



Employee Handbook

A Guide to Personnel & Purchasing Policies

December 2022



Vision Statement

A City for all ages striving to maintain its small-town character and support for strong schools, public safety and neighborhood unity balances the need to grow and prosper in a sustainable manner with the environmental, political, economic, and social desires of the City.

A great place to raise a family with interconnected and attractive parks, trails, and public spaces complimentary of the natural environment, critical areas, and valuable natural resources for the enjoyment of future generations.

A City that understands the relationship between commerce and healthy livable cities; an understanding that guides the need to support business and economic growth, in harmony with the City's small-town charm.

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Introduction

This Employee Handbook is a general information guide to the City's current employment policies and procedures. The City recognizes that departments may establish policies and procedures that are specific to their department. None of the provisions in this manual shall be deemed to create a contractual right by any employee nor to limit the power of the City to repeal or modify these rules. This manual revoke and supersedes any prior manuals or handbooks you may have received. The City reserves the right to deviate from these policies in certain situations, particularly in an emergency, in order to achieve its primary mission of providing orderly and cost-effective services to its citizens.

These policies and procedures shall apply to all City employees. They shall not apply, unless otherwise stated, to elected officials, independent contractors, and volunteers. In the event of a conflict between these policies and a specific policy manual governing the operations of a department such as the Milton Police Department Policy Manual, any collective bargaining agreement, civil service rule, State or Federal law, the terms and conditions of that more specific policy, agreement, rule, or law shall prevail. In other cases, these policies and procedures shall govern.

The Mayor or Designee shall establish a Labor and Management Committee that will meet periodically but not less than twice a year. The Committee will meet to review and recommend modification, amendment, addition and/or repeal of these personnel policies and procedures.

Unless specific rights are granted to employees through bargaining agreements, civil service rules, or elsewhere, all employees of the City are considered at-will employees. Their employment and compensation may be terminated, with or without cause, at the option of either the employee or the City.

Definitions

This policy provides definitions of various actions, entities, positions, processes, documents, and duties employed in the day-to-day operations of the City.

Acting in Capacity Assignment: Temporary assignment of an employee to perform duties and responsibilities of a job classification other than such employees usual job assignment. In the event an acting-in-capacity assignment involves increased authority in the workplace, the assigned employee shall exercise such increased authority in the workplace. The assigned employee shall exercise such increased authority in accordance with directions from the Department Director with the approval of the Mayor.

Anniversary Date: The yearly return of the day and month corresponding with the employee's date of hire.

Appointment: A position (authorized by the City Council and Mayor) filled by the Appointing Authority. Appointments include full-time, orientation, provisional, and part-time. Status levels of employment with the City are as follows:

- *Salaried Exempt* employees are certain executive, administrative and professional employees who are exempt from the overtime provisions of state and federal law and are paid a salary.
- *Hourly Non-exempt* employees are paid on an hourly basis and are eligible for overtime pay pursuant to state and federal law. If you are a non-exempt employee who is scheduled to work 40 hours per week or less, it is your responsibility to keep your hours at or below 40 hours during the week unless approved in advance by your Supervisor.

Employees are also classified as full-time, part-time, temporary/seasonal and on-call:

- *Full-time employees* include both exempt and non-exempt employees who are normally or regularly scheduled to work forty hours per week and are eligible for benefits.
- *Part-time employees* include both exempt and non-exempt employees who are normally or regularly scheduled to work less than forty hours per week but not less than twenty hours per week and are eligible for benefits.
 - * **Part-Time Regular** – A position in which the employee regularly works less than forty (40) hours per week but not less than twenty (20) hours per week. Part-time regular employees shall accrue vacation, sick leave, and holiday benefits in direct ratio to the hours worked.
 - * **Part-Time Non - Regular** – A position in which the employee regularly works less than twenty (20) hours per week or occasionally may work more than twenty (20) hours per week and up to forty (40) hours per week on a seasonal basis.
- *Temporary employees* are non-exempt employees who do not have a normal or regularly scheduled number of hours per week, who are employed for a specific assignment. Temporary employees are not eligible for benefits. Temporary employees shall not exceed 960 hours per year.
- *Seasonal employees* are employees who are working on a temporary, short-term

position. Typically, seasonal employees are only hired for a specified period of time that should not last longer than 960 hours per calendar year.

- **Provisional** – A limited civil service appointment of a certified or non-certified person to either a classified position which is not vacant but is currently unfilled due to an authorized leave-of-absence or classified position for which there is no current eligible register.
- **At-Will** – An employee who serves at the pleasure of the Appointing Authority. This includes, but is not limited to, Department Directors, orientation, part-time employees, provisional employees, and temporary employees. At-will employment can be terminated with or without cause, by either the employee or the City.

Authorized Position- A position authorized through the budget process by the City Council and approved by the Mayor.

Classification: A single position or a group of positions in the City sufficiently alike in duties, authority, and responsibilities that the same qualifications may be required, and the same rate of pay can be equitably applied to all positions in the group.

Confidential Employee: Acting in a confidential capacity, assists a person who formulates, determines, and effectuates management policies in the area of collective bargaining.

City Council: The elected legislative body of the City government.

Continuous Services: An employee's work history in a regular budgeted position which has no break in service other than approved leave with pay or approved leave without pay for a period not exceeding one year. In an unusual case, because of military service, the time limitation may be extended.

Demotion: The movement of an employee from a position in one classification to a position in another classification having a lower salary range. A non-disciplinary demotion shall not reflect discredit on an employee.

Department Director: An at-will employee who has responsibility for the management of one or more departments on behalf of the City.

Exempt Employee: Exempt employees are not eligible to receive overtime compensation based upon criteria established by the Fair Labor Standards Act (FLSA) and Washington State Law.

Job Description: The written description of a position containing title, responsibilities, and minimum qualifications, to include knowledge, skills, abilities, training, experience, and possible licensing.

Job Evaluation: The process of determining the proper classification, rating, or value of an individual job in relation to other jobs within and outside the organization.

Layoff: A separation from service because of lack of funds, abolishment of a position, or for other reasons not reflecting discredit on an employee.

Mayor: The Mayor is the elected Chief Administrative Officer and responsible for the proper administration of all City departments and programs.

Personnel Action: Any action taken with reference to appointment, compensation, promotion, demotion, transfer, layoff, dismissal, or any disciplinary action affecting status of employment.

Personnel File: Confidential personnel records of every City employee maintained and controlled by Human Resources, at City Hall.

Position: A group of current duties and responsibilities assigned by appointing authority requiring the employment of one person that is established by the legislative body of the City.

Orientation: A working test period during which an employee is required to demonstrate his/her ability and capacity to perform the duties of the position to which she/he has been hired.

Promotion: The movement of an employee from a position in one class to another class requiring increased duties and responsibilities, requiring greater pay and qualifications, and providing a higher maximum rate of pay.

Reclassification: Change in allocation of an individual position by raising it to a classification having a higher salary range, reducing it to a classification having lower salary range, or moving it to another classification at the same level on the basis of significant changes in the kind, difficulty, or responsibility of work performed in the position.

Recognized Employee Organization: Any organization or union which includes employees of the City and which has as one of its primary purposes the representation of employees in their employment relations with the City and has become recognized by the City under the procedures as outlined in the State Collective Bargaining Law, RCW Chapter 41.56.

Reinstatement: The return of an employee to his/her former position in the service of the City within five years after layoff or at any time after successful appeal of a suspension, reduction in rank, termination. If the employee is a union employee, the reinstatement (recall) shall be strictly on the basis of seniority to any previously held classification if a vacancy occurs because of a layoff or reclassification.

Resignation: The voluntary action by an employee of terminating her/his employment with the City.

Seniority: The priority of an employee based on the length of the employee's continuous service to the City since the employee's last date of hire.

Supervisory Employee: A City employee that reports to management and directs or assigns daily activities of one or more employees. Authority includes recommendations for hiring, termination, discipline, and evaluation of employees within the department.

Severance Pay: Additional compensation that may be provided by the City at the time of separation of employment from the City.

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

Termination: The cessation of employment with the City.

Transfer: A change of an employee from one position to another position in the same or different classification having the same salary range.

Vacancy: An established budgeted position which is not occupied.

Equal Opportunity Employment

The City of Milton is an equal employment opportunity employer. This means that the City does not discriminate against any applicant or employee on the basis of protected class status. All applicants and employees will be recruited, selected, trained, promoted, compensated, and if appropriate, disciplined or terminated without regard to race, color, religion or creed, ethnicity, national origin, sex, age (over 40), marital status, pregnancy or maternity, sexual orientation, gender expression or gender identity, veteran status, use of a guide or service animal, genetic information, or the presence of any sensory, mental, or physical disability (unless based on a bona fide occupational qualification).

Unlawful discrimination occurs when the City bases a decision it has made about an applicant or employee on the applicant/employee's protected class status (e.g., race, religion, sex), rather than the applicant/employee's qualifications, conduct, performance, or other lawful reasons. Your protected class status will not be the basis for any decision the City makes about you (other than decisions regarding requests for reasonable accommodations for disabilities or sincerely held religious beliefs, which will take into account the employee's disability or religious beliefs as needed to evaluate the request for accommodation).

Any applicant/employee who feels that he/she has been the victim of unlawful discrimination in violation of this policy should report this concern to their Director. If the applicant/employee believes the Director is involved in the violation, or otherwise does not feel comfortable reporting to this person, the applicant/employee should report this concern to the Mayor.

The City will look into the merits of any allegation reported to it. This may include an investigation by a qualified investigator who is either an employee or a professional employed outside of the City.

If the allegation is found to have merit, the City will take prompt action to correct the unlawful conduct and remedy any violations that have occurred. Such corrective action may include disciplinary action against those employees found to have violated policy.

Disability Accommodation

The City of Milton is committed to maintaining an inclusive workforce where people of all abilities contribute to our workforce. It is the policy of the City of Milton to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

The City will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job; unless doing so causes a direct threat to these individuals or others in the workplace, and the threat cannot be eliminated by reasonable accommodation, and/or if the accommodation creates an undue hardship to the City.

