all employee ADA requests and will provide information on reasonable accommodation and the City's internal process for processing the reasonable accommodation requests in employee orientations and by other appropriate methods.

4.2.3 Definitions

Person with Disability: In accordance with federal law (ADA), a person with a physical or mental impairment that substantially limits the person in some major life activity, such as seeing, breathing, hearing, learning, walking, speaking, caring for oneself, working, and performing manual tasks; or under Chapters 162-22 WAC and RCW 49.60, a person with a physical, mental or sensory condition which is medically cognizable or diagnosable.

Reasonable Accommodation: Modification or adjustment to a job (e.g. light duty), work environment, policy, practice, or procedure that enables a qualified individual with a disability to perform the essential functions of the position and that does not create an undue hardship. Examples of reasonable accommodation include, but are not limited to:

- Temporary changes to a work schedule, job structure, or job functions.
- Temporary or permanent re-assignment to a vacant position.
- Physical changes which make a facility readily accessible or useable.
- Modification of work equipment (ergonomic equipment request)
- Use of readers, sign language interpreters, adaptive equipment, or other aids.

Undue Hardship: Unjustified costs; extensive, substantial, or disruptive burden; a hardship that would fundamentally alter the nature or operation of the office or agency; and as otherwise defined in Section 503 of the Rehabilitation Act of 1973 and Chapter 162-22 WAC.

Light/Modified Duty Temporary Position: A temporary position that does not require the employee to be able to perform all of the duties normally required by the department for the employee's particular job classification. These positions are dependent upon availability in the Department, and are required to be reviewed and approved by Human Resources prior to temporary position assignment.

Temporary Disability: A disability incurred by an employee that a qualified medical professional has determined will temporarily prevent the employee from performing all or a significant portion of the essential duties of the position to which the employee is normally assigned.

4.2.4 Interactive Process

The City will seek to reasonably accommodate qualified applicants and employees who have disabilities that may affect job performance, unless doing so presents an undue hardship. An employee who has a sensory, physical, or mental impairment that affects job performance should inform the Human Resources Department as soon as possible. The City, through the Human Resources Department, will engage in the interactive process with the employee on possible reasonable accommodations to enable the employee to perform the essential functions of the job.

Generally, it is the obligation of an individual with a disability to request a reasonable accommodation. In all cases however, the individual will be consulted before an accommodation is made by the City. In determining reasonable accommodation, the respective Department Director or designee, the immediate supervisor, and the assigned Human Resources staff, may evaluate a request, taking into consideration the specific disability of the individual and their existing limitations as defined by a health care professional, the essential functions of the assigned position, the barriers to job performances and assess how an accommodation may overcome those barriers. If there are multiple effective accommodations that would allow the individual with a disability to perform the essential functions, after considering the preference of the individual with a disability, the City will select the accommodation to be provided.

The City may request that an employee provide medical information from treating health care providers to assist in the process. An employee may also be asked to attend an independent medical evaluation (IME) by an outside health care provider at the City's expense. Employees are expected to fully cooperate, including taking all steps needed to obtain medical information in a timely manner. An IME may be scheduled for reasons such as, but not limited to:

- Obtaining a medical opinion regarding the employee/applicant's condition
- Obtaining a medical opinion regarding the extent to which the diagnosed condition impacts the employee/applicant's ability to perform the essential functions of their position
- Obtaining recommendations regarding possible alternative accommodations.

If the City determines that an employee is unable to perform the essential functions of the job, even with reasonable accommodation, the City will work with the employee in identifying other options which may include first evaluating any job openings for which they may be qualified to perform. If no other job openings are available, the City may evaluate whether medical disability separation is necessary.

4.2.5 Right to Refuse an Accommodation

Individuals may refuse the reasonable accommodation or to participate in the interactive process. When a person refuses to engage in the process and cannot perform the essential functions of the job without reasonable accommodation, the City will not consider that individual to be an otherwise qualified person with a disability, and will treat that individual as any other employee with a performance issue.

4.2.6 Conditional Job Offer

In some specific cases, a conditional job offer may be withdrawn when one of the following situations apply:

- When no reasonable accommodations can be identified to enable a candidate to perform the position's essential job functions.

- Where there is current and objective medical documentation that an applicant's condition presents a direct threat to the health and safety of themselves and/or others.

4.2.7 Remedies

The City of Lacey will make every effort to resolve disputes related to requests for reasonable accommodation at the lowest possible level. This includes but is not limited to filling a complaint in accordance with Section six (6) of the City Policy Manual, through informal discussion and/or mediation. Any individual with a disability who feels discriminated against in the application of this policy may file a formal complaint with the Washington State Human Rights commission (HRC) and/or the United States Equal Employment Opportunity Commission (EEOC).

4.2.8 Life Threatening and Communicable Diseases

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

4.2.9 Religious Accommodation

The City will comply with any federal or state legal obligation to provide reasonable accommodation based on a person's sincerely held religious belief. Depending on the circumstances, the City will try to reasonably accommodate the religious observances, beliefs, or practices of an employee or job applicant, unless the accommodation creates an undue hardship. A reasonable accommodation for religion may be a change in a workplace rule or practice that allows an individual to respect their religious observances, beliefs, or practices. The City is not required to provide accommodations that are too costly or difficult to administer, that would be disruptive, would interfere with job performance or would impose more than a de minimis burden.

4.2.10 Pregnant Workers Fairness Act and Pregnancy Accommodations

The Pregnant Workers Fairness Act (PWFA) requires covered employers to provide reasonable accommodations to worker's known limitations related to pregnancy, childbirth, or related medical conditions. A 'known limitation' means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth or related medical conditions that the employee or employee's representative has communicated to the employer whether or not such condition meets the definition of disability specified under the ADA.

In accordance with Washington state workplace policies governed by the Department of Labor and Industries, the City will provide the following accommodations, without a need for doctor's note, for a pregnant employee if they request:

- Frequent, longer or additional restroom breaks
- The ability to sit more frequently
- Not to lift objects over 17 pounds
- Modified food or drink workplace expectations

Any further pregnancy accommodation may be considered by the City in consultation with the employee through the interactive process and as recommended by the treating health care provider.

Accommodations after the birth of child may include lactation breaks which under Washington State Law, the City is required to provide reasonable break time for an employee to express breast milk for two (2) years after the child's birth (see Policy 3.1.5.C Lactation Breaks). The City will also make an attempt to provide a private location, other than a bathroom, which may be used by the employee to express breast milk. If the City does not have a space for the employee to express milk within a particular designated worksite location, the employee and Human Resources Department, will work to identify a convenient location and work schedule through the interactive process which could accommodate this request.

5.1 – Benefits

5.1.1 Purpose

To provide information on the details of the benefits program for all eligible employees of the City of Lacey. In the event any provision of this policy conflicts with State, Federal laws or Collective Bargaining Agreements (CBA), those laws or CBAs will prevail.

5.1.2 Policy

All employees in regular full-time positions of the City of Lacey are covered by the benefits program outlined below and/or the benefits specified in the applicable collective bargaining agreement for the position. Should there be a change in state and/or federal law(s) regarding benefits, the City will comply with the law(s).

Councilmembers are not employees of the City, and are generally not eligible for benefits; however, depending upon their length of service under the Department of Retirement Systems (DRS), a Councilmember may be eligible for participation in the Public Employees Retirement System (PERS). Councilmembers may contact DRS 1-800-547-6657 or Human Resources if they believe that they may be eligible to participate in PERS.

Employees in regular part-time positions who work a minimum of twenty (20) hours per week are eligible for health insurance and additional benefits pro-rated in accordance with and/or in comparison to a forty (40) hour workweek or eighty (80) hours in a work period. Employees who were hired prior to January 1, 2021 will be grandfathered into the cost sharing premium levels as of 2020. Eligibility for Public Employees' Retirement System (PERS) or Law Enforcement Officers' and Fire Fighters' (LEOFF II) retirement system is subject to meeting Department of Retirement Systems (DRS) eligibility requirements.

5.1.3 Health Coverage

The City provides health coverage to full-time employees, spouses, and/or domestic partners and their dependents up to age 26 (including the entire calendar month in which a child turns age 26) under the terms and conditions of this policy and the City's health benefits plan. For the purposes of these policies, eligible dependents will be defined as the spouse, domestic partner, children, step children, domestic partner children and foster children. The benefits, terms, and conditions of the City's health benefits plan, including costs owed by eligible employees, are explained in the separate plan documents distributed to all employees. These benefits include selected plans through the Association of Washington Cities. New employees and their dependents will be eligible for benefits on the first day of the month following the date of hire.

A. Employment Status for Health Coverage Eligibility

1. **Probationary.** An employee hired into a regular full-time or part-time position and is within their initial probationary period. Unless otherwise covered by a collective bargaining agreement or Civil Service rules, a probationary period is six (6) months in duration.
 2. **Regular Full-time.** An employee who has successfully completed a probationary period as defined in these policies and who is reasonably expected to work, on average, 30 or more hours per week. Full time employees are eligible for health coverage the first of the month following their date of hire.
 3. **Regular Part-time.** An employee who has successfully completed a probationary period and who regularly works less than 30 hours per week, but at least twenty (20) hours a week. A part-time employee who averages 30 or more hours per week during a measurement period, will be deemed a full-time employee, eligible for health coverage during a subsequent stability period. If a department intends to work a regular part-time employee an average of more than 30 hours per week during a measurement period, they should consult with Human Resources prior to implementing a status change.
 4. **Variable Hour.** An employee who works less than twenty (20) hours per week. A variable hour employee who averages 20 or more hours per week during a measurement period will be deemed a part-time employee, eligible for health coverage during a subsequent stability period. If a department plans to have an employee averaging more than 20 hours per week during a measurement period, the department should consult with Human Resources prior to implementing a status change. Variable hour employees are subject to monthly and annual hour limitations and are generally not eligible for health coverage, unless otherwise specified.
 5. **Seasonal.** A position for which the customary annual employment is approximately six months or less, beginning in approximately the same season of each calendar year. Seasonal employees are subject to a mandatory annual break in service of approximately six continuous months and are not eligible for health coverage, unless otherwise specified.
 6. **Contracted Employees.** Contracted employees are persons employed by another agency, such as a temporary employment agency, and working on a temporary basis under the direction of the City and are not on the City's payroll or benefit plans.
- B. **Medical Insurance:** The City will offer group medical coverage for employees in regular positions, and their spouse or domestic partner (same or opposite sex) and eligible dependents as agreed through collective bargaining or as set forth by annual review for non-represented employees. At a minimum, an employee must enroll in one of the City's medical plans unless they have opted out as permissible with appropriate documentation.
1. **Opt-Out Option:** Employees may elect to opt-out of the Employer's medical plan, provided they present documentation of active enrollment in another non-exchange medical plan, excluding the Employer's plan. Effective January 1, 2021, non-represented employees who are eligible to opt-out will receive a designated percentage of the employee only portion amount owed for the Regence 250 plan choice which will be disbursed to the employee monthly. The City Manager determines the compensation for medical plan opt-out and may adjust that alternative benefit at any time. Employees must complete the Waiver of Insurance Coverage to opt-out of medical, dental, and/or vision. This opt-out option is provided with the understanding that at no time the number of non-represented employees electing to opt-out jeopardize the Employer's standing in the AWC Trust. Underwriting rules prohibit more than twenty-five percent (25%) of employees from opting out of medical coverage. If the number of employees reaches the maximum, no new employees will be allowed to elect the opt-out option until the number of participating employees is below the maximum amount.

- C. **Dental and Vision Insurance:** The City will offer group dental and vision coverage for employees in regular positions, their spouse, and/or domestic partner (same or opposite sex), and/or eligible dependents as agreed to through collective bargaining or as set forth by annual review for non-represented employees.
- D. **Life Insurance and Long-Term Disability:** The City will provide group term life insurance and long-term disability coverage for employees in regular positions as agreed to through collective bargaining or as set forth by annual review for non-represented employees.

5.1.4 Additional Benefits

The following benefits will be available to eligible employees through payroll deduction and/or City benefit dollars, according to collective bargaining agreement or as set forth by annual review for non-represented employees:

- A. **Deferred compensation:** is a tax-sheltered program provided to City employees through IRS Code (section 457), through the International City Management Association (ICMA) or the State of Washington Deferred Compensation Plan (DCP). Employee contributions are subject to limitations defined by the IRS. Deferred Compensation is a voluntary program made available through payroll deduction and funded by individual employee contributions.
- B. **Supplemental life insurance coverage:** is available for the employee and their eligible dependents.
- C. **Health Reimbursement Agreement (HRA) VEBA:** An HRA is a type of health plan that reimburses out-of-pocket health care costs, incurred by an employee and their eligible dependents. Funds in the account can accumulate for future use, such as retirement. All contributions, investment earnings and withdrawals (claims) are tax-free.
- D. **Flexible Spending Accounts (FSAs):** are for eligible health care expenses and/or eligible dependent day care expenses and are available for enrollment at time of hire, with a qualifying event and during open enrollment.

5.1.5 Retirement

Employees in eligible positions are required to participate in the appropriate State of Washington's Public Employee's Retirement System (PERS) or the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF II) as long as their compensated hours continue to qualify them for service credit under the appropriate plan. The City will make a contribution to the appropriate system as required by state law (RCW 41.50). Participating employees also contribute to the plan through a payroll deduction.

- A. **Employee Retirement Benefits:** The following benefits are for City employees covered by DRS (PERS and LEOFF):
 1. Uniformed personnel shall be members of the Washington State Law Enforcement Officers' and Fire Fighters' (LEOFF) Retirement System with employer contributions made in accordance with applicable State Law.
 2. Benefits from both the City's and the employee's contributions, which will be made in the form of payroll deductions during the period of time the employee is an active member of the system. Payroll deduction for employee contributions is required, regardless of anticipated length of service. Employer contributions will be made in accordance with applicable State law.

Employees having questions about PERS or LEOFF retirement systems should contact Washington State Department of Retirement Systems or visit their website (<https://www.drs.wa.gov>). Informational brochures may also be obtained from the Human Resources Department.

Employees should notify their Department Director and the Human Resources Department of their intent to retire at least three (3) months prior to the date of retirement. Employees should plan to attend a retirement planning seminar provided by the State Department of Retirement Systems.

5.1.6 Social Security

The City participates in the Social Security System. The City and the employee contribute a percentage of their salary, as required, into the system (except for commissioned law enforcement officers).

5.1.7 Unemployment Compensation

The City pays unemployment compensation costs for employees through the Washington State Employment Security Department. City employees may qualify for State Unemployment Compensation after termination from City employment depending on the reason for termination and if certain qualifications are met. Eligibility is determined by the State Employment Security Department.

5.1.8 Workers' Compensation

All employees of the City are insured through the Washington State Labor & Industries Workers' Compensation Program. The Program is designed to defray medical costs from on-the-job injuries and illnesses, and assist in providing compensation for work time lost, as a result, of such injuries and illnesses. For qualifying claims, the State Compensation Program may pay the employee for workdays lost and specific medical costs due to job-related injuries or illnesses. When an employee is injured due to an on-the-job accident and seeks medical treatment, the employee is required to file a claim for Worker's Compensation (Employee Personal Injury Accident Report form). All accidents and on-the-job injuries must be immediately reported to a supervisor, along with completion of the Employee Personal Injury Accident Report form which is available on the City common drive (N:\COL_Forms). All employees who have enough accrued leave to cover their absence will be paid via accrued leave pending their receipt of time loss benefits from the State Compensation system; once an employee receives payment from the State, they are required to turn their time loss check over to the City for paid leave "buy back" unless in a leave without pay status.

Volunteers may be covered by the State Workers' Compensation Program. They must submit on a timely basis the hours volunteered to ensure proper contributions are made on their behalf for the time worked. Commissions, committees and boards are not covered under this provision.

- A. **Return to Work:** Before being allowed to return to work, an employee who has been away from work due to an injury or illness will be required to provide documentation from their medical provider which certifies, based on the essential duties described in the employee's job description, that the employee is able to resume their job duties, or clearly specifying limitations on their ability to perform any of these duties as well as a time frame during which these limitations will apply. If restrictions or limitations are placed on the employee's ability to perform the job, the City, in cooperation with the employee and any medical personnel, will determine if there are any reasonable accommodations that it can make to enable the employee to return to work and perform the essential functions of his or her job. The City may require a medical examination at City expense, performed by a physician or physicians of its choice, to determine when the employee can return to work and if they are capable of performing the duties of the

position. This requirement applies to all employees who have been unable to perform their duties for an extended period of time (more than 30 days), whether or not their injury was initially work-related

- B. **Light and/or Modified Duty Assignments:** Employees who are temporarily unable to perform the essential functions of their regularly assigned duties may, at the City's discretion, be assigned to a light and/or modified duty assignment. Light and/or modified duty assignments are intended to help bring employees back to work as soon as possible and to reduce workers' compensation and other costs. Employees on a light and/or modified duty assignment shall receive their regular rate of pay. This policy is intended to establish consistent practices for all City departments. It does not guarantee that any specific employee will be assigned to a light and/or modified duty assignment. The availability of these assignments shall be determined by the Department Director after consulting with the Human Resources Director or designee, and will be based on the needs of the Department. The suitability of a specific employee for a light and/or modified duty assignment will be based on the medical restrictions imposed by the employee's medical provider.
- C. **Duration Light and/or Modified Duty Assignments:** These assignments if provided will generally be offered for 90 days after the employee's medical provider says the employee may return to work. The light and/or modified duty assignment may be extended for up to 180 days if:
1. The Department Director, after consulting with the Human Resources Director or designee, agrees that there is sufficient work to be performed in the light and/or modified duty assignment; and,
 2. The employee's medical provider certifies that there is a reasonable medical certainty that such an extension will allow the employee to return to their assigned position and to perform all of the essential functions of the position. Probationary employees who are assigned to light and/or modified duty assignment may have their probation extended by a period of time equal to the light and/or modified duty assignment time.
- D. **Evaluation of Light and/or Modified Duty Assignment Request:** The Department Director and the Human Resources Director or designee shall determine whether a light and/or modified duty assignment is available, and shall set out with specificity the tasks that will be assigned to the employee. The Department Director will consult with the Human Resources Director or designee to determine whether the employee's medical restrictions will allow the employee to perform the tasks associated with the light and/or modified duty assignment. The Department Director may, but is not required to, add or subtract tasks from the light and/or modified duty assignment.
- E. **Right to Discontinue:** The City reserves the right to discontinue a light and/or modified duty assignment at any time due to a change in operational needs or requirements, receipt of information that the employee is no longer disabled or limited in a way that prevents performance of their regular duties, or if the employee has shown an inability to satisfactorily perform the duties of the assignment.
- F. **Responsibilities of Employees and Supervisors:** Employee's responsibilities while on light and/or modified duty assignment:
1. Coordinate medical appointments in advance with their supervisor, and accurately account for sick leave taken.

2. Following each medical appointment, but at least once every 30 days, update their supervisor on any change in restrictions or limitations. Such changes must be substantiated by the medical provider on their letterhead or on a form acceptable to the City. Any medical documentation must be provided to Human Resources to be kept in a confidential medical file.
3. Ensure their physical activity while on the light and/or modified duty assignment stays within the guidelines prescribed by their medical provider.
4. Communicate any problem with the light and/or modified duty assignment that requires accommodation based on his/her medical condition to the supervisor;
5. If required by the City, undergo an independent medical examination at the City's expense to help determine whether the employee will be able to return to full duty and to perform the essential function of the employee's job.

Supervisor's responsibilities:

1. Notify HR/Payroll when an employee begins and ends a light and/or modified duty assignment.
2. Monitor employee to ensure their physical activity while on light and/or modified duty stays within the guidelines prescribed by their medical provider.
3. Communicate with the employee to ensure that any problem with the light and/or modified duty assignment that requires accommodation based on the employee's medical condition is brought to the attention of the department director and Human Resources.
4. Secure the privacy of employee medical condition information in the workplace by sending all documentation to Human Resources to be kept in a confidential medical file and not on a shared network.

5.1.9 Extended Health Benefits (COBRA)

In compliance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), the City will offer continuing health care coverage on a self-pay basis to employees and their eligible dependents following termination (for reasons other than gross misconduct), a reduction in hours, retirement or death.

5.1.10 Employee Assistance Plan (EAP)

EAP is a confidential service, providing short-term counseling and referral, which is available to eligible employees and anyone living in their household at no cost. All EAP contacts are held in the strictest confidence. The City will not have access to any EAP information. 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 these costs may be covered by an employee's medical insurance coverage provided by the City). The EAP is also available as a resource for other counseling needs such as, supervisory, legal, financial, family, and stress.

- A. **Employee Rehabilitation/Treatment:** The City urges employees with possible alcohol or drug problems to seek voluntary counseling and treatment prior to the problem negatively impacting their work for the City. Employees may seek confidential help at any time by contacting the Employee Assistance Program. The City will not be informed unless the employee chooses to inform the City he/she is seeking treatment. If informed by the employee, the City will provide reasonable accommodation to support employees participating in a treatment/recovery program as long as the accommodation does not impose an undue hardship on the City. No employee will be disciplined or discriminated against simply for a known drug/alcohol problem or for seeking help and/or participating in a recovery program. However, if an incident or poor performance at work arising out of drug or alcohol use in violation of this policy occurs before,

during, or after the time an employee is seeking treatment, discipline or termination as appropriate may be taken.

Please contact Human Resources for more information about the EAP.

5.1.11 Wellness Program

The City of Lacey recognizes that the health of City employees directly affects their ability to provide high quality, efficient services to City residents. The employee wellness program is designed to provide information and activities to City employees and their eligible dependents to encourage health and safety in the workplace. The Wellness Program is budgeted and administrated through the Human Resources Department. A voluntary employee Wellness Committee as described below assists with the planning, oversight, management, promotion, and execution of the program activities/events.

- A. **The Wellness Committee:** Generally includes employee representatives from various departments, oversees the wellness program and performs the following duties:
1. Provides enthusiastic support of the mission and goals of the wellness program.
 2. Helps plan, implement and promote wellness programs.
 3. Serves as a liaison between the wellness program, the Safety Committee, the Commute Trip Reduction program, City departments and employees.
 4. Represents wellness-related interests, needs and opinions of employees.
 5. Assists in identifying and reducing potential program barriers and strengthening support for the wellness program.
 6. Provide peer support and advocacy to boost wellness program participation.

The Wellness Program is budgeted through and administered by the Human Resources Department. The allocated budget is evaluated each year by the Wellness Committee and the Human Resource Director during the budgeting cycle. Participation in the programs and activities of the Wellness Program is voluntary. Each employee will be allowed one hour of city time per month to use for wellness program activities.

Employees may contact Wellness Committee members regarding available program incentives. Items budgeted for the Wellness Program are determined by the Human Resources Department, and questions regarding employee eligibility should be directed to Human Resources staff.

5.1.12 Commute Trip Reduction (CTR) Program

The City participates in a Commute Trip Reduction (CTR) program in compliance with the CTR Efficiency Act (WAC 486-63) regulated through the Washington State Department of Transportation (WSDOT) in coordination with Thurston Regional Planning Council (TRPC). This Act requires local governments in urban areas with traffic congestion to develop programs that reduce drive-alone trips and vehicle miles travelled per capita. As part of this program, TRPC and the City of Lacey encourage employees to participate in the CTR program, by riding the bus, vanpooling, carpooling, walking, biking, using the train or ferry, or compressing their workweek (such as through a Department Head and HR Director approved alternative work schedule) in order to help reach certain County goals regarding Vehicle Miles Travelled (VMT) or Single Occupancy Vehicles (SOV).

The City's CTR program, through the City's CTR Coordinator, may have a budget of funds for authorized use as related to specific CTR program activities and event expenditures. There are various TRPC sponsored CTR program events throughout the year in which employees are encouraged to participate

(examples include but are not limited to: [Wheel Options](#), and the Bicycle Commuter Contest. The CTR Program Coordinator at the City also provides WSDOT and/or TRPC with any required reporting and/or compliance information on City participation in the program each year and coordinates CTR program events and activities.

5.1.13 Military Service

City employees who are required to report to military duty, training, or drills (per RCW 38.40.060) are entitled to receive paid military leave, up to 21 days per year, beginning October 1 and ending the following September 30th. Employees must provide Human Resources with appropriate documentation (i.e. a copy of official orders) in order to be approved. Paid military leave must be taken in full-day increments. See additional information on military leave in 5.3.12.

5.2 – Infants at Work

5.2.1 Purpose

To provide a modern and flexible work environment and to support the City goals to recruit and retain a talented workforce. This program is being offered as a pilot which would allow parents who meet program criteria to bring their infants to work. Research proves that allowing a parent and infant to remain together in this earliest stage of life supports critical bonding, healthy infant brain development, parental wellbeing, and enables exclusive breastfeeding, which improves lifelong health. This program is intended to assist parents with maintaining work life balance, and create more flexibility for a parent to work in lieu of taking leave.

5.2.2 Policy

The Infant at Work (IAW) Program is established for eligible employees who are new parents or legal guardians of an infant. Regular full-time employees of the City may apply for the program for all benefit eligible dependents. This policy may allow employees who return to work to bring their infant, supporting a positive work/life balance and honoring their contributions to the department, and overall to the City.

5.2.3 Definitions

Alternate Care Provider (ACP): Regular full-time City employee who volunteers to be an alternate back up care provider for an infant in the work place. The ACP must complete the Infant at Work Program Alternate Care Provider Form, which approves them to provide infrequent care for the infant for up to one (1) hour per shift or work day when the Parent is unavailable. An ACP may not simultaneously perform as both an ACP and a Parent on the days when they bring their own infant to work. ACPs may not be a subordinate employee to the Parent. Employees currently involved in corrective or disciplinary action may not be eligible to be ACPs.

Infant: Benefit eligible dependents of City regular full-time employees who are six (6) weeks (43 days) old, to six (6) months (180 days) old, or whenever the dependent becomes mobile (e.g., crawling) whichever is sooner.

Parent: Regular full-time City employees who are new parents or legal guardians to an infant as defined in this policy and who are eligible to participate in the program. Employees currently involved in corrective or disciplinary action may not be eligible.

5.2.4 Determining Eligibility

Eligible employees who are a parent or legal guardian of an infant, age six (6) weeks – six (6) months (or until mobile, e.g., crawling) are eligible to apply for participation in the Infant at Work Program.

Each parent or legal guardian must obtain their direct supervisor's and Department Director's approval and support. This includes no issues with, including but not limited to, position duties, employee performance, workload, and the employee's ability to manage time. Employees should apply for participation in the program in advance in order to allow for program forms to be reviewed and completed prior to the infant's arrival and/or age of eligibility (e.g. six (6) weeks or 43 days old). Application forms may be obtained from the Human Resources (HR) Department.

The parent or legal guardian is required to identify a minimum of two (2) co-workers who are not directly reporting to the same supervisor or manager. The co-workers must have their supervisors' support, to serve as alternate care providers (ACPs).

The parent or legal guardian and ACP's must maintain a safe working environment while caring for an infant in the workplace. Typically, participation will only be considered for those working in an office setting. Exclusions may include primary functions requiring fieldwork and/or in person contact with the public.

The parent or legal guardian must complete and submit an **IAW Individual Care Plan Form**. The parent or legal guardian must have received required approvals from the parent's supervisor and Department Director prior to bringing their infant to work.

Parent or legal guardian and ACP workstations are required to be conducive to having an infant present as evidenced by a completed and approved **IAW Workstation Inspection form**. A form must be completed for each parent or legal guardian and ACP workstation. The forms must be completed in coordination with all of their respective supervisors.

The parent or legal guardian must complete and submit an **IAW Waiver and Release of Liability Form**, which includes a statement that the infant has no current health concerns or medical conditions that would be aggravated by the infant being in a work environment, and an acknowledgement that bringing an infant into a work environment may increase the risk of the infant contracting an illness or medical condition.

The parent or legal guardian must have each ACP complete and submit the **IAW Alternate Care Provider Agreement Form**. This form must be submitted and approved by the parent's supervisor and Department Director prior to bringing infant to work.

All forms for participation may be requested from the Human Resources Department.

5.2.5 Vaccinations

Infant, parent or legal guardian and the ACP's are strongly encouraged to be vaccinated, as appropriate for age according to the recommendations of the CDC's Advisory Committee on Immunization Practices (ACIP). Current recommended immunization schedules are published by the US Centers for Disease Control and Prevention and are available at www.cdc.gov/vaccines. Infants should be vaccinated no later than seven (7) days following the ACIP recommended ages for vaccination.

5.2.6 Workplace Requirements

The following workplace requirements and expectations must be met for participants to be approved for the program:

- The workstations where the infant will be located must be suitable for an infant, as evidenced by the IAW Workstation Inspection Form.
- The infant's primary location will be the parent or legal guardian's workstation unless the designated ACP is providing care.
- The parent or legal guardian is responsible for all equipment and furniture for the infant's need, ensuring that the equipment is not disruptive. The City will not incur additional expenses associated with IAW program.
- The parent or legal guardian and ACP are not authorized to travel with an infant while driving or riding in a City owned or leased vehicles or equipment.
- If the infant becomes sick, is disruptive for a prolonged period of time (e.g., incessant crying for ten (10) minutes), causes a distraction in the workplace, or prevents the parent or legal guardian from accomplishing work, they must take the infant to a secluded work area, take the infant home or to a backup day care provider. The parent or legal guardian must submit leave in accordance with the applicable policy or collective bargaining agreement.
- For determinations of whether a child is sick, the City would refer to the Inclusion and Exclusion Guidelines for Child Care issued by the American Academy of Pediatrics, which can be found at <https://doh.sd.gov/diseases/assets/ChildCareExclusion.pdf>.
- Nursing mothers will use the HR established lactation room for breast feeding. Nursing may not be done out in the view of the public and/or coworkers.
- Diaper changing will only occur at designated changing locations as determined with HR prior to participation in the program. All used diapers and clothes must be stored in a closed container that traps odors, which will be provided by the parent, who will empty the container and remove any soiled diapers and clothes from the building at the end of each day.
- The parent or legal guardian will provide care for the infant while performing job duties. In coordination with supervisors, the parent, legal guardian and/or ACP may flex their work hours or submit leave to accommodate excessive loss of productivity.