Service Animal Accommodation

The City of Milton prohibits bringing a pet (a domestic animal kept for pleasure or companionship) to work or having a pet in City - controlled buildings and premises, with the exception of service animals for a person with disabilities. A person with a disability uses a service animal as an auxiliary aid. In compliance with the ADA and the Washington Laws Against Discrimination (“WLAD”), service animals are welcome in all buildings on City property and may attend any class, meeting, or other event. There may be an exception to certain areas. Employees requesting accommodation for a disability that includes a service animal must contact Human Resources and complete a Documentation of Disability form. All service animals must be registered with HR.

A service animal is an animal that is trained to provide a disability-related service to a person with a disability.

The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to:

- Assisting individuals who are blind or have low vision with navigation and other tasks.
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
- Providing non-violent protection or rescue work.
- Pulling a wheelchair.
- Assisting an individual during a seizure.
- Alerting individuals to the presence of allergens.
- Retrieving items such as medicine or the telephone.
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
- Helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not considered work or tasks under the definition of a service animal.

The City does not allow service animals that pose an immediate or reasonably foreseeable risk or danger to people or property. Speculation that the animal poses a risk or danger is not enough to refuse the animal. If allergies are an issue, the City will balance the need for the service animal with reasonably accommodating the person with allergies, often by separation if possible. Service animals must be under the control of their owners, and not create sanitary problems or make loud noises. There are certain very specific types of medical and food service operations where certain animals can be excluded under certain circumstances. The City is not obligated to provide food, water, or toileting facilities for service animals.

If an employee requests to bring an animal to work to assist with an emotional or psychological disability, but the animal does not meet the training requirement in the definition of service animal, this animal would not be considered to be a service animal, but rather an emotional support animal. Employees seeking to bring an emotional support animal to work must enter into a reasonable accommodation interactive process with the City about the employee’s limitations at work and the need for a reasonable accommodation, and whether having that animal at work is that reasonable accommodation

When and Where a Service Animal is Allowed Access

Individuals with disabilities can bring their service animals into all areas of public facilities and private businesses where members of the public, program participants, clients, customers, patrons, or invitees are allowed. A service animal can be excluded from a facility if its presence interferes with legitimate safety requirements of the facility (e.g., from a surgery or burn unit in a hospital in which a sterile field is required).

A public entity or a private business may ask an individual with a disability to remove a service animal if the animal is not housebroken or is out of control and the individual is not able to control it. A service animal must have a harness, leash, or other tether, unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the service animal's ability to safely perform its work or tasks. In these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

Requirements of Service Animals and Their Owners Include

- A service animal must also be licensed and immunized in accordance with the laws, regulations, and ordinances of the County and the State of Washington.
- Service animals must wear an owner identification tag which includes the name and phone number of the owner at all times.
- Animals must be in good health.
- The owner must provide HR with information as to how the animal accommodates the individual's disability.

Reasonable behavior is expected from service animals while on City property. The owners of disruptive and aggressive service animals may be asked to remove them from City facilities. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any facility until the owner takes significant steps to mitigate the behavior.

Cleanliness of the service animal is mandatory. Consideration of others must be taken into account when providing maintenance and hygiene of service animals. The owner is expected to clean and dispose of all animal waste.

Religious Accommodation

The City of Milton will provide reasonable accommodation of the sincerely held religious beliefs and practices of our employees. This may include accommodation of religious beliefs or practices regarding diets, work schedules, dress and appearance, or other issues.

Procedure to Request Accommodation

Any applicant/employee who seeks reasonable accommodation for a disability or a sincerely held religious belief and practice should report this request to their Supervisor. If the applicant/employee does not feel comfortable making the request to the Supervisor, he/she should make the request to their Director instead.

A request for reasonable accommodation will trigger the interactive process. The interactive process may involve communications between you, the City, and either your medical providers (disability) or clergy (religion) to obtain information on your limitations, the duration of the limitations, and what accommodations can reasonably be offered you. You may be required to sign releases or disclosures that will allow your medical providers to communicate with the City regarding a medical condition for which you are seeking reasonable accommodation.

The City will decide whether any accommodation can be reasonably offered after obtaining relevant information from the applicant/employee, his/her supervisors, and the applicant's/employee's medical providers or clergy.

Personal information that you submit about your disability will be kept confidential, except for cases where (i) your supervisor needs to be informed of work restrictions or necessary accommodations, (ii) first aid or safety personnel need to be informed in order to provide emergency treatment, or (iii) Government officials need to be informed in compliance with the OFCCP, Ability One/Source America requirements, or the Americans with Disabilities Act. In such cases, personal information is only released to the minimum extent necessary, and you are assured that your information will be used in ways that are consistent with Section 503 of the Rehabilitation Act. Our intention is simply to ensure that the city's work environment is welcoming to people of all abilities.

Anti-Harassment and Non-Discrimination Policy

It is the City's policy to provide a workplace free from all illegal forms of verbal, physical and visual harassment and discrimination. All employees and volunteers are expected to be sensitive to and respectful of their co-workers and others with whom they come into contact while representing the City. All illegal forms of harassment and discrimination are prohibited, whether because of race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any actual or perceived sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, marital status, religion, being over 40 years of age, political ideology, or any other reason this is protected by law (collectively, "Protected Status").

Examples of conduct that constitutes harassment the City prohibits include, but are not limited to:

- a. Epithets, slurs, negative stereotyping or threatening, intimidating, or hostile acts that are related to an employee or applicant's protected status.
- b. Written or graphic material displayed, possessed, or circulated in any City workplace (including vehicles) or on any City device that denigrates or shows hostility or aversion toward an individual or group because of their protected status.
- c. Intimidating, hostile, derogatory, contemptuous or otherwise offensive conduct or remarks that are directed at a person because of that person's protected status.
- d. Retaliatory behavior such as making slanderous or libelous statements, withholding communication, information, resources, employment benefits, or entitlements because of an individual or group's protected status.

DISABILITY DISCRIMINATION PROHIBITED

It is the policy of the City to comply with the Americans with Disabilities Act and the State of Washington statutes regarding disability discrimination. The City will not discriminate against qualified applicants or employees with a sensory, physical, or mental disability. The City will reasonably accommodate qualified individuals with disabilities provided the accommodation does not create an undue hardship for the City resources. To be qualified for employment with the City, a disabled person must be able to perform the essential job functions with or without reasonable accommodation. Employees whose disabilities require workplace accommodation are asked to seek the assistance of the City in order to initiate a mutual discussion of the employee's and City's needs. The City will determine reasonable accommodation to provide employment services, employ or continue the employment of a qualified individual with a disability, persons with a record of such impairment or persons regarded as having such impairment.

LIFE THREATENING/COMMUNICABLE DISEASES

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

SEXUAL HARASSMENT PROHIBITED

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

Sexual harassment is defined as intimidating, hostile, derogatory, and contemptuous or otherwise offensive conduct or remarks made because of sex, whether or not the remarks themselves are sexual in nature. The conduct or remarks may be directed at an individual, a group, or the work environment in general. Sexual harassment is also defined as unwelcome conduct of a sexual nature which is deliberate and/or repeated. Such behavior is prohibited if:

- a. Submission to such conduct is either a stated or suggested condition of employment.
- b. Acceptance or rejection of such conduct becomes part of a supervisor's employment decision (such as hiring, firing, promotion, or job assignment).
- c. Such conduct has the purpose or effect of interfering with a person's work; or
- d. The conduct creates an intimidating, offensive, or hostile work environment.

Examples of sexual harassment include, but are not limited to:

- a. Graphic or suggestive comments about someone's body or manner of dress.
- b. Gossip, questions, or comments about someone's sexual conduct or orientation.
- c. Vulgarity, leering, inappropriate touching and obscene or suggestive gestures.
- d. Display, possession, or circulation in the workplace of sexually suggestive photographs, cartoons, graffiti, e-mails, and the like, or displaying, transmitting, or downloading of those types of inappropriate or offensive messages from the Internet.
- e. Unwelcome and repeated pressure for sexual activity, flirtations, requests for dates and the like by any employee.
- f. Unwelcome but apparently sanction-free sexual advances by a manager or supervisor to a subordinate or any other employee.
- g. Solicitation or coercion of sexual activity, dates, or the like by the implied or express promise of rewards or preferential treatment by any employee.
- h. Solicitation or coercion of sexual activity, dates, or the like by the implied or express threat of punishment by any employee.
- i. Sexual assault.
- j. Intimidating, hostile, derogatory, contemptuous, or otherwise offensive conductor remarks that are directed at a person because of that person's sex, whether or not the remarks themselves are sexual in nature.
- k. Retaliation against an employee for refusing sexual or social overtures, for complaining about sexual harassment, or for cooperating with the investigation of a complaint.
- l. Stalking employees either on or off City premises or on or off work hours.

DISCRIMINATION / HARASSMENT REPORTING PROCEDURE

Employees Responsibilities:

It may be difficult for an employee to determine if conduct is illegal harassment or discrimination. For this reason, the City requires employees to use the City's discrimination/harassment reporting policy without worrying about whether the conduct involved would be considered harassment or discrimination in a legal sense. If an employee considers the conduct to be discrimination or harassment or the behavior to be inappropriate, the employee must report it promptly to a Supervisor, a Department Director, Human Resources, or the Mayor. This guideline is intended to assist the City in addressing not only illegal harassment and discrimination, but also any conduct that is offensive and inappropriate.

The City requires employees to report all incidents of harassment, discrimination, or inappropriate behavior as soon as possible. The City wants to provide employees with a pleasant and productive working environment, but it cannot do that if these issues are not brought to the City's attention.

If at any time an employee believes he/she is subjected to harassment or discrimination, if any employee becomes aware of such conduct being directed at someone else, or if an employee believes another employee has received either more favorable or unfavorable treatment because of harassment or discrimination, the employee must promptly notify a Supervisor, a Department Director, Human Resources or Mayor. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact as part of the employee's job: Supervisors, co-workers, customers, vendors, members of boards or commissions, or others.

Any employee who experiences or observes discrimination or harassment, including sexual harassment, may, at his or her option, choose to confront the person who is engaging in such conduct. However, no employee is required to do so under any circumstances. Even if an employee chooses to confront the situation directly, the harassment or discrimination must still be reported to a Supervisor, a Department Director, Human Resources, or the Mayor. This applies to harassment or discrimination caused by anyone with whom an employee comes into contact as part of the employee's job: Supervisors, co-workers, customers, vendors, members of boards or commissions, or others.

Each employee is responsible for creating an atmosphere free of discrimination and harassment in any form. Each employee is responsible for respecting the rights of co-workers and others, including the citizens we serve.

Persons in a supervisory relationship are not permitted to have romantic or sexual relationships with each other. A supervisory relationship is one in which one of the individuals has the authority or practical power to supervise, hire, terminate, or discipline an employee, where one individual has decision making authority over an employee, or is responsible for auditing, evaluating, or reviewing the work of an employee.

Management and Supervisory Responsibilities:

Management and supervisory personnel of the City are responsible for being aware of the potential for harassment and discrimination within their work unit and ensuring a work environment free from all types of discrimination and harassment, including sexual harassment.

Because of the potential for miscommunication, effects on morale, abuses of authority, misunderstandings, and conflicts of interest, the City does not permit supervisors to have romantic or sexual relations with any person within their chain of supervision. This prohibition applies to all employees who have the authority or practical power to supervise, hire, terminate or discipline another employee, who have decision making authority over another employee, or who are responsible for auditing, evaluating, or reviewing the work of another employee.

When a Supervisor or Lead receives a harassment or discrimination complaint, (including informal, oral complaints), or becomes aware of conduct that may constitute discrimination or harassment, he/she is required to:

- a. Inform their Department Director.
- b. Inform the Mayor.
- c. Determine the nature and extent of the complaint (or, if there was no complaint, the nature and extent of the conduct that caused the supervisor or lead to believe that harassment or discrimination has occurred).
- d. Co-ordinate with the Director to determine the most appropriate and effective response to the complaint (or, if there was no complaint, to determine the most effective and appropriate response to the conduct that caused the supervisor or lead to believe that harassment or discrimination has occurred).
- e. Take appropriate action to correct the problem including disciplinary action if warranted.

Investigating Reported Incidents:

All investigations will be conducted under the following guidelines:

All complaints will be kept confidential to the fullest extent possible. This means they will be disclosed by the City only to witnesses and others as necessary to allow the City to investigate and respond to the complaint, to management, and others as may be required by law. Some information regarding complaints of harassment or discrimination may be redacted under the Public Records Act in response to a request for records that is made under the Public Records Act.

All employees are expected to cooperate fully with investigatory proceedings and answer all questions truthfully and completely in an investigation. Anyone who the City concludes has failed to cooperate fully, made evasive, misleading, inaccurate, incomplete, or false statements, or otherwise impeded an investigation in any way is subject to disciplinary action up to and including termination. The City will take whatever action it deems necessary to prevent an offense from being repeated.

The City will not permit retaliation against anyone who makes a good-faith complaint or who cooperates in good faith in an investigation. Anyone who the City concludes has engaged in retaliation is subject to disciplinary action up to and including immediate termination. Disciplinary action will depend on the gravity of the offense. The City will take whatever action it deems necessary to prevent an offense from being repeated.

COMPLAINT PROCEDURES

The City recognizes that sometimes situations arise in which employees feel that they have not been treated fairly or in accordance with City policies. For this reason, the City provides its employees with procedures for resolving complaints. These procedures apply for other than harassment or discrimination complaints.

Step 1: Employees should first try to resolve any problem or complaint with their supervisor.

Step 2: When normal communication between an employee and the supervisor is not successful, or when an employee disagrees with the application of City policies, the employee should attempt to resolve the problem with his/her Department Director. The Department Director will respond to the employee in writing within five (5) days after meeting with him/her, whenever possible.

Step 3: If the employee is not satisfied with the response from the Department Director, the employee may submit the problem, in writing, to the Mayor or Human Resources. The written complaint must contain, at a minimum:

- a. A description of the problem.
- b. A specific policy or procedure which the employee believes has been violated or misapplied.
- c. The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances.
- d. The remedy sought by the employee to resolve the complaint.

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

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

Certain employees may have more than one source of dispute resolution rights, i.e., the City's Civil Service rules, a collective bargaining agreement, if any, and this complaint process. Employees represented by a bargaining unit or who are covered under Civil Service rules should follow grievance procedures set out in their respective labor contracts or Civil Service rules, where applicable. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

Safety

The City of Milton has a Safety Committee composed of employees from work sites in the City. The Safety Committee will meet at least every quarter to review safety issues, problems and review any accidents that have occurred. They shall make safety recommendations to each department director for implementation. They shall also conduct an annual safety review of all City work sites.

Employees are responsible for following health and safety procedures and using the safety equipment according to their training. Sound judgment and safe practices in the workplace should be exercised by all employees. Employees are responsible for reporting hazardous or potentially hazardous situations to their Supervisors.

Employees injured on the job must report the incident to their Supervisor as soon as possible. The employee will receive an Employee Accident Report form. All employees injured on the job are required to complete the Employee Accident Report form, even if they do not plan to seek medical treatment.

If the injury requires medical care, the employee is responsible for notifying the physician that the injury is work related and that a Department of Labor and Industries (L&I) claim should be opened.

The City has an active light duty program and can accommodate many restrictions in a temporary light duty job. Employees are responsible for providing their Supervisor and Human Resources with a detailed set of restrictions after each visit to their physician. Employees who decline medically appropriate light duty work, or employees who do not respond to or keep in touch with their supervisor following an on-the-job injury are subject to disciplinary action, up to and including termination.

The City does not tolerate retaliation against any employee who, in good faith, reports a work-related injury or pursues an L&I claim for a work-related injury. Any employee who feels that he/she has been the victim of unlawful retaliation in violation of this policy should report this concern to the Human Resources. If the applicant/employee Human Resources is involved in the violation, or otherwise does not feel comfortable reporting to this person, the applicant/employee should report this concern to the Mayor.

The City will look into the merits of any allegation reported to it. This may include an investigation by a qualified investigator who is either an employee or a professional employed outside of the City.

If the allegation is found to have merit, the city will take prompt action to correct the unlawful conduct and remedy any violations that have occurred. Such corrective action may include disciplinary action against those employees found to have violated policy.

HIRING, PERFORMANCE, AND GENERAL EMPLOYMENT

Recruitment and Hiring

The City of Milton recruits and hires employees in full compliance with its obligations under federal and state law.

Hiring Process

Human Resources will post the position both internally and externally, screen candidates, and provide the hiring manager with those individuals most qualified to fill the position. The Mayor may, at his or her discretion, use internal or external process unless a specific process is required by law or an applicable collective bargaining agreement.

Each applicant must complete an application prior to an employment interview. Resumes may supplement, but not replace, the City's official application. Any applicant supplying false or misleading information is subject to immediate termination, if hired. Interviewers will treat applicants fairly, consistently, and respectfully during the interview process, and may ask only questions that relate to the applicant's ability to succeed in the position.

Job Descriptions

Job descriptions are an essential part of the hiring process. Job descriptions document the guidelines for a position and are used to determine the most qualified candidate for a position, the appropriate wage or salary and as a training tool for new and existing employees. Job descriptions are subject to change, and if a position customarily performs duties not listed in the job description, updates may be necessary.

Extending an Offer of Employment

Upon successful completion of the interview process, the City will extend a conditional offer of employment. If the applicant accepts the conditional job offer, Human Resources will begin the process of conducting required reference and background checks. A drug test, medical evaluation and driving abstract may also be required depending on the job the applicant is applying for. Certain employees in a law enforcement capacity may also be required to participate in a polygraph test when permitted by state law.

A candidate may be disqualified from consideration if found physically unable to perform the duties of the position and the individual's condition cannot be reasonably accommodated in the workplace; the candidate refuses to submit to an examination or complete medical history forms; the drug test reveals use of controlled substances, or the candidate fails to successfully pass other tests or examinations that may be required by the City.

New Employee Orientation

Orientation programs are designed to familiarize new employees with the City and its culture, as well as communicate the requirements and expectations of the job. The City wants to do everything possible to ensure employees feel comfortable in our work environment and have the tools necessary to succeed.

New employee materials are distributed at the time of hire and throughout the first 30 days. It is the employee's responsibility to read the information provided. The materials contain important information

regarding basic policies, and other information that may better acquaint new employees with the City of Milton, including:

- Health and Safety Programs
- Organization Information / Tour of the City
- Employee Handbook
- Proper timecard completion
- Benefits
- Paydays

Employees are encouraged to go to their Supervisors, Director or Human Resources with any questions they may have after reading the orientation materials.

Employee Handbook

Every employee, upon being issued a handbook, will sign a dated form indicating that he/she has received it. It is the responsibility of each employee to read, understand and refer to the handbook.

Employee Files

A personnel file for each employee is maintained in a secured location. An employee's personnel file contains a formal administrative record of the individual's employment history with the city. Employee medical information obtained by the City in association with sick leave, long-term medical leave, FMLA, drug testing, workers compensation claims, or relating to a medical condition is maintained confidentially in a separate employee file. Additionally, I-9 information is maintained separately from the employment files. Active employees may request to review their employee file by making an appointment at least 24 hours in advance of the time they would like to see their file. An HR representative must be present while the file is reviewed. An employee may request removal of irrelevant or erroneous information in their personnel file. If the City denies the employee's request to remove the information, the employee may file a written rebuttal statement to be placed in their file. Former employees may have access to their employee files for twelve (12) months following their termination date. Directors and supervisors may also have access to an employee's official file, but not medical or I-9 information.