5.2.7 Alternate Care Provider Requirements

Individual care plans require the parent or legal guardian to find a minimum of two (2) co-workers to provide alternate care in the event they are needed in a meeting, conference call, or other work-related matter to which they cannot take the infant. Parents or legal guardians are encouraged to consider whether their work schedule aligns with their ACPs. The following are expectations for the ACPs participating in the Infants at Work Program:

- The chosen ACP must receive approval from their supervisor, and Department Director to perform as an ACP. ACPs are volunteers and must have supervisor support/agreement. This includes no conflicts or issues with position duties, employee performance, workload, employee's ability to manage time, or similar issues.
- The **IAW Alternate Care Provider Agreement Form** must be completed by each ACP.
- The **IAW Workstation Inspection Form** must be completed by each ACP and the ACP's supervisor and be attached to the ACP Agreement. The ACP workstation must be conducive to

having an infant present as evidenced by a completed and approved IAW Workstation Inspection Form.

- An employee will not be permitted to have more than one (1) active IAW Alternate Care Provider agreement in effect at the same time.
- ACPs who are also participating as an IAW parent or legal guardian cannot provide care for more than one infant simultaneously.
- An individual ACP may provide alternate care for generally no more than one (1) hour per shift or work day. Exceptions to the one (1) hour limitation can be made if the ACP and their supervisor agree to a longer time period. If the parent or legal guardian needs more time than the ACP can provide, they shall utilize their other approved ACP or arrange for care outside of the workplace.
- ACPs will be required to manage their work so it is not negatively impacted by providing occasional alternate care.
- ACPs who are overtime eligible will be required to use leave or make up the time within their designated workweek if they are not able to work due to providing alternate care.

5.2.8 Filing a Complaint

Complaints shall be submitted to the parent's supervisor or the complainant's supervisor. Supervisors and employees should make every effort to resolve problems informally in a manner which is done respectfully and mutually agreeable to both parties.

The complainant's supervisor, upon receiving the complaint, shall:

- Discuss the complaint with the complainant.
- Discuss the complaint with the parent's supervisor to determine if adjustments can be made to resolve the complaint.

The parent's supervisor, upon being notified of a complaint, shall:

- Discuss the complaint with the complainant or complainant's supervisor, as applicable.
- Discuss the complaint with the parent to determine if adjustments can be made to resolve the complaint.
- If adjustments can be made that resolve the complaint, the parent shall document the changes in the IAW Individual Care Plan Form and resubmit for approval.
- If the supervisor is unable to resolve the complaint, the supervisor will forward the complaint to their Department Director or designee, and the HR Benefits Manager.
- The Department Director or designee and HR shall investigate the complaint, which may include talking to the complainant, parent and supervisor.
- Department Director and HR will review the pertinent information and make a "final" ruling on the issue/concern. If adjustments can be made that resolve the complaint, the parent shall document the changes in the IAW Individual Care Plan Form and resubmit for approval.

5.2.9 Infant at Work Program and Remote Work

Employee (parent or legal guardian) who is in a remote work eligible position, with an approved remote work agreement completed in accordance with City policy (3.3 Remote Work) and who is eligible for the Infant at Work Program may opt to remote work with their infant.

The following requirements must be met while participating in the Infants at Work Program and remote working:

- The parent or legal guardian is required to have supervisor approval/support. This includes no issues, including but not limited to, position duties, employee performance, workload, and/or employee's ability to manage time.
- The parent or legal guardian must maintain a safe working environment while caring for an infant while remote working. Typically, participation will only be considered for those working in an office setting. Exclusions may include primary functions requiring fieldwork or in person contact with the public.
- The parent or legal guardian of the infant must have completed the Remote Work Agreement and obtained the necessary approvals as required by policy including the parent's supervisor and Department Director.
- The parent or legal guardian of the infant must complete the Waiver and Release of Liability Form.

5.2.10 Infant at Work Program Termination

Participation in the IAW program will be terminated if any of the following occurs:

- The infant reaches six (6) months of age or becomes mobile (e.g., crawling).
- Parent or legal guardian is no longer a City employee.
- Parent or legal guardian fails to meet requirements (workload, position duties, performance, etc.).
- Decision is made to terminate participation in the program following an investigation of a complaint.
- City chooses to terminate the agreement or program without cause.
- The Parent or legal guardian understands and agrees that the arrangement is a benefit that may be terminated if the Department Director determines business and customer service needs are not being met.

There are no appeal rights for termination of an IAW agreement and the City may terminate the agreement or the program at any time with or without cause.

5.3 – Leave Types

5.3.1 Purpose

To define the types of leave available to City employees including leave types, which may not be otherwise identified in collective bargaining agreements. To provide consistency to City employees about using paid and unpaid leave according to applicable rules and laws.

5.3.2 Policy

This policy provides the overall guidance with regards to leave types and usage. In the event any provision of this policy conflicts with State, Federal laws or Collective Bargaining Agreements (CBA), those laws or CBAs will prevail.

5.3.3 Holidays

Holiday leave provided by the City applies to all employees in regular budgeted positions. Generally, employees in temporary positions are not eligible for any of these benefits. All holidays are to be paid based on the regular daily schedule of the position; provided, employees who work on a holiday shall be paid in accordance with the terms of their collective bargaining agreement.

Employees in regular budgeted positions for the City shall receive paid holiday leave as follows:

| | |
|-------------------------------|--------------------------|
| New Year's Day | January 1 |
| Martin Luther King's Birthday | 3rd Monday in January |
| President's Day | 3rd Monday in February |
| Memorial Day | Last Monday in May |
| Juneteenth | June 19th |
| Independence Day | July 4th |
| Labor Day | 1st Monday in September |
| Veteran's Day | November 11th |
| Thanksgiving Day | 4th Thursday in November |
| Day after Thanksgiving | 4th Friday in November |
| Christmas Day | December 25th |

- A. **Part-Time Employees:** Part-time employees shall receive holiday leave pro-rated in accordance with the number of hours normally worked.
- B. **Effect of Unpaid Leave:** Employees must be in a paid status the day before and the day after a holiday to receive holiday pay.
- C. **Holidays Falling on Weekends:** A legal holiday that falls on Saturday shall be observed on the preceding Friday. A legal holiday that falls on Sunday shall be observed the following Monday.
- D. **Holidays Falling on Weekends for 9/80 Schedule:** A legal holiday that falls on Saturday shall be observed on the preceding Friday. A legal holiday that falls on Sunday shall be observed the following Monday. When an employee on a 9/80 schedule has their regular day off on the day designated as the observed holiday, the regular day off will be taken immediately before or after the observed holiday. For example, if the holiday falls on a Friday, the employee's regular day off is to be taken the Thursday (the day) before. If the holiday falls on a Monday, the Tuesday (the following day) is to be taken for the regular day off. Holidays are recorded as 8 hours. If the observed holiday falls on an employee's scheduled 9-hour day, employees will supplement an additional 1 hour of vacation or compensatory time to account for the extra hour. If the observed holiday falls on the 8-hour day during the 9/80 work period, no supplement of time is required.
- E. **Holiday Pay for Joint Animal Services Schedule:** For those non-represented overtime eligible employees assigned to work in the Animal Shelter which are eligible for earning holiday hours, if the observed City holiday falls on a Monday, which is a day that the Animal Shelter is regularly closed for operation, the employee shall receive an alternative day off within the same pay period of the holiday or the pay period immediately following. If the date of observance falls on an employee's regular day off, the employee shall receive an alternate day off within the same pay period of the holiday or the pay period immediately following. If the Animal Shelter requires employee(s) to work on an observed holiday, the employee(s) shall be compensated at the

overtime rate for hours worked, and will be allowed to receive alternative holiday hours for all time spent working on the holiday which shall be used within the same pay period of the holiday or the pay period immediately following. If the Animal Shelter requires employee(s) to work on an actual holiday, the employee(s) shall be compensated at the overtime rate for hours worked.

- F. **Floating Holidays:** Represented positions accrue this holiday according to their collective bargaining agreement. Non-represented positions receive and are eligible to use their floating holiday(s) after successful completion of their probationary period. Employees may select the day to take the additional holidays provided for herein after consultation with and approval of their supervisor or manager. Floating holiday(s) must be taken in the year accrued or they will be lost.

5.3.4 Holiday for Reasons of Faith or Conscience

Under Washington law (WAC 357-31-052) all employees are entitled up to two (2) 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” provided their absence does not result in an undue hardship to the City. Employees may use any accrued vacation leave, floating holiday(s) or take the time as leave without pay (LWOP). Probationary employees, only for purpose of faith or conscience, may request to access a floating holiday in advance of completing their probationary period through their Department Director provided the request must be made at least 30 days in advance. If approved by the Director, the request will be sent to Finance for processing.

5.3.5 Sick Leave

Employees in regular full-time positions shall accrue eight (8) hours of sick leave per month. Employees in regular part-time or temporary positions shall accrue sick leave benefits pro-rated in accordance with the number of hours normally worked. No employee shall earn less than one (1) hour of sick leave for every 40 hours worked in accordance with Washington Sick Leave rules (RCW 49.46.210).

- A. **Utilization Rate:** Sick leave shall be taken in fifteen (15) minute increments.
- B. **Verification:** Verification from a healthcare provider that an employee’s use of paid sick leave is for an authorized purpose may be required when an employee is using or will use sick leave for more than three (3) consecutive workdays. Such verification should not include any specific medical information and must be provided to the Human Resources Department within ten (10) calendar days following the first day paid sick leave was used.

The verification requirement is not meant to place an unreasonable expense or burden on the employee. If an employee anticipates that the requirement will result in an unreasonable expense or burden, they must provide an oral or written explanation that asserts: (1) the sick leave used was for authorized purposes; and (2) explains how the verification requirement creates an unreasonable burden or expense on the employee. The Human Resources Director or designee will consider the employee’s explanation and will provide the employee a decision within ten (10) calendar days. The City will make a reasonable effort to identify and provide alternatives for the employee to meet the verification requirement without causing unreasonable expense or burden.

- C. **Payment for Sick Leave:** Non-exempt employees will be paid their “normal hourly compensation” for each hour of paid sick leave used. “Normal hourly compensation” is the hourly rate that an employee would have earned for the time during which the employee used paid sick leave. Exempt employees will be paid their regular salary rate.

- D. **Effect of Unpaid Leave:** Employees on unpaid leave for periods exceeding fifteen (15) consecutive working days will have their sick leave accrual reduced for the calendar month on a pro-rated basis for the percentage of time off in an unpaid status.
- E. **Authorized Sick Leave Use:** Requests to use sick leave must be made to the supervisor. Authorized sick leave may be used for the following:
1. The employee's need to care for a child under age 18 with a health condition requiring treatment or supervision.
 2. The employee's non-job-related illness, injury or other health condition, including one caused by pregnancy, childbirth, or related medical conditions.
 3. A pending workers' compensation claim.
 4. If an employee's workplace, or their child's school or place of care, has been closed by order of a public official for a health-related reason.
 5. The employee's own (or that of their child under age 18) medical or dental appointments or treatment that cannot reasonably be scheduled outside of normal working hours.
 6. To care for an immediate family member with an illness, injury or health condition; as defined by RCW 49.46.210, a family member includes a child, including biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status; a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; a spouse; a registered domestic partner; a grandparent; a grandchild; or a sibling. or anyone living in the employee's household for whose care the employee is responsible) over the age of 18 who have a serious health condition requiring the employee's supervision or attendance. Absences for a parent, spouse or child's serious health condition will be considered for Family and Medical Leave Act (FMLA) benefits.
 7. For leave that qualifies under the state's Domestic Violence Leave Act.
 8. FMLA leave in circumstances where the City's policy or state law permits the use of sick leave beginning the first day of FMLA leave.

An eligible employee seeking to use earned sick leave must comply with all of these rules as well as any other applicable City rules. If the employee's accrued sick leave has been exhausted, the Director of Human Resources or designee will be notified, will grant available vacation leave or compensatory time in lieu of sick at the employees written request.

- F. **Unauthorized use of Sick Leave:** An employee who knowingly provides false information related to the use of sick leave may be subject to disciplinary action, up to and including termination.
- G. **Sick Leave Caps and Carryovers:** The maximum accrual, unless otherwise specified in a labor agreement, is nine hundred and sixty (960) hours. Once an employee reaches a nine hundred and sixty (960) hour sick leave balance, they will revert to the state minimum accrual rate of one (1) hour of sick leave per every forty (40) hours worked. Any Lacey sick leave balance over nine hundred and sixty (960) hours at the end of the calendar year is forfeited by the employee.

- H. **Sick Leave Conversion:** Once a non-represented employee has accrued 480 hours of sick leave, at the end of the calendar year they can trade up to 120 hours of sick leave for vacation leave at a ratio of 3 sick leave hours to 1 vacation hour. Trades must occur in 8-hour increments. This provision only applies to non-represented employees. For non-represented employees who have submitted for retirement in writing to the City and have accrued 480 hours of sick leave, they may trade up to 120 hours of sick leave for vacation leave at a ratio of 3 sick leave hours to 1 vacation hour prior to their retirement date.
- I. **Unused Sick Leave Balance at Separation:** Upon separation of employment for non-represented positions, any unused sick leave time will be canceled. In such cases, if an employee is re-hired within 12 months, the City will reinstate the forfeited sick leave balance to the extent required by law. Represented employees should first refer to their applicable collective bargaining agreement.

5.3.6 Washington Paid Family and Medical Leave (PFML)

The law was authorized by the Legislature in 2017, and is administered by the Washington State Employment Security Department (ESD) for providing paid time off and job protection for eligible employees who need leave for family and medical reasons. To obtain PFML benefits, an individual must submit an application with ESD and must file weekly benefit claims to continue receiving benefits. Instructions for applying for PFML benefits are available on the State's PFML website (www.paidleavewa.gov).

- A. **Eligibility:** Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons (see www.paidleavewa.gov). Eligibility requirements are as follows:
 - 1. **Monetary Benefits:** In order to be eligible to receive monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.
 - 2. **Job Protection:** In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (must have worked for the employer for at least 12 months and have worked 1250 hours in the last year).
 - 3. An employee is ineligible for PFML benefits during any period of suspension from employment or during which the employee works for compensation or profit (e.g., outside employment or contracting).
- B. **Concurrency with FMLA:** Whenever possible, PFML will run concurrently (at the same time) with FMLA when an absence is covered by both laws.
- C. **Notification Requirements:** In order to better coordinate this benefit and to avoid an overpayment, employees must provide notice to the Human Resources Department of the intent to take PFML. If the need for leave is foreseeable, notice must be given at least thirty (30) days in advance of the leave. For unforeseeable leave, notice should be given as soon as practicable. The employee's notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If leave is being taken for the employee's or family member's planned medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt business operations. If taking leave intermittently, an employee must record each PFML absence in the payroll system using the designated time reporting tools and appropriate codes.

- D. **Coordination with other Benefit Programs:** When an employee is on leave and only receiving PFML benefits, the employee is deemed to be in an unpaid status for purposes of City of Lacey policies and benefit programs. Insurance coverage will be handled in the same manner as other unpaid leaves of absence, pursuant to City of Lacey policies and subject to any FMLA or other legal requirements requiring continuation of coverage. Department of Retirement Systems (DRS) members will not receive service credit while on leave under PFML. This is because PFML participants receive payments from the Employment Security Department, not from their employer. For questions regarding coordination of benefits with DRS, employees may call 1.800.547.6657 or 360.664.7000.
- E. **Use of Leave Accruals during PFML (No Supplementation Allowed):** Paid leave accruals (vacation, sick leave, floating holidays, compensatory time or any other accrued leave) cannot be used to supplement PFML. Leave accruals can be used during the waiting period for benefit payment.
- F. **Job Restoration and Return to Work Recertification:** An employee who is eligible for job-protected leave will be restored to the same or equivalent position at the conclusion of PFML leave, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). An employee will be required to provide a return-to-work certification from a health care provider before returning to work following PFML leave where the employee has taken leave for their own serious health condition. If an employee taking PFML leave chooses not to return to work for any reason, the employee must notify their Human Resources representative.
- G. **Continuance of Health Insurance Benefits:** Employees who are covered by City health insurance are entitled to the continuation of the health insurance coverage during qualifying PFML and/or FMLA leave on the same terms as if they had continued to work. If family member coverage is provided to an employee, family member coverage must be maintained during the FMLA and/or PFML leave. In either case, the employee must continue to make any normal contributions to the cost of the health insurance premiums.

An employee electing to be on PFML administered by ESD, must make arrangements with the Finance Department to pay the normal employee portion of the insurance premiums (normally deducted from employee pay) in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped. The City will provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops.

In some circumstances, the City may choose to pay the employee's portion of the premium, for example, in order to ensure that it can provide the employee with equivalent benefits upon return from PFML. In that case, the City will require the employee to repay these amounts. In addition, the City may require the employee to repay the employer's share of the premium payment if the employee fails to return to work following the PFML leave unless the employee does not return because of circumstances that are beyond the employee's control, including a FMLA/PFML-qualifying medical condition.

5.3.7 Family Medical Leave Act of 1993 (FMLA) Overview and Summary

The City complies with the federal Family and Medical Leave Act of 1993 (FMLA) as amended, and all applicable state laws related to family and medical leave, including but not limited to the Washington Paid Family and Medical Leave (PFML), the Pregnant Workers Fairness Act (PWFA), and the Washington

Pregnancy Disability Regulations (PDR). This means that, in cases where the law grants an employee more leave than the City's leave policies provide, the employee will be given the leave required by law.

The FMLA and PFML will usually run concurrently. FMLA will provide up to twelve (12) weeks or four hundred and eighty (480) hours of unpaid job-protected leave. To be eligible for FMLA, employees must have worked for at least one thousand, two hundred and fifty (1,250) hours over the previous twelve (12) months prior to the start of the leave. Eligibility for PFML is determined by the Washington State Employment Security Department (ESD), and is described in detail above.

The FMLA law allows eligible employees (see definition below) to take leave to care for or be with a spouse, child or parent with a "serious health condition," or to be with (or care for) a child after birth, placement for adoption or foster care (or in certain comparable situations), or for the employee's own serious health condition. The PWFA gives workers the right to receive reasonable accommodations, which may involve absence from work for medical reasons, and is described in detail within 4.2 Disability Discrimination/Reasonable Accommodation.

Employees wishing to take **leave for bonding** must apply with their immediate supervisor at least thirty (30) days prior to the anticipated start of the leave and meet with a Human Resources representative to receive appropriate benefit information. If 30 days' notice is not possible, which may occur in the case of adoption or foster care placements, notice must be given as soon as the need for leave becomes known. The bonding leave must be taken within the first twelve (12) months following the birth of a child and/or adoption.

Additionally, employees may take up to twelve (12) weeks of unpaid leave for any qualifying exigency related to a spouse, son, daughter, or parent's active duty or notification of an impending call or order to active duty in the Armed Forces in support of a contingency operation. However, if there are accruals available the employee may use their accruals for the twelve (12) weeks for the qualifying exigency.

Employees who are the spouse, son, daughter, parent or next of kin of a covered service member are also entitled to a total of twenty-six (26) work weeks of leave during a single twelve (12) month period to care for the service member who was wounded on active duty, and is undergoing medical treatment, recuperation, therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

While FMLA is typically taken for regular, uninterrupted absences, under some circumstances FMLA leave may be allowed to be taken intermittently. Intermittent leave is taking leave in a block of time or on a reduced leave schedule. When intermittent leave is needed for planned medical treatment, the employee will need to consult with their supervisor to try to work out the least disruptive schedule for the leave, when possible.

- A. **Qualifying Exigency Related to a Call to Covered Active Duty:** Under the FMLA, leave is available for certain qualifying military exigencies, as described below. The City may require certification of a qualifying exigency, which requires the following:
1. The eligible employee must be the spouse, son, daughter, or parent of a covered service member. The son or daughter may be of any age.
 2. The service member must be in covered active duty. "Covered active duty" means the service member must be a current member of the regular Armed Forces or a member of the National Guard or Reserve (Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve), or be a retired member of the regular Armed Forces

or Reserve who is called to active duty. A call to covered active duty refers to a Federal call to active duty, and the active duty must involve deployment to a foreign country.

3. The leave must be needed for a non-medical qualifying exigency which arises out of the service member being on covered active duty or having been notified of an impending call or order to covered active duty. Qualifying exigencies include:
 - a) Short-notice deployment. Eligible employees may take up to seven (7) calendar days leave if the military member receives seven or less days notice of a call to covered active duty.
 - b) Military events and related activities (before and during deployment).
 - c) Certain temporary childcare arrangements on an urgent, immediate need basis (but not on a routine, regular or everyday basis), or to attend meetings with staff at a school or daycare facility.
 - d) Financial and legal arrangements to address the service member's absence.
 - e) Counseling by a non-medical counselor (such as a member of the clergy).
 - f) Rest and recuperation. Eligible employees may take up to fifteen (15) days' leave for each instance when the military member is on temporary rest and recuperation leave.
 - g) Post-deployment military activities.
 - h) Additional activities agreed to by the City and the employee relating to the service member's call to covered active duty.

- B. **Pregnancy and/or Childbirth:** Under Washington State law, regardless of whether they meet eligibility requirements for FMLA and/or PFML, employees are entitled to unpaid leave for the period of time that the employee is physically disabled due to pregnancy and/or childbirth. Where an employee is eligible for FMLA and PFML, pregnancy/childbirth disability leave will run concurrently.

Effective January 1, 2020, up to twelve (12) weeks of medical leave for pregnant women and up to twelve (12) week of family leave. Combined leave cannot exceed sixteen (16) total weeks, unless there is a serious incapacitating health issue related to pregnancy, which adds two more weeks (18 weeks total).

Under the Washington Paid Family and Medical Leave (PFML), pregnancy/childbirth situations may include a combination of:

1. Up to twelve (12) weeks of medical leave, plus an additional two (2) weeks for any serious health condition resulting in an incapacity (14 weeks maximum). The combination of medical and family (bonding) leave cannot exceed sixteen (16) weeks in a fifty-two (52) week period, or eighteen (18) weeks in a fifty-two (52) week period in case of a pregnancy-related serious health condition resulting in an incapacity.
2. For paternity leave or leave for an adoptive parent, an employee can receive up to twelve (12) weeks of family leave.
3. Up to 12 weeks of family leave to care for a qualifying family member.

- C. **Workplace Pregnancy Accommodations (RCW 43.10.005):** The City will provide reasonable accommodations for pregnant employees consistent with Washington law. Pregnancy includes

an employee's pregnancy and pregnancy-related health conditions, including the need to express breast milk. Reasonable accommodation means:

1. Providing more frequent, longer or flexible restroom breaks.
 2. Modifying a no food or drink policy.
 3. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, or acquiring or modifying equipment, devices, or an employee's work station.
 4. Providing seating or allowing an employee to sit more frequently if her job requires her to stand.
 5. Providing for a temporary transfer to a less strenuous or less hazardous position.
 6. Providing assistance with manual labor and limits on lifting.
 7. Scheduling flexibility for prenatal visits.
 8. Providing reasonable break time for an employee to express breast milk for two (2) years after the child's birth each time the employee has need to express the milk and providing a private location, other than a bathroom.
 9. Any further pregnancy accommodation an employee may request, and to which the City must give reasonable consideration; in consultation with information provided on pregnancy accommodation by the Department of Labor and Industries, or the attending health care provider of the employee.
- D. **Duty to Notify the City:** Employees seeking to use paid or unpaid leave for a purpose that may qualify for FMLA leave must notify Human Resources. This allows the City to maintain accurate records and ensure that employees receive all of the FMLA benefits to which they are entitled to by law. The City may require the employee to submit a medical certification from a health care provider substantiating the need for leave.
- E. **Continuance of Health Insurance Benefits:** Employees who are covered by City health insurance are entitled to the continuation of the health insurance coverage during FMLA leave on the same terms as if they had continued to work. If family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. The employee must continue to make any normal contributions to the cost of the health insurance premiums.
- F. If paid leave is used during FMLA leave, the employee's share of health plan premiums will be paid by payroll deduction. An employee on unpaid FMLA leave must make arrangements with the Finance Department to pay the normal employee portion of the insurance premiums in order to maintain insurance coverage. If the employee's premium payment is more than 30 days late, the employee's coverage may be dropped. The City will provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops.

In some circumstances, the City may choose to pay the employee's portion of the premium, for example, in order to ensure that it can provide the employee with equivalent benefits upon return from FMLA leave. In that case, the City will require the employee to repay these amounts. In addition, the City may require the employee to repay the employer's share of the premium payment if the employee fails to return to work following the FMLA leave unless the employee does not return because of circumstances that are beyond the employee's control, including a FMLA-qualifying medical condition.

5.3.8 Vacation Leave

Employees in regular budgeted full-time positions will accrue vacation leave in accordance with the applicable vacation schedule for their position and respective collective bargaining agreement or as approved by the City Manager for non-represented positions. Employees in regular budgeted part-time positions shall accrue vacation benefits pro-rated in accordance with the number of hours normally worked.

A. Vacation Schedule – Non-Represented Non-Supervisory Employees

Non-represented full-time employees who do not supervise, accrue vacation leave according to the following schedule (*eligible permanent part-time positions are pro-rated):

| <u>During Year of Employment</u> | <u>Days Per Year (8-hour day)</u> |
|-------------------------------------|-----------------------------------|
| 1 st | 12 |
| 2 nd | 13 |
| 3 rd - 4 th | 14 |
| 5 th - 7 th | 15 |
| 8 th - 9 th | 16 |
| 10 th - 12 th | 19 |
| 13 th - 14 th | 20 |
| 15 th - 17 th | 22 |
| 18 th - 19 th | 22.5 |
| 20 th - 22 nd | 24 |
| 23 rd - 24 th | 25.5 |
| 25 ⁺ | 27 |

B. Vacation Schedule – Non-Represented Supervisor or Management Employees

Non-represented supervisor or management employees whose positions customarily exceed 40 hours per week (FLSA exempt), will accrue vacation leave according to the following schedule in recognition of their level of supervisor or management responsibility and no additional compensation or time off is provided for additional hours worked over 40/week:

| <u>During the Year of Employment</u> | <u>Days Per Year (8-hour day)</u> |
|--------------------------------------|-----------------------------------|
| 1 st - 3 rd | 15 |
| 4 th - 6 th | 16 |
| 7 th - 9 th | 17 |
| 10 th - 12 th | 20 |
| 13 th - 14 th | 21 |
| 15 th | 22 |
| 16 th - 19 th | 23 |
| 20 th - 22 nd | 24.5 |
| 23 rd - 24 th | 25.5 |
| 25 ⁺ | 27 |

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For special circumstances, at the time of the offer of employment (which includes promotions into management level positions), the City Manager may place or advance an employee higher in the accrual schedule at more days per year than set forth above.

- A. **Limitation for Probation Period:** Vacation shall accrue monthly from the date of employment, but may not be used until after the successful completion of the six (6) month probationary period. After the successful completion of the probationary period, leave may be allowed to be used to the limit of the amount currently accrued. Employees who separate from the City prior to completion of probation will not be paid for any vacation leave accrued up to the date of separation.
- B. **Maximum Accumulation:** For non-represented employees vacation leave may be accumulated to a maximum of two hundred and ninety-six (296) hours. After accruing two hundred and ninety-six (296) hours, the employee will cease earning any additional vacation accruals until vacation is taken.
- C. **Requirement for Use:** Employee leave requests must be made in writing and in advance of the leave (including under the terms of any applicable bargaining agreement language) and must be approved by the Department Director or designee. As part of encouraging work life balance, each eligible employee is encouraged to use at least forty (40) hours of vacation leave each year. Employees may use accumulated vacation leave for absences related to illness, injury, and appointments for their child, spouse/domestic partner, parent, parent-in-law, or grandparent.
- D. **Unpaid Leave:** Employees on unpaid leave for periods exceeding fifteen (15) consecutive working days will have vacation leave reduced for the calendar month on a pro-rated basis for the percentage of time off in an unpaid status.
- E. **Unused Balance Upon Separation:** Represented employees must refer to the applicable CBA. For non-represented non-supervisory employees that resign/separate from employment with the City, unused vacation balances up to a maximum of two hundred and forty (240) hours will be cashed out and paid to the employee at the time of separation with their final pay check. In the event a non-supervisory employee retires from the City, all of the unused vacation up to 240 hours will be designated to the existing HRA VEBA.

For non-represented supervisor or management employees that resign/separate from employment with the City, unused vacation balances for up to a maximum of two-hundred and eighty (280) hours will be cashed out and paid to the employee at the time of separation with their final pay check. In the event a non-represented supervisor or management employee retires from the City, all of the unused vacation up to 280 hours will be designated to the existing HRA VEBA.

5.3.9 Bereavement Leave

Bereavement leave taken in accordance with this paragraph shall not be charged against the accrued sick leave, vacation, or compensatory time of the employee. All employees in regular positions may request and shall be granted bereavement leave as described below:

- A. **Immediate Family:** Defined as a parent, parent-in-law, in loco parentis, spouse/domestic partner, child, sibling, sibling-in-law, son/daughter-in law, step parent, step sibling, step child, grandparent, grandchild of an employee, regardless of their residence (unless otherwise stated in an applicable collective bargaining agreement); or is a member of the employee's household

under the same roof. With approval of the Department Director or designee a regular employee may take up to five (5) work days of bereavement leave to grieve, assist in making arrangements and/or attend the services in the event of a death. In addition, bereavement leave may be extended up to two (2) days due to extenuating circumstance regarding travel distances.

- B. **Relative not within Immediate Family:** With approval of the Department Director or designee a regular employee may take up to three (3) one-half (1/2) days of sick leave in a calendar year to attend the funeral services of a relative not included above. Verification of relationship and death may be requested when deemed appropriate
- C. **Co-Worker, Close Friend, Retiree or Elected Official (current or previously in office for the City of Lacey):** With approval of the Department Director or designee a regular employee may take up to one-half (1/2) day bereavement leave to attend funeral services of a close friend, co-worker, retiree or elected official. Bereavement leave taken in accordance with this paragraph shall not be charged against the accrued sick leave, vacation, or compensatory time of the employee.