Personnel files are kept confidential to the maximum extent permitted by law. Access to certain information in an employee's personnel file may be subject to release as provided for by the Washington Public Records Act and other applicable laws.

Purchasing Policy

This policy provides the guidelines for the expenditures of the City. The Mayor and City staff shall comply with the purchasing guidelines, as set forth in this section, unless otherwise allowed by City Council.

All expenses of the City must be consistent with Washington State laws. The use of City funds for inappropriate or illegal purposes or in support of such activities is forbidden and punishable by law.

A. Guidelines on Purchases of Goods, Equipment, Materials and Supplies

1. Established limits of authority for directors, Mayor, and City Council for amounts included in the current year budget:
 - a. Purchases up to the amount of \$7,500 may be approved by the signature of the Department Director. It is recommended that the department obtain three bids or quotes prior to obligating City funds.
 - b. Purchases valued between \$7,500 and \$15,000 must be authorized by the Department Director and the Mayor. Three written bids or quotes from the City's informal vendor list must be obtained prior to obligating City funds.
 - c. Purchases valued between \$15,000 and \$25,000 must be authorized by the Department Director and the Mayor. The bid process prescribed by RCW and MMC must be adhered to prior to obligating City funds.
 - d. Purchases valued over \$25,000 must be authorized by the Department Director, the Mayor, and City Council. The bid process prescribed by RCW and MMC must be adhered to prior to obligating City funds.
2. Purchases for any amount not budgeted require pre-approval from the Department Director and the Mayor, and City Council authorization for a Budget Amendment.
3. Purchases by Employees:
 - a. Purchases must have prior approval of the Department Director or Public Works Superintendent for Public Works employees. Approval can be in the form of an email attached to the invoice, or a signature on the invoice.

B. Guidelines on Public Works Projects

1. Established limits of authority for directors, Mayor, and City Council for amounts included in the current year budget:
 - a. Public works projects up to the amount of \$7,500 may be approved by the signature of the Department Director. It is recommended that the department obtain three bids or quotes prior to obligating City funds.
 - b. Public works projects valued between \$7,500 and \$15,000 must be authorized by the Department Director and the Mayor. It is recommended that the department obtain three bids or quotes prior to obligating City funds.

- c. Public works projects valued between \$15,000 and \$75,500, involving a single trade, or \$116,155, involving multiple trades, must be authorized by the Department Director and the Mayor. Three written bids or quotes must be obtained, or the small public works roster process or bid process prescribed by RCW and MMC must be adhered to prior to obligating City funds.
 - d. Public works projects valued over \$75,500, involving a single trade, or \$116,155, involving multiple trades, and \$350,000 must be authorized by the Department Director, the Mayor, and City Council. The small public works roster process or bid process prescribed by RCW and MMC must be adhered to prior to obligating City funds.
 - e. Public works projects valued over \$350,000 must be authorized by the Department Director, the Mayor, and City Council. The bid process prescribed by RCW and MMC must be adhered to prior to obligating City funds.
 2. Public works projects for any amount not budgeted require pre-approval from the Department Director and the Mayor, and City Council authorization for a Budget Amendment.
- C. Guidelines on Obligations for Services (Purchased, Personal, and Architecture & Engineering)
 1. Established limits of authority for Directors, Mayor, and City Council for amounts included in the current year budget:
 - a. Obligations for services up to the amount of \$7,500 may be approved by the signature of the Department Director.
 - b. Obligations for services valued between \$7,500 and \$25,000 must be authorized by the Department Director and the Mayor.
 - c. Obligations for services valued over \$25,000 must be authorized by the Department Director, the Mayor, and City Council.
 2. Obligations for architecture and engineering services must adhere to the qualifications-based selection process as outlined in Chapter 39.80 RCW.
 3. Obligations for services for any amount not budgeted require pre-approval from the Department Director and the Mayor, and City Council authorization for a Budget Amendment.
 4. Obligations for Services by Employees:
 - a. Obligations for Services must have prior approval of the Department Director or Public Works Superintendent for Public Works employees. Approval can be in the form of an email attached to the invoice, or a signature on the invoice.
- D. Exemptions for Competitive Bidding Requirements
 1. Under RCW 39.04.280, competitive bidding requirements may be waived by the City for:

- a. Sole source purchases that are clearly and legitimately limited to a single source of supply.
 - b. Purchases involving special facilities or market conditions.
 - c. Purchases of insurance or bonds.
 - d. Emergency purchases and public works projects. "Emergency" as defined by RCW 39.04.280 means unforeseen circumstances beyond the control of the City that either:
 - i. Present a real, immediate threat to the proper performance of essential functions; or
 - ii. Will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken.
2. If competitive bidding requirements are waived, the contract and factual basis for the exemption must be recorded and open to public inspection immediately after the contract is awarded.

Goods, Equipment, Materials and Supplies (not associated with Public Works Projects)			
Amount	Authorization	Process	Other Requirements
• Purchases up to \$7,500	• Department Director	• Three bids or quotes recommended	
• Purchases between \$7,500 and \$15,000	• Department Director and Mayor	• Three written bids or quotes required	
• Purchases between \$15,000 and \$25,000	• Department Director and Mayor	• Competitive bidding or intergovernmental procurement agreement required	<i>For competitive bidding</i> <ul style="list-style-type: none"> • Public request for bids • Sealed bids • Public bid opening
• Purchases over \$25,000	• Department Director, Mayor and City Council	• Competitive bidding or intergovernmental procurement agreement required	<i>For competitive bidding</i> <ul style="list-style-type: none"> • Public request for bids • Sealed bids • Public bid opening
Public Works Projects			
Amount	Authorization	Process	Other Requirements
• Projects up to \$7,500	• Department Director	• Three bids or quotes recommended	• Prevailing wages
• Projects between \$7,500 and \$15,000	• Department Director and Mayor	• Three bids or quotes recommended	• Prevailing wages
• Projects between \$15,000 and \$75,500 (single trade) or \$116,155 (multiple trades)	• Department Director and Mayor	• Three written bids or quotes, small public works roster process or competitive bidding required	<ul style="list-style-type: none"> • Prevailing wages • Performance and payment bonds <i>For competitive bidding</i> <ul style="list-style-type: none"> • Public request for bids • Sealed bids • Public bid opening • Bid guarantee
• Projects between \$75,500 (single trade) or \$116,155 (multiple trades) and \$350,000	• Department Director, Mayor and City Council	• Small public works roster process or competitive bidding required	<ul style="list-style-type: none"> • Prevailing wages • Performance and payment bonds <i>For competitive bidding</i> <ul style="list-style-type: none"> • Public request for bids • Sealed bids • Public bid opening • Bid guarantee
• Projects over \$350,000	• Department Director, Mayor and City Council	• Competitive bidding required	<ul style="list-style-type: none"> • Prevailing wages • Performance and payment bonds <ul style="list-style-type: none"> • Public request for bids • Sealed bids • Public bid opening • Bid guarantee

Purchased and Personal Services			
Amount	Authorization	Process	Other Requirements
• Services up to \$7,500	• Department Director	• Three bids or quotes recommended	• Prevailing wages for building maintenance services
• Services between \$7,500 and \$25,000	• Department Director and Mayor	• Three bids or quotes recommended	• Prevailing wages for building maintenance services
• Services over \$25,000	• Department Director, Mayor and City Council	• Three bids or quotes recommended	• Prevailing wages for building maintenance services
Architecture and Engineering Services			
Amount	Authorization	Process	Other Requirements
• Services up to \$7,500	• Department Director	• Qualifications-based selection process outlined in Chapter 39.80 RCW	• Public Request for Qualifications • Evaluation based on performance and qualifications • Negotiated contract
• Services between \$7,500 and \$25,000	• Department Director and Mayor	• Qualifications-based selection process outlined in Chapter 39.80 RCW	• Public Request for Qualifications • Evaluation based on performance and qualifications • Negotiated contract
• Services over \$25,000	• Department Director, Mayor and City Council	• Qualifications-based selection process outlined in Chapter 39.80 RCW	• Public Request for Qualifications • Evaluation based on performance and qualifications • Negotiated contract

CITY CREDIT/PURCHASE CARD SYSTEM

- A. Credit/purchase card use. The Director of Finance shall implement and maintain the following system for the distribution, authorization and control of credit/purchase cards issued to or for the benefit of the City and used by City officials and employees.
- B. Distribution. Credit cards may be distributed to those City officials and employees who, in the opinion of the Mayor or designee, have job responsibilities that would benefit or otherwise be facilitated by use of credit/purchase cards.
- C. Authorization and control. The Director of Finance shall develop specific administrative guidelines and accounting controls to ensure the proper usage of credit/purchase cards and related funds. Credit/purchase cards are to be used when it is in the best interest of City

administrative affairs.

- D. Application. The individual holder, upon prior approval of the Director of Finance or designee, shall use each credit/purchase card in a responsible manner.
- E. Credit limits. The Director of Finance or designee shall set credit/purchase limits on each card issued subject to final approval by the Mayor or designee. Individual purchases shall not exceed \$5,000, and in no event shall the credit/purchase card limit exceed \$10,000 for any individual credit/purchase card account without preapproval of the Mayor or designee.
- F. Credit card/purchase card restriction. The following will be considered an unauthorized purchase or use of any city credit/purchase card:
 - 1. Cash advances.
 - 2. Payment of statements.
 - 3. Purchases where an open charge account would be utilized; and
 - 4. Personal purchases of any kind.
- G. Disallowed charges. Disallowed charges or charges not properly identified will be paid by the employee before the charge card/purchase billing is due. Failure to do so will render the employee personally liable where the City shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the employee up to the unpaid amount, plus interest and/or fees at the rate charged by the bank that issued the cost. Employee shall not use the credit/purchase card if any disallowed charges are outstanding.
 - 1. The act of obtaining a City credit/purchase card does not indicate preapproval of expenditures.
- H. Return of credit/purchase card. The employee shall return all City credit/purchase cards at the request of the Director of Finance or designee, or upon separation of employment. Final paycheck will be held until all outstanding City property has been returned.
- I. Administrative procedures. The Mayor and Director of Finance are authorized to implement administrative procedures necessary to implement the provisions of this chapter.