5.3.10 Jury Duty

Serving on a jury is a right and responsibility of all adult U.S. citizens. The City of Lacey supports the participation of its employees on juries when that participation will not unduly interfere with the operation of the City.

An employee who has received notice of selection for jury duty shall report that information to their supervisor. The supervisor will consult with HR if they determine the employee's leave would create an undue hardship based on the employee's selection for jury duty. HR will then assist in determining whether or not there will be a request made for the employee's jury duty service to be postponed by the court. The City will accommodate the court's refusal to postpone the jury service.

The City will continue to compensate eligible employees serving on jury duty for the period of time covered by initial subpoena or court order and any involuntary extensions. Compensation (e.g. jury duty pay) provided by the courts will be signed over to the City with the exception of travel and meal expense payments.

5.3.11 Witness Duty Leave

All employees who are subpoenaed or requested to testify by the City will continue receiving their regular wages (but only the straight-time hours of work scheduled and missed, up to eight (8) hours in any one day) while on witness duty.

Employees who are required to appear in court or in a state or federal administrative proceeding, to testify under some form of subpoena or court order for other than City related business, may obtain an unpaid leave of absence or use of vacation for the period of time.

All employees will promptly notify the City of their witness duty obligations to allow the City sufficient time to make arrangements to cover the absence.

5.3.12 Military Leave

In accordance with RCW 38.40.060, every employee of the City who is a member of the Washington National Guard or of the Army, Navy, Air Force, Coast Guard, or Marine Corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted

military leave of absence from such employment for a period not exceeding twenty-one (21) days during each year from October 1st through the following September 30th. Such military leave of absence shall be in addition to any vacation or sick leave to which the employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, not exceeding twenty-one (21) days, each October 1 through September 30, the employee shall receive their normal pay.

An employee must give advance notice for the need to be on a military leave of absence and use their available leave balances. If this is not possible due to an emergency or unforeseen circumstance, the employee must notify the employer of the need for leave no later than the end of the first day the employee takes the leave. Employees requesting military leave will send the military orders specifying the date(s) of deployment or training to the Human Resources Department.

Employees who are ordered to or volunteer for military training or active duty in excess of the 21 days provided for above in the Armed Forces of the United States, the U.S. Coast Guard, the U.S. Public Health Service, or a National Guard component, may take an unpaid leave of absence and/or use vacation for the length of the service.

Except as otherwise required by law or City policy, all military leaves in excess of 21 days are without pay.

In addition to paid military leave, leave without pay must be granted for an employee's service in the uniformed services of the United States or the state, under RCW 73.16 and the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA). A service member returning from active-duty military service or training has the right to be reemployed to the same position (or a like position for which they are qualified) with the same benefits and without a loss of seniority provided the person is still qualified to perform the duties of their former position.

Employees who fail to return to work on the date specified on official military leave request without receiving an extension in advance, or employees who fail to seek reinstatement within any reemployment timelines established under USERRA may be denied reemployment.

- A. **Military Spouse/Domestic Partner Leave (Washington State's Military Leave Act)**: During a period of military conflict, a total of fifteen (15) days of unpaid leave per deployment is available for spouses/domestic partner of active-duty military personnel. The leave can be taken:
1. When the soldier is on leave from their deployment.
 2. After the soldier learns of the deployment, but before they commence active duty.
 3. An employee must give notice of their intention to take leave within five (5) days of the soldier receiving official notice of the order to active duty, or official notice of receiving leave from active duty or official notice of an impending call to active duty.

Upon returning from leave, the employee is entitled to be restored to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment at a workplace within twenty miles of the employee's workplace when leave commenced.

5.3.13 Domestic Violence/Sexual Assault Leave

In accordance with the Domestic Violence Leave Law (RCW 49.76), an employee who has been the victim of domestic violence, sexual assault or stalking, or who has a family member, as defined below, who has been victimized, may take leave for one of the following purposes:

- To seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or the employee's family members, including civil or criminal legal proceedings.

- To seek medical treatment for physical or mental injuries.
- To obtain or assist a family member in obtaining services from a domestic violence shelter, rape crisis center or other social services program.
- To obtain or assist a family member in obtaining mental health counseling.
- To relocate or participate in safety planning.

Family members may take leave to help a victim obtain treatment or seek help. "Family Member" includes a Child, spouse/domestic partner, parent, parent-in-law, grandparent or a person with whom the employee has a dating relationship.

An employee must give advance notice for the need to use their available leave balances. If this is not possible due to an emergency or unforeseen circumstance, the employee must notify the employer of the need for leave no later than the end of the first day the employee takes the leave.

- A. **Domestic Violence Accommodations (RCW 49.76):** Prohibits discrimination or retaliation against an employee because they are an actual or perceived victim of domestic violence, sexual assault or stalking. The City will make reasonable safety accommodations for such individuals, unless it would impose an undue hardship including:
1. Transfer, reassignment, and/or modified work schedule.
 2. Change in work phone number, email, and/or location.
 3. Installation of locks.

The employee may elect to use sick leave, compensatory time, vacation time, floating holiday, or unpaid leave for the defined purposes. A reasonable amount of time will be allowed for the defined purposes. The leave may be intermittent or on a reduced schedule.

The employee may be required to furnish verification that the employee is a victim of domestic violence, sexual assault or stalking and that the leave was taken for one of the purposes allowed by the law. A police report, court order or other documentation from a victim's advocate, an attorney, a member of the clergy, or a medical or other professional are appropriate for verification purposes. The employee may also satisfy the verification requirement by providing a written statement explaining the need for the leave.

The employee will be restored to the same or an equivalent position upon returning from leave unless the employee was hired for a specific term or project that the employer would not otherwise have continued to employ the employee. Health Insurance coverage must be maintained during the leave.

In addition to leave, employees may also be eligible to apply for a temporary public records exemption as defined under law. For more information about this application for public records exemption, employees may contact the City Clerk or the Human Resources Department.

5.3.14 Shared Leave

Although not mandatory by state law, the City of Lacey has adopted the following shared leave policy. City employees may donate a portion of their vacation leave to an eligible City employee for the following reasons:

- The employee is suffering from a life-threatening condition or catastrophic illness or injury which prevents the employee from working and has caused or is likely to cause them to take leave without pay or terminate employment;
- The employee has an immediate family member who is suffering from, a life-threatening condition or catastrophic illness or injury which prevents the employee from working and has caused or is likely to cause them to take leave without pay or terminate employment. For the

purpose of administering this type of request, immediate family member is defined as a spouse/domestic partner, child, grandchild, sibling, grandparent, or parent for whose care the employee is responsible and who has a life-threatening condition or catastrophic illness or injury requiring the employee's attendance;

- Pregnancy disability, which means a pregnancy related medical condition or miscarriage;
- Parental leave, which means leave to bond and care for a newborn child after birth or to bond and care for a child after placement for adoption or foster care;
- Service in the uniformed services, which means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty. Uniformed services means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard and any other category of persons designated by the President of the United States in time of war or national emergency.

The donated leave will be processed in the order received and credited to the recipients at the base rate of pay when their leave began. All unused donated leave will return to the donating employee. Additionally, employees donating leave hours will not receive payment for these hours at resignation or retirement.

The Human Resources Director or designee will review all requests for Shared Leave and may permit an employee to receive this type of leave if the employee meets the criteria described above and will go into a leave without pay status. Requests for Shared Leave are valid for 90 days, and are subject to renewal as determined by the Human Resources Director or designee.

Eligible employees will be required to provide appropriate medical documentation of the necessity for the shared leave request and the time in which the employee can reasonably be expected to be absent. Shared leave is available for an additional 30 days following the last pay cycle in which donated hours were used. Inappropriate use or treatment of shared leave benefits will result in the cancellation of the use of shared leave.

Employees receiving worker's compensation and/or disability benefits are not eligible to receive shared leave; except for shared leave which may be needed to coordinate with worker's compensation benefits (see sick leave section). Please Note: Per Department of Retirement System Rules (WAC 415- 108-468), employees are not granted service credit for shared leave, with the exception of LEOFF Plan 2 members.

5.3.15 Leave Without Pay

Leave without pay may be granted by the Department Director, in coordination with Human Resources and at the recommendation of the immediate supervisor, for a period of one (1) to fifteen (15) normal working days, subject to the operating needs of the City. Approval will be based on the reason for the request; the employee's overall length of service, the employee's performance, attendance, disciplinary history and/or records; any previous leaves of absence; the department and/or job. Extensions beyond fifteen (15) normal working days may be considered on a case by case basis must be approved by the City Manager.

5.3.16 Administrative Leave

On a case-by-case basis, the City may place an employee on administrative leave with pay. Administrative leave may be used (as determined by the City Manager or designee).

5.3.17 Absences Without Duly Authorized Leave

Absence without duly authorized leave shall be treated as absence without pay and, in addition, may be grounds for disciplinary action. Upon their return to work, the employee shall give a written statement to their department head explaining the nature of the absence. An employee who is absent from their position for three (3) consecutive days without notice to the department head or the appointing authority may be considered to have abandoned their position. Failure to provide a reasonable excuse for unauthorized leave may be subject to disciplinary action, up to and including, termination.

6.1 – Lacey Employee Appraisal Process (LEAP)

6.1.1 Purpose

The Lacey Employee Appraisal Process (LEAP), used during the probationary review period or for on-going coaching of employees, is intended to provide a method for supervisors and employees to begin open dialog regarding the position expectations, and document the training and mentoring support from the supervisor as well as the employees job performance.

6.1.2 Policy

This performance appraisal process will help to identify and clarify work expectations, develop professional goals, and strengthen the overall communication between the supervisor and employee. This is accomplished through:

- Clearly defined expectations that align with the assigned job description.
- Transparency in addressing performance areas needing improvement.
- On-going constructive feedback and coaching to employees.
- Recognizing and documenting employees for a job done well.
- Identifying and documenting future training and development needs.

Supervisors will conduct appraisals on a two (2) month and five (5) month basis and a Personnel Action Form (PAF) will be completed at the end of six months for all regular employees in probationary positions. Additional appraisals may also be required as specified in the employee's respective collective bargaining agreement. Appraisals during probation should be completed using the LEAP form (Appendix C), and sent to Human Resources for filing in the personnel file.

Supervisors should be providing on-going coaching for all regular employees to improve and develop employee performance. These coaching conversations should be documented and kept in the supervisory file.

6.1.3 Standards for Appraisal

The expectations and written evaluation within the appraisal should:

- Relate to the job, addressing the performance required to perform the duties and functions of the position.
- Be based on observed or demonstrated performance.

- Relate to City's standards for interpersonal behavior, public contacts, and any other supervisor required behavior competencies.
- Provide the opportunity for two-way communication and joint problem solving between the employee and supervisor.
- Include an Individual Development Plan (IDP), if appropriate, for resolving any performance problems.
- Include a growth and development plan.

6.1.4 Training and Development

Human Resources will organize, coordinate and administer training for City employees based upon training needs and legal requirements. A current training schedule will be distributed by Human Resources (see Policy 2.4 Employee Training and Development). Supervisors are responsible for monitoring an employee's training schedule and approving time off for training. Supervisors are encouraged to contact Human Resources with specific training needs not being offered by the City. Specialized and/or division specific training can often be accommodated in-house internally with advanced notice.

6.1.5 Responsibilities

- A. **Supervisors:** Supervisors should familiarize themselves with the LEAP process and will conduct reviews for employees in regular positions for the two (2) and five (5) month review for employees in probationary positions. For the probationary period reviews, supervisors should schedule the appraisal with the employee at least one to two weeks in advance, and give the employee an opportunity to review the performance standards and complete their portions of the appraisal form. Supervisors should document the probation appraisal process using the LEAP form. A copy of the form should be retained by the supervisor and a copy provided to the employee. A copy of the appraisal shall be forwarded to the Human Resources Department to place in the employee personnel file. Following the satisfactory completion of the probationary period, all supervisors should be performing regular check-in meetings with employees in regular positions as part of the City continuous coaching model. Supervisors should be providing on-going feedback on the employee's performance, using an interactive process to set goals for the position, and providing resources and assistance to the employee as needed in order to support the expected performance.

Supervisors should contact Human Resources when they are observing issues regarding unsatisfactory performance or matters requiring disciplinary action for the first time. These concerns should generally be addressed by an informal discussion or special meeting where the problem is identified and discussed and, if appropriate, a corrective action plan or individual development plan (IDP) in writing may be established. Problem performance that continues to be below standards may, however, be subject to disciplinary action in accordance with the City's policy on disciplinary action. The written corrective action plan or IDP may be referred to when disciplinary action is taken to document or point out previous discussion regarding a performance area, but it does not in and of itself constitute a formal step in the disciplinary action process.

- B. **Employees:** Employees are expected to participate in the performance appraisal or on-going coaching process by:
1. Reviewing the performance standards developed for their position.

2. Completing their sections of the appraisal form (when in probation).
3. Contributing solutions during joint problem-solving, if appropriate.
4. Asking for clarification if not sure what supervisor is saying or asking
5. Assisting, as appropriate with the development of the individual development plans.
6. Correcting problems as identified and discussed.

6.2 – Employee Recognition Program

6.2.1 Purpose

The City of Lacey appreciates the efforts of its employees to achieve the City's goals and to fulfill its mission, vision, and value statement. The Human Resources Division is authorized to establish and maintain an Employee Recognition program to guide and support leaders in implementing this policy. The authorization for the program and value of awards shall be as provided for by City Manager and in consultation with Human Resources.

6.2.2 Policy

The City of Lacey, its Council, City Manager, and Department Directors appreciate and recognize the value of exceptional employee performance that contributes to improved service, quality, productivity, and/or actions that are beneficial to the citizens we serve.

The City of Lacey supports a culture of respect and recognition. Acknowledging employee contributions, commitments, and efforts toward the City's endeavors and achievements is an important part of the Recognition Program. Recognizing employee behaviors that exemplify the City's values in action makes sense from a business perspective as it supports positive employee morale and contributes to the high level of employee engagement required to carry out the City's work.

Consistent with the business case for recognizing employees and the value statement of the City, Department Directors are encouraged to incorporate employee recognition into their leadership practices on a regular basis.

The Employee Recognition Program will also provide guidance on the prudent and efficient use of the City's financial resources in support of its value of responsible stewardship of community resources.

6.2.3 Types of Recognition

Employees are the organizations most important asset and resource for providing services to carry out the City's work, and there are four (4) main categories of recognition that the City uses to highlight a job well done or to celebrate special efforts and accomplishments. The four (4) categories used are:

- **Appreciation:** Simple (no cost) communication from one individual to another acknowledging and/or appreciating something that was done, and can be communicated in a variety of formats (e.g. handwritten note, email, or face to face conversation)
- **Formal Acknowledgement:** Typically done by a supervisor, manager, or Department Director to an employee or group. A personal action to acknowledge or appreciate something that goes beyond what is generally expected and has benefited the City in some manner. Can be conveyed or communicated in a variety of ways. Management should contact Human Resources for further information on this recognition type.
- **Recognition Events:** This requires some cost and/or time and are group based. Groups may be project teams, work groups, departments, or other types of groups. Recognition is typically for

results achieved by a group that demonstrate an exceptional accomplishment, extraordinary creativity or innovation, exemplary commitment to City values, or behaviors that supported accomplishment of a significant milestone or goal. Departments will work with Human Resources for approval of event.

- **Awards:** Structured recognition programs that include specific guidelines or a basis for the award; usually Citywide, subject to specific award criteria and eligibility, and often includes a nomination process. Recognition is typically given for behaviors or accomplishments specified by the award definitions and may include such things as outstanding commitment to City Values or behaviors that are important and integral to the City including innovation leadership, safety, etc. Recognition is usually by nomination and selections made by established committees.

Any, and all, employee recognition events, programs, or awards shall be consistent with the provisions of this policy. Further, on-going events, programs and awards shall be reviewed at least once every five (5) years by their sponsors, in coordination with Human Resources Department to ensure they remain consistent with the City's Employee Recognition Policy.

6.3 – Code of Ethics/Conflict of Interest

6.3.1 Purpose

The purpose of this policy is to establish and affirm the City's commitment to the highest standards of legal and ethical conduct in its public service, to help identify potential ethical concerns and conflicts of interest; and provide information to City employees and elected officials about the requirement of reporting potential policy violations.

6.3.2 Policy

The City of Lacey is accountable to the public for conducting City business in a fiscally responsible, accountable and ethical manner. No elected/appointed public official or employee of the City shall engage in any act or behavior which may be considered to be in conflict with the performance of their official duties. This includes accepting any gift, gratuity (with the very limited exceptions noted below) and/or favor which may be directly or indirectly related to the employees' performance of their official duties. Elected officials or employees will not use their position for personal financial gain or to secure special privileges or exemptions for themselves or others, nor shall they be influenced by or act upon the basis of any personal or non-job-related influence or interest, financial or otherwise. City employees and elected officials need to use appropriate judgement and keep the interest of the City as the primary focus at all times. City employees should avoid situations that could appear to be a conflict of interest.

Stringent standards apply to employees authorized to make City purchases or elected officials and employees authorized to enter into contractual relationships with vendors, consultants and/or contractors. Any solicitation not authorized through a sponsoring program (e.g. Parks, Culture & Recreation Corporate Sponsorship and Naming Rights) or acceptance of any gift or other consideration of value is strictly prohibited with no exceptions.

6.3.3 Definitions

For the purpose of interpreting and enforcing this policy, the following definitions shall apply:

City: Every department, office, commission, or committee of the City, or any subdivision thereof, excludes public corporations and external ad hoc advisory committees.

City elected official or employee: Any person holding a position by election, appointment, or employment in the service of the City, whether paid or unpaid.

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

Corporate sponsorship: A relationship with a business entity where that entity provides money, goods or services to the City of Lacey Parks, Culture & Recreation Department over a specified term, and in return, the business entity receives acknowledgement of the sponsorship via specific benefits such as inclusion in marketing materials, signage, digital media, promotions, onsite activation, and display areas. The business entity may also receive other benefits, including certain designations, category exclusivity, or the use of the Lacey Park and Recreation logo.

Beneficial interest: Any direct or indirect, monetary or material benefit, other than a remote interest, accruing to a City elected official or employee as a result of a contract, transaction, zoning decision, or other matter which is or may be the subject of an official act or act by or with the City, except for such contracts, transactions, zoning decisions or other matters which by their terms and by the substance or their provisions confer the opportunity and right to realize the accrual of similar benefits to all other persons and/or property similarly situated. For purposes of this policy, a City elected official or employee shall be deemed to have an interest in the affairs of:

- The elected official or employee's spouse, domestic partner and/or dependent children.
- Any person or business entity with whom a contractual relationship, whether verbal or written, exists with the City elected official or employee.
- Any business entity in which the City elected official or employee is an elected official, director, member or employee.
- Any business entity in which the elected official or employee controls or owns, directly or indirectly, in excess of one percent of the total stock, or an interest totaling five thousand dollars (\$5,000) or more in value.
- Any person or business entity with whom a contractual relationship, whether oral or written, exists with the City elected official or employee; provided, however, that a contractual obligation of less than five hundred dollars (\$500), or a commercially reasonable lien made in the ordinary course of business, or a contract for a commercial retail sale, shall not be deemed to create an interest in violation of this code.

Business entity: Any corporation, general or limited partnership, sole proprietorship (including a private consultant operation), joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not organized for profit.

Gift: Anything of economic value in excess of twenty-five dollars (\$25), regardless of the form, without adequate and lawful considerations; provided, it does not include the solicitation, acceptance, or receipt of political campaign contributions regulated in accordance with provisions of federal, state, or local laws governing campaign finances.

Immediate family: Any person who is:

- A spouse and/or domestic partner.
- Any dependent, parent, parent-in-law, child, son-in-law, or daughter-in-law.
- Any sibling, uncle, aunt, cousin, niece, or nephew residing in the household of the City elected official or employee.

Naming Rights: A commercial benefit of specified duration to signify the name or trademark of a designated legal entity as part of the name of the park asset specified in the agreement.

Official act or action: Any legislative, administrative, appointive, or discretionary act of any City elected official or employee of the City, committee, or commission thereof.

Person: Any individual, association, corporation, or other legal entity.

Remote interest:

- That of a non-salaried elected official of a non-profit corporation.
- That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary.
- That of a landlord or tenant of a contracting party.
- That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

6.3.4 Prohibited Conduct

Employees shall represent the City in a positive and ethical manner. Employees have an obligation to avoid conflicts of interest or any activity which would give the appearance of a conflict of interest. Examples of conflict of interest include but are not limited to the following:

- A. **Disqualification from Acting on City Business:** No City elected official, employee, or agent, while holding such office or employment, shall:
1. Fail to disqualify themselves from acting on any transaction which involves the City and any person who is or at any time within the preceding twelve (12) month period has been a private client of theirs, or of their firm or partnership.
 2. Participate in the selection, award or administration of a contract supported by a Federal award if they have a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, elected official or agent, any member of their immediate family, their partner, a person with whom they have a close personal relationship or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a business considered for a contract. The elected officials, employees and agents of the City must neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts.
 3. Has a financial or other private interest, other than a remote interest as defined in this policy, direct or indirect, personally or through a member of their immediate family, or business entity, in any contract or transaction to which the City may be a party, and fails to disclose such interest to the appropriate City authority prior to the formation of the contract or the time the City enters into the transaction.
- B. **Improper Use of Official Position:** No City elected official or employee, while holding such office or employment, shall:
1. Use their official position for a purpose that is, or would to a reasonable person appear to be, primarily for the private benefit of the elected official or employee, rather than primarily for the benefit of the City; or to achieve a private gain or an exemption from duty or responsibility for the elected official or employee or any other person.
 2. Use or permit the use of any person, funds, or property under their official control, direction, or custody, or of any City funds or City property, for a purpose which is, or to a

reasonable person would appear to be, for other than a City purpose; provided, that nothing shall prevent the private use of City property which is available on equal terms to the public generally (such as the use of tennis courts) the use of City property in accordance with municipal policy for the conduct of official City business (such as the use of a City automobile), if in fact the property is used appropriately; or the use of City property for participation of the City or its officials in activities of associations of governments or governmental officials.

3. Except in the course of official duties, assist any person in any City transaction where such City elected official's or employee's assistance is, or to a reasonable person would appear to be, enhanced by that elected official's or employee's position with the City; provided, that this subsection shall not apply to any elected official or employee appearing on their own behalf or representing themselves as to any matter in which they have a proprietary interest, if not otherwise prohibited by this chapter or any other applicable ordinance, regulation or statute.
 4. Regardless of prior disclosure thereof, have a financial interest, direct or indirect, personally or through a member of their immediate family, in a business entity doing or seeking to do business with the City, and influence or attempt to influence the selection of, or the conduct of business with, such business entity by the City.
- C. **Acceptance of Gifts or Loans:** No elected official or employee, while holding such office or employment, and for a period of one (1) year after leaving City employment, shall solicit or receive any retainer, gift, loan, entertainment, favor or proprietary reward or other thing of monetary value from any person or entity where the retainer, gift, loan, entertainment, favor or other thing of monetary value had been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given, with intent to give or obtain special consideration of influence as to any action by such elected official in their official capacity; provided, that nothing shall prohibit contributions for election campaigns which are solicited or received and reported in accordance with applicable law.

The City recognizes that personal friendships may precede and can evolve from official contact between employees and persons engaged in business with the City. Reasonable exceptions to this section are permitted, except for Police Department personnel, for those occasions which are social in nature and **are not predicated on the employee's ability to influence, directly or indirectly, any matter before the City.** (Police Department personnel should refer to their departmental manual.)

A gift, gratuity, or favor given or received which has monetary value in excess of \$25.00 and is offered or accepted in expectation of preferential treatment would constitute a conflict of interest **and is in violation of this policy.** On the other hand, a small gift, gratuity, or favor given as an expression of social courtesy may be allowed. Examples of acceptable social courtesies include: an infrequent meal or social event limited for social reasons; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, and promotions; or an infrequent sample or promotional gift of nominal value. The value for any one of these items should not exceed \$25.00.

1. **Items Not Considered Gifts:** The following items are excluded from the definition of gift and may be accepted by an employee or relative without constituting a violation of this policy.
 - a) Items from family or friends where it is clear, beyond a reasonable doubt, that the item was not given as part of any design or gain or to maintain influence in the City.

- b) Items related to the outside business of a City employee that are customary and not related to the employee's performance of their official duties.
 - c) Items exchanged among an employee or between employees and City officials or a social event hosted or sponsored by an employee or City official for co-workers.
 - d) Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in the employee's official capacity. "Reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before, day of and day after the event.
 - e) Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade or charitable association or institution. "Reasonable expenses" are limited to travel, lodging and subsistence expenses incurred the day before, day of and day after the event.
 - f) Items returned by the employee to the donor within thirty (30) days of receipt or donated to a charitable organization within thirty (30) days of receipt.
 - g) Campaign contributions reported under chapter 42.17 RCW.
 - h) Discounts available to an employee as a member of an employee group, occupation or similar broad-based group.
 - i) Awards, prizes, scholarships or other items provided in recognition of academic or scientific achievement. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item.
- D. **Disclosure of Confidential or Privileged Information:** No City elected official or employee, while holding such office or employment, or at any time after leaving office or employment, shall disclose or use any confidential or privileged information gained by reason of their official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.
- E. **Financial or Beneficial Interest in City Transactions:** No City elected official or employee, while holding such office or employment, shall:
1. Regardless of prior disclosure thereof, hold or acquire a beneficial interest, direct or indirect, personally or through a member of their immediate family, in any contract which, in whole or in part, is or which may be, made by, through or under the supervision of such elected official or employee or which may be made for the benefit of their office, or accept, directly or indirectly, any compensation, gratuity, or reward in connection with such contract from any other person or entity beneficially interested therein, in violation of Chapter 42.23 RCW.
 2. Regardless of prior disclosure thereof, be of beneficial interest, directly or indirectly, other than a remote interest, in any contract or transaction which may be made by, through or under the supervision of such elected official, in whole or in part, or which may be made for the benefit of their office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract or transaction from any other person beneficially interested therein, in violation of Chapter 42.23 RCW. This subsection shall not apply to the furnishing of water, other utility services, or other services of the City at the same rates and on the same terms as are available to the public generally, or to any other transaction specifically exempted by Chapter 42.23 RCW.

- F. **Quasi-Judicial Proceedings, Reporting of Violations, False Statements:** No City elected official or employee, while holding such office or employment, shall:
1. Participate in or influence any pending quasi-judicial proceeding if the City elected official or employee has a financial or personal interest in the matter.
 2. Intimidate, harass, discipline or otherwise take any improper action against a member of the public, a City elected official or employee solely because they in good faith reported a violation of this code of ethics, or any other written City code or policy.
 3. Induce or direct any City elected official or employee to make any false statement or representation of any public record or document in willful disregard of the truth of such statement or representation.
- G. **Prohibited Conduct After Leaving City Office or Employment:** No former elected official or employee shall, for a period of one (1) year after leaving City office or employment:
1. Assist any person in proceedings involving the agency of the City with which they were previously employed, or on a matter in which they were officially involved, participated, or acted in the course of duty.
 2. Represent any person as an advocate in any matter in which the former elected official or employee was officially involved while a City elected official or employee.
 3. Participate as a competitor in any competitive selection process for a City contract in which they assisted the City in determining the project or work to be done or the process to be used.
 4. A City elected official, who contracts with a former City elected official or employee for expert or consultant services within one year of the latter leaving City office or employment, shall promptly inform the City Manager about the agreement.
 5. The prohibition of subsection one (1) of this section shall not apply to former employees acting on behalf of a governmental agency unless such assistance or representation is adverse to the interest of the City.
- H. **Disclosure of Interest in Legislative Action:** Any member of the City Council who has a financial interest or personal interest in any proposed legislation before the Council shall openly disclose the nature and extent of such interest and shall follow Council procedures for further participation. If the council member would benefit by such legislation, the councilmember shall not participate in the discussion or vote upon such matter.

Any other City elected official or employee who has a financial or personal interest in any proposed legislative action of the council and who participates in the discussion with or gives an official opinion or recommendation to the City Council shall disclose on the record the nature and extent of such interest.

6.3.5 Reporting of Non-Compliance with this Policy

All employees have a responsibility for ensuring that this policy is followed. Concerns and potential violations should be reported to the Human Resources Department, or anyone identified in the City's *Whistleblower Policy 6.10 – Reporting Improper Governmental Actions*.

Elected officials, supervisors and managers will be held to a higher level of responsibility with respect to reporting potential violations. Elected officials, supervisors and managers who know of or receive reports of potential violations must promptly report them to the Human Resources Department.

Any City employee who becomes aware of any improper action by another City employee, which may constitute a violation of this policy, is encouraged to report the matter in accordance with the City's policy for reporting improper governmental actions. The matter will be promptly investigated.

Employees will not be retaliated against for reporting in good faith concerns or potential violations of this policy.

Employees found to have acted in a manner which is in violation of this policy shall be subject to disciplinary action, up to and including termination, depending on the specifics of the particular behavior or incident.

6.4 – Use of City “Public” Property and On-Duty Time

6.4.1 Purpose

To establish guidelines, prohibitions and ethical standards of conduct for City employees regarding the use of City property and to ensure employees are not conducting personal activities or business on City time.

6.4.2 Policy

No employee of the City shall use, or permit the use of City-owned vehicles, clothing, equipment (including computer software, copiers, fax machines, long distance telephone services, cellular phone services, wireless devices, instant messaging, electronic bulletin boards, email, internet access, social media, etc.), materials or other property for personal use or profit, whether on City time or on personal time. Use of such City property is to be restricted to such services as are available to the public generally and for conducting official City business.

6.4.3 Acceptable and De Minimis Use

De minimis use is an infrequent or occasional use that results in little or no actual cost to the City. An employee may, on a de minimis basis only, use a City landline for personal business when necessary. Whenever possible, personal phone calls should be made during breaks and/or lunch. It is the employee's responsibility to ensure that calls are held to a minimum number and time limit. An occasional brief local phone call, Internet access or email to make a medical or dental appointment is an allowable de minimis use of communications systems.

Use of City provided cell phones for personal calls is limited to emergency situations. Any excessive use of a landline or cell phone for personal use may be subject to supervisory restriction, disciplinary action as appropriate, and remittance to the City.

Washington state law restricts the use of cell phones while driving. Employees must comply with applicable laws while engaging in work for the City. This policy is not all-encompassing in its definitions of what may or may not be appropriate. Public employees must use good judgment with regard to this policy.

- A. **Employee Personal Property:** The City recognizes that employees may need or want to bring personal property to work. The City permits employees to do so but asks its employees to refrain from bringing unnecessary or inappropriate personal property to the workplace. Improper or excessive use of personal property brought onto City property or worksites or during work hours (for example, the excessive or inappropriate use of personal cell phones for personal phone calls, text-messaging, imaging or video recording), may also result in disciplinary action, up to and including termination.

6.4.4 Non-Compliance/Disciplinary Action

Actin deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, may be subject to inquiry and disciplinary action if appropriate. Employees found to have acted in a manner which is in violation of this policy shall be subject to disciplinary action, up to and including termination, depending on the specifics of the particular behavior or incident.

6.4.5 Reporting of Non-Compliance with this Policy

Any employee who becomes aware of any improper action by another employee which may constitute a violation of this policy is required to report the matter in accordance with the City's policy for reporting improper governmental actions. The matter will be promptly investigated. See the City's Policy 6.10 *Whistleblower - Reporting Improper Governmental Actions* for additional information on proper reporting procedures.

6.5 – Outside Employment/Self-Employment/Consultant Services

6.5.1 Purpose

To ensure that employees have a clear understanding of the expectations of the City regarding their roles in outside employment, self-employment and/or consultant services.

6.5.2 Policy

City employees shall not engage in any outside employment, self-employment and/or consultant services which:

- May be considered to be a conflict of interest.
- Interferes with, is in conflict with, or compromises their ability to perform or properly execute the essential or official duties of the position.
- Is conducted during their work hours.
- Utilizes City telephones, computers, supplies, credit, or any other resources, facilities or equipment.
- Is employed with a firm which has contracts with or does business with the City.

Full-time regular employees may only work up to 20 hours per week in an outside (non-City employment)/self-employment/consultant position, unless they are in circumstances of undue financial hardship. For part-time regular, temporary, or variable hour employees, their outside hourly threshold may exceed 20 hours per week so long as the sum total of hours does not exceed the same threshold for full-time regular employees. An employee shall not make a unilateral decision about whether or not a conflict of interest exists concerning their outside employment, self-employment and/or consultant services. All outside employment, self-employment and/or consultant services must be declared and approved in writing by the Department Director and Human Resources Director. For petition of undue financial hardship requesting to work outside of the 20-hour threshold, outside employment must also be approved by the City Manager. Financial hardship may only extend the hours per week to a maximum of 40, and is only good for 90 days from the date the outside employment form is approved.

6.5.3 Definition

Consultant Services: Defined as any act of providing professional advice or services to a client for which payment is received. Consultant services do not include periodic speeches, services on public or private

boards or other similar situations in which honorariums are paid. It does include long-term teaching assignments.

6.5.4 Reporting Outside Employment/Self-Employment/Consultant Services

Employees shall complete the outside employment authorization request form, which may be obtained from the Human Resources Department and will include the following information:

- Proposed start date.
- Name of employer or prospective clients.
- Job title or nature of work to be performed.
- Listing of job duties.
- Hours to be worked.
- Identification of any contact with other City employees, public officials, or members of the public which would occur as a result of the outside work.
- Any other details which would relate to the City's determination regarding approval or disapproval.

The Department Director, in consultation with the Human Resources Director, shall review the nature of the outside work to ensure compliance with this policy.

The Director shall notify the employee of their decision, in writing, within ten (10) business days after receiving the request. For undue financial hardship requests that require City Manager approval, the Director shall notify the employee of the decision, in writing, within 20 business days after receiving the request. The Department Director may conditionally approve the outside work for a trial basis. If a problem and/or conflict arises, the employee will be required to end the outside work within ten (10) business days following receipt of written notification.

Any employee who is not satisfied with the Department Director's decision may appeal to the City Manager to review the matter within ten (10) business days after receipt of the denial notice by filing a written request outlining the facts and circumstances (with a copy provided to the Department Director). The City Manager will review the documentation and issue a written decision within ten (10) business days after receiving the appeal. For denial of an undue financial hardship requests, the decision made by the City Manager is final.

6.5.5 Outside Employment/Self-Employment/Consultant Services

The following guidelines shall apply to all City employees engaged in outside employment, self-employment and/or consultant services:

- All outside employment must be performed on personal time, not City work time.
- All actions and behavior, both as an employee of the City and when performing outside work, shall be in strict compliance with City policy 6.3 – Code of Ethics/Conflict of Interest.
- City equipment, premises or materials (including computer software programs) shall not be used at any time.

6.5.6 Potential Conflicts of Interest

City employees shall not engage in outside employment, self-employment, and/or consultation which creates a conflict of interest. Potential conflicts of interest may include, but are not limited to, the following when an employee:

- Receives or has any financial interest in any sale to the City of any service or property when such financial interest was received with prior knowledge that the City intended to purchase such property or obtain such services.
- Participates as a City employee in the making of a contract in which there is a private financial interest, direct or indirect, personally or through a member of their family and fails to disclose such interest to the Department Director, Human Resources Director and/or City Manager prior to the formation of the contract.
- Engages in, accepts private employment from or renders services for private interest when such employment or service is incompatible with the proper discharge of the employee's duties for the City or would tend to impair independence of judgement or action in the performance of the employee's duties for the City.

6.5.7 Non-Compliance/Discipline

If an employee is found to have acted in a manner which is in violation of this policy, prior approval may be revoked and/or the employee may be subject to disciplinary action.

If an employee or supervisor is in doubt or has questions about anything regarding a potential conflict of interest or violation of this policy, they are responsible for contacting Human Resources for clarification.

6.5.8 Reporting of Non-Compliance with this Policy

A City employee who becomes aware of an improper action by another City employee, which may constitute a violation of this policy, should report the matter in accordance with the City policy for reporting improper governmental actions - Policy 6.10 – Whistleblower.

6.6 – Guidelines for Political Activity

6.6.1 Purpose

To establish guidelines, prohibitions and ethical standards of conduct for City employees related to participation in political campaigns and/or political activity.

6.6.2 Policy

No City employee, while on duty during an assigned work shift as an employee of the City, shall request or solicit contributions or anything of value for any political candidate, cause or ballot issue. or participate in or promote any political campaign by:

- Speaking in favor/disfavor of any candidate or cause.
- Distributing literature.
- Picketing or demonstrating on behalf of or in opposition to any political candidate or cause.
- Organizing, planning or in any other way participating in the administration of any political campaign.
- Wearing or displaying of a button, badge or sticker relating to a partisan political issue during work hours which gives the appearance that the political activity is supported by the City.
- Attaching political or other campaign stickers to City vehicles or utilizing City property to promote a campaign.

No elected official or employee of the City shall use public funds, property or any other thing belonging to the City to promote or oppose any political cause or office. Employees shall not use their City title or position in solicitation for political activities, either orally or in writing. Political activity while wearing a City uniform is prohibited.

No employee of the City will speak on behalf of the City unless directed by management for express City business. Employees are allowed to identify themselves as a City employee for the purpose of expressing personal views, however they must expressly state that the views expressed are their own and are not on behalf of the City. When expressing personal views, employees are prohibited from being in uniform or wearing their City badge.

6.6.3 Permissible Activities

Nothing in this policy shall be interpreted to prohibit an employee from:

- Stating an opinion regarding any political issue in ordinary conversation during working hours providing that such a conversation does not interfere with the employee's assigned job duties.
- Providing factual information, when requested, regarding the impact of proposed legislation on City operations. As a general rule, City employees should refer any requests for this type of information to their Department Director, Human Resources Director and/or the City Manager.

City employees may participate in political work or partisan activities of their own choosing on off-duty time as volunteers for candidates, campaign committees, and political parties as well as levies, bond issues, etc. While engaged in these activities, employees are prohibited from wearing a City badge or uniform as noted above.

6.6.4 Public Office

A City employee may not concurrently work for the City and hold public office if the holding of such public office:

- Would create a conflict of interest.
- Would substantially interfere with or is in conflict with the performance or execution of the official or essential duties of the City position.
- Would tend to impair independence of judgment or action in the performance of the essential or official duties of the position, or may give the appearance to a reasonable person of any of the above.

City employees should declare their intent to run for a public office in writing and request a written opinion from the City Manager regarding a potential conflict of interest and/or compliance with this policy. All employees appointed and/or elected to public office should notify the City Manager in writing prior to starting their term. The notice shall, at a minimum, include the following information:

- Appointment date
- Title of position
- Listing of official duties
- Hours required to perform official duties
- Identification of legislative authority of public office, if any, to act on recommendations or actions taken by the City
- Any other information which would relate to the City's determination regarding a potential conflict of interest

The City Manager shall review the matter in consultation with the employee's Department Director, City Attorney and/or Human Resources Director. If the holding of said office is found to be in conflict with the employee's position, the City Manager and Human Resources Director will notify the employee within thirty (30) business days of the employee's written notification to the City. Where a conflict of interest is found, the employee shall notify the City within thirty (30) business days after receiving notice from the City Manager of their choice to resign from public office or City employment.

6.6.5 Non-Compliance/Disciplinary Action

Employees found to have acted in a manner which is in violation of this policy shall be subject to disciplinary action up to and including termination.

If an employee or supervisor is in doubt or has any questions regarding a conflict of interest or violation of this policy, they are responsible for immediately contacting Human Resources for clarification.

6.6.6 Reporting of Non-Compliance with this Policy

Any City of Lacey employee who becomes aware of any improper action by another City employee which may constitute a violation of this policy is encouraged to report the matter in accordance with the City's policy for reporting improper governmental actions. The matter will be promptly investigated in accordance with the City's *Whistleblower Policy*.

This policy is not all-encompassing in its definitions of what may or may not be appropriate. Public employees must use good judgment and common sense at all times. Action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry.

6.7 – Whistleblower: Reporting Improper Governmental Actions

6.7.1 Purpose

To encourage employees to report improper governmental actions, to provide information about non-retaliation and to define the protections provided by law for Whistleblowers reporting improper governmental action.

6.7.2 Policy

The City of Lacey, in compliance with the Local Government Whistleblower Protection act, RCW 42.41, encourages employees to report improper governmental actions taken by City officials and/or employees without fear of retaliation. City employees and officials are prohibited from taking retaliatory action against an employee in the event the employee has, in good faith, reported alleged improper governmental action in accordance with this policy and related policies.

6.7.3 Definitions

Improper Governmental Action: Any action undertaken by a City official or an employee that:

- Is undertaken in the performance of official duties, whether or not the action is within the scope of their job.
- Is in violation of any federal, state, or local law or rule, is an abuse of authority; is of substantial and specific danger to the public health or safety; or is a gross waste of public funds.

Improper governmental action does not include the following personnel actions, including but not limited to, employee grievances, complaints, appointments, promotions, transfers, assignments,

reassignments, reinstatements, restorations, reemployment, performance evaluations, reductions in pay, terminations (dismissals), suspensions, demotions, violations of collective bargaining or civil service laws, alleged labor agreement violations, or reprimands.

Retaliatory Action: Any adverse change in a City employee's employment status, or in the terms and conditions of employment taken as a direct result of an employee making a complaint under the provisions of this policy.

Emergency: A circumstance that if not immediately changed, may cause damage or danger to persons and/or property.

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

6.7.4 Reporting

Employees who become aware of actions they believe constitute improper governmental action should raise the issue first with their supervisor.

Where the employee reasonably believes the improper governmental action involves the supervisor, the employee may raise the issue directly with the Department Director, the Human Resources Director, City Attorney or City Manager.

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper government action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to reoccur. Except in cases of emergency, before reporting improper governmental action to an outside agency or person, an employee is highly encouraged to advise the City Manager and/or Human Resources Director of the complaint.

In case of emergency where the employee believes that damage to persons or property may result if action is not taken immediately, or where the employee has a legal obligation to report (for instance, where child abuse is suspected), the employee shall report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protections of RCW 42.41.030. Department Directors, managers and supervisors are responsible for ensuring this policy is fully implemented within their areas of responsibility. Failure to comply may result in disciplinary action up to and including termination of employment.

6.7.5 Responsibilities

If the report is made within the City, the individual that receives the report (e.g. immediate supervisor, Human Resources staff, City Manager) of improper governmental action shall promptly see that the allegation is properly investigated by Human Resources or the City Attorney.

Human Resources and/or the City Attorney is responsible for facilitating and/or coordinating investigations into allegations of improper governmental action. The identity of the reporting employee(s) shall be kept confidential to the extent possible under law, unless the employee(s) authorize the disclosure of their identity in writing. After the investigation has completed, the employee reporting the improper governmental action shall be advised of the results of the investigation, except for any

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personnel action(s) taken as a result of the investigation which may be kept confidential to the extent allowed by law.

6.7.6 Retaliation

Employees who believe they have been retaliated against for reporting an improper governmental action should file a written complaint alleging retaliation with the Human Resources Director. If the employee believes the Human Resources Director is involved in the retaliation, the employee should report the retaliation directly to the City Manager.

The written complaint must be filed within a reasonable amount of time from the date of the alleged incident of retaliation. The City will respond to the complaint within thirty (30) days of receiving the written notice.

If the employee alleging retaliation receives no response from the City or contends that the retaliation charge is not satisfactorily resolved, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the City Manager specifying the alleged retaliatory action and the relief requested. The employee shall submit the written charge no later than thirty (30) days after first becoming aware of the occurrence of the alleged retaliatory action. The City Manager shall provide written acknowledgement of the charge within thirty (30) days to the charge(s).

After receiving the City's response to the charge(s), the employee may request that the City apply for a hearing before a state administrative law judge. The request for a hearing must be delivered in writing to the City Manager or the City Attorney either fifteen (15) days following the City's response, or forty-five (45) days after the complaint was filed, if there was no response.

The City will apply for a hearing within five (5) business days to:

Mailing Address:

Office of Administrative Hearings
PO Box 42488
Olympia, WA 98504-2488

Physical Address:

2420 Bristol Court SW
Olympia, WA 98502
Phone: (360) 407-2700 or (800) 583-8271
Fax: (360) 664-8721

For cases where retaliation is established, the City will consider the recommendation provided by the administrative law judge for disciplinary and/or corrective action, up to and including suspension with or without pay and/or termination.

6.7.7 List of Outside Agencies

The following is a list of agencies responsible for enforcing federal, state and local laws and investigating issues involving potential improper governmental action. Employees having questions about these agencies or the Policies for reporting improper governmental action are encouraged to contact the Human Resources Director.

| LOCAL | |
|---|---|
| Lacey Police Department 420 College Street SE Lacey, WA 98503 360-459-4333 | City of Lacey, Human Resources Director 420 College Street SE Lacey, WA 98503 360-438-2622 |

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|--|---|
| City of Lacey, City Manager's Office 420 College Street SE Lacey, WA 98503 360-491-3214 | City of Lacey, City Attorney's Office 420 College Street SE Lacey, WA 98503 360-491-1802 |
| COUNTY | |
| Thurston Co. Sheriff's Office Olympia, WA | Thurston Co. Prosecutor's Office Olympia, WA |
| Thurston Co. Environmental Protection Olympia, WA | Thurston Co. Health Department Olympia, WA |
| FEDERAL | |
| U.S. Department of Education Office of the Inspector General 400 Maryland Ave SW Washington, DC 20202-1500 (800) 647-8733 | Environmental Protection Agency Criminal Investigations Seattle, WA 98121 (206) 553-8306 |
| Equal Employment Opportunity Commission Seattle, WA | Mine Safety and Health Administration Bellevue, WA |
| Department of Labor Occupational Safety and Health (OSHA) Seattle, WA | General Services Administration Seattle, WA |
| Department of Health and Human Services Food and Drug Administration Bothell, WA Audits (206) 615-2252 Investigations (206) 615-2259 | Department of Commerce PO Box 42525 Olympia, WA 98504-2525 360-725-4000 |
| Interstate Commerce Commission Seattle, WA | Securities and Exchange Commission Seattle, WA |
| Department of Treasury Bureau of Alcohol, Tobacco and Firearms Seattle, WA | Department of Interior U.S. Fish and Wildlife Services Division of Law Enforcement - Bellevue, WA |
| Department of Agriculture Office of Inspector General Seattle, WA | Office of Women's Bureau Seattle, WA (206) 553-1534 |
| Office of the Inspector General Audits and Investigations, Seattle, WA (206) 553-4504 | Nuclear Regulatory Commission Arlington, TX 76011-4125 1-800-952-9677 |
| Department of Justice Drug Enforcement Administration | Department of Veteran's Affairs Office of Inspector General |

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| | |
|---|--|
| Seattle, WA (206) 553-5443 | Seattle WA |
| Alcohol Tobacco And Firearms Criminal Enforcement, Seattle, WA | Office of Inspector General Fraud/Waste/Abuse Hot Line: 1-800-447-8477 |
| Department of Housing and Urban Development Seattle, WA 98104-1000 (206) 220-5107 | Internal Revenue Service – Tax Fraud Hotline 1-800-859-8519 |
| Federal Trade Commission, Seattle, WA (206) 220-6350 | Office of the Regional Secretary General Counsel’s Office |
| Consumer Product Safety Commission Customer Service 1-800-638-2772 | U.S. Customs Service Office of Enforcement Seattle, WA |
| Federal Emergency Management Agency Bothell, WA (425) 487-4600 | Department of Transportation Office of Inspector General Seattle, WA |

6.8 – Discipline

6.8.1 Purpose

To standardize disciplinary guidance for the City to assist department directors, managers, supervisors, and all employees in the sensitive area of disciplinary action, by providing due process and establishing consistency in the application of the corrective and disciplinary action process. The City supports a constructive approach to discipline toward the goal of helping employees meet expectations for behavior and performance.

6.8.2 Policy

This policy is applicable to all employees, unless superseded by a provision in an applicable collective bargaining agreement, state law or Civil Service Rules. Non-represented employees are “at will” and either the employee or employer can terminate the employment relationship with or without cause or advance notice.

The guidelines in this policy do not apply to probationary employees and/or temporary/seasonal employees.

This policy is designed to provide a structured corrective and/or disciplinary action process to improve and prevent a recurrence of undesirable employee behavior and performance. The terms of this policy do not provide contractual rights regarding employee discipline or counseling, nor should anything in this policy be read and construed as modifying or altering the employment-at-will relationship between the City and its employees.

6.8.3 Definitions

Individual Development Plan (IDP): An Individual Development Plan (IDP) is a document that outlines performance concerns and key deliverables needing improvement in order to meet the performance requirements to be successful in a position. All IDPs must be reviewed by the employees Department

Director and Human Resources Director or designee prior to providing the document to the employee. This document is prepared by the supervisor and/or manager and signed by both the employee and immediate supervisor to capture the expectations of work performance improvement, the desired outcome and timeframe for improvement. This document should also outline the potential corrective action if the IDP is not met within the specified timeframe. IDPs will be placed in the employee's personnel file.

Administrative Leave: A paid absence imposed by the City. Paid leave of absence during a disciplinary investigation, where it is determined to be in the best interest of the operation of the City, or as deemed appropriate by the City Manager.

Pre-disciplinary Meeting: In the event a Department Director or the City Manager is considering potential pay-impacting discipline a represented employee will generally be entitled to due process rights and shall be provided with a notice of the proposed disciplinary action and notice of pre-disciplinary meeting. A pre-disciplinary meeting serves as an opportunity for an employee to furnish additional facts and/or clarification for the Department Director or the City Manager to consider before a final decision is made.

Suspension. Temporary removal from employment with or without pay. This form of discipline is typically administered as a result of a severe infraction of rules, standards, or for repeated lesser violations. Department Directors must consult with the Human Resources Director or designee prior to administering a suspension.

Demotion (Involuntary): A demotion is the assignment to a position with lesser responsibility and usually less pay. A demotion may be considered an appropriate disciplinary action measure where an employee has committed a serious breach of City and/or department policy. This form of discipline is typically administered as a result of a severe infraction of rules, standards, or for a repeated lesser violation, or when an employee has demonstrated an inability to competently perform the duties of their assigned position.

Last Chance Agreement: An employee who has committed a serious violation of law, City and/or department policy may be provided an opportunity of continued employment through a "last chance" agreement. This agreement may contain a suspension and/or demotion in addition to other terms. The document will be placed in the employee's personnel file.

Name Clearing Hearing: If the City determines that it intends to impose a level of discipline which would result in termination of an employee that meets the "stigma plus" standard, it may be necessary to provide a name clearing hearing prior to taking action. If a stigmatizing charge has been made, the employee should be given an opportunity to "clear" their name, and generally this hearing will occur before the termination.

Termination: A termination is the involuntary separation of an employee from the City. This form of discipline is also administered as a result of a severe infraction of rules, standards, for repeated lesser violations, or when an employee has demonstrated an inability to competently perform the duties of their assigned position.

6.8.4 Job Performance Standards

The following are general standards for effective performance that apply to all City employees:

- Knows and follows working policies, procedures and work techniques.
- Exercises appropriate judgment, decision making and initiative.

- Carries out work assignments in a diligent, cost-effective, efficient and timely fashion. Displays an adequate sense of priorities and a strong work ethic.
- Overall output, quantity and quality is acceptable and within established timelines and priorities.
- Work product meets all standards of accuracy, quality and professionalism.
- Achieves and maintains the level of knowledge, skills and abilities required by the employee's job classification and assignment.
- Carries out assignments with the level of training and supervision appropriate to the employee's classification and qualifications.
- Establishes and maintains effective working relationships with co-workers and citizens at all levels inside and outside the City as necessary to accomplish job objectives.
- Expresses disagreements in an appropriate setting and in a manner that is constructive and not disruptive or harmful to the goals of the job and department.
- Communicates effectively and appropriately with the public and displays a commitment to effective customer service.
- Maintains an acceptable record of attendance and punctuality.
- Adheres to relevant Equal Employment Opportunity and work conduct guidelines and standards.
- Is mentally and physically able to perform the essential duties of the position, with or without a reasonable accommodation.
- Is attentive to job safety considerations and follows all required safety policies, procedures and techniques.
- Maintains a standard of professionalism that meets or exceeds the expectations of the public
- Upholds a standard of conduct that reflects positively on the City of Lacey and the organization

6.8.5 Prior to Imposing Discipline – Individual Development Plans (IDPs)

Supervisors are expected to consult with the Human Resources Department before starting the IDP process and are encouraged to give employees an opportunity to correct their performance. The Human Resources Department will provide supervisors an IDP form. IDP's are used for employees experiencing difficulty achieving job performance standards and may not be appropriate in situations involving misconduct. IDPs are designed to provide clear direction on improving unsatisfactory performance standards.

The key to an effective IDP is identifying what behavior is occurring and what behavior is expected of the employee; therefore, identifying the gap in performance. After developing the IDP, the supervisor will meet regularly with the employee to review and discuss the progress of their performance.

6.8.6 Possible Causes for Disciplinary Action

Any City employee may be subject to disciplinary action for the following:

- Misrepresentation or withholding of pertinent facts in securing employment.
- Harassment and discrimination (See Policy 2.3 - *Harassment/Sexual Harassment/Discrimination and 2.3A – Inappropriate Behavior.*)
- Unauthorized use or possession of City facilities, property and/or resources.

- Unauthorized use of position with the City for personal gain or advantage. Accepting unlawful gratuities or bribes.
- Lying.
- Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the City, members of the public or employees during work hours.
- Disorderly conduct, including fighting on the premises. Rudeness, discrimination, harassment, intimidation, coercion, use of obscene language or gesture, lack of courtesy to the public or fellow employees and/or immoral conduct while on duty.
- Arriving on the job under the influence of intoxicating beverages or non-prescribed controlled substances; using intoxicating beverages or non-prescribed controlled substances on the job; misuse of prescription drugs on the job that constitute a potential hazard or threat of danger to other employees or the general public.
- Violation or disregard of any established work rule or standard operating procedure.
- Insubordinate behavior defined as the deliberate contempt for an assigned supervisor or designee and/or willful disregard of a supervisor or designee's reasonable directive.
- Unauthorized absence from work, tardiness or abuse of sick leave privileges.
- Violation of the employer's adopted safety rules or personal conduct at work which is clearly dangerous to the employee or others.
- With the exception of Police Department employees, possession of explosives or weapons on City premises/job sites, which includes in vehicles parked on City-owned property.
- Conviction of a felony or a misdemeanor which could adversely impact the employee's ability to effectively and efficiently perform the duties of their position.
- Negligent or willful damage to City-owned or private property, wasting City-owned supplies and equipment, theft or conduct constituting a serious breach of the public trust.
- A pattern of discourteous treatment to the public or other City employees.
- Inability or unwillingness to maintain an acceptable level of work performance.
- A violation of the provisions of the City's Administrative Policies, Standard Operating Procedures or chapters of the Lacey Municipal Code.

Current administrative policies and procedures, as well as, departmental standard operating procedures, shall be made readily available to all employees.

This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons as deemed appropriate.

6.8.7 Types of Disciplinary Actions

There are four (4) general levels of discipline, which are known as progressive discipline. These levels will generally be followed in order from Level 1 through Level 4; however, depending on the severity of the offense, disciplinary action up to and including termination may be applicable.

Level 1 – **Verbal** (oral warning in writing)

Level 2 – **Written Reprimand or Warning**

Level 3 – **Suspension with or without pay**

Level 4 – Termination (Discharge)

Other disciplinary actions may include, but are not limited to:

- **Probationary Separation** – Termination based on failure to satisfactorily complete the probationary period following hire and/or promotion.
- **Demotion** – Involuntary demotion to a lower-level classification.
- **Extended Probation** – An extension of the probationary period, typically 30-180 days.

The City will determine the appropriate level of discipline based on specific facts and circumstances. Nothing in this policy is intended to modify an employee's at-will status.

6.8.8 Records Retention

All corrective action taken at the level of a written warning or higher should be included in the employee's personnel file in Human Resources. Disciplinary action, with the exception of safety violations, discrimination and/or workplace violence policy violations (which may be retained for a different time period), will typically remain in the personnel file for up to thirty-six (36) months from the date of issuance, unless otherwise specified in an applicable collective bargaining agreement or the state retention schedule. If such disciplinary actions are removed from the personnel file, it will be in accordance with the Washington State Retention Schedule.

6.9 – Filing Complaints

6.9.1 Purpose

To provide guidance for supervisors, managers and non-represented employees on the process for filing a complaint and to provide for the timely resolution of appeals of work-related complaints.

6.9.2 Policy

This policy is created to help with the resolution of complaints between an employee and a supervisor regarding the interpretation, meaning and/or application of provisions within the City's personnel policies and procedures and to create processes to assist with the timely resolution of filed complaints. This policy is intended for non-represented employees. Represented employees should refer to their applicable collective bargaining agreement.

Supervisors and employees should make every effort to resolve problems informally in a manner which is mutually agreeable to both parties. When informal means fail to resolve the problem satisfactorily, an appeal process for a formal review by higher levels of management is the next step in the process.

Supervisors and employees may contact the Human Resources Department to discuss the complaint, and will be given information regarding the process to file the complaint. The Human Resources Department will also provide information regarding any applicable time limits and/or if applicable Federal and/or State laws apply.

Examples of matters which may be considered appropriate appeals under this policy include:

- A belief that City policies, practices, rules, regulations, and/or procedures have been unfairly applied in a manner detrimental to an employee.
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary or seniority.

Questions or requests for additional guidance concerning procedural or substantial matters relating to the complaint or this process should be directed to the Human Resources or City Manager's office.

6.9.3 Election of Remedies

Non-represented employees will follow the process outlined in this policy. Employees who are represented by a Collective Bargaining Agreement (CBA) or classified in Civil Service, shall follow the grievance process identified in their applicable CBA or the appeal process contained in the Civil Service Rules.

6.9.4 Timing of Appeals

Any time limits prescribed by the City may be extended by written mutual agreement of the parties involved. Non-represented employees should contact the Human Resources Department to discuss applicable timelines for their specific appeal. Any step in the procedure may be eliminated by written mutual agreement of the parties. A decision becomes final on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

6.9.5 Retaliation

No employee will be retaliated against for utilizing the appeal process described herein. However, it is not considered proper to use the appeal process if an employee files an appeal in bad faith or solely for the purpose of delay or harassment or repeatedly raises meritless appeals. Implementation of the appeals process does not limit the right of the City to proceed with any disciplinary action which is not in retaliation for the use of the appeal process.

6.9.6 Precedent

Final decisions on appeals will not be precedent setting on future appeals unless they are officially stated as City policies or procedures. When appropriate, the decision will be retroactive to the date of the employee's original appeal.

6.10 – Searches

6.10.1 Purpose

To establish policy and guidelines regarding searches conducted by the City of Lacey on City property, in City assigned lockers, and/or assigned City vehicles.

6.10.2 Policy

The City reserves the right to conduct and/or allow searches of an employee's assigned City vehicle, locker, computer, desk, and paper files, and/or property including desks and office furniture, if the City has reasonable-suspicion the employee may pose a threat to the safety and/or well-being of co-workers and/or the public.

Additionally, the City reserves the right to conduct and/or allow searches of the above referenced items if an employee has violated City policy and such a search would reveal evidence to confirm or disprove said violation (e.g. use of City equipment for personal or commercial purposes, theft or embezzlement, possession of drugs/alcohol or concealed weapons on site, etc.).

This City cannot assume responsibility for any theft or damage to the personal belongings of City employees, and therefore requests that employees avoid bringing valuable personal articles to work. Employees are responsible for ensuring that their personal belongings are secure while at work. In addition, Employees should have no expectation of privacy as to any items or information brought to the workplace or generated/stored on City systems.