CONTRACT APPROVALS

- A. The Mayor or designee may enter into and execute on behalf of the City the following contracts without individual approval of each contract by the City Council, provided the contract is consistent with the approved annual budget for the City and the City's liability under the contract does not exceed available fund balances:
 - 1. All contracts that are not otherwise identified in this policy involving a cost or fee (including sales tax) that does not exceed \$25,000.
 - 2. Public Works projects involving a cost or fee of less than \$116,155 involving multiple trades, and \$75,500 involving a single trade.

3. Contracts that are not otherwise identified in this policy that carry out or implement a provision of the Milton Municipal Code or established City policy (e.g., maintenance or performance bonds for plat improvements).
 4. Emergency contracts.
 5. Employment and personnel matters. Unless otherwise provided by statute or ordinance (e.g., salaries and compensation are subject to City ordinance).
- B. The breaking down of any purchase or contract into units or phases for the purpose of avoiding the maximum dollar amount is prohibited. The amount of a contract includes all amendments; provided, however, amendments that do not exceed in total 10 percent of the contract amount may be entered into without prior City Council approval.
 - C. The Mayor or designee may present any contract to the City Council for prior approval, even if the contract is allowed to be approved without prior City Council approval.
 - D. All interlocal agreements, other than service agreements with a cost of service that does not exceed \$25,000 per year, shall be presented to the City Council for prior approval.
 - E. The Mayor or designee shall promptly, within 10 days, provide to the City Council a copy (or summary) of any contract (or amendment) that has not received prior approval by the City Council.
 - F. Amendments and Change Orders.
 1. Amendments or change orders to contracts requiring City Council approval under this policy may be administratively approved by the Mayor or designee if the changes are:
 - a. Within the scope of the project.
 - b. Consistent with an initial bid process, if any.
 - c. Executed in writing; and
 - d. An increase of the contract award amount (CAA) as follows:

Contract Award Amount	Percentage Increase in CAA (the greater of)	Limits	
		Minimum	Maximum
Less than \$100,000	30% or minimum	Minimum	\$0
		Maximum	\$30,000
\$100,000 to \$500,000	20% or minimum	Minimum	\$30,000
		Maximum	\$100,000
Greater than \$500,000	10% or minimum	Minimum	\$100,000
		Maximum	\$200,000

2. The value of all change orders will be aggregated. When any single change order, or combined change orders on the same project or single purchase, exceeds the value limit, the change must be approved by the City Council, except in the following instances:

- a. On service contracts used to accomplish an ongoing City program as opposed to completing a short-term project or purchase, change order rules, including the aggregate rule, shall be applied on an annual basis.
 - b. Where the size of the contract and the exhausting of change order authority make further change order authorization impractical, the City Council may, upon recommendation of the Mayor, extend the aggregate limits for specific contracts.
3. A work change directive may be used to:
- a. Authorize and direct work that will result in an increase in contract price within the administrative authority of the Mayor or designee as provided for in this policy for specific contracts. Work change directives that affect the contract price shall be incorporated into a change order.
 - b. Authorize and direct work that will result in an increase in contract price in excess of the administrative authority of the Mayor or designee as provided for in this policy where unforeseen conditions necessitate an immediate change to avoid a contractor's claim against the City for delays. The work change directive shall be incorporated into a change order and presented to the City Council as soon thereafter as practicable.
 - c. Authorize and direct emergency work that may result in an increase in contract price in excess of the administrative authority of the Mayor or designee as provided for in this policy-where public health, safety and welfare are endangered. The work change directive shall be incorporated into a change order and presented to the City Council as soon thereafter as practicable.
 - d. The City Council will be notified of work change directives issued in excess of the administrative authority of the Mayor or designee as soon as practicable.

EMERGENCY PURCHASES OF SUPPLIES

- A. Upon the proclamation of a civil emergency by the Mayor, and during the existence thereof, emergency purchases of supplies, materials and equipment are authorized to be made in accordance with the following procedure:
 1. Emergency purchasing forms shall be provided by the Finance Department for use for emergency purchases or contracting for supplies, materials or labor during the existence of such emergency. Such forms, invoices, purchase orders or itemized receipts shall provide for the filling in of appropriate information which shall include date and time of purchase, name and address of supplier, quantity, unit, description, unit price and total price of item, name and appropriate identification number from the identification card of the person making the purchase, date required and date delivered, description of use of item, including disaster work and location of use, and name and appropriate identification number from the identification card of the person receiving the item.

2. With the exception of City employees and elected officials, an identification card shall be used in all cases to verify that the purchaser is authorized by the City to make emergency purchases.
3. A log of all purchases made during any emergency shall be maintained by each department.
4. The heads of departments making emergency purchases shall account for all costs incurred in making such purchases.
5. Upon termination of the emergency, the heads of departments shall review all emergency purchase orders issued by their respective departments, and shall verify and authenticate such orders, and submit a summary thereof through the Finance Department to the City Council for authorizing of payment.

B. Finance Department to Review Purchases and Mutual Aid Agreements

1. The Finance Department, in cooperation with the City departments making purchases or expenditures during the existence of an emergency, shall review all such purchases or expenditures for potential reimbursement under appropriate state or federal disaster assistance programs or other available state or federal grant funds.
2. The Finance Department shall also review all mutual aid agreements and services received by the City during any such civil emergency and shall certify the services and any payment due.

Disposition of Surplus Property

This policy establishes procedures for the disposition of property, other than real estate, which is surplus to the needs of the City. "Surplus" is defined for purposes of this policy to mean any tangible, personal property owned by the City that is not needed at present or in the foreseeable future and is no longer of value or use to the City.

Notification to Mayor and Finance Director

When a City department has determined that property is surplus to its needs, notification must be made to the Mayor and Finance Director. Such notification shall include a detailed description of the property, its location and condition, its estimated value and recommended method of disposal. Estimated value shall be determined by the reasonable market value in "as is, where is" condition.

The Mayor or designee shall then determine if any other department of the City has a use for the property. If such a use is found, the Finance Director shall carry out the transfer of ownership and ensure that, if necessary, the fund disposing of the property is reimbursed for its estimated value.

If it is not reasonable and in the best interests of the City to reassign the property, it must be declared as surplus to the City's needs by the Mayor or City Council as provided for in this policy based on estimated value.

Surplus property with a value of \$5,000 or less

If the estimated value of the surplus property is \$5,000 or less, the Mayor or designee may declare the property surplus to the City's needs and authorize its sale or disposal.

Once authorized, surplus property may be sold or disposed of in any legal, commercially reasonable manner in the best interests of the City, including but not limited to public auction, private sale, sealed bid, exchange of in-kind goods, or through a broker or agent.

Surplus property which has only nominal value because of obsolescence, wear and tear, or other reasons, may be sold as scrap. Property which has no marketable value or use may be discarded as refuse.

Surplus property with a value greater than \$5,000

If the estimated value of the surplus property is greater than \$5,000, the City Council must declare the property surplus to the City's needs and authorize its sale or disposal by resolution.

Permissible methods of disposition of surplus property include, but are not limited to:

- Public auction.
- Solicitation of written bids.
- Negotiated sale to one or more designated buyers.
- Transfer to another agency of government.
- Trade-in upon the purchase of a like article; or
- City council authorization to dispose of the surplus property in another manner

A public hearing must be held for the disposition of surplus property with an estimated value greater than \$50,000 if the property was originally acquired for public utility purposes or the property will be disposed of through transfer to another governmental entity.

Conflict of Interest

Due to conflict-of-interest concerns, City officials and employees are restricted from purchasing surplus property if such officials or employees had any role in the decision to surplus the property or administering the sale of the property.

Auto and Driving Policy

This policy establishes procedures which provide vehicles for business use, to allow employees to drive on City business. These procedures affect all departments and all non-uniformed City departments.

1. Procedure.

- A. All employees who are authorized to drive a City vehicle must have a current, valid Washington State Driver's license and always carry it with them. It is the employee's responsibility to advise their Supervisor and Human Resources when an expired license has been renewed. All Employees must also maintain a safe driving record that meets the minimum criteria set forth below.

As a driver of a City vehicle, employees must observe all traffic laws, drive safely and defensively in the performance of their duties, and maintain the security of the vehicle and its contents. Employees are responsible for any driving infractions or fines because of their driving.

1. Except where explicitly authorized by an employment contract or other written documentation, City vehicles are to be used for official City business only.
2. Employees may not drive any vehicles for City business without prior approval of their Supervisor. Employees approved to drive on City business are required to inform their Supervisor of any changes that may affect either their legal or physical ability to drive or their continued insurability.
3. Employees who require regular driving for business as an essential job function must, as a condition of employment, be able to meet all the driver approval standards of these procedures always.
4. Employees who need transportation during their normal work may be assigned a City vehicle for their use. All other employees needing transportation for City business may use vehicles assigned to their department or those drawn from the motor pool. As a last alternative, when no City vehicles are available, employees may use their own vehicles for business purposes with prior approval of their Supervisor.
5. Non-employee and non-business passengers are prohibited from riding in City vehicles, i.e., family and friends.
6. Employees must report any accident, theft, or malicious damage involving a City vehicle to their Supervisor and the Human Resources Department, regardless of the extent of damage or lack of injuries. Such reports must be made as soon as possible but no later than twenty-four hours after the incident. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement other than in reply to questions of investigation officers.
7. Employees are not permitted, under any circumstances, to operate a City vehicle, or a personal vehicle for City business, when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of injury, illness, or medication.
8. Employees shall not operate any City vehicle at any time or operate any personal vehicle while on City business while using or consuming alcohol, illegal drugs, or prescription medications that may affect their ability to drive. The City has a zero-tolerance practice prohibiting

operators of vehicles from drinking alcohol, consuming illegal drugs, and taking prescription medications that affect ability to drive. Employees shall not text or email when driving on City business. If there is reasonable suspicion that an employee may be under the influence, employee will be tested for drug and alcohol impairment.