6.10.3 Process for Conducting Searches

A supervisor or manager who feels a search may be necessitated as part of a disciplinary investigation should contact their respective Department Director and the Human Resources Director and/or designee for review of the matter.

A supervisor or manager who has reasonable-suspicion that an employee is under the influence of drugs and/or alcohol should remove the employee from performing safety-sensitive functions and first arrange for them to be transported to the testing facility by Human Resources personnel (see Policy 7.7 Substance Free Workplace).

If a review of the supervisor's observations and/or investigation indicates the City has reasonable-suspicion that a potential criminal violation has occurred the Police Department may be briefed on the investigation and may institute a separate search due to the circumstances. The search will be turned over to the Police Department to be conducted at that point for criminal investigation.

Searches will be conducted in the presence of two or more commissioned officers or one commissioned officer and a City supervisor or designated Human Resources representative. Employees will be informed of all searches and provided an opportunity to explain any suspicious or damaging evidence found as a result of said search. The represented employees may request the presence of union representation; except when a search is conducted as part of a legal investigation regarding a criminal action (in which case the employee will be advised of their rights).

Searches of employees and/or their personal property which they bring to work may only be conducted by a law enforcement official, as allowed by law, as part of a criminal investigation.

An employee's interference with, or refusal to allow a search as provided by this policy, shall be considered insubordination, and the employee will be subject to discipline, up to and including termination; unless a reasonable explanation is provided for the employee's actions.

6.11 – Dress and Appearance at Work

6.11.1 Purpose

To provide guidelines for employee dress and appearance at work.

6.11.2 Policy

Employees of the City of Lacey represent the organization while at work and are expected at all times to present a professional image. An employee's dress, grooming, and/or personal hygiene should be appropriate to the nature of their work and the type of public contact and/or public visibility associated with their position. The following general criteria are applicable for employees while on duty:

- Jewelry, make-up, and hair fashions are to be appropriate for the nature of the work and the type of public contact and/or public visibility associated with the position. Nothing in this policy is intended to restrict hairstyles and textures associated with race.

- Employees should not wear suggestive attire, athletic clothing, and/or similar items of casual attire that do not present a professional appearance.
- Employees who work in positions that regularly involve field work typically wear jeans in and out of the office, taking into consideration special circumstances where jeans may be inappropriate.
- Employees who work in positions that primarily involve office work may wear jeans when performing work involving field and/or maintenance work or as specially authorized.
- Jeans Friday is authorized for the last Friday of each working month, provided the employee does not have scheduled meetings with community groups, public visibility, and/or representing the City at off-site meetings. Employees are expected to present a business-casual appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

6.11.3 City Provided Apparel and Personal Gear

Apparel purchased and provided by the City of Lacey shall be the property of the City and will be returned by employees when no longer needed, replaced, and/or the employee separates from employment with the City.

City provided clothing is to be worn only on duty and/or when traveling to and from work. This includes stopping to run quick errands, going to appointments during the work day, attending short social events or similar activities when combined with going to and from work. Employees who are off duty and in uniform are to conduct themselves in a manner that will not bring public embarrassment or discredit to the City or create the appearance of a conflict of interest between their work for the City and their personal business.

Generally, employees who are not issued the City of Lacey logoed items as part of their work uniform may wear their City of Lacey items outside of work, so long as they use good judgment and wear the items in a professional manner and in appropriate places and with the understanding that their behavior potentially reflects upon the City.

Whenever practical, City provided clothing will have an identifying City or department insignia or logo. Personalization will be affixed so that it can be changed if it can reasonably be expected that garments can be reissued to other employees (in those cases when hygiene and wear issues are not a problem).

Apparel provided by the City which is for official use only and which remains the property of the City shall not be reported as a taxable fringe benefit on an employee's W-2, for as long as this practice is consistent with IRS tax guidelines. A uniform or clothing allowance provided to employees will be reported as a taxable fringe benefit on an employee's W-2 as required by IRS tax guidelines.

6.11.4 Employee Purchased City Logo Apparel

Personally purchased apparel with City logo and departmental insignia may be worn on-duty as appropriate for their position. When wearing City logo apparel off-duty, we ask employees to remember that they are continuing to represent the City in the eyes of the public. Employees should not enter into personal transactions that would create the appearance of a conflict of interest or conduct themselves in a manner that would bring public discredit to the City (*see policy 6.3 - Code of Ethics/Conflict of Interest*).

6.11.5 Regular Employees and City Council Members

Identifying insignia may include official logo, use of "City of Lacey" identification, and optional use of the Department and/or Division title; e.g. Public Works Department, Engineering.

Example:



6.11.6 Temporary, Seasonal, Part-Time, Volunteers

Identifying insignia may include official logo, and use of "City of Lacey" only when the Department and specific volunteer or seasonal program is also identified. For example, "Parks, Culture & Recreation Volunteer." "Public Works Operations, Seasonal Aid - Parks," etc.

Any apparel with the City's logo with the name "City of Lacey" may not be made available for public purchase or use.

6.11.7 Policy Violations

Supervisors shall counsel employees as needed regarding appropriate dress for their position. Following counseling and if the problem is not corrected, employees may be subject to progressive discipline up to and including termination.

6.12 – Student Outreach Program

6.12.1 Purpose

This Student Outreach Program is an initiative in support of mentoring youth in our community. These programs seek to mentor and help students in the community to improve their reading skills and to encourage students to lead a healthy and successful life-style.

6.12.2 Policy

The City of Lacey, with the approval of the employee direct supervisor, allows an eligible employee to devote up to a half (1/2) hour per week from such employee's regular work schedule to participate in a selected North Thurston School District/City of Lacey Student Outreach Program, as long as the employee volunteers at least a half (1/2) hour per week of non-work time to such program. The City will also continue to sponsor students for "job shadow" activities at work, host "field trips" to city facilities, provide student employment opportunities, and/or provide guest speakers for special school activities. For those employees interested in volunteering "after hours" on their own time, the City will provide information to employees about the many opportunities in the community to do so.

Interested employees may contact the Human Resources Department to determine whether they are eligible to participate and how to process their request.

6.13 – Public Records Policy

6.13.1 Purpose

The City of Lacey Public Records Policy establishes citywide standards and procedures for managing the lifecycle of, and providing public access to, City records and information. Records management and access are conducted in accordance with Washington State law, including RCW 40.14: Preservation and Destruction of Public Records, and RCW 40.10: Protection of Essential Records, and all other laws, regulations, and standards related to the management and provision of public records. This policy incorporates and adopts all documents and materials listed in the Public Records Policy Exhibits section.

6.13.2 Policy

The City of Lacey is required to provide access to public records under the provisions of the Washington State Public Records Act (RCW 42.56). City employees will comply with all provisions of the Washington State Public Records regulations. This policy applies to all full and part-time City employees, including temporary and seasonal employees, as well as elected officials, board and commission members, interns, volunteers, contractors, consultants, and any agent of the City. Under this Public Records Policy, City employees have two primary areas of responsibility:

- Managing Public Records: Retention & Disposition
- Disclosing Public Records

6.13.3 Role of Employees

The City Clerk is the Public Records Officer for the City of Lacey as designated by Lacey Ordinance No. 1462. The Deputy City Clerk and Department Records Coordinators assist the City Clerk and employees in implementing and complying with this policy.

City Departments will appoint Department Records Coordinators, who will serve as the point of contact in their department to respond to questions related to records management and public records requests. The Records Coordinators assist with responding to public records requests as needed, manage retention schedules for their department, and stay current with updates or trends.

All City employees are responsible for cooperating with the city clerk and records coordinators to provide all records requested

All new City employees will receive public records training during employee orientation. Training updates will be scheduled for all employees as state laws and procedures change.

6.13.4 Managing Public Records

All employees are responsible for managing their electronic and paper records, and files that relate to the transaction of City business, in accordance with a designated retention period as defined by the State of Washington. Records management covers the entire record lifecycle, including creation, filing, active use, inactive storage, and disposition. This includes file management, retention scheduling, storage, inventory, essential record protection, destruction, archiving, and disaster preparedness. Historical records may be kept beyond the retention schedule. For the purpose of retention and public disclosure, public records are broadly-identified as to include any writing containing information relating to the conduct of government business that is prepared, owned, used or retained by the City regardless of physical form or characteristics.

A “public record” is defined as any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics (RCW 42.56.010(3)). Non-paper records, including those stored on magnetic, electronic, or optical media, are included within the definition of a public record.

A “writing” is defined as handwriting, typewriting, printing, photographing, and every other means of recording any form of communication or representation, including but not limited to letters, words, pictures, sounds, or symbols or a combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated (RCW 42.56.010(4)).

6.13.5 Disclosing Public Records

The City of Lacey is required to provide access to public records under the provisions of the Washington State Public Records Act (RCW 42.56). All records maintained by the City are available for public inspection unless specifically exempted by law. All City employees are responsible for cooperating with the City Clerk and department records coordinators to provide all records requested. Requests for public records, other than requests for routinely distributed “counter documents” (minutes, ordinances, codes, forms, reports, brochures, publications, etc.) that are made directly to and filled by city staff, should be delivered upon receipt to the applicable department’s records coordinator or the City Clerk’s office to allow coordinated processing. Any records that are exempt from the Public Records Act will be redacted or removed as applicable.

7.1 – General Safety

7.1.1 Purpose

To establish a policy for the promotion and maintenance of a safe and healthy workplace, and to establish guidelines to notify employees of their responsibilities in meeting safety requirements set forth by law (WAC Chapter 296-24 General Health and Safety Standards; WAC 296-800 Safety and Health Core Rules).

7.1.2 Policy

It is the policy of the City of Lacey to ensure that its employees are provided reasonably safe and healthful working conditions free from recognized hazards and to implement a safety/accident prevention program targeted at reducing the number of preventable injuries and accidents. It is in the mutual interest of management and all employees to carry on City operations in a manner that will ensure the safety and health of all City of Lacey employees and that of the general public.

This policy gives a general overview of responsibilities and describes the purpose of an established Safety Committee. Further instruction on safety procedures can be found in the City Safety Manual, or in a safety manual created specific to a department.

7.1.3 Responsibilities

The City is concerned with the safety and well-being of its employees and the public that they serve. It is the responsibility of all employees to share this concern and support the City’s efforts to provide a safe and healthful work environment. Therefore, it shall be the responsibility of every employee to observe the safety precautions and regulations identified for each job situation at all times. Additional responsibilities are outlined below.

- A. **Management:** Supervisors and Managers are responsible for a thorough working knowledge of the safety regulations applicable to the positions they supervise and will teach these regulations to employees. Supervisors will ensure that employees know how and when to use safety equipment and will develop Standard Operating Procedures (SOPs) for the use of such equipment. Supervisors will ensure that regulations are followed and safety equipment is used, and will ensure personal protective equipment is available and used as necessary. Any safety violations or deficiencies will be immediately reported upon and corrected. Supervisors will provide a basic employee safety orientation including an introduction to Safety Data Sheets (SDS), accident reporting, personal protective equipment, and all applicable U.S. Occupational Safety and Health Administration (OSHA) or Washington State Department of Occupational Safety and Health (DOSH) standards related to the work the employee will be performing. Supervisors in Public Works Operations may also refer employees to meet with the Safety Coordinator.
- B. **Employees:** Employees are responsible to learn the safety regulations applicable to their job and to use safety equipment and/or personal protective equipment as set forth by regulations at all times and at the direction of the supervisor. Employees will report safety violations/deficiencies upon observation/occurrence to the employee responsible for the unsafe act, as well as to their supervisor or the Human Resources department. Employees are expected to maintain a level of mental and physical fitness necessary to perform the essential duties of their position. Employees shall comply with the City's Accident Prevention Program and any State and Federal regulations that apply to their work.
- C. **Human Resources:** The Emergency Management and Safety Coordinator will ensure that all Safety committee members be given training in evacuation procedures for their building and work area in the event of a fire alarm or other emergency. The Human Resources Director or designee will be responsible for coordination with other City Departments to ensure that employees and the public are evacuated from these areas as necessary. The Human Resources Department is responsible for updating City policy.

Failure to comply with the safety responsibilities set forth above shall be grounds for disciplinary action up to and including discharge.

7.1.4 Safety Committee

The City Safety Committee is established to provide a forum to identify potential safety hazards and develop recommendations to promote a safe and healthful working environment. This Safety Committee has authority delegated by the City Manager or designee to develop and recommend applicable procedures, policies, and training necessary to meet the goals and objectives of the policy outlined below.

The Safety Committee is not a disciplinary board. Any disciplinary actions stemming from an employee's involvement in a workplace accident shall be handled in accordance with the City's policies for disciplinary action and applicable collective bargaining agreements or civil service rules and regulations. Such actions shall be initiated by the employee's supervisor and/or Department Director.

The Safety Committee will promote a safe and healthful work environment by:

- Reviewing and researching accidents, injuries, illnesses, potentially unsafe conditions or practices (including vehicle collisions, equipment damage and injuries) to determine whether they could have been avoided and to make recommendations for preventing them in the future.
- Recommending changes in conditions or work practices to potentially prevent accidents, collisions or injuries.

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- Ensuring all reports and information are current and logged on vehicle collisions and occupational accidents, injuries, and illnesses, in accordance with all City, state, and federal regulations. Statistics will be maintained for future risk management/loss control planning.
- Recommending safety-oriented training for employees.
- Ensuring that personal protective equipment is available and used as necessary.
- Promote and encourage wellness in employees.
- Minimizing the City's liability through risk management and loss prevention programs.
- Conducting annual inspections of all City buildings and facilities and recommend corrections for unsafe conditions.
- Coordinating vehicle inspections and first aid kit inventories, as well as evaluating other equipment, on an annual basis to ensure equipment/vehicles are maintained in a safe operating condition.

A separate safety committee, subject to the same requirements as listed above, will be run by the Lacey Police Department. Further instruction on procedures for this committee are within Police Department Policy 9.6.

- A. **Accident and Collision Review Procedures:** The Safety Committee will examine all factual information available for reportable personal injuries or vehicle collisions including, but not limited to, employee and police accident reports, vehicle maintenance records, and the supervisor's report of the incident. If necessary, the Committee may also interview the employee's supervisor and any witnesses as deemed appropriate. Incidents under disciplinary investigation will be reviewed by the supervisor in lieu of the Safety Committee. Supervisors shall then advise the Safety Committee as to any findings and recommendations to prevent such accidents from occurring in the future. The Police Department and the Police Department Safety Committee will conduct reviews of the traffic collisions involving police vehicles and Police Department personnel pursuant to their policy. Police Department reviews shall be conducted per Police Department Policy 9.6.

Following a review of all available information, the Safety Committee will make an advisory determination by consensus as to the cause(s) of the accident and what can feasibly be done to prevent similar accidents in the future. The written findings will be forwarded to the employee's supervisor with a copy to the Department Director, Human Resources Director, and the employee involved. If the employee does not agree with the Committee's recommendations, they may either request to come to the next Committee meeting to explain the situation more fully, or submit comments in writing. Both parties will seek an agreeable resolution and recommendation that promotes health, safety, and accident prevention.

- B. **Safety Committee Membership and Responsibilities:** Safety Committee members shall meet regularly throughout the year and shall determine a frequency, time, and location that is agreeable to everyone. Representatives from the following departments shall be selected by a vote of their co-workers:
1. Animal Services
 2. City Hall-Office Employees
 3. Community & Economic Development (Building Inspectors)
 4. Public Works-Engineering
 5. Public Works-Maintenance (two employee representatives & Safety Coordinator)
 6. Public Works-Parks Maintenance (one employee representative)

7. Parks, Culture & Recreation
8. Police (*appointed to Police Department Safety Committee)

In addition, the City's Human Resources Director shall appoint a representative from the Human Resources Department to serve as an advisory member of the committee. A safety representative shall also be elected by the AFSCME 618-L and will serve on the Safety Committee. The Police Guild, Lacey Police Management Association, and Lacey Police Senior Management Association bargaining groups will elect and appoint a representative for the Police Department Safety Committee.

The term of each member is one (1) year. The members of the Committee shall annually elect a Chairperson. Committee Members have the following responsibilities:

1. To attend each meeting. If the member is unable to do so, they should contact their alternate to attend the meeting. It is mandatory that either the member or their alternate attend in order to ensure that the committee is fully functional on a continuing basis.
2. To be an active member of the committee by suggesting training programs, recommending corrective action be taken as necessary, and by performing research or other safety-related tasks as agreed by the Committee.
3. To represent the safety interest of the employees in their particular department, division or subdivision by seeking out their concerns and relaying information to them from the Committee. They should listen to safety-related complaints or concerns raised by employees in their work area and relay this information to the Safety Committee. They should encourage the employees in their department to also raise these safety-related complaints or concerns with their supervisor.
4. To become "safety aware" by learning as much as possible about safety in the workplace and by becoming an example of a safe worker to other employees. This awareness will come by learning as much as possible about the City's safety program and by reading articles or other safety-related information.

7.2 – Incident Reporting

7.2.1 Purpose

To provide an overview and guidance to all City employees regarding the report of all work-related injuries, illnesses, or "near miss" events (which could have caused an injury or illness) – no matter how minor.

7.2.2 Policy

This policy is designed to provide employees with information on appropriate action to take when an incident occurs which results in injury or property (or equipment) damage to either a City employee or a citizen who may seek liability against the City.

7.2.3 Reporting

For every incident, whether it involves a City employee, a member of the public, or both, a report must be filled out to document the event. The City has three report forms:

- **WCIA Comment Summary Sheet** - to be completed by the employee and immediate supervisor when there is property damage which may result in a citizen filing a claim for damages with the

City. If a citizen files a claim for damages and no WCIA/City Comment Summary Sheet has been filed, one will be forwarded to the appropriate department for comments.

- **Employee's Personal Injury Accident Report** - to be filled out when an employee is injured on the job (cuts, bruises, sprains, etc.)
- **City of Lacey Motor Vehicle Collision Report** - to be completed at the scene of a collision by the appropriate employee whenever a City vehicle is damaged. If it is not possible to complete this report at the scene, the employee must complete the report as soon as practicable.

These forms are located in each City vehicle and are also available from the supervisor or the Human Resources Department.

- A. **Liability Reporting:** These incidents include vehicle accidents and other events where property damage caused by City utilities or employee actions may result in an individual seeking liability against the City. When a City employee observes or is involved in an incident, the following procedures shall be followed:
1. Give immediate assistance as indicated by emergency conditions.
 2. Contact the appropriate law enforcement agency to conduct an investigation of the incident if a City vehicle is involved no matter how minor. Do not leave the scene until police have completed an initial investigation of vehicle accidents. Complete any required policy reports within 24 hours (sooner if possible).
 3. Record all details of the incident. Include the date and time, names of those involved, as well as witnesses, the locations, and your observations.
 4. Complete a *WCIA Comment Summary Sheet and/or Collision Report* at the scene at the time of the incident. Give their information to your supervisor to be forwarded to the Human Resources Department. Report forms are located in all City vehicles.
 5. In the event of a serious incident, the appropriate City personnel should be notified immediately. These events include:
 - a. Auto or pedestrian fatality
 - b. Downed traffic sign/signal accident
 - c. Serious injury to City personnel
 - d. Large property loss
 - e. Standing water or sewage in structures
 - f. Fatality at a City owned or operated facility (including pools and parks)
 6. Contact the Human Resources Department during normal work hours at (360) 491-3214. If a serious incident occurs during the evening or on the weekend which needs immediate claims attention, notify your supervisor or a Human Resources Department contact. The contact numbers for the Human Resource staff can be found on the City's website contact page. If unable to reach the Human Resources staff, supervisors may contact the City's claims adjuster, Sedgwick Claim Services at (800) 235-8784 (available 24 hours a day). When reporting, notify the claims adjuster the City is with the Washington Cities Insurance Authority.
 7. Employees are not to admit liability or state that the City will take care of the damages. Refer any questions from those involved to the Human Resources Department. Anytime employees are contacted by the media, refer questions to Public Affairs.

8. Employees shall not discuss the incident with anyone other than their supervisor or other authorized personnel. Every incident is a potential claim and statements made could result in the City having to assume liabilities that may not be warranted.
- B. **Vehicle/Property Damage Reporting:** Anytime City property is damaged by an employee or a member of the public and no City liability is involved, a *WCIA/City Comment Summary Sheet* and/or *Vehicle Collision Report* must still be completed and submitted to Human Resources. This will be used by the City's insurance adjuster to compensate the City to cover the cost of repairing or replacing the City's damaged property.

Contact the appropriate law enforcement agency from the scene to conduct an investigation of the incident if a City vehicle is involved. Do not leave the scene until police have completed the initial investigation. Complete any required police reports within 24 hours (sooner if possible).
- C. **Personal Injury Reporting:** Anytime an employee is physically injured on the job, an *Employee's Personal Injury Accident Report* must be completed following proper medical attention. Employees must provide this information to their supervisor which will then be forwarded to the Human Resources Department. In the event that there is an employee serious injury resulting in a fatality or in-patient hospitalization, Department of Occupational Safety and Health (DOSH) and the Human Resources Department must be notified within eight (8) hours. In the event that there is a serious injury of an employee resulting in a non-hospitalized amputation or loss of an eye, DOSH and Human Resources must be notified within 24 hours.

7.3 – Hazard Communication Program

7.3.1 Purpose

To establish policy regarding operation of the Hazard Communication Program, and Globally Harmonized System (GHS).

7.3.2 Policy

In order to comply with Washington Industrial Safety and Health Act (WISHA) Hazard Communication (WAC 296-62-054), the following written Hazard Communication Program has been established for the City of Lacey. The Hazard Communication Program is based on the GHS pictograms which is an internationally standardized agreed upon set of definitions for hazardous materials classification and labeling. All work units of the City are included within this program. Copies of the written program will be available in the Human Resources Department and at each work site for review by any interested employee.

7.3.3. Department Responsibility

Department Directors or designee will appoint an individual in each work location (as applicable) as the designated Chemical Hazard Communication (CHC) Enforcement Representative. Designated representatives (hereinafter referred to as CHC Enforcement Rep) for each work section or location are listed below (see CHC Enforcement Representative).

Departments are responsible for ensuring that all containers are labeled properly, and that Safety Data Sheets (SDS) are available for any hazardous chemical that is located within their work areas. The Human Resources Director or Emergency Management & Safety Coordinator and/or the Safety Coordinator will conduct a compliance inspection for each work section annually.

The Human Resources Department is responsible for oversight of the general CHC employee training, and will ensure all necessary elements of that training are carried out. Supervisors are responsible for ensuring that employees receive all necessary on-site training regarding hazardous chemicals.

7.3.4 List of Hazardous Chemicals

Further information on each noted chemical can be obtained by reviewing the Safety Data Sheets located at any City owned facility (e.g. City Hall, the City Shop, Animal Services, Water Treatment Plant, Rainier Vista, Regional Athletic Complex, etc.).

7.3.5 Hazardous Non-Routine Tasks

Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on each project, each affected employee will be given information by their section supervisor about hazardous chemicals to which they may be exposed during such activity. This information will include:

- Specific chemical hazards;
- Protective/safety measures the employee can take;
- Measures the City has taken to lessen the hazards including ventilation, respirators, presence of another employee, and emergency procedures.

7.3.6 Informing Contractors

It is the responsibility of the Department Director/designated supervisors to provide contractors the following information:

- Hazardous chemicals to which they may be exposed while on the job site;
- Precautions the employees may take to lessen the possibility of exposure by the application of appropriate protective measures.

The Department Director/supervisor should also provide employees with information concerning any chemical hazards that contractor(s) will bring to a work place in the City.

7.3.7 Chemical Hazard Communication (CHC) Enforcement Representatives

| | |
|-----------------------------|----------------------------------|
| City Hall/Police Department | Human Resource Director/Designee |
| City Shop | Supervisors |
| Animal Services | Director/Shelter Manager |

7.4 – Smoking and Vaping Policy

7.4.1 Purpose

To establish policy relating to smoking and/or vaping restrictions in City facilities, parks and City vehicles and in compliance with state law (RCW 70.160.020 and 70.160.030), county ordinance (H-08-2020), and City code (Smoking in Public Places 9.46).

7.4.2 Policy

It is the City's policy to maintain a safe and healthful work environment, and in accordance with state law, county ordinance and City code, prohibits smoking and/or vaping in any City facilities, parks, public place, and/or any City vehicle. The City recognizes the potential risks and negative impacts to others of

exposure to second hand smoke and its residue, and in accordance with state law, requires a reasonable minimum distance of twenty-five feet for smoking from entrances, exits, windows that open, and ventilation intakes.

7.4.3 Definitions

Smoke or Smoking: The carrying, use or smoking of any kind of lighted, combustible, smoldering or burning pipe, cigar, hookah, cigarette, or any other lighted smoking equipment including but not limited to tobacco, or other flavored tobacco products.

Public place: That portion of any building, park or vehicle used by and open to the public, regardless of whether the building, park or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows than open, and ventilation intakes that serve an enclosed area where smoking is prohibited that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exists, open windows, or other means.

Vape or Vaping: The use of vapor product, or the act of inhaling/exhaling the vapor or aerosol from a vapor product.

Vapor product: Any noncombustible product intended for use to inhale substances that may contain nicotine, or other solution or substance and that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, used to produce vapor or aerosol from a solution or other substance intended for inhalation. Vapor product includes any electronic cigarettes, electronic nicotine delivery system, electronic cigars, electronic cigarillos, electronic pipes, vape pens, steam stones, or similar products or devices, as well as any parts that can be used to build such products or devices.

7.4.4 Employee Support and Compliance

To assist smokers who may need to modify current smoking behaviors, the City will provide monetary assistance, one time per employee, not to exceed \$150.00, for participation in a medically approved smoking cessation program. Participation will be on the employee's own time. Employees should contact Human Resources to qualify for program reimbursement.

Employees violating this policy may be subject to corrective and/or disciplinary action, up to and including, termination.

7.5 – Use of City Vehicles

7.5.1 Purpose

The intent of this policy is to promote safe driving and protect public safety by ensuring that all employees who operate City-owned vehicles or personal vehicles on City business obey and follow all federal, state, and municipal traffic regulations. It is also intended to safeguard employees and the public from personal injury, and to limit the City's financial liability resulting from personal injury and action.

7.5.2 Policy

This policy is designed to ensure that all employees who operate any City vehicle or personal vehicle for City business satisfy all licensing, insurance, and driving record requirements. No employee shall be required to use a personal vehicle for City business. Employees seeking travel reimbursement while using

their personal vehicle for official City business, may only do so with prior approval of the employee's Department Director and/or designee. (For travel reimbursement, see Policy 8.1 - *Reimbursement for Expenses Incurred in Conduct of City Business*.)

7.5.3 Definitions

Acceptable Driving Record: a record that includes no more than four (4) minor convictions in the last 12 months or 5 minor convictions in the last 24 months provided that not more than one of the minor violations is for negligent driving (unless the employee provides an acceptable explanation to the City as determined by the Director of Human Resources). Provided, however, any employment related incident or traffic violation will be grounds for disciplinary action, as appropriate.

Conviction: a finding of guilt on a traffic law violation charge, regardless of whether the imposition of sentence or sanctions is deferred or the penalty is suspended.

Major Convictions:

- Being in physical control and/or driving under influence of alcohol/drugs.
- Failure to report an accident.
- Hit and Run, attended or unattended.
- Reckless driving/speed contest.
- Knowingly making a false accident report.
- Homicide, manslaughter or assault arising out of use of a vehicle.
- Driving while license suspended/revoked.
- Attempting to elude a peace officer.
- Any conviction related to driving/operation of a motor vehicle combined with illegal drug or alcohol activity.

Minor Convictions:

- Any moving citation other than a major conviction.

Reasonable-Suspicion: Based on specific, contemporaneous (recent), articulable observation concerning appearance, behavior, speech, or body odor of the driver.

Unacceptable Driving Record: A record that includes one major traffic conviction or more than four minor convictions in the last 12 months or five minor convictions in the last 24 months. Provided, however, any employment related traffic violation will be grounds for disciplinary action, as appropriate. The following convictions are not counted against the driving record:

- Motor vehicle equipment, load, or size requirement.
- Improper/failure to display license plates.
- Failure to sign or display registration.
- Failure to have driver's license in possession.

7.5.4 Drivers

To drive a City vehicle or a personal vehicle on City business, an employee must have a valid operator's license (to include any required endorsements) and auto liability insurance with the minimum coverage and limits required by law (if operating a personal vehicle on City business). Employees hired by the City in temporary positions may not operate a City vehicle unless expressly authorized by the appropriate

supervisor and in accordance with this policy. Employees hired by a temporary hire agency are not covered by the City insurance carrier (Washington Cities Insurance Authority), and may not operate a City vehicle.

7.5.5 Safety Expectations

- Employees operating vehicles for City business must comply with all traffic laws, regulations, and procedures.
- No employee who has consumed alcoholic beverages, illegal drugs or taken prescribed or non-prescribed medications that may cause drowsiness, dizziness or impairment of normal functions shall operate a vehicle on duty.
- Everyone in the vehicle must wear seat belts. Passengers will be transported in City vehicles only to the extent that their conveyance is directly related to official business (an exception is made for the Police Department's ride-along program).
- Hitchhikers are not to be picked up under any circumstances.
- Emergencies are to be handled through radio communications and contact with 911.
- Employees operating City vehicles are expected to report vehicle maintenance needs when they become apparent to the employee.

7.5.6 Insurance

The City provides liability insurance coverage for all employees operating a vehicle while on City business. However, while driving in a personal vehicle on City business, the vehicle's insurance is primary. If the policy limits are exceeded then the City's insurance would act as "excess coverage" to make up the difference between the personal insurance policy and the amount of the claim. The City's insurance coverage will not pay for physical damage to the employee's vehicle.

Many policies require the insured to inform the insurer in advance if the vehicle is to be used for any business purpose. Coverage may be denied when an individual has not done so. For this reason, it is very important to discuss the subject with your insurance agent before using your personal vehicle on City business.

7.5.7 Training

The City offers periodic defensive driving courses and/or other driver training that promotes a safe work environment. If defensive driving is a requirement of the position, supervisors and/or managers are responsible for ensuring that employees satisfy this training requirement.

7.5.8 Notification

Any employee who operates a motor vehicle for City business who has their operator's license and/or Commercial Driver's License (CDL) endorsement suspended, revoked, canceled, or if they are disqualified from operating a vehicle for any reason, including allowing the license to expire, shall notify their supervisor immediately and shall not operate any vehicle for City business during such disqualification.

Any employee who receives a traffic violation, or is involved in an accident, while using a City vehicle, or while using a personal vehicle on official City business, must report the incident to their supervisor immediately. The employee is responsible for all personal fines, and other personal corrective action required by the court. The employee must also notify their immediate supervisor within 24 hours of a final decision by the courts as to the disposition of said traffic or criminal violation.

Employees with a CDL endorsement must also notify their immediate supervisor, within thirty (30) days, in writing, of all traffic convictions received on or off the job. Also, CDL employees are required to report out-of-state convictions affecting the employee's personal or professional driving record within 30 days to the Department of Licensing, as required by law.

- A. **All on-the-job accidents:** must be reported immediately to the appropriate law enforcement agency (see Policy 7.2 - *Incident Reporting*).
- B. **Employee Testing:** employees may be tested for the use of drugs and/or alcohol if reasonable-suspicion exists following any on-the-job accident that results in a fatality or a citation for a moving violation. CDL drivers **are required** to test for drug and alcohol use following any on-the-job accident that results in a fatality or a citation for a moving violation. (See Policy 7.7 – *Substance-Free Workplace*.)

If a supervisor has evidence or there is reasonable-suspicion of unsafe driving conduct by a City employee, the City will take corrective action as stated in the "Employer Action Upon Notification" section (below).

7.5.9 Personal Use of City Vehicles

No employee of the City shall request, use, or allow the use of City-owned vehicles for unauthorized personal convenience (banking, dry cleaning, etc.), for profit, for private use, for criminal activity, for transportation of family members, or as part of secondary employment whether on City or personal time. Passengers may be transported in City vehicles only when necessary to accomplish authorized business, to car pool employees from neighboring agencies to a conference or business meeting, or as authorized through an approved Ride-Along Policy.

City vehicles may be used for travel to meals when an employee is out of town on City business. Also, City vehicles may be used to travel to meals if driving in from a remote location to City facilities would result in an extra and unnecessary expenditure of City time and fuel and the meal is to be eaten in the field, at the point of sale or between point of sale and job site (police personnel excepted). Contact Human Resources or your supervisor if you have questions.

7.5.10 Employer Action upon Notification

Driving record checks will be conducted by the Director of Human Resources and/or designee when the City receives notification that the employee's driving conduct is in question or has reasonable cause to believe a driving problem may exist (see "Notification" section above). Prior to conducting driving record checks, employees will be notified and given an opportunity to respond to the conduct in question.

The City will evaluate each incident and/or unacceptable driving record evaluation on a case-by-case basis considering such things as: the nature of the situation or problem; the potential impact on the employee, coworkers, and the public; the employee's prior relevant driving record; and such other factors or considerations as the City may deem appropriate or relevant, such as whether or not driving is an essential function of the position. The employee violating this policy will be asked to take corrective action and may be dealt with under the City's Policy – *Discipline* and in accordance with applicable collective bargaining agreements' provisions for discipline. Corrective action may include evaluation of driving skills, appropriate training (e.g. defensive driving), vision check or other reasonable measures.

Any misrepresentation of eligibility (e.g. insurance coverage, status of license, court ordered restrictions, etc.) will result in disciplinary action, up to and including termination of employment.

7.6 – Substance-Free Workplace

7.6.1 Purpose

The purpose of this policy is to ensure employee fitness for duty and to protect them and the public from the risks associated with the abuse of alcohol and/or drugs. Any employee who has questions about requirements and procedures under this policy may direct such questions to the Human Resources Department.

7.6.2 Policy

The City's policy has not changed as a result of the decriminalization of marijuana in Washington State. Marijuana remains an illegal drug under federal law, and it continues to be a violation of the US Department of Transportation regulations and the City's policy prohibiting employees from testing positive for marijuana use. City policy requires that the workplace remain drug and alcohol free and prohibits reporting to work under the influence of drugs or alcohol.

The City prohibits the manufacture, sale, use, or possession of alcohol, any controlled or illegal substance (except strictly in accordance with medical authorization) or any other substances which impair job performance or pose a hazard, when use or possession occurs on City premises or property, or during work time, or while representing the City in any work-related fashion. Employees are prohibited from reporting for work having consumed alcohol or used illegal drugs or controlled substances at a time, or in such quantities, or in a manner that may impair work performance. For purposes of this policy, having any detectable level of an illegal or controlled drug, or alcohol with an alcohol concentration of point zero two (.02) or greater, in one's system while covered by this policy will be considered to be a violation.

This policy applies to all City of Lacey employees. Sections of this policy relating to drug and alcohol testing apply only to those employees who have been deemed to work in a safety-sensitive position, which includes public safety employees and employees required to hold a Commercial Driver's License (CDL).

This policy applies whenever an employee is on or in City property, surrounding grounds and parking lots, leased or rented space, in any vehicle used on City business, and in other circumstances which adversely affects City operations and safety. If off duty use negatively impacts an employee's performance, and/or may jeopardize the safety or well-being of co-workers and/or the public when the employee is on the job, such use may be subject to discipline under the policy.

7.6.3 Definitions

Alcohol: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

Alcohol Concentration (or content), BAC: the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under 49 CFR Part 382.

Alcohol test: a breath alcohol concentration test utilizing National Highway Traffic Safety Administration (NHTSA) approved evidential breath device (EBT) operated by a trained breath alcohol technician (BAT). If the initial test indicates an alcohol concentration of point zero two (.02) or greater, a second test will be performed to confirm the results of the initial test. Any employee who has a confirmed alcohol concentration of point zero two (.02) or greater, but less than point zero four (.04) will be removed from their position for twenty-four (24) hours and considered to be in violation of this policy and subject to discipline. An alcohol concentration of point zero four (.04) or greater will be considered a positive alcohol test and in violation of this policy and a violation of the requirements set forth in federal

regulations for safety-sensitive employees. Alcohol testing should be performed within two (2) hours of an accident or a determination of reasonable-suspicion, or the City must maintain a record stating the reasons the test was not promptly administered. Alcohol testing may not take place more than eight (8) hours after an accident or determination of reasonable-suspicion.

Alcohol Use: the drinking or swallowing of any beverage, liquid mixture or preparation (including any medication), containing alcohol.

Commercial Motor Vehicle: a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a:

- Combination Vehicle (Group A) - Having a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds.
- Heavy Straight Vehicle (Group B) - Having a gross vehicle weight rating of 26,001 or more pounds.
- Small Vehicle (Group C) – that does not meet Group A or B requirements but that either:
 1. Is designed to transport 16 or more passengers, including the driver; or
 2. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, subpart F).

Controlled Substances: those substances identified in Department of Transportation Rule (49 CFR Part 40.85) which are drug tested for, as amended: marijuana, cocaine, opiates, amphetamines, and phencyclidine.

DOT Agency: an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing (14 CFR parts 61, 63, 65, 121, and 135; 49 CFR parts 199, 219, 382, and 655), in accordance with 49 CFR Part 40.

Driver: any person who operates a commercial motor vehicle. This includes, but is not limited to: full-time, regularly-employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer.

Drugs and similar substances: Legal and illegal drugs and similar substances, such as marijuana, cocaine, heroin, peyote, opiates, phencyclidine (PCP or angel dust), amphetamines, designer drugs and "controlled substances" (as defined in the Controlled Substances Act), as well as legal drugs which have been obtained or used illegally (e.g. using drugs prescribed for someone else or for other than prescribed purposes) or in a manner contrary to the manner prescribed or directed.

Drug Test: the drugs that will be tested for, which include: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial drug screen will be conducted on each urine specimen.

EBT (or evidential breath testing device): an EBT approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

Licensed Medical Practitioner: a person who is licensed, certified, and/or registered, in accordance with applicable Federal, State, local, or foreign laws and regulations, to prescribe controlled substances and other drugs.

Medical Review Officer (MRO): a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Negative Dilute Test Results: is a urine specimen that has a greater concentration of water than that of a normal urine specimen. If an applicant or employee is required to complete a drug test, and is given a negative dilute specimen test result the City will require the applicant or employee to submit to an immediate retest. They will be required to report as early in the day as possible for testing, and asked to refrain from drinking any fluids for at least two (2) hours prior to testing. If the retest is also negative dilute, it will be accepted as a negative test. This is required if given negative dilute specimen for pre-employment testing and return-to-duty testing.

Reasonable-suspicion: is specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee which leads one to question an employee's ability to perform their job safely and effectively.

Refuse to Submit (to an alcohol or controlled substances test): when a covered employee:

- Fails to show up for any test (except a pre-employment test) within a reasonable time after being directed to do so by the City. This includes the failure of an employee to appear for a test when called by a Consortium/Third Party Administrator.
- Fails to remain at the testing site until the testing process is complete; provided, that an applicant who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused a test. The testing process commences once the applicant has been provided the specimen collection cup.
- Fails to provide a urine specimen for any drug test or breath or saliva sample for an alcohol test required by 49 CFR Part 382, if the employee leaves after the testing process has commenced.
- In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the provision of a specimen.
- Fails to provide a sufficient amount of urine, breath or saliva when directed, unless it has been determined, through a required medical evaluation, that there was an adequate medical explanation for the failure to provide.
- Fails or declines to take a second test the employer has directed following a negative dilute result as required by 40.197(b).
- Fails to undergo an additional medical examination, as directed by the MRO as part of the verification process, or as directed by the Designated Employer Representative (DER) concerning the evaluation as part of the "shy bladder" procedures in 49 CFR Part 40, subpart I; or fails to undergo a medical examination or evaluation as directed by the City as part of the insufficient breath procedures outlined in 40.265(c).
- Fails to cooperate (e.g. refuses to empty pockets when directed by the collector, behaves in a confrontational way that disrupts the collection process, fails to wash hands after being directed to do so by the collector) or otherwise interferes with any part of the testing process.
- Fails to sign the certification at Step 2 of the alcohol testing form (ATF).
- Is reported by the MRO as having a verified adulterated or substituted test result.
- Possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO to having adulterated or substituted the specimen.

Safety-Sensitive Function: for purposes of employees covered by federal DOT regulations, performing a "safety sensitive function" encompasses all time from the time a driver begins to work or is required to

be in readiness to work until the time they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by FMCSA regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 CFR 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

For employees not covered by DOT regulations, a “safety sensitive function” is one that involves such a risk of injury to others that a momentary lapse of judgment could have disastrous consequences.

For public safety personnel, performing a “safety sensitive function” includes all time, from the time an employee begins to work or is required to be in readiness to work until the time they are relieved from work and all responsibility for performing work.

Substance Abuse Professional: An SAP is a licensed or certified physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited drug use or alcohol misuse.

7.6.4 Treatment and Employee Assistance Program (EAP) for Non-CDL Holders

The City recognizes that alcohol and drug addiction can be successfully treated and is willing to help employees who suffer from these problems while holding them responsible for their own recovery. Any employee experiencing problems with alcohol or drug use are encouraged to seek voluntary counseling and treatment. It is the employee’s responsibility to seek help when needed, and to do so before substance abuse causes problems on the job or results in disciplinary action.

The Employee Assistance Program (EAP) is available at no cost as a resource for all regular employees and their families. An employee of the City wishing confidential assistance for a possible alcohol or drug problem can call the EAP office at: 1-800-570-9315. All EAP contacts are held in the strictest confidence. The City will not have access to any EAP information. 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 these costs may be covered by an employee’s medical insurance coverage provided by the City).

The City will not be informed unless the employee chooses to inform the City they are seeking treatment. If informed by the employee, the City will engage in the reasonable accommodation process with regards to the participation in a treatment/recovery program. No employee will be disciplined or discriminated against simply for a known drug and/or alcohol problem or for seeking help and/or participating in a recovery program. However, if an incident or poor performance at work arising out of drug and/or

alcohol use occurs before, during, or after the time an employee is seeking treatment, corrective and/or disciplinary action may be taken up to and including termination.

7.6.5 Prohibited Conduct

The following is considered prohibited conduct under this policy:

- No employee shall report for or remain at work or perform a safety-sensitive function if the employee tests positive for controlled substances
- No employee shall report or remain at work requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- No employee shall use alcohol while performing safety-sensitive functions.
- No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.
- No employee required to take a post-accident alcohol test under 49 CFR 382.303 shall use alcohol for eight (8) hours following the accident, or until they undergo a post-accident alcohol test, whichever occurs first.
- No employee shall refuse to submit to a post-accident, random, reasonable-suspicion, or follow-up, controlled substance and/or alcohol test required by 49 CFR Part 382.
- No employee may possess any prescription medication or report to work while using any prescription, except when they are under a doctor's care and the doctor has advised the employee that the substance does not affect their ability to safely operate a commercial motor vehicle. The use of medication that could affect an employee's safe job performance is prohibited while working. The employee shall report to the Human Resources Department the use of any such prescribed medication and, without identifying the medication, shall provide a note from the employee's doctor that the use of the medication will not impair the ability to safely perform their duties. If, as a result of testing under this policy, the employee is found to have the presence of controlled substances in the body which is a result of the use of their legally prescribed medication that has not been reported, the driver shall be removed from service without pay until it is determined that the use of medication will not impair their ability to safely perform assigned duties.
- No employee shall report for or remain at work requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner, who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a commercial motor vehicle.

The City shall not permit an employee to continue to perform safety sensitive functions if the City has actual knowledge of an employee violating any of the above-mentioned exclusions.

The City can obtain actual knowledge based on the direct observation of the employee, information provided by the employee's previous employer(s), a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substances use.

7.6.6 Other Related Alcohol Conduct

An employee that is tested under the requirements of this policy who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04 shall be removed immediately from performing safety-sensitive functions until the start of the driver's next regularly scheduled work period, but not less

than 24 hours following the test administration. An employee who is removed from work due to an alcohol concentration of 0.02 or greater, but less than 0.04 may be subject to discipline.

7.6.7 Required Testing

The City of Lacey asserts its right to test employees or applicants for alcohol and/or controlled substances to the extent allowed by law. This includes urine drug testing and evidential breath alcohol testing. Employee or applicant acceptance of testing, when required in accordance with this policy, is a mandatory condition of employment. Refusing to submit to such tests constitutes a violation of City policy and will result in termination of employment or, for an applicant, withdrawal of the job offer. Employees will be subject to testing as follows:

- A. **Pre-Employment Testing:** All applicants selected for hire in safety sensitive positions must submit to and pass a drug test as part of the City's pre-employment physical. A positive drug test or refusal to test will preclude the applicant from employment for a period of 12 months. Employees transferring into a safety-sensitive position will also be required to pass a drug test. An applicant who tested positive on any DOT mandated pre-employment drug test after August 1, 2001, must provide documentation of their successful completion of DOT return-to-duty requirements (e.g. an evaluation by a substance abuse professional, education and/or treatment, and a negative DOT pre-employment test, all of which meet the requirements of 49 CFR Part 40). If a negative dilute test result occurs, will be required to retest as noted above (see Negative Dilute Test Result).

- B. **Post-Accident Testing:** All employees shall be subject to post-accident testing if they are involved in one of the following accidents while operating a commercial motor vehicle on the job:
 1. Any accident involving a fatality
 2. The driver receives a citation for a moving violation **and** the accident involves one of the following:
 - a. Bodily injury to any person who, as a result of the accident, immediately receives medical treatment away from the scene of the accident.
 - b. The accident involved one or more motor vehicles incurring major or disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

If any of the above accidents occur when an employee is not operating a vehicle that requires a CDL license, then the employee may be tested for the use of drugs and/or alcohol if reasonable-suspicion exists that the employee's driving may have been impaired by drug/alcohol use.

Law enforcement officers at the accident scene may conduct an alcohol breathalyzer test as required by law. Employees subject to post-accident testing are required to complete an alcohol test at the designated medical facility regardless of other legally mandated testing.

An employee may not consume alcohol for eight (8) hours following an accident that requires the DOT alcohol test. The alcohol test must be completed within two (2) hours of the accident; if not, the driver must advise the City the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the accident. After eight (8) hours the attempt to test will be ceased, and the driver must again provide the reasons for the test not being administered.

A controlled substances test shall be administered as soon as practicable up to 32 hours following the accident. After 32 hours the attempt to test will be ceased, and the driver must

provide the reasons for the test not being administered promptly. An employee must remain readily available for testing, or may be deemed by the City to have refused to submit to testing.

An employee will not be delayed from seeking necessary medical attention or emergency assistance for themselves in order to complete the testing requirement.

The City will provide employees with post-accident testing information, procedures, and instruction prior to driving a covered vehicle. This information will be carried in each vehicle.

The employee will be placed on administrative leave with pay for three (3) days pending receipt of test results.

- C. **Post-Extended Absence Testing:** All employees that are required to hold a CDL who have been absent for 30 or more days from work consecutively shall be removed from the active CDL Random Testing pool, and will be subject to pre-employment testing upon their return to work.
- D. **Random Testing:** The City utilizes a third-party consortium/administrator to facilitate the random selection of drivers and notification to the City of the driver(s) selected for testing. The consortium/third party administrator is:

A WorkSAFE Service, Inc.

1696 Capitol St NE
Salem OR 97301
(503) 391-9363

Employees that are required to hold a CDL will be subject to random alcohol and controlled substance testing under the following program:

1. Random selection of employees will be made by a scientifically valid method using a computer-based random number generator that is matched with the employee's unique identifier number.
2. Each employee shall have an equal chance of being drawn each time selections are made.
3. Selections for testing are unannounced and reasonably spread throughout the calendar year.
4. Random selections are made to ensure testing for controlled substances is conducted at not less than the minimum annual 50% rate and alcohol is conducted at not less than the minimum annual 10% rate, or the rates as established by the Federal Motor Carrier Safety Administration.
5. An employee shall only be tested for alcohol just before, during, or after performing safety-sensitive functions; however, they may be tested for controlled substances any time while performing work for the employer.
6. Once an employee is notified of selection for random alcohol and/or controlled substances testing, they shall proceed to the test site immediately.

Non-CDL employees will not be subject to random testing unless required by Federal Law.

- E. **Reasonable-Suspicion Testing:** Employees will be tested for alcohol and/or controlled substances whenever there is reasonable-suspicion that the employee has violated any aspect of the drug and alcohol policy. Supervisors and Managers are required to attend drug and alcohol reasonable-suspicion training and should contact Human Resources for a schedule of available courses. Observed physical signs of drug or alcohol use include, but are not limited to:

1. Slurred speech
2. Unsteady gait
3. Dilated pupils
4. Red eyes
5. Incoherence
6. Inability to carry on a rational conversation
7. Increased carelessness
8. Erratic behavior
9. Repeated unexplained workplace accidents or near misses
10. Odor of alcohol or controlled substances, etc.
11. Attendance concerns
12. Unexplained unusual behavior changes

Employees required to be tested under reasonable-suspicion testing will be removed from performing safety-sensitive functions pending the outcome of the test result(s) and will be transported to the testing facility by Human Resources personnel.

Reasonable-suspicion referral for testing will be made on the basis of documented objective facts and circumstances that are consistent with the short-term effects of substance abuse.

Reasonable-suspicion referrals must be made by a supervisor who is trained to detect the signs and symptoms of drug and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in their work performance due to possible prohibited substance misuse.

The alcohol test must be completed within two (2) hours of the observation; if not, the supervisor must document the reasons for the delay, and shall continue to have the test conducted up to eight (8) hours following the observation. After eight (8) hours, the attempt to test will cease, and the supervisor must again provide the reasons for the test not being administered.

If an alcohol test is not completed within the two (2) or eight (8) hour time periods, the supervisor shall prepare and maintain on file a record stating the reasons the test was not administered within the appropriate time frames.

The supervisor shall not permit a driver to report for work, remain at work, perform, or continue to perform any safety-sensitive functions while the employee is impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, until:

1. An alcohol test is administered and the employee's alcohol concentration measures less than 0.02 percent; or
2. The start of the employee's next regularly scheduled work period, but not less than twenty four (24) hours following the supervisor's determination that reasonable-suspicion exists.

City employees that may be expected to serve in a supervisory capacity, and who may be required to make a reasonable-suspicion determination, must have received at least 60 minutes of training on the indications of probable drug use and an additional 60 minutes training on the indicators of probable alcohol misuse. Only those individuals who have received this training are qualified to make these decisions.

- F. **Follow-Up Testing:** Any driver in need of assistance in resolving problems associated with alcohol misuse and/or controlled substances use as identified through the evaluation by the Substance Abuse Professional will, if still employed, be required to enter into a Last Chance Agreement as a condition of continued employment and to submit to unannounced random testing for controlled substances and/or alcohol as directed by the Substance Abuse Professional. The City may require follow-up random testing for up to five years.
- G. **Return to Work:** No employee found to be in violation of the City's drug and alcohol policy will be permitted to return to duty involving safety-sensitive functions until the employee has a verified negative controlled substances test and/or an alcohol test with a result less than 0.02 alcohol concentrations. All controlled substances returning-to-work tests will be direct observation. Refusing to permit an observed collection will constitute a refusal to test with the same consequences as testing positive. If a negative dilute test result occurs, will be required to retest as noted above (see Negative Dilute Test Result)
- H. **Refusal to Submit to Testing:** Employees who are subject to this policy are expected to comply fully with any required testing. Failure to do so (as noted in definition section above) will cause the employee to be immediately relieved from performing safety-sensitive functions, and will also be considered a violation of City policy that will subject the employee to discipline, up to and including termination of employment. The City also reserves the right to involve law enforcement officials for any conduct that it believes might be in violation of state or federal law.
- I. **Testing Procedures:** The testing process will insure protection of individual dignity, privacy, and confidentiality. Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the US Department of Health and Human Services. All direct observation testing will be conducted consistent with the requirements and procedures put forth in federal regulations (USDOT 49 CFR Part 40), as amended, which includes the requirement that the observer must be the same gender as the employee.

Analytical urine drug testing and breath testing for alcohol may be conducted when circumstances warrant or as required by Federal regulations. All CDL and public safety employees shall be subject to testing prior to employment. In addition, all employees will be tested prior to returning to work after failing a drug or alcohol test and after completion of the Substance Abuse Professional's recommended treatment program. Employees who perform CDL or safety-sensitive functions shall also be subject to follow-up testing on a random, unannounced basis. Follow-up testing will be conducted for a period of one to five years, with at least six tests performed during the first year.

Employees should note that direct observation for collection is a Federal Department of Transportation (USDOT) requirement for all follow-up and return-to-duty testing conducted on or after August 31, 2009.

7.6.8 Medical Review Officer

A Medical Review Officer (MRO) will review all controlled substances test results before results are reported to the Designated Employee Representative (DER) in the Human Resources Department. The MRO will attempt to contact the employee to discuss the test results before reporting positive results to the City.

The Designated Employee Representative (DER) is:

Bracy Dileonardo

420 College Street SE, Lacey, WA 98503
Phone: (360) 456-7786

The Employer Medical Review Officer is:

Dr. Dee McGonigle
18912 Northcreek Parkway, Suite 202
Bothell, WA 98011

7.6.9 Notification of Results

The DER in the Human Resources Department will notify the affected employee of any controlled substances test that is reported as positive by the MRO. An HR Analyst will notify the applicants of the results of pre-employment controlled substances testing if the applicant requests that information in writing within 60 days after the Human Resources Department notifies the applicant that they have or have not been hired.

7.6.10 Re-analysis of Original Specimen

Urine samples will be split at the time of collection. Within 72 hours of the MRO notifying the employee of a verified positive controlled substances test, an adulterated or substituted specimen, the employee may request the reanalysis of the original specimen using the remaining split sample. Only the MRO may authorize such a reanalysis, and such a reanalysis may take place only at laboratories certified by the Department of Health and Human Services (DHHS). If the reanalysis fails to reconfirm the presence of the drug or drug metabolite, the MRO shall cancel the test.

All applicants/employees have a right to request the reanalysis of the original specimen, for which the applicant or employee will be responsible to pay.

7.6.11 Confidentiality

Records required under this policy, including test results, will be maintained in a secure location with controlled access. Each employee shall, upon written request, be entitled to receive copies of their own records, and to have copies of their records made available to any subsequent employer. Information may also be disclosed to the relevant state or federal agencies, or in connection with judicial, administrative, or related proceedings (e.g., grievances and arbitration) initiated by or on behalf of the applicant/employee.

7.6.12 Evaluation and Referral for Safety Sensitive Function Positions

Employees are encouraged to seek treatment voluntarily and to utilize the Employee Assistance Program (EAP). Any employee who comes forth and notifies the City of Lacey of alcohol or drug abuse problems will be given the assistance extended to employees with any other illness. Any such program, however, may not interfere with the tests required by these rules. For example, a CDL driver may not identify themselves as unfit to drive after having been notified of a random or reasonable-suspicion test and expect to avoid the consequences for a positive test or a refusal to test. In addition, voluntarily seeking assistance does not excuse any failure to comply with all of the provisions of this policy.

The City will provide reasonable accommodation to support employees participating in a treatment/recovery program as long as the accommodation does not impose an undue hardship on the City. No employee will be disciplined or discriminated against simply for a known drug/alcohol problem or for seeking help and/or participating in a recovery program. However, if an incident or poor

performance at work arising out of drug or alcohol use in violation of this policy occurs before, during, or after the time an employee is seeking treatment, discipline or termination as appropriate may be taken.

Any employee who tests positive for the presence of illegal drugs or alcohol above the minimum thresholds set forth in federal regulation (49 CFR Part 40) will be advised of available evaluation resources and be evaluated by a Substance Abuse Professional (SAP). The employee must complete an appropriate education and/or treatment program before being eligible to return to work.

If an employee is allowed to return to duty, they must properly follow the rehabilitation program prescribed by the SAP, the employee must have a negative return-to-duty drug and alcohol test, and be subject to unannounced follow-up tests for a period of one to five years. The cost of any treatment or rehabilitation services is the responsibility of the employee.

Before returning to performing safety-sensitive functions, the employee must be tested for controlled substances with a verified negative controlled substances test result and/or alcohol with a test result less than 0.02 alcohol concentration. The employee will be subject to follow-up testing of at least six tests in the first 12 months of returning to duty, and follow-up testing may continue for five years.

7.6.13 Employee Convictions/Notification to City

All employees are required to notify the City of any conviction under a criminal drug statute for violations occurring on-the-job within five (5) days of conviction. Additionally, any employee required to maintain a valid Washington State driver's license incurring any traffic violation involving drugs or alcohol, causing restrictions on or the loss of driver's license must advise the City within twenty-four (24) hours of the restriction being imposed. Failure to report such shall result in discipline, up to and including termination.

7.6.14 Supervisory Intervention for Safety Sensitive Function Positions

All supervisors are responsible for managing job performance and ensuring that employees comply with all City work and safety policies and rules. Supervisors detecting problems they believe to be associated with substance abuse should contact the Department Director, Human Resources Director and/or their designee, whenever practical, prior to confronting a substance abuse situation. The specific circumstances applicable to the situation will determine the intervention and disciplinary approach to be taken by the City. Generally, performance issues and/or behavioral problems will be addressed through corrective counseling and/or progressive disciplinary action as appropriate.

In the event the City establishes reasonable-suspicion to believe an employee is impaired, or under the influence of drugs/alcohol while on the job, or is on the job with body odors that lead one to question the employee's ability to perform their job safely and effectively, the employee will be advised of such and notified that their actions are believed to be in violation of this policy.

The City will ask the employee to explain their behavior and/or the circumstances which led up to the establishment of reasonable-suspicion. This meeting will include the employee's supervisor, the Human Resources Director and/or designee and the respective Department Director and/or designee. The employee has the right to union representation if in a represented position. The employee will be removed from duty and shall be required to immediately take a drug/alcohol test at the City's expense. The employee will be placed on administrative leave pending the results. If no reasonable explanation for the employee's behavior is provided by the employee, they will be considered in violation of this policy and will subsequently be disciplined as appropriate for the circumstances (see above), up to and including termination. At a minimum, the employee will be relieved of their job duties for the remainder of the work shift and will be placed on vacation leave or leave without pay at the employee's choice. Depending on the severity of the problem, the City may require the employee to undergo an evaluation

by a City designated or mutually acceptable substance abuse professional; and follow-through with any recommended treatment/recovery programs and return to work conditions, including random drug testing, as a condition of continued employment.

7.6.15 Searches and Inspections

If the City has reasonable-suspicion that the employee has any drug/alcohol concealed in a particular place within the scope of this policy a search may be conducted by the supervisor and Department Director, Human Resources Director or their designee. Searches of persons or personal property may be done only as allowed by law and will be conducted by law enforcement officers.

The City may confiscate any substance or article which is reasonably believed to be possessed in violation of these rules (for example, rules prohibiting the possession of alcohol or illegal drugs or similar substances), and may transfer custody to appropriate law enforcement agencies.

Any interference by an employee in a search conducted within the scope and guidelines of this policy shall be considered insubordination, and the employee shall be relieved of duties immediately and sent home with pay pending investigation, and will be subject to discipline, up to and including termination.

7.6.16 Policy Violation Consequences for Safety Sensitive Function Positions

Employees violating this policy or federal regulations will be suspended from performing any safety-sensitive functions with a commercial motor vehicle as defined by this policy. The City reserves the right to take disciplinary action up to and including termination for violation of the City drug and alcohol policy where and when deemed appropriate.

Under some circumstances, however, the City may agree to return an employee to performing these functions following treatment and rehabilitation. When that occurs, the employee must pay the cost of any treatment. The employee's medical plan may cover a portion of the costs associated with the pre-treatment evaluation and treatment. Uncovered costs of treatment are the employee's responsibility to pay.