- B. Operation of Personal Vehicle on City Business. In the event an employee drives their personal vehicle on City business, the employee will be reimbursed at the mileage rate currently in effect from the Internal Revenue Service upon the submittal of a travel expense voucher to the Finance Department. The employee shall have proof of automobile insurance on file with the City, as the employee's insurance will apply to any accident occurring in a personal vehicle while on duty. If the employee does not carry coverage for driving their personal vehicle while on duty, the employee will be held personally responsible to pay for all damages incurred to their vehicle.
- C. Drivers Records Checks. Employees operating a City vehicle shall always have a valid Washington State Driver's License. The City may verify the drivers' records of employees who are authorized to drive City vehicles for both employment related and non-employment related violations. As a condition of employment, employees shall sign an authorization form granting the City permission to check employee driving records. Human Resources will check employees' driver's licenses periodically for status with the employee's consent. A photocopy employee's driver's license may be filed with the Human Resources Department.

Failure to be legally authorized to operate a City vehicle may impair an employee's ability to satisfactorily perform their job. Such conditions are subject to the review of the appropriate supervisors and management and any corrective actions or dismissal will follow existing disciplinary guidelines.

- D. Driving Violations. For the purposes of these procedures, the following definitions apply:
1. "Type A Violations" are serious criminal traffic offenses, which, could result in revocation of the employee's driver's license. Conviction of a Type A violation normally results in revocation of an employee's authorization to drive a City vehicle while the conviction is on the employee's driving record. These include:
 - Driving under the influence of drugs or alcohol
 - Negligent homicide or personal injury arising out of the use of a motor vehicle (gross negligence)
 - Operating a motor vehicle during a period of license suspension or revocation
 - Aggravated assault with a motor vehicle
 - Reckless driving
 - Hit and run-attended vehicle
 - Driving without insurance because of a previously suspended license
 - Vehicular assault
 2. "Type B Violations" are all moving violations not listed as Type A Violations.

3. "Accident" means an occurrence resulting in bodily injury, death or property damage that was found to be preventable.

Violations categorized as "Type A" Violations (whether on-duty or off-duty, in a City vehicle or non-City vehicle) may result in the employee being prohibited from driving City vehicles or vehicles on behalf of the City. If the violation occurred on duty, disciplinary action may result.

Accidents and violations categorized as "Type B" violations may also subject the employee to suspension from driving City vehicles or vehicles on behalf of the City (whether the violation or accident occurred on-duty or off-duty) and discipline (if the violation or accident occurs on-duty) based up review of frequency, severity, circumstances, past driving record and employment history.

For employees required to drive as a condition of employment, violations or accidents which result in the prohibition of driving a City vehicle or vehicle on behalf of the City may result in the employee's inability to perform the essential functions of their job, which in turn, may result in discipline, up to and including termination. Post-Accident/Incident drug and alcohol testing will be executed by using the Decision-Making Form. **(Appendix A)**

- E. Employee Responsibilities. Employees who are authorized to drive a City vehicle must notify their Supervisors immediately in the event they:
 - Have their driver's license revoked or suspended.
 - Receive a citation for any moving violation while driving a City vehicle.
 - Receive one citation for a Type A violation or two citations, within three years for Type B violations or accidents, whether on-duty or off-duty.

Failure to notify the Supervisor or Human Resources in writing as required by this section is grounds for discipline.

- F. Those employees that possess a Commercial Driver's License (CDL) are required to conform to the following:
 - You may only be licensed in one state. If you break this rule, you may be subject to fines and imprisonment under the applicable state and federal laws.
 - You must notify employer of any traffic violations (except parking) within 30 days of conviction. You must notify your motor vehicle licensing agency within 30 days if you are convicted in any other jurisdiction of any traffic violation (except parking).
 - If you have a hazardous materials endorsement, you must notify and surrender your hazardous materials endorsement to the state that issued your CDL within 24 hours of any conviction or indictment in any jurisdiction.

Communication

Information Boards

You will see “information” bulletin boards at each work area/site, which contain information about employee activities, notice of policy changes, job postings and other announcements of importance to each employee. Making a habit of reading them often is your obligation. Failure to read the information board could result in your missing a mandatory meeting, or policy change, etc.

Release of Employee Information

Information pertaining to current or former employees of the City will be provided in response to requests for employment verification when required by the Washington Public Records Act or to satisfy legitimate investigative or legal needs. The City does not give references but will verify dates of employment and job title/duties. All requests for employee information must be coordinated with Human Resources.

Except where release is authorized or required by law, all information requests must be accompanied by a written authorization, signed by the employee, permitting the release of information.

MEDICAL INFORMATION:

Results of medical examinations and private medical history information provided by or gathered regarding employees shall not be released to any third parties without the explicitly written permission of the affected employee unless authorized by law.

INFORMATION PROVIDED OTHER GOVERNMENTAL AGENCIES:

The City provides to federal, state, and local government agencies the kinds of employee data routinely required by such agencies, i.e., tax and payroll information. Should a government agency request information other than that routinely required, the employee ordinarily will be advised of such a request. All such request shall be responded to in writing. In the course of an investigation, if a government agency requests that such investigation be kept confidential, the City, in its discretion, may honor such a request.

INFORMATION PROVIDED NON-GOVERNMENTAL ORGANIZATIONS:

The City will ordinarily honor subpoenas demanding information with respect to any employee but will seek to advise such employee with respect to information requested unless prohibited by law. The City has no obligation to contest the validity of any such subpoena. The City will verify to non-governmental organizations the employment status, i.e., dates of employment and positions held, of former or present employees. Unless authorized by law, no other information will be provided unless the City has received from the employee involved a written request to do so. The City shall seek to advise such employee with respect to any request for additional information. The City has no obligation to advise an employee when requests are made under the Public Records Act.

INFORMATION PROVIDED EMPLOYEE UNION:

The City will provide to the union representing an employee information related to the employee's seniority, job classification, wage rate, hours of employment, benefit information, and other information as required by law and when appropriate to proper administration of the collective bargaining agreement covering such employee. The City will also provide such other personal and confidential information as the employee shall direct the City disclose.

Information Provided to Media

All inquiries from the media shall be routed to the Mayor and/or Chief of Police, no exceptions. Staff shall inform the Mayor and/or Chief of Police if they have been contacted by the media via phone call or email, at a public meeting, or if a reporter states that he/she is on a deadline and doesn't have time to call or can't reach the Mayor and/or Chief of Police. City staff shall inform the Mayor and/or Chief of Police of a media inquiry promptly and if they cannot reach the Mayor and/or Chief of Police, they are to notify their Supervisor or Director of the inquiry immediately.

Technology and Cell Phone Use

The City cell phone and technology resources are provided for the purpose of conducting City business. City employees are obligated to conserve and protect City electronic communication and technology resources for the benefit of the public interest. Responsibility and accountability for the appropriate use of City electronic communication and technology resources ultimately rests with the individual employee. City electronic communications and technology resources include computer systems, telecommunications systems, networks, supporting equipment, and services such as e-mail, telephones, cell phones, smart phones, voice mail, data storage, and Internet use. The management of electronic records is subject to federal and state laws including the provisions regarding retention and disclosure. Improper use of the City's electronic communications and technology resources may result in discipline, up to and including termination.

1. Guidelines and procedure.

- A. Approval- The acquisition of cellular telephones shall be limited to those instances in which there is a need for such equipment to perform essential City business or to improve safety, increase productivity or increase service to the public. The purchase of cellular telephones shall be subject to approval by the Department Director.
- B. Responsibility of Department Directors- The Department Director or designee shall assign each cellular telephone to one specific individual and shall ensure appropriate controls are in place for checkout, return, security, and maintenance of the equipment. It is the responsibility of the Department Director or designee to provide for a routine examination of cellular telephone billing detail to ensure proper use of such equipment.
- C. Ownership-All software, programs, applications, templates, data, files, and web pages residing on City computer systems or storage media or developed on City computer systems are the property of the City. The City can access, copy, modify, destroy, and delete this property. The City may also request, at any time, that electronic devices issued to an employee, including cell phones be turned

back in.

- D. **No Expectation of Privacy**-Employees understand and agree that they have no expectation of any privacy or confidentiality in any information they create, store, or transmit using these resources. This includes but is not limited to all computer files and information saved, reviewed, or transmitted via all of the City's technology resources, including but not limited to computer files, computer servers, emails, internet usage, telephones, cell phones, smart phones, voicemail, and text messages and applies to all information created, stored or transmitted during an employee's incidental personal use. No Supervisor or other City employee is authorized to provide assurances that such information is private. The City reserves the right to monitor and randomly audit the business use of the City-owned devices without notice to employees. Such monitoring shall include, but is not limited to, call volume, volume and content of text messages and data usage. Data obtained from such audits may be used to verify employee adherence to this policy, to evaluate potential policy changes based on usage patterns and costs, or for any other legitimate business purpose. Employees should also understand that email messages and other forms of electronic information, including documents created on City computers, may be considered public records subject to retention requirements and public disclosure, as well as release in the event of litigation involving the City.

2. Definitions.

- A. **Authorized User:** Any person who has been given permission to use the electronic resources, whether employed by the City or not.
- B. **Computer System:** Individual desktop or laptop computers, portable computers, handhelds, smart phones, software, email system, the internet and intranet, hosted applications, portable storage devices, magnetic tapes, CDs, DVDs, file servers, peripherals, network equipment and all other components of the City's computer network.
- C. **Electronic Communications:** Any communication transmitted electronically via the use of the electronic communications resources.
- D. **Internet:** A global system of interconnected computer networks that use a standard communication protocol to serve billions of users worldwide.
- E. **Intranet:** Web site containing content and applications for City internal use only.
- F. **Hosted Applications:** Application software that resides on a third- party vendor's system and is accessed by users through a web browser using HTML or by special purpose client software provided by the vendor.
- G. **Occasional Use:** Irregular and infrequent usage.
- H. **Public Record:** 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 the agency regardless of physical form or characteristics, or as defined in 42.56 RCW.
- I. **Streaming Audio/Video:** Technology used to "play" audio/video on a PC or Smart phone over a network; can be used for music, voice, lectures, and other audio/video material.

- J. **Web Browsing:** Use of a browser tool to access web sites on the internet.
- K. **Smart phone:** a cellular telephone with an integrated computer and other features not originally associated with telephones, such as an operating system, Web browsing and the ability to run software applications.
- L. **Social Media:** the use of blogs, wikis, social networks, virtual worlds, or any other kind of online social interaction.

3. Use of City System.

- A. **Acceptable Uses** -The City's information and technology resources are to be used for City business. Incidental, de minimus personal use may be permitted where, in the judgment of the employee's Supervisor or Department Director, such use does not interfere with the employee's or the department's productivity. Generally speaking, incidental, de minimus personal use means: (1) occasional and of short duration; (2) done on an employee's personal time, such as during lunch break; (3) does not interfere with job responsibilities; (4) does not result in any expense to the City; (5) does not solicit or promote commercial ventures; (6) does not utilize excessive network resources such as audio or video streaming; and (7) does not constitute a prohibited use, discussed below. Employees should be aware that personal messages and data on the City's system are not private and may be subject to public disclosure.

Any questions about whether a use is permitted or not should be directed to Human Resources.

- 4. Employees are prohibited from holding any cell phone in either hand or both hands, using hands or fingers to compose, send, read, view, access, browse, transmit, save, or retrieve email, text messages, instant messages, photographs, or other electronic data, or watching video on a personal electronic device while operating a motor vehicle. However, this does not preclude the minimal use of a finger to activate, deactivate, or initiate a function of the cell phone. In addition, this does not apply to any employee who uses a cell phone to contact emergency services. Employees must immediately notify their Supervisor if they are given a citation for using a cell phone while on duty. Employees are responsible for payment of any fines associated with the citation.

- A. **Prohibited Uses** - The City's information and technology resources shall not be used to engage in any communication that violates federal, state, or local laws or regulations, or any City policy. In addition, the following uses of the City's information and technology resources are inappropriate and prohibited, unless engaged in as part of official City business (such as a criminal investigation) or required by law (such as a public disclosure request):

- Personal commercial use.
- Personal social networking such as Facebook, Twitter, Snapchat, etc.
- Listening to on-line audio or viewing streaming video and sending bulk mail.
- Installing unauthorized software such as games, internet-based services, personal email accounts or other personal software.
- Accessing, receiving, or sending pornographic, sexually explicit, or obscene materials.
- Use in connection with any type of prohibited harassment or discrimination, including the transmission of offensive messages derogatory toward any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability, or other Protected Status.

- Gambling.
- Infringing on the trademark, copyright, or patent rights of others, or violating software licensing agreements.
- Use for political purposes, including partisan campaigning.
- Deliberately propagating any virus, malware, spyware, or other code or file designed to disable or otherwise harm any network or system.
- Disclosing confidential information, including medical or other highly personal information about other employees.
- Connecting to the City network using some else's security identification login.
- Usage while driving except for circumstances that fall under RCW 46.61.667.

5. Passwords.

- A. Strong Passwords-All computer users must have a strong password to access their computers. It is recommended that users create passwords using a favorite phrase or song title without any spaces between words.
- B. Password Protection Standards
 - Passwords are not to be shared with anyone.
 - All passwords are to be treated as sensitive, confidential information.
 - Passwords should never be written down or stored on-line without encryption.
 - If someone demands a password, refer them to this document and direct them to the Department Director.
 - Always decline the use of the "Remember Password" feature of applications (e.g., Outlook, Google, Chrome, etc.).
- C. Automatic Lock-Computers must be set-up to automatically lock after a certain period. Computers should be shut off at the end of the day or when left unattended for an extended period.
- D. Out-of-Office Security-When using outside the office reasonable precautions should be made to prevent theft and vandalism of computers. Computers must not be left in parked cars where they are visible. If a cellular telephone is lost, stolen, or vandalized due to an employee's failure to use reasonable precautions, the City may require the employee responsible for such cellular telephone to reimburse the City for the reasonable cost to replace such telephone. Employees with assigned cellular telephones must immediately report the loss or theft of their cell phone to their Supervisor or Department Director.

6. Social Media Usage with Personally Owned Phone-Employees are advised that City rules and policies apply to social media conduct, including policies regarding statements to the media, anti-discrimination and harassment, prohibitions on releasing confidential information. On-duty use of social media is prohibited, unless conducting City business. Off-duty, personal use of social media by employees is not prohibited; however, employees are reminded the City rules and policies apply to social media conduct to the same extent as other off-duty conduct. The following additional rules also apply to employees' use of social media:
 - A. Social media content that relates to City business may be considered a public record subject to retention and disclosure under the Public Records Act. Employees are prohibited from using personal social media to conduct City business.
 - B. Employees are prohibited from using their City email address, the City's official logo, or themselves in City uniform or any manner that suggests or implies they are speaking as a representative for the City.
 - C. Employees may not post, upload, or create any social media content at work or using employer equipment that is known to be false, misleading, or fraudulent.
7. Reimbursement of Personal Business with City Phones-
 - A. Personal cellular telephone charges will be reimbursed at the "per minute rate" the City pays for minutes billable to the telephone in excess of the "free time". This reimbursement shall apply to all personal calls and data usage within or outside the "free time" range. Reimbursement shall include any additional costs incurred due to an "over the limit" charge. Long distance, roaming charges and data used will be reimbursed at the rate identified on the billing detail.
 - B. Failure of the employee to reimburse the City within 20 days of receipt of invoice may result in the deduction of the amount due from the employee's paycheck, or final check upon termination of employment, or garnishment of wages if employee has received final check upon termination of employment.
8. Reimbursement of City Business with Personal Phone-
 - A. Employees using personal cellular phones may be reimbursed by the City for direct airtime for calls to conduct authorized City business if the employee signs a statement stating that the City's cellular provider does not cover the area of the call. The employee will be required to keep a record of the date, time and identify the purpose/information for the call on the personal cellular telephone. Reimbursement shall be made through the City's expense claim process with the billing detail. All City business calls must be identified, including name of person/agency calling/called and reason for call.

Performance and Support

Employee Assistance Program

All City of Milton employees have access to the Employee Assistance Program (EAP) the first of the month following date of hire. EAP services are available to help with a wide range of concerns and problems, and provides free access to many great services, including legal and financial counseling. The EAP is available 24 hours a day, 7 days a week by calling 1-800-570-9315. Or go online at www.guidanceresources.com, choose “**first time user**” and under “Your Company/Organization WEB ID” type “**trusteap71**”.

Training and Professional Development

The Mayor and Directors shall encourage training opportunities for City employees in order that services rendered to the City will be more effectively provided and that personnel are more prepared for greater responsibility and promotions. Training should be job related. Training sessions may be conducted during regular working hours at the discretion of the Department Director.

Training and Travel

To establish a policy and procedure related to employee expenses incurred while conducting official business, obtaining travel authorization, and reimbursing employees for expenses incurred in conduct of business of the City, and to implement the following.

Authorization to Travel. Travel by City officials and employees, City Council, and members of boards and commissions shall be specifically provided for in an approved budget and as provided below: Specific trip authorization shall be approved in advance using the travel request form. **(Appendix B)**

Board and Commission Members. Workshops, seminars, and conferences are normally included in budget requests.

Out-of-state travel must be approved by the Mayor provided such travel request is submitted in writing with justification for such travel.

Eligible Expenditures. Generally, eligible expenditures include travel and living costs incurred by the employee while away from the city and expenses incurred within the City necessitated by City business. Eligibility for expense reimbursement will be based on the following conditions:

Registration. Actual cost of registration of any employee at a meeting, conference, or convention for which he/she has received approval. Registration should be prepaid by use of a purchase card. Employees shall attend all conferences, meetings, and training sessions that are paid for at City expense. A copy of the conference agenda must be submitted with the travel reimbursement request.

Transportation. Actual costs for bus travel, train travel, taxi, car rentals, ride share services, parking fees, and air travel are eligible, provided all air travel shall be by government rates, internet rates or economy class, whichever is the most cost-effective rate for travel.

Employees using a personal vehicle to travel on City business will be reimbursed at the rate established by the Internal Revenue Service. Payment shall not exceed the lowest economy class airfare to the same destination.

Employees shall provide reasonable documentation of destination mileage and general purpose of business on reimbursement travel expense vouchers. Acceptable documentation includes beginning and ending odometer readings, trip mileage readings and MapQuest or similar mileage calculations. Frequent local use of a personal vehicle by an employee for City business may be accumulated and reported on a monthly basis as one reimbursable expense.

While using a City-owned vehicle on City business, the employee shall use a City purchase card for purchases of gasoline, oil, emergency repairs, or other related expense.

Lodging. Actual cost of hotel or motel accommodations is an eligible expense. If a family member or guest accompanies the employee, the employee shall pay for the amount over that of a single accommodation. The single accommodation rate must be noted on the hotel/motel statement. The employee shall always secure the most cost-effective government rate or Internet rate available. To be eligible for reimbursement for overnight travel expenses, one-way travel distance must be greater than 50 miles from the official residence or official workstation, whichever is shorter.

Lodging associated with one-way travel of less than 50 miles must be approved by the Mayor.

Meals While in Travel Status.

An individual shall be deemed to be in travel status when the travel includes reimbursable lodging.

Meals will be paid per diem based on the Federal Meal Per Diem Rate for meals by location. Meal per diem amounts include tips.