If an employee is allowed to return to work, the employee will be required to enter into a Last Chance Agreement and to submit to unannounced follow-up testing for controlled substances and/or alcohol as directed by the SAP. The City will pay the cost of the pre-treatment evaluation and any follow up controlled substances or alcohol testing required by the SAP.

7.7 – Communicable Diseases & Illness

7.7.1 Purpose

It is the goal of the City of Lacey to take steps to reduce the spread of communicable diseases/illness in the workplace and protect the wellness of our employees. The City is also committed to treating all employees, applicants, contractors, visitors, and other third parties openly and honestly.

7.7.2 Policy

This policy represents the City's intention to inform all individuals of the risk of exposure to communicable diseases/illnesses, and sets forth the principles the City will follow to protect employees and reduce the risk of spreading communicable diseases/illnesses in the workplace. This policy applies to all employees, applicants, contractors, visitors, and other third parties in connection with the City's workplace.

Any employee who has questions or concerns, or who need additional information regarding this policy should contact the Human Resources Department.

7.7.3 Communicable Disease/Illness

A communicable disease/illness is a disease/illness that can be transmitted from one person to another. There are four main types of transmission including:

- Direct physical contact
- Air (e.g. a cough, sneeze, or other particle inhaled)
- A vehicle (ingested or injected)
- A vector (via animals or insects).

With respect to this policy, communicable diseases/illnesses include, but are not limited to, diseases and illnesses deemed reportable by the Center for Disease Control (CDC) in conjunction with local health officials. Such communicable diseases/illnesses include:

- Chikungunya
- Coronavirus (COVID-19)
- Diphtheria
- Ebola
- Hepatitis viruses
- Influenza
- Measles
- Meningitis
- Meningococcal disease
- MRSA
- Mumps
- Norovirus
- Rubella
- Pertussis
- Severe acute respiratory syndrome (SARS)
- Scabies
- Tuberculosis
- Varicella
- West Nile
- Zika

The City may choose to broaden this definition within its best interest and in accordance with information received from the CDC.

7.7.4 Employee Responsibilities

Each employee has a responsibility to prevent the spread of communicable diseases/illnesses when they are aware of or suspect that they are or could be asymptomatic of a communicable disease/illness. Employees are also required to notify the City in accordance with the notification section below. Employees are encouraged to engage in good hygiene practices while at work, especially hand washing

with soap and water or, if water is not available, using alcohol-based disposable hand wipes or sanitizers.

Employees must also adhere to the recommendations issued by the CDC for specific illnesses and diseases. Additionally, this policy requires the following actions be taken to reduce the spread of communicable diseases/illnesses in the workplace:

- Individuals should stay home if they have or suspect they have a communicable disease/illness.
- If an individual becomes ill due to a communicable disease/illness, they should return to the City's workplace only after at least 24 hours of being symptom free and after being released by a medical professional.
- Individuals who are well but who have a close family member or friend who has a communicable disease/illness may be permitted to continue reporting to the workplace. However, the City may take action to limit the individual's potential for spreading any communicable disease/illness depending on the relevant circumstances. Employees should monitor their health on a daily basis to ensure they remain free of any communicable disease/illness.
- Employees should practice proper hygiene in the workplace by covering their mouth and nose when coughing or sneezing, immediately washing or sanitizing hands, and avoiding touching their eyes, nose, or mouth.
- Employees should avoid close contact with sick people encountered in the workplace, when possible.

7.7.5 Employee Notification and Documentation

If an employee has been exposed to someone with a known or suspected communicable disease/illness, suspects that they are or could be asymptomatic of a communicable disease/illness, is subject to mandatory or suggested quarantine, or receives a report of a communicable disease/illness from a health care provider, they are required to notify Human Resources immediately, or as soon as reasonably practicable.

Individuals may be required to obtain a medical certification providing that they no longer present a threat to other individuals in the workplace prior to being permitted to return to work.

7.7.6 Employer Response

After receiving relevant information, the City will take prompt and appropriate action(s), following federal, state and local health guidance. Health and safety protocols will be put in place to address and/or reduce the spread of communicable diseases /illnesses in the workplace. The City reserves the right to exclude any person with a known or suspected communicable disease/illness if a determination is made that the restriction is in the best interests of the organization. The City also reserves the right to require employees to work from home depending on the particular circumstances.

The City's decisions regarding excluding individuals who have a communicable disease/illness from the workplace will be based on current and well-informed judgments concerning the communicable disease/illness, the risks of transmitting the communicable disease/illness to others, the symptoms and special circumstances of each individual who has a communicable disease/illness, whether required by law to exclude individuals with the communicable disease/illness, and a careful weighing of the identified risks and the available alternatives for responding to an employee with a communicable disease/illness.

7.7.7 Use of Leave

An employee who has a communicable disease/illness may elect to utilize sick leave or paid time off in accordance with City policy or collective bargaining agreement (CBA). Additionally, an employee may be subject to the requirements of our Family and Medical Leave Act (FMLA) policy (see Policy 5.3 Leave Types). An employee who has a confirmed communicable disease/illness that poses a threat to other employees may be required to utilize additional sick leave, paid time off, family and medical leave, and/or leave without benefits until the threat is removed.

7.7.8 Discrimination and Retaliation Prohibited

The City strictly prohibits and will not tolerate any retaliation or discrimination against any individual based on the individual having a communicable disease/illness or reporting a communicable disease/illness. Additionally, individuals will not be denied access to the workplace solely based on the grounds that they have a communicable disease/illness. However, the City reserves the right to exclude a person with a communicable disease/illness from the workplace if the City finds that, based on relevant factors, such a restriction is necessary for the welfare of the individual with the communicable disease/illness and/or the welfare of others within the workplace.

Any individual who believes that he or she has been wrongfully retaliated against or discriminated against for having a communicable disease/illness, reporting a communicable disease/illness, exercising any rights under this policy, or for any other reason must immediately notify Human Resources.

7.7.9 Confidentiality

Communicable disease/illness-related diagnosis information reported to the City is treated as confidential information. The City is committed to complying with all applicable federal, state, and local laws that protect the privacy of persons who have a communicable disease/illness. Every effort will be made to ensure procedurally sufficient safeguards are in place to maintain the privacy of individuals who have communicable diseases/illnesses.

7.8 – Workplace Violence

7.8.1 Purpose

To promote a positive, respectful and safe work environment that fosters employee productivity, safety and security. To reduce the potential for violence in and around the workplace.

7.8.2 Policy

The City will not tolerate any acts or threats of violence, implied or actual, from any person that is directed at employees, the public, or property at a City facility or in connection with City business. The word “violence” in this policy shall mean a verbal or physical action or behavior that may include, but is not limited to, any of the following:

- Is a physical assault.
- Consists of a communicated or reasonably perceived: threat to harm, harass, abuse, or intimidate another individual.
- Would be interpreted by a reasonable person as carrying the potential for physical harm to the individual.
- A reasonable person would perceive as menacing.

- Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening.
- Consists of a reasonably perceived threat to destroy property.
- 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.

Due to the potential for misunderstandings, an assertion that threatening behavior was intended as a joke will not excuse the misconduct. Violent actions on City property or facilities, within City vehicles, or while on City business, will not be tolerated. The City will use disciplinary and enforcement means to secure the workplace from violence and to reasonably protect employees and members of the public. Any unlawful actions committed by employees or members of the public while on City property, or while using City facilities will be disciplined and referred to law enforcement for criminal investigation and prosecution as appropriate to the circumstances.

7.8.3 Employee Accountability

This policy applies whenever an employee is:

- On City time (including breaks and meal periods);
- On City premises, property, surrounding grounds and parking lots, leased or rented space;
- In any vehicle used on City business;
- Is acting as an agent of the City; or
- In other circumstances which create concerns for City operations or safety (this includes inappropriate use of phones, FAX machines, mail or E-mail).

7.8.4 Weapons Prohibition

In order to ensure a safe environment for employees and the public, the City prohibits the wearing, transporting, storage, or presence of firearms or other weapons in any City workplace area defined in the scope of this policy.

- A. **Firearms or other dangerous weapon:** for the purposes of this policy, a firearm or dangerous weapon includes, but is not limited to:
1. A firearm or any device from which a projectile may be fired by an explosive.
 2. Any club, metal knuckles, throwing stars, "nun-chu-ka- sticks."
 3. A bb gun or other firearm operated by compressed air.
 4. Any spring blade knife, or any knife which opens, falls, is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement, or any knife when brandished or carried in a manner that warrants alarm for the safety of other persons (note: utility knives, e.g. jackknives or Leatherman tools are not considered a dangerous weapon unless brandished or carried in such a way as to cause alarm or safety concerns).
 5. Any instrument that is intended to pose a reasonable risk of injury.

Exceptions include employees of the City:

1. Engaged in law enforcement activities, or

2. Legally in possession of a firearm or legal weapon for which the employee holds a valid permit where required, and that is secured within a personal vehicle and concealed from view.

7.8.5 Reporting Threats

All City employees are responsible for notifying supervisors and / or department directors of any threats they have witnessed, received, or have been told that another person has witnessed or received, that involves the potential for workplace violence. Even without an actual threat, employees should report any behavior they have witnessed that could be regarded 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 behavior and the person and/or persons who were threatened or were the focuses of the threatening behavior. Specific reporting instructions for situations that may occur in the workplace are provided below.

- A. **Workplace Violence Concerns Involving the Public:** While the City has a strong commitment to customer service, general employees are not expected to be subjected to verbal abuse or physical threats from the public. The employee's supervisor should immediately be notified when a customer is threatening or abusive. If the act or altercation constitutes an emergency, CALL 911 (dial 9-911 when using City phones which require dialing 9 to get an outside line). Supervisors will discuss the situation with the appropriate department director and/or City police department. Any threats of harm or violence must be referred to the Police Department. The matter will be handled and investigated as appropriate depending on the circumstances.
- B. **Law Enforcement Employees:** Law enforcement officers are provided specialized training for handling situations where a member of the public is verbally abusive or presenting a physical threat. Situations should be handled and reported in accordance with department training and procedures outlined in the Lacey Police Department Manual.
- C. **Workplace Violence Concerns Involving City Employees:** Any employee involved in situations on the job where they fear violence should immediately report it to their supervisor, department director or Human Resources department, and / or a law enforcement officer. Reportable situations include incidents where: an employee's fears that physical retaliation may take place, where another employee has made threats of physical violence, or where another employee displays inappropriate behavior which leads the employee to have cause for concern for the safety of themselves or others. If the act or altercation constitutes an emergency, the employee or supervisor should CALL 911 (dial 9-911 when using City phones which require dialing 9 to get an outside line). Any threats of harm or violence will be referred to the Police Department for consultation and assistance in dealing with the situation; and/or possible referral for criminal investigation and possible prosecution. If an employee has been served a protection or no contact order which would restrict their ability to perform their assigned duties or be at a City work location, they shall report the matter to their supervisor. The City will consider possible job modifications, and the overall safety interests of the general workforce and the public when determining an appropriate course of action.
- D. **Workplace Violence Concerns Involving Personal and/or Off-Work Situations:** An employee may be involved in a personal non-criminal or criminal dispute with family members, neighbors or another party. Domestic violence, or any situations involving individuals being threatened or harmed by another, is wrong and against the law.

Employees are strongly encouraged to report violence to local law enforcement and to take steps to protect themselves when in relationships and / or situations where violence has or is likely to occur. Steps

an individual can take may include: contacting referral and counseling services for advice and guidance, developing a personal safety plan, talking with local law enforcement, or obtaining protection or restraining orders as needed.

Any employee concerned about personal safety at the workplace may request security precautions with their supervisor and the City Police Department at any time; e.g. an escort to and from their vehicle, or other appropriate precautions. The Employee Assistance Program can provide assistance with referral and counseling to employees experiencing violence. Local law enforcement will respond to situations involving threats of violence and/or actual incidents of violence. The Human Resources Department can assist with discussing options for paid and / or unpaid leave, or initiating discussions about other workplace concerns, if needed to resolve a situation.

An employee will not be disciplined or discriminated against for reporting a workplace safety concern and requesting assistance from the City. However, employees may be requested to take steps to provide for reasonable protections for themselves and others at the workplace. Supervisors may initiate workplace safety discussions with an employee about a personal situation in cases where it is reasonable to believe there is a threat to the workplace. An employee may be requested to secure an Anti-Harassment Order, Protection Order, Civil Restraining Order, or similar order from the court and / or take other appropriate precautions to provide for workplace safety. When an employee obtains a court order, they should include the work location as well as place of residence in the order. The employee should inform their supervisor of the issuance of such order and provide a description of the individual cited in the order with a photograph whenever possible. This information will be distributed to parties with a need to know or in a position to identify possible violations. An employee choosing not to obtain a court order when requested, or to take requested actions to provide reasonable protections for workplace safety, may be subject to discipline or other corrective action. This may include, but is not limited to, being placed on leave without pay (and/or being required to use vacation or other paid leave) until the situation resolves or more serious disciplinary action appropriate to the seriousness of the circumstances. The City will make every effort to work with an employee who is taking pro-active steps to reduce a potentially violent personal situation. And, the City will also consider the overall safety interests of the general workforce and the public when determining an appropriate course of action.

7.8.6 Employee Assistance Program (EAP) Available to Assist Employees

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 confidential assistance for a personal or job-related problem can call the EAP office at: 1-800-570-9315. 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 counselor will advise an employee when information must lawfully be disclosed for the protection of others. 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 an undue 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 the City reserves the right to take corrective, and/or disciplinary action as appropriate, up to and including termination.

7.8.7 Supervisory Intervention/Response

Department directors, managers, supervisors, and City law enforcement for criminal actions, are responsible for responding to and investigating potential or violent situations. Managers or supervisors

detecting problems where they believe an employee represents a workplace violence concern should contact their department director, the Human Resources Director, and representatives from the Police Department prior to addressing a potential workplace violence situation. The specific circumstances applicable to the situation will determine the intervention and disciplinary approach to be taken. Performance issues and/or behavioral problems will be addressed through corrective counseling and disciplinary action as appropriate. The level of discipline imposed, including termination, will be determined as appropriate to the circumstances. If an employee's performance, conduct or behavior raises a serious concern about the safety of others, the City may require a Fit for Duty assessment in addition to any corrective and/or disciplinary action taken. The Fit for Duty assessment is to evaluate the employee's ability to safely be on the job.

7.8.8 Searches

If the City has reasonable-suspicion to believe an employee has a firearm or weapon at a work location in violation of this policy, or the employee represents a threat to workplace safety, the City reserves the right to conduct and / or allow a search of City property. This may include the employee's assigned City vehicle, locker, and/or City property including computer files, desks and office furniture. Any searches of an employee's personal property will be conducted in accordance with the law.

7.8.9 Employee Violations

Any employee who violates this policy will be subject to corrective or disciplinary action, up to and including, but not limited to, termination.

See Appendix A for Workplace Harassment Complaint Form

A graphic illustration of four stylized human figures in shades of light blue and green, arranged in a circle with their arms raised, suggesting a group or community. The text is centered over this graphic.

FINANCE & INFORMATION SERVICES POLICIES

8.1 Reimbursement for Expenses Incurred in Conduct of City Business

8.1.1 Purpose

To establish policy and procedure related to travel and reimbursement for eligible expenses incurred in conduct of City business, including Advance Travel Funds.

8.1.2 Policy

It is the City of Lacey's policy to reimburse City elected and appointed officials, employees, and members of boards and commissions for reasonable expenses incurred in the conduct of their business for the City. For full details on this policy and procedure, contact the Finance Director.

8.2 – Purchasing Card

8.2.1 Purpose

This policy establishes the rules by which the City will conduct the Purchasing Card Program.

8.2.2 Policy

Purchasing Cards are designed to provide a convenient and efficient method of procuring low value goods and services. Eligible City users will be able to make these small purchases efficiently when a need arises. Purchasing Cards will reduce costs associated with processing purchase orders and accounts payable, while creating good business relations with suppliers by expediting payments for goods and services. These efficiencies will allow all groups and individuals involved to be more effective and focused on the value-added aspect of their jobs. For full details on this policy and procedure, contact the Finance Director.

8.3 – Purchasing, Acquisition of Supplies, Materials, and Services

8.3.1 Purpose

To establish policy and procedure related to purchasing of supplies, materials, equipment or services (other than professional services).

8.3.2 Policy

It is the policy of the City of Lacey to purchase all supplies, materials, equipment and services at the most favorable price and within the best time schedule possible. The acquisition of goods and services are to be within approved budgetary limits and in compliance with RCW 35.23.352 and Resolution 624. For full details on this policy and procedure, contact the Finance Director.

8.4 – Information Technology Resources

8.4.1 Policy

The City of Lacey supports and promotes the use of technology to assist employees in performing their jobs, maximize productivity and efficiency, and provide better customer service on behalf of the public. Employees are expected to use technology in a productive, appropriate, and legal manner at all times.

The following principles are the foundation of this policy:

- The City provides network, communications systems, equipment and devices to carry out legitimate city business. By using the City's technology resources, an employee consents to disclosing the contents of any data files, information and communications created on, stored on, transmitted, received or exchanged via its network, communications systems, equipment or devices.
- There is no right to privacy in the use of City technology resources. By using the City's technology resources, an employee consents to monitoring, recording, and reviewing the use of that technology resource.
- Employees who are granted access to critical and confidential data are responsible for following proper procedures, as defined by City operating policy, to secure and protect that information.
- The city's technology resources are to be used for official City of Lacey business purposes only, and not for personal business or gain.
- Logging into the City's network or any other system, including the City's email and voicemail systems, with a personal, non-city-owned mobile data device including cell phones, smart phones, tablets, laptops, notebooks, etc., or any other non-city-owned device including personal computers, is prohibited.
- Use of City technology resources in violation of this policy is subject to disciplinary action up to and including termination.

This policy does not address all required or prohibited behaviors or actions by technology users, or identify all exceptions to the policy. Rather, it is meant to address typical examples or situations. In general, the city relies on the good judgment of its employees to ensure that City technology resources are used in the public's best interest.

8.4.2 Scope

All use of City of Lacey technology resources must be consistent with the intent and requirements of city policies and work rules. The city has sole authority to authorize use of city technology resources by city staff, contractors, volunteers, temporary employees, and any others who require access to city technology resources to carry out legitimate city business.

Technology resources are defined as:

- City-owned or operated network and servers (excludes City-provided public Wi-Fi).
- City-owned property and equipment.
- City-owned computer hardware and software.
- City-owned mobile data devices, including cell phones, smart phones, tablets, laptops, notebooks, etc.
- Printers, projectors, data storage devices and drives, cameras, digital equipment, and peripherals.
- Electronic communications, including email, voicemail, text messaging, audio, video, etc.
- Cable or wireless connections to City resources.
- Remote access to city technology resources while outside the City's network.
- Internet/Intranet.
- Social Media, including blogs, Facebook, Twitter, YouTube, I etc.
- On-line accounts.
- City website, including all third-party vendor applications.

8.4.3 Permitted and Prohibited Uses

Permitted Uses

The City's technology resources are provided to assist employees in fulfilling the functions of their jobs and serving the public. The City's technology resources and equipment are to be used for City business purposes only.

Prohibited Uses

Use of the City's computer system to engage in communication that violates federal, state, or local laws, codes and regulations, and City policies and procedures is strictly prohibited.

In addition, while not an exhaustive list, the following uses of the City's technology resources are inappropriate and are prohibited at all times:

- Accessing pornographic, sexually explicit, or indecent materials, or that are otherwise unreasonably offensive, unless done so as part of an investigation conducted by the Lacey Police Department or other authorized personnel.
- Any type of harassment or discrimination, including transmissions of obscene or harassing messages to any individual or group because of their sex, race, creed, religion, national origin, sexual orientation, or other protected class status.
- Gambling.
- Commercial use for an employee's personal business or gain.
- Solicitation of others for non-city sponsored profit or non-profit oriented sales, ventures, or fundraisers.
- Religious or political causes.
- Promotion or distribution of information about outside organizations that is not related to City business functions.
- Union activity unless approved in advance by the City.
- Any activity that could adversely affect the City of Lacey's image or reputation.
- Usage which precludes or hampers City network performance such as viewing or listening to streaming audio and/or video, except for limited usage for City business such as accessing streaming audio/video for training purposes.
- Unauthorized copying of copyrighted material.
- Usage which violates software license agreements.
- Downloading of software unless approved by Information Services.
- Transmission of information to unauthorized persons or organizations.
- Unauthorized entry or attempt of entry into other City departments sub-directories, files, or resources.
- Excessive use of the system so as to unreasonably deprive others of system use or resources, whether with malicious intent or unintentional.
- Use of another employee's password or credentials to access or log-on to any city-owned technology resource, or use of another employee's password or credentials to access that employee's files or records on any city-owned technology resource.

8.4.4 Internet / Intranet Usage

Employees will be allowed to use the Internet/intranet as a tool for performing their job duties and maximizing efficiency. The Internet/intranet is to be used only for City business purposes, and is subject to the same prohibitions as outlined under the section "Permitted and Prohibited Uses." The City, at its sole discretion, maintains the right to block sites that are deemed inappropriate or illegal.

8.4.5 City Website

The City of Lacey's website is to be used for City business and services only. The website incorporates features which require timely content management by all City departments. The Department Director will designate a department representative(s), who will be authorized to monitor, maintain, and update the department's routine content. New content and applications require pre-approval from the Director of Administrative Services.

A standards and style guide has been developed to maintain the consistency of the City's website. The guide outlines roles of each department, defines routine or static content and procedures to incorporate new applications, and provides authoring standards and naming conventions to maintain cohesiveness of the City's website.

Graphics and images embedded in documents, and other electronic applications must comply with copyright laws and content standards. Permission must be granted, in writing, by identifiable subjects of photographs and video images through licensing documentation or a completed model release.

City department and program logos may appear in documents, forms, images, publications, and presentations, but commercial logos (non-public-funded programs) are not to be placed in website content, with the exception of approved social media links.

Businesses or organizations that provide sponsorship support to City events and activities may be recognized by name on web pages viewable on the City website. Sponsor logos may be included in event flyers that are downloadable in a PDF format.

All links to URLs outside the City of Lacey website must be approved by Public Affairs prior to posting. Organizations and sites that aren't directly supported by public tax dollars, or that aren't under official contract or government franchise to provide public services or facilities, are not generally eligible for URL inclusion.

8.4.6 Email

The City currently retains all emails through the Enterprise Vault system which allows designated staff to search emails that may be responsive to public records requests.

8.4.7 Voicemail

Voicemail messages that relate to City business are public records that need to be retained, and will be captured and saved to the City's server for retention and responses to public records requests.

8.4.8 Text Messages

Text messages that relate to City business are public records that need to be retained, and will be captured and saved to the City's server for retention and responses to public records requests.

8.4.9 Social Media

The use of social media networking sites may be used by the City of Lacey as an additional communications and outreach tool to further its goals and mission.

Requests to create and use social media for any purpose must be made in advance by a Department Director to the Director of Administrative Services. If approved, the Department Director will designate a department representative(s), who will be authorized to create content for the social media account/site. The Public Affairs and Human Resources Department will be responsible for posting the content, monitoring responses, and managing retention. Content such as meeting notifications and announcements can be posted by designated department representatives without prior approval. Content in regards to policies, opinions, or official City positions must be pre-approved and posted by the Public Affairs. The Director of Administrative Services will maintain an overall inventory of such sites.

8.4.10 Remote Access

Logging into the City's network or any other system, including the City's email and voicemail systems, with a personal, non-city-owned mobile data device including cell phones, smart phones, tablets, laptops, notebooks, etc., or any other non-city-owned device including personal computers, is prohibited. Exceptions may be allowed for approved information technology contractors and vendors.

Any City employee using any city-owned remote access technologies must be authorized to do so by the Department Director or designee. It is the responsibility of the employee using city-owned remote access technologies to maintain appropriate security and confidentiality of city resources. This includes taking steps to prevent unauthorized persons from using equipment belonging to the City and/or accessing systems and information that may be governed by Washington State laws regarding information privacy and federal regulations as the Health Insurance Portability and Accountability Act (HIPAA).

Authorizing an employee to use city-owned remote access technologies is not an approval of personal use of city resources. Authorization to use city-owned remote access technologies may be revoked at any time by the City Manager, Department Director or designee, or the IS Manager.

Violation of these policies will result in disciplinary action, up to and including termination of employment.

Use of city-owned remote access technologies is not an approval for overtime or to work from home or an off-site location. Any work from home or an off-site location must be approved in advance by the Department Director or designee, and must be in compliance with applicable collective bargaining agreements. For regular remote access approval, employees should refer to City Policy 3.3. Remote Work.

Employees may be allowed to use personal devices to communicate work scheduling issues with their supervisors consistent with department policies and procedures.

8.4.11 Mobile Data Devices

Logging into the City's network or any other system, including the City's email and voicemail systems, with a personal, non-city-owned mobile data or other device is prohibited.

City-owned mobile data devices, including cell phones, smart phones, tablets, laptops, notebooks, etc., may be issued on a shift or longer-term basis to City staff, elected officials, contractors, volunteers, temporary employees, and others who carry out duties and responsibilities related to legitimate City business.

Allocation of city-owned mobile data devices requires a City of Lacey Mobile Device Acquisition Form signed by (a) the department director, (b) the manager / supervisor, and (c) the city staff member, elected official, contractor, volunteer, or temporary employee.

Transmissions on city-owned mobile data devices, including email, text messages, telephone calls, voicemail, and access to the Internet, which are not related to the conduct of official City business are prohibited.

City staff, elected officials, contractors, volunteers, temporary employees, and others who have been issued a city-owned mobile data device agree to become familiar with and follow all City security standards and measures, including password protection, related to the city-owned mobile data devices.

Violation of any provision of this section will result in loss of city-owned mobile data device privileges and/or disciplinary action, up to and including termination of employment, contractor, or volunteer status.

8.4.12 Ownership of Data

The City owns all data, files, information, and communications created on, stored on, transmitted, received or exchanged via its network, communications systems, equipment devices (including email, text messages, voicemail, and Internet/intranet usage logs even if such communications resides with a third party provider), and reserves the right to inspect and monitor any and all such communications at any time, for any business purposes, with or without notice to the employee.

The City may conduct random and requested audits of employee accounts (including accounts with commercial or third-party providers, if used in the course of conducting City business) in order to ensure compliance with policies and requirements, to investigate suspicious activities that could be harmful to the organization, to assist departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the City.

Email, voicemail, text message communications, and Internet/intranet usage logs may be subject to public disclosure, and the rules of discovery in the event of a lawsuit. The City's Internet/intranet connection and usage is subject to monitoring at any time with or without notice to the employee. There is no right to privacy in the use of City technology resources.

8.4.13 Software and Hardware

The use of unauthorized software or hardware on City computer systems, including personally owned software or hardware, is prohibited. All software and hardware are to be acquired and installed by Information Services. Information Services must also coordinate the moving, relocating, or rearranging of computer hardware. Please refer to the Acquisition of Computer Software and Licensing Compliance Policy for additional guidance.

8.4.14 Copyright Requirements

Copyrighted materials, including pictures, belonging to entities other than the City of Lacey may not be transmitted by employees. Copyrighted material by the copyright holder may only be downloaded for use in work-related research, but may not be copied, transferred, renamed, unless express permission is provided by the owner. The City and its employees are required to abide by federal copyright laws and licensing agreements. Failure to observe copyright or license agreements may result in disciplinary action from the City or legal action by the copyright owner.

8.4.15 Retention

Information sent or received on City-owned technology resources is subject to the Public Records Act and associated retention schedules. Please refer to the City of Lacey Public Records Policy for information on the retention of electronic records.

Employees should consult with the City Clerk or their department's Records Coordinator regarding questions about the City's record retention requirements.

8.4.16 Collective Bargaining / Civil Service Rules

Employees covered by collective bargaining agreements and/or civil service rules will be subject to the specific terms of those agreements or rules with respect to network, email, and Internet use. In the event the collective bargaining agreement and/or civil service rules do not address the specific issues addressed in this policy, then employees covered by the same shall be governed by this policy.

8.4.17 Compliance

This policy is not all-encompassing in its definitions of what may or may not be appropriate. Public employees must use good judgment and common sense at all times. Action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, may be subject to inquiry and disciplinary action if warranted. When in doubt, employees should check with their supervisor or the Human Resources Department.

The City Manager will appoint an audit committee that will conduct random and regular audits of the use of city-owned devices, including desktop computers, cell phones, laptops, tablets, and other electronic communication devices. These audits may include emails, text messages, phone calls, photos, and the use of the internet. Any city-owned device is subject to review at any time and for any purpose. Records deemed confidential for law enforcement purposes will be reviewed according to public record confidentiality standards.

Employees found to have acted in a manner which is in violation of this policy shall be subject to disciplinary action, up to and including termination, depending on the behavior or incident. Further, an employee may additionally be restricted from using the City's technology resources where the employee's use has resulted in abuse of City time and/or equipment. The City will advise appropriate legal officials of any potential criminal violations or usages of the City's technology resources.

Questions about the application or interpretation of this policy should be referred to the Human Resources Department.

8.5 – Purchases of Equipment, Supplies, and Services on Behalf of Homeowners Associations

8.5.1 Purpose

To set forth the City's policy and to establish procedures for the purchasing of equipment, supplies and services on behalf of homeowners associations and other similar bodies representing property owners.

8.5.2 Policy

It is the policy of the City of Lacey as set forth in Resolution No. 545 of the City Council that the City shall offer its services to homeowners' associations and other regularly constituted bodies

representing property owners within a particular area in the purchasing of equipment, supplies, and services necessary to promote the construction and development of parks, recreation, and other public facilities. For full details on this policy and procedure, contact the Finance Director

8.6 – Surplus Supplies and Equipment

8.6.1 Purpose

To efficiently use or dispose of surplus supplies and equipment in a cost-effective manner.

8.6.2 Policy

It is the policy of the City of Lacey that usable surplus supplies and equipment will be transferred between offices, departments, or agencies prior to being declared surplus to City needs and offered for sale. For full details on this policy and procedure, contact the Finance Director

8.7 – Award of Professional Services Contract

8.7.1 Purpose

To establish policy and procedure related to the award of professional services contract to ensure the City receive maximum value for its professional services contracts and all qualified contractors and consultants are given an opportunity to supply service.

8.7.2 Policy

It is the policy of the City of Lacey that the experience and familiarity with the City of local firms and consultants will be given appropriate weight in awarding professional services contracts. Every effort should be made to notify all qualified professional services firms in the Lacey area of potential contracts when these services are contemplated. For full details on this policy and procedure, contact the Finance Director.

A graphic illustration of four stylized human figures in shades of light blue, green, and grey, arranged in a circle with their arms raised, suggesting a group or community. The text is centered over this graphic.

GENERAL OPERATING & ADMINISTRATIVE POLICIES

9.1 – City Hall Meeting Room

9.1.1 General Information

The City of Lacey has a meeting room which is available to public non-profit groups who provide services in Lacey for civic, cultural and educational purposes. Governmental agencies may use the room only if the meeting is of direct interest and benefit to the Lacey community and is open for citizen participation. City staff may use the room for internal meetings and can schedule reservations using Outlook.

City of Lacey events for the meeting room will receive top priority. Other requests are honored on a first-come, first-serve basis, subject to restrictions on meeting size during the workweek (Monday-Friday, 7:30 a.m. to 5:30 p.m.), or in conflict with a scheduled meeting in the Council Chambers. Outside groups may make reservations by phone with the City Manager's office, but a representative must complete the attached application form prior to use of the room. To ensure that all community groups have an equal opportunity for reservations, a group will be limited to use of the room once during a three month period. Reservations can be made up to three months in advance of the meeting.

Use of the meeting room for political purposes must comply with Public Disclosure Commission guidelines for use of public facilities. (RCW 42.17.130). The meeting room shall not be used for the purpose of assisting a campaign for election of any person to office or for the promotion of or opposition of any ballot proposition. Use of the meeting room for other political purposes is generally allowed, provided the meeting room is also made available on an equal opportunity basis to express other points of view. Any questions regarding this matter should be referred to the City Attorney before authorizing use of the meeting room.

The City of Lacey is not responsible for views expressed in the meeting room. Permission to use the meeting room does not constitute an endorsement of a group's policies or beliefs.

Designated staff members in the City Manager's office have the authority to accept, renew, or reject requests for use of the room under the policies and rules established by the City of Lacey. Requests received by City staff from outside groups are to be directed to the City Manager's office for scheduling.

About the Facility

The meeting room provides occupancy for approximately 75 people and includes disability access. The room is equipped with ten tables, 80 chairs, whiteboards, and a kitchen. Meeting size is limited to **no more than 20 participants** during regular business hours (Monday – Friday, 7:30 a.m. to 5:30 p.m.); provided, participants who normally work at City Hall are not included in the meeting size count.

A public phone is located outside the building near the entrance to the police lobby, and restrooms are available in the hall adjacent to the meeting room.

Parking is limited during the week between the hours of 7:30 a.m. to 5:30 p.m. Meeting participants should be encouraged to carpool or use alternative transportation whenever possible. Parking is not allowed in visitor slots. Perimeter parking is available in the lot adjacent to the east side of the building. Disability access is available in the parking lot.

9.1.2 Rules - Policy - Procedure

All groups using the room must comply with the following rules. Failure to do so may result in the loss of using the room in the future.

- A. All meetings must be open to the public.
- B. No admission shall be charged by any group using the room. There will be no direct or indirect solicitation of funds at the meeting, or as a direct result of that meeting. There will be no promotion of a product or service for which a fee is charged.
- C. The City does not supply any type of meeting materials, i.e. name tags, markers, flip charts, pens/pencils, tape, projectors, recorders, etc.
- D. Only light refreshments may be served. A kitchen with a sink is available, but is not stocked. All food must be prepared away from the meeting room. The City does not furnish coffee makers, microwaves, or food service supplies.
- E. Smoking, alcoholic beverages, drugs, and other controlled substances are prohibited.
- F. Nailing or stapling signs, posters and decorations to woodwork or walls is prohibited. Tape may not be used on painted surfaces.
- G. Any open flame or non-fireproof materials for decorative purposes is prohibited.
- H. An authorized person from the group will be responsible for making room reservations, picking up the key prior to the meeting, and will be present at all times during the meeting. After the meeting, this same person will ensure that the room is cleaned up, lights are turned off, doors are locked and the key is returned to the City Manager's office.
- I. There is one phone available in the meeting room for local and toll free calls only. To get an outside line, dial "9" and the telephone number. Pay phones are located outside the front door of the Police Department. For emergency situations, call 9-911.
- J. If a serious maintenance issue occurs while occupying the building, you must contact the City's after hours support personnel by calling 704-2740 (if using the phone in the room, you must first dial "9" for an outside line). You will need to tell the dispatcher you need to be connected to the City of Lacey's standby duty person due to a serious issue in the Community Room at City Hall, 420 College Street SE. They will page or call the standby duty person and relay your contact information and the nature of the emergency. The City's standby person will respond in person to the location. Please do not call the standby person for non-critical issues. They will not respond to scheduling requests, lost items, and other non-emergencies. To resolve these issues, please call the City Manager's administrative office at 491-3214 between 8:00 a.m. and 5:00 p.m. Monday – Friday.

9.2 – Council Chambers

Use of the Lacey City Council Chambers is reserved primarily for regular Council meetings, Council Committee meetings, Council Work sessions, Boards and Commission meetings, City Manager meetings, and Public Hearings. Use of the Council Chambers should be limited to occasional use for other meetings. Reservations for the room can be made through the City Clerk's office at 491-3214.

The Council Chambers provides occupancy for approximately 80 people. The room is equipped with a conference table, chairs, audio and video taping capability (see *Council Chambers Audio and Video Taping Guidelines*), projector, and kitchen. The City provides reasonable accommodations to persons with special needs 72 hours in advance of the meeting.

All City staff using the room must comply with the following rules. Failure to do so may result in the loss of using the room in the future.

- A. If the meeting will be held before or after business hours, a designated City staff person will be responsible for picking up the key to the front door prior to the meeting, and will be present at all times during the meeting. Contact the City Manager's office prior to the meeting to coordinate key pickup.
- B. After the meeting, the same designated City staff person will ensure that the room is **cleaned up, lights turned off, coffeemaker turned off, front doors are locked** (if after business hours), and the **key is returned** to the City Manager's office the following morning.
- C. Use of the projector and laptop for PowerPoint presentations must be arranged 24 hours prior to the meeting through the City Clerk or Public Affairs office.
- D. Only light refreshments may be served. A kitchen with a sink is available, but is not stocked. All food must be prepared away from the meeting room. There are coffee pots available for use; however, you must supply your own coffee and food service supplies.
- E. Smoking, alcoholic beverages, drugs, and other controlled substances are prohibited.
- F. Any open flame or non-fireproof materials for decorative purposes is prohibited.
- G. If a serious maintenance issue occurs while occupying the building, you must contact the City's after hours support personnel by calling (360) 704-2740 (if using the phone in the room, you must first dial "9" for an outside line). You will need to tell the dispatcher you need to be connected to the City of Lacey's standby duty person due to a serious issue in the Council Chambers at City Hall, 420 College Street SE. They will page or call the standby duty person and relay your contact information and the nature of the emergency. The City's standby person will respond in person to the location. Please do not call the standby person for non-critical issues. They will not respond to scheduling requests, lost items, and other non-emergencies. To resolve these issues, please call the City Clerk's administrative office at (360) 491-3214 between 8:00 a.m. and 5:00 p.m. Monday – Friday.
- H. Parking is limited during the week between the hours of 7:30 a.m. to 5:30 p.m. Meeting participants should be encouraged to carpool or use alternative transportation whenever possible. Parking is not allowed in visitor slots. Perimeter parking is available in the lot adjacent to the east side of the building. Disability access is available in the parking lot.

9.3 – Council Chambers Audio and Video Taping Guidelines

The Lacey City Council and staff encourage all forms of communications with the public and support the efforts of commercial, non-profit, and volunteer efforts to share information about the City with the public.

It is the policy of the City of Lacey to accommodate commercial and non-commercial audio and video recording of public meetings in the Lacey City Council Chambers while assuring that normal City operations and the safety of the public are not negatively impacted. The following guidelines apply:

- A. Microphone jacks for direct audio recording via the City Council Chambers' audio system are available at various locations in the Chambers. The City Clerk or other staff members can locate these for reporters or others wishing to record meetings via the audio system.
- B. Television and video cameras may only locate along the southeast perimeter wall of the Council Chambers within approved camera locations. All entrances and exits must remain clear. (See attached floor plan.)
- C. Producers using switching equipment must connect to in-wall audio and video runs to avoid safety hazards caused by the stringing of wiring along the floor.

- D. Producers using switching equipment must locate such equipment in a production vehicle parked adjacent to the service entrance. If a production vehicle is not used, such equipment must be located in the storage area adjacent to the service kitchen. Except for necessary cables, the service kitchen must be kept free and clear of all obstructions.
- E. If extensive set-up and dismantling time (e.g. 15 minutes or longer) is required, it must be coordinated with the City Clerk at least 24 hours prior to the meeting. Set-up should occur and be completed prior to the close of regular business at 5:00 p.m. Meetings cannot be disrupted by set-up and take-down activities. Press and production staff cannot remain unattended in the building during the periods before and after public meetings when City staff are not normally present.
- F. Audio and video taping provided at the City's request is coordinated through the Public Affairs and Community Relations Department.

9.4 – Response to Community Member Complaints or Requests

9.4.1 Procedure

In alignment with our organizational values, the City of Lacey is committed to providing open, honest communication with residents, businesses, City employees, visitors, and other community members (collectively referred to as “community members”). All City personnel are involved in communication efforts daily, whether it is dealing one-on-one with customers and/or the public; working with one another; or responding to the media.

Community member comments, requests, complaints, questions, or compliments (collectively referred to as “requests”) can come in from a variety of sources, including but not limited to email, phone, customer management relations tool, etc.

When processing requests, adhere to the following:

- A. **Exemptions:** Requests involving traffic or criminal violations within the jurisdiction of the Police Department are exempt from this policy.
- B. **City Approved Tools:** Staff members must use City approved communication tools. Staff members are to record ALL requests into the City's Customer Relations Management Tool, when accessible.
- C. **Personnel Issues:** Requests concerning personnel issues will be referred to Human Resources. The rights of City employees as set forth in guild contracts, civil service regulations, etc., will be respected.
- D. **Routine Requests:** Routine requests typically involve responses that require incidental or inconsequential information. Routine requests can include general questions about a department's service or function, items listed on a Council agenda or board/commission agenda, meeting times and locations, facility locations, special events or news conferences planned by a department, questions about a particular program or policy, etc. Routine requests can be answered quickly and are within the purview of the responding department's scope. Routine requests are handled, to the extent possible, by the associated department (e.g., service provision). Requests that cannot be resolved at that level are referred to Public Affairs for collaboration, see **Non-Routine Requests**.
- E. **Non-Routine Requests:** Non-routine requests typically involve responses that require interpretation of policy, involve employee information, refer to an emergency situation or controversial issue, or pertain to an unresolved routine request. Responses to non-routine

emails shall involve Public Affairs. All responses shall be forwarded to the City Manager or designee.

- F. **City Council:** For requests received by the City Council, refer to City Council Policies and Procedures Manual

When responding to community member requests, providing exceptional customer service is paramount. Reflecting the City's themes and organizational values, the City strives to provide the highest level of customer service in a respectful, professional, and empathetic manner, while also being clear and concise.

The following provides some tools to consider when responding to requests:

- A. **Address the individual:** For example: "Good morning, Tom"
- B. **Confirm that you have received their message:** Examples include: "Thank you for contacting the City about..." or "We received your message about..."
- C. **Provide excellent customer service:**
 - 1. Give it a human touch, just as you would if you were communicating in person. Your message can sound personal, friendly, and empathetic, while still remaining professional and respectful. If the community member is upset or angry, be empathetic and focus on the key issues/points of their message.
 - 2. If the request is based on an action by the City Council, a thorough explanation of the reasons for the action will be provided. In no event will the response be "because the City Council passed the ordinance."
 - 3. Requests that lie outside the purview of the City to resolve, staff will refer the community member to the appropriate agency.
- D. **Take a solutions-oriented approach:** Focus on providing a response to all their questions or concerns. Although you may not be able to provide the community member a solution, they feel is satisfactory, remain honest, respectful, and empathetic. Provide helpful resources and connections, when possible.
- E. **Use plain talk / keep it simple:**
 - 1. Organization: If you have a lot of information to convey, use headings, bullet points, bold, and/or italics to make it easier to read.
 - 2. Try to use an active versus a passive voice.
 - a. **Active:** The City plans to start the project on Thursday.
 - b. **Passive:** The City was planning to start the project on Thursday.
 - 3. Keep language clear, concise, and simple. Avoid using big words or acronyms that some people may not understand or be familiar with.
 - 4. Use short sentences. There's no perfect length, however, a well-written sentence should have 15-20 words on average. Using simple, short sentences helps improve comprehension.
 - 5. Try to leave no room for confusion and ask if there are any follow-up questions.
 - 6. For more plain talk resources, visit [archives.gov/open/plain-writing/10-principles.html](https://www.archives.gov/open/plain-writing/10-principles.html)
- F. **Prompt Answers / Provide a turnaround time:**
 - 1. Provide timely answers, for example responding to all messages within one business day.
 - 2. If you don't have an immediate answer, let them know you received the message and will follow up with an answer within a designated period.

3. If you are unable to respond within the original timeframe, send them a status update of your response.

G. Closing / Sign-off:

1. Ask if they have any additional questions or concerns on the topic and/or your response.
2. Provide your name.
3. Provide a photo of yourself in your email signature.

9.5 – Standards and Service Levels

9.5.1 Purpose

To establish policy and procedure related to standards and service levels.

9.5.2 Policy

It is the policy of the City of Lacey that the City, through its annual budget and capital programs, will attempt to achieve service levels consistent with desired standards. The City will not duplicate the services that are adequately being performed by others, and will cooperate with both public and private sources to maximize the availability of services at the lowest possible costs.

9.5.3 Definitions

Level of Service: The degree of service currently being provided through the annual operational and capital budget. The level of service may not necessarily be at the desired standards.

Standards: An expression of a desirable goal ranging between minimum and maximum sizes, amounts or conditions of a particular service need.

9.5.4 Procedure

The following procedures will be the criteria used in determining service levels to be provided by the City of Lacey:

- A. Current supply/demand factor as indicated by surveys, public complaints, requests, and opinions.
- B. The concept of service balance as defined in comprehensive plans or other stated goals and objectives.
- C. Priorities as defined in the various comprehensive plans.
- D. Desired standards.
- E. Ability of others to provide service.
- F. Availability of necessary resources.

9.6 – Waste Reduction, Recycling, and Recycled-Content Product Procurement

9.6.1 Purpose

This policy formally establishes an in-house waste reduction, recycling, and recycled-content product procurement program at the City of Lacey. It is intended to be consistent with federal and state laws and policies encouraging such practices.

9.6.2 Definitions

Recycling: Diverting waste materials from the waste stream and transforming or re-manufacturing them into usable or marketable materials or products.

Recyclable product: A product which, after its intended end use, can be diverted from the waste stream for use as a raw material in the manufacture of another product.

Recycled product: A product which has been produced from material that has been diverted from the waste stream.

Post-consumer recycled-content product: Any product containing at least 10 percent recycled materials which have served their intended end uses as consumer items and were collected and diverted from the waste stream for re-manufacture into new products.

Reusable product: A product that can be used several times for an intended end use before being discarded.

Waste reduction: Reducing the amount of waste being generated.

Toxicity: The corrosive, flammable, explosive, mutagenic, carcinogenic, or short or long-term injurious properties of substances as defined in the Washington State RCW, Chapter 71-05.010, under the definition for dangerous waste.

9.6.3 Goals

The goals of this policy are:

- A. To reduce the amount and toxicity of waste generated by the City to the greatest extent practicable.
- B. To recycle all City-generated waste materials that are suitable for re-manufacture into new products.
- C. To procure and use post-consumer recycled-content products, and products designed to be reusable and/or recyclable, in all City departments and projects when such products meet City performance standards and procurement price guidelines.

9.6.4 Responsibilities - All City Departments

All City departments should promote and participate in the City's in-house waste reduction, recycling, and recycled-content product procurement program to the fullest extent possible. Specific waste reduction and recycling techniques City departments should utilize whenever practicable include:

- A. Purchasing and using post-consumer recycled-content products, products designed to be reusable and recyclable, and products that are non-toxic, whenever such products are available and meet City performance standards and procurement price guidelines.
- B. Participating in the City's in-house paper, cardboard, and aluminum recycling procedures.
- C. Consulting with the City's Purchasing Section of the Finance Department prior to ordering paper products and office supplies for recycled product recommendations.
- D. Specifying that City letterhead, stationery, envelopes, business cards, brochures, permits, and billing statements be printed on post-consumer recycled and recyclable paper and imprinted with a recycling logo whenever such products are available and meet City performance

standards and procurement price guidelines.

- E. Specifying use of soy-based ink on City printing orders whenever practicable.
- F. Identifying by-products, waste, and refuse produced during departmental operations, and reducing, reusing, or recycling such by-products and waste materials whenever practicable.
- G. Revising standard bid documents and contract language to remove any terms, requirements, or specifications which prohibit or discourage use of post-consumer recycled-content products, or products designed to be reused and/or recycled, unless a product containing such materials will not meet City performance standards or procurement price guidelines.
- H. Requesting that consultants and contractors submit bid documents and reports on post-consumer recycled-content paper with double-sided printing on pages whenever practicable. The following language is suggested: "The City of Lacey requests that bid documents and reports submitted to the City be printed on post-consumer recycled-content paper with double-sided printing on pages."
- I. Requesting that contractors and consultants use recycled and recyclable products in fulfilling contractual obligations to the City whenever such products are available and meet City performance standards and procurement price guidelines. The following language is suggested: "The City of Lacey requests that parties fulfilling contractual obligations to the City utilize recycled and recyclable products in meeting those obligations whenever such products are available and meet City performance standards and price guidelines."
- J. Requesting that vendors use the minimum amount of packaging necessary to protect products during shipping, and that the packaging be manufactured from recycled and recyclable material whenever practicable. The following language is suggested: "The City of Lacey requests that vendors use the minimum amount packaging necessary to sufficiently protect products during shipping and such packaging be manufactured from recycled and recyclable materials whenever possible."
- K. Participation in the City's laser cartridge recharging program.
- L. Sharing information about recycled products and vendors with other City departments that may benefit from such information. Departments should also share such information with other governmental agencies, contractors, consultants, and non-profit organizations upon their request.
- M. Identifying hazardous or toxic materials and products used by the department and replacing them with non-toxic materials and products whenever such replacements will meet City performance standards and procurement price guidelines.
- N. Keeping City mailing lists current and accurate by removing out of date information and duplications.

9.6.5 Responsibilities - Individual Employees

All City employees should promote and participate in the City's in-house waste reduction, recycling, and recycled-content product procurement program to the fullest extent possible. Specific waste reduction and recycling techniques individual employees should utilize whenever practicable include:

- A. Purchasing and using post-consumer, recycled-content products and products designed to be reusable and recyclable, whenever such products are available and meet City performance standards and procurement guidelines.

- B. Participating in the City's in-house paper, cardboard, and aluminum recycling procedures.
- C. Producing double-sided reports, memos, and copies, verifying proper copy machine settings before each use, and returning machines to default settings after each use.
- D. Distributing individual memos and reports only to employees who need working or file copies and using routing slips for distribution to other employees.
- E. Using ceramic mugs for beverages.
- F. Using the blank side of discarded paper for rough drafts, informal notes, and scratch pads.
- G. Reusing office supplies, including manila envelopes, file folders, plastic binders, report covers, paper clips, rubber bands, and similar items.
- H. Using refillable pens and pencils.
- I. Canceling unwanted publications received at the workplace and removing City offices from unwanted mailing lists.
- J. Storing documents on computer disks and minimizing printed copies whenever practicable.

9.6.6 Exemptions

Nothing in this policy shall be construed as requiring a department or contractor to procure or use products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time.



APPENDIX A: WORKPLACE HARASSMENT COMPLAINT FORM

| | |
|----------------------|--|
| Name of Complainant: | |
| Department: | |
| Phone Number: | |
| Email: | |
| Today's Date: | |

| | |
|--|--|
| Name(s) of the Accused: | |
| Department: | |
| Relationship of the Accused to the Complainant (e.g. Manager, co-worker, etc.) | |
| Phone Number: | |
| Email: | |

| | |
|--|---|
| Basis of Unlawful Harassment Complaint | <p>I believe I have been subject to unlawful harassment based on the following:</p> <p> <input type="checkbox"/> Race <input type="checkbox"/> Color <input type="checkbox"/> Sex <input type="checkbox"/> Creed <input type="checkbox"/> Religion <input type="checkbox"/> Gender <input type="checkbox"/> National Origin <input type="checkbox"/> Age (over 40) <input type="checkbox"/> Marital Status <input type="checkbox"/> Pregnancy and Maternity <input type="checkbox"/> Honorably Discharged Veteran or Military Status <input type="checkbox"/> Guide Dog or Service Animal <input type="checkbox"/> Sexual Orientation Including Gender Expression or Identity <input type="checkbox"/> Disability (Including HIV, AIDS, and Hepatitis C Status) <input type="checkbox"/> Genetic Information <input type="checkbox"/> Citizenship or Immigration Status <input type="checkbox"/> Victim of Domestic Violence, Sexual Abuse or Stalking </p> |
|--|---|

Please describe the occurrence(s) or incident(s) which you believe were unlawful harassment by the person(s) identified above. If more than one event, please attach a separate page detailing each event with the following information.

- Date of incident?
- Where did the incident occur?
- Explain the events that occurred
- Were there any witnesses, if so please identify by name?
- How did you react to the situation? Did you take any action to stop the perceived inappropriate behavior?

APPENDIX B: TUITION REIMBURSEMENT REQUEST

Section A: Employee Request

| |
|-------------|
| Name: |
| Job Title: |
| Supervisor: |
| Department: |
| Date: |

| |
|-----------------------------|
| Course Title: |
| School or Institution Name: |
| Institution Location: |
| Dates of Attendance: |
| Number of Training Hours: |
| Cost of Tuition: |

What specific knowledge and skill will you learn? (If seeking a degree program, attach a brief outline of the courses included in the program from the college catalog or program brochure.)

*Reimbursement Note: If the employee has already paid for course registration cost prior to completing the approval form, a copy of that payment receipt must be attached. Reimbursement of funds will only be provided if the Tuition Reimbursement Request is approved, and only after proof of course completion has been submitted to the HR/Finance Department.

Employee Signature: _____ Date: _____

Section B: Approvals

Review and approve based on appropriateness, cost, scheduling, and relevance of course to job description:

Approved: _____ Denied: _____

If denied, provide an explanation:

Supervisor Signature: _____ Date: _____

Department Director Signature: _____ Date: _____

Human Resources Signature: _____ Date: _____

(*If approved, return to Department to process Reimbursement upon completion of the course. A copy of this form will be placed in the employee personnel file.)

**APPENDIX C: LACEY EMPLOYEE APPRAISAL PROCESS
(L.E.A.P.)**

| | |
|----------------------------------|--------------------------------|
| Employee: | Supervisor: |
| Appraisal Period: (START) | Appraisal Period: (END) |

Instructions

Supervisor: Attaches position expectations and performance standards. Completes sections 1, 2, and 4.

Employee: Completes sections 1, 2, and 3.

Employee and Supervisor: Jointly review and develop action plan(s) (Section 5) for items noted in Section 2, 3, and 4. If more space is needed, attach duplicate forms.

Section 1 - EMPLOYEE ACCOMPLISHMENTS/ESPECIALLY GOOD PERFORMANCE

Section 2 - PERFORMANCE PROBLEMS/DEVELOPMENT SUGGESTIONS

CITY OF LACEY POLICY MANUAL

Section 3 - OBSTACLES TO MY PERFORMANCE/WHAT I THINK COULD BE DONE TO IMPROVE PERFORMANCE

Section 4 - SUPERVISOR RESPONSE TO ITEMS DISCUSSED IN SECTIONS 1, 2, AND 3

Section 5 -GROWTH/ACTION PLAN

Employee Plan/Date:

| Action I will take | Results/Behavior Expected | By (date) |
|--------------------|---------------------------|-----------|
| | | |

Supervisor Plan/Date:

CITY OF LACEY POLICY MANUAL

| | | |
|---------------------------|----------------------------------|------------------|
| | | |
| Action I will take | Results/Behavior Expected | By (date) |

EMPLOYEE COMMENTS:

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

| | |
|---|-------------|
| Administrative Review - For Annual Appraisal | |
| Department Director Signature: _____ | Date: _____ |
| Director, Human Resources Signature: _____ | Date: _____ |
| *Copy to Personnel File | |

APPENDIX D: REMOTE WORK REQUEST AND AGREEMENT FORM

| | |
|----------------------------------|----------------------------------|
| Employee Name | Supervisor |
| Click or tap here to enter text. | Click or tap here to enter text. |
| Position Title | Department Director |
| Click or tap here to enter text. | Click or tap here to enter text. |
| Department | Date of Request |
| Click or tap here to enter text. | Click or tap here to enter text. |

| | |
|--|--|
| Position Type: | FLSA Designation: |
| <input type="checkbox"/> Non-Represented <input type="checkbox"/> Represented | <input type="checkbox"/> Exempt (Salaried/Overtime Exempt) <input type="checkbox"/> Non-Exempt (Hourly/Overtime Eligible) |

Schedule of Remote Working Days

List the scheduled hours for each day. If that day will be a remote work day, check the remote work day box. If your remote work schedule will vary, based on changing workload or business needs, note the anticipated days and schedule you will be remote working. *Note: If you are working an alternative work schedule (such as a 9/80), please enter your schedule of requested remote work for the period.*

| DAY OF WEEK | START TIME | END TIME | TOTAL HOURS | REMOTE WORK DAY |
|-------------|-------------------|-------------------|-------------------|--------------------------|
| SUNDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| MONDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| TUESDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| WEDNESDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| THURSDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| FRIDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| SATURDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |

| DAY OF WEEK | START TIME | END TIME | TOTAL HOURS | REMOTE WORK DAY |
|-------------|-------------------|-------------------|-------------------|--------------------------|
| SUNDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| MONDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| TUESDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| WEDNESDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| THURSDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| FRIDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |
| SATURDAY | Enter start time. | Enter start time. | Enter total hours | <input type="checkbox"/> |

CITY OF LACEY POLICY MANUAL

Please provide an explanation of how the requested remote work schedule meets operational need:

Click or tap here to enter text.

Performance Standards While Remote Working:

General summary of duties that will be performed while remote working:

Click or tap here to enter text.

Remote Work Site(s):

- Home (*address*): Click or tap here to enter text.
- Alternate Work Location (*address*): Click or tap here to enter text.

City Policies & Procedures Acknowledgement

By signing below, I certify that I have read, understand, and agree with the terms outlined in the City of Lacey's Remote Work Policy and this Agreement. As part of this agreement, I acknowledge that:

- While remote working, I remain subject to all established City policies.
- I understand that all City owned equipment, including software and supplies, are only to be used to perform assigned duties.
- I understand that transmissions on City owned mobile data devices, including email, text messages, telephone calls, voicemail, and access to the Internet, which are not related to the conduct of official City business are prohibited.
- I understand I am responsible for maintaining a functional and ergonomic work space.
- I understand I am not to create or manage agency records, data, and information on personal electronic devices (i.e. cell phone, smartphone, tablet, laptop, computer, etc.).
- I understand I am not to conduct in-person meetings with community members, contractors, vendors, or other customers at a private residence.

CITY OF LACEY POLICY MANUAL

- I understand that all call records, communications, texts, documents, data, photos, etc., used to conduct City business are subject to public disclosure request, audit or litigation hold.
- I will immediately report any loss of or damage to City owned equipment and software to my supervisor.
- I understand I will not be reimbursed for any costs associated with using equipment not located at a City owned facility.
- I agree to be responsible for my own compliance with tax laws. The City is not responsible for substantiating any claim for tax deductions for operating a home office I may make. If I have questions concerning whether home office expenses are tax deductible, I understand I am responsible to seek advice from my own tax consultant.
- I will use City owned software according to applicable software licenses.
- I understand that any City hardware or software provided for remote work must be returned to the City before I leave the City for any reason, or upon termination of the remote work agreement.
- I agree to not to engage in outside employment while remote working.
- I agree to abide by the meal period and rest breaks as defined in City policy (3.1 Hours of Work) and/or as defined in any applicable collective bargaining agreement that may represent my position in the City.
- I understand by agreement to remote work that the office space or workstation that the City has assigned to my position at my City building location may be used by other employees as a flexible workspace.
- I understand I may need to complete a daily Remote Work log as determined by my supervisor.
- I agree to comply with supervisor or Department expectations for remote work.
- I understand that the City is not responsible for purchasing supplies, internet, or any other expense related to remote work unless expressly stated within the City Information Technology Policy.
- I understand that remote working is at the discretion of the City and may be discontinued at any time.

| Employee Signature | Date |
|--------------------|------|
| | |

Supervisor: *By signing this agreement, the supervisor agrees to work with the employee to implement remote work as described in the City Remote Work Policy and this agreement. The supervisor also understands that remote working is at the discretion of the City and may be discontinued at any time.*

- Approved
- Denied

| Supervisor's Signature | Date |
|------------------------|------|
| | |

Comment:

CITY OF LACEY POLICY MANUAL

Director or designee: *By signing this agreement, the Director or designee agrees that this request meets the requirements and expectations of the Remote Work Policy.*

- Approved
- Denied

| Director's or designee Signature | Date |
|----------------------------------|------|
| | |

Comment:

| | |
|--|-----------------------------|
| Send Signed Form to Human Resources | Personnel File Date: |
|--|-----------------------------|