The amount of the authorized meal per diem is calculated by day. If the employee is in official travel status for more than 12 hours on any given day, they will receive the full per diem for the day. If the employee is in travel status for less than 12 hours, they will receive 75% of the daily per diem rate.

Where conference registration or training tuition fees include one or more meals, the City shall deduct per diem rates for those meals from the daily per diem total.

Prior to the start of the trip the employee must decide to pay for all meals personally and seek reimbursement after the fact; or elect to use a City purchase card for all meals.

- Meals which are paid for personally will be reimbursed at the full per diem amounts and do not require receipts.
- Meals which are paid for on a City purchase card are authorized up to the maximum of the daily per diem allowance but must not exceed the allowance on any given day of travel. Itemized receipts are required. Alcohol is not allowable regardless of whether or not the total is within the daily allowance.

Meals – Not in Travel Status.

Eligible meal expenses, when not on travel status, require submission of the detailed restaurant receipt (not the receipt which can be filled out by the individual) and shall be reimbursed or charged on a City purchase card, approved at actual cost not to exceed daily per diem allowance.

Expenses for meals where City business is conducted and that could reasonably occur during non-meal periods are not eligible for reimbursement. Meals for City Council, Mayor, and city staff conducting formal City business during mealtimes are specifically authorized.

Laundry and Valet Service.

Actual costs of laundry and/or valet service are allowable expenses when employees are required to be away from the City for more than six days at one time.

Telephone.

Charges for telephone are eligible for reimbursement only if City business requires such communication.

Ineligible Expenses. None of the following expenses shall be paid by the City:

- 1) Travel paid for by any other organization.
- 2) Alcoholic beverages.
- 3) Valet services (except as noted above).
- 4) Meals or lodging accommodations for family or guest.
- 5) Any meal expenses when already provided within the cost of registration for a conference, training, or other such event.
- 6) Tour bus fees for sightseeing tours.
- 7) Mileage if traveling as a passenger in a privately owned car.
- 8) Trip insurance.
- 9) Hosting; or
- 10) Any other personal expenditures for entertainment or other purposes.

Documentation of Expenses.

Every separate submittal of travel-related expenses must be accompanied by a copy of the approved registration.

All actual expenses shall be submitted to the Finance Department (for reimbursement) on the travel expense claim form. In the case of lodging expenses, a detailed statement of charges must be submitted. Each employee is expected to submit his/her own travel expense voucher reflecting reimbursable expenses actually incurred.

If lodging accommodations are shared between two or more employees on travel status, the employee paying the bill may submit the lodging portion of the billing for all such employees.

Travel Arrangements.

When employees are making travel and accommodation arrangements, it shall be the responsibility of the employee to obtain government discount rates or Internet rates. Employees are expected to make

travel and lodging reservations in advance whenever possible and to take other actions to ensure that travel and lodging is secured at the most reasonable rate possible.

1. Procedure.

- 1) All travel expenses, including local events, must receive appropriate pre-approval by the Department Director. Pre-approval may take the form of an email attached to the registration with submittal of the invoice or a signature on the invoice. Individuals who incur such expenses without preapproval do so at the risk of denial of reimbursement or payback obligation.
- 2) Travel and expense reimbursements must be signed, approved, and filed in the Finance Department on a travel expense claim form within 20 days after the return from travel.
- 3) Request for reimbursement of allowable travel expenses shall be prepared by the employee claiming reimbursement on the travel expense claim form with all of the required receipts. Form must be signed by the Supervisor and Director. Reimbursement will not be made if the required receipts are not attached. The travel expense claim form will then be processed through the next accounts payable run.
- 4) Purchase card reconciliation of the expenses shall require the completion of a travel expense claim form. Each expense shall be itemized separately with the corresponding purchase card receipt attached.
- 5) Except for lodging where individuals share the same room or transportation conveyance (cab, rental car, etc.), each individual seeking reimbursement must incur his/her own expenses and seek individual reimbursement. The only exceptions are group meals arranged for working sessions or banquets arranged by a department. Disallowed charges or charges not properly identified will be paid by the employee before the purchase card payment is due. Failure to do so will render the employee personally liable for the unpaid amount plus interest at the rate charged by the bank that issued the purchase card. If, for any reason, disallowed charges are not repaid before the purchase card billing is due and payable, the City shall have a lien against and a right to withhold any and all funds payable or to become payable to the employee in the amount of the disallowed charges, plus interest.
- 6) The Mayor and Finance Director are authorized to implement any administrative procedures necessary to implement the provisions of this section.

Compensation for Out-of-Town Travel Time.

All travel time related to work is compensable regardless of the number of hours or when the travel takes place. It also includes any time necessary to get to an airport, train station, or other transit center necessary to complete the out-of-town travel. Regular commute time is not, however, considered travel time.

Performance Feedback and Appraisals

To achieve the City's goal to train, promote, and retain the best qualified employees for every job, the City conducts periodic performance evaluations for all positions. City employees are to be evaluated by their Department Director/Supervisor prior to the completion of their orientation period and at least once every twelve (12) months thereafter, generally upon their employment anniversary date. The performance evaluation is part of an employee's conversion to regular status, whether the employee receives a wage increase or is to be promoted, transferred, demoted, laid off, or terminated. The performance evaluation shall include a section that allows employees to establish long and short-term goals and a section for employees to comment concerning the evaluation. The performance evaluation shall include a section that allows the employee to accept or to appeal the evaluation to the Mayor, who will review it in a reasonable time. The Mayor's decision of the appeal will be final.

Performance Issues and Corrective Action

All employees are expected to exercise ethical behavior, good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties.

Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in disciplinary action, up to and including termination.

The Mayor or Department Director as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case. The City is an at-will employer; nothing contained in these disciplinary guidelines is intended to change the at-will nature of the employment relationship.

The following are examples of the types of behavior which may result in discipline:

- Drinking alcohol or the use/abuse of non-prescription or prescription drugs or other controlled substances on the job or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances.
- Violation of a lawful duty.
- Insubordination.
- Absence from work without first notifying and securing permission from the Supervisor.
- Habitual absence or tardiness for any reason.
- Unsatisfactory job performance as determined by the City.
- Conviction of a felony or a misdemeanor involving moral turpitude.
- Acceptance of fees, gratuities, or other valuable items in the performances of the employee's official duties of the City.
- Inability, refusal, or failure to perform the duties of the assigned job.
- Unauthorized release of confidential information about the City, its customers, or its employees.
- Theft or unauthorized removal or possession of property from the City, fellow employees, customers, or anyone on City property.
- Altering or falsifying any timekeeping record.
- Misrepresenting information, situations, or one's actions to a Supervisor.

- Falsifying or making a material omission on an employment application.
- Making erroneous entries or material omissions on the City's records.
- Misusing, destroying or damaging property of the City, a fellow employee, a customer, or a visitor.
- Fighting on City property.
- Bringing on City property dangerous or unauthorized materials, such as but not limited to explosives, firearms, or other similar items.
- Violation of safety or health rules.
- Unauthorized use of another employee's computer password.
- Theft of mail, either paper or electronic, or unauthorized viewing of mail of the City or fellow employees.
- Carelessness or negligence while performing work related duties.
- Working unauthorized overtime.
- Engaging in rude or discourteous conduct towards others.
- Violation of duties or rules imposed by the Manual or by any other City rule, regulation, or administrative order.

This list is not all-inclusive but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above, or, as stated throughout these policies, with or without cause.

In the event that discipline is necessary, any of the following types of disciplinary actions may be used, depending on the particular situation:

ORAL WARNING: An oral warning is a discussion session between the employee's Department Director or Mayor and the employee on the subject of the employee's conduct and performance or his/her failure to observe a rule, regulation, or administrative instruction. The standard of conduct is explained, and it is made clear that continued misconduct will not be condoned. The employee is warned that future violations will make stronger action necessary. A written record of the time, place, and circumstances of the oral warning shall be documented and placed in the employee's personnel file.

WRITTEN REPRIMAND: A written reprimand is a formal disciplinary action for misconduct, inadequate performance, or repeated lesser infractions and a statement that another infraction may result in further disciplinary action, up to and including termination. Copies of the reprimand are given to the employee, placed in her/his personnel file, and given to the Department Director issuing the warning. A copy is also given to the union should the employee be a member of a union.

SUSPENSION: A suspension is a temporary, unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions. The employee is suspended from her/his job without pay for a period of time that is consistent with the seriousness of the offense. Coupled with such action is the warning that another violation may lead to more severe discipline, up to and including termination. A statement describing the action taken is given to the employee, and copies of the statement are placed in his/her personnel file and given to the department director issuing the suspension. A copy is also given to the union should the employee be a member of a union.

TERMINATION: It is presumed that when the employee has been given the opportunity to conform and has not done so to the satisfaction of the City, it is in the best interests of the City and the employee to terminate employment with the City. If the employee is a union member, it is advisable that the union be present at the time of termination. Some infractions are so serious that termination is permitted with the first violation. In the case of a serious offense, the City is not obliged to initiate discipline at a lesser stage but may, at its sole discretion, apply any state of disciplinary action deemed appropriate.

Pre-Termination Hearing

In the case of termination of an employee by the City, the City will conduct a pre-termination hearing. The pre-termination hearing serves as a check against mistaken decisions and to determine whether there is a reasonable presumption that the charges against the employee are valid and support termination. The employee may have an attorney or other representative present at the pre-termination hearing at their own expense. The pre-termination hearing does not apply to part-time, provisional, temporary, or probationary employees.

Resignation

An employee should provide the City a written notice two (2) weeks prior to the date of their resignation from the City. This time limit may be waived by the employee's Department Director or the Mayor in certain circumstances. The Department Director shall forward a copy of the resignation to Human Resources for the personnel file. An exit interview may be conducted with employees leaving employment with the City.

Job Abandonment

If an employee does not show up for work or contact the Supervisor, the Supervisor should attempt to reach the employee by phone. If the employee cannot be reached by phone, the Supervisor should attempt to reach the employee's emergency contact. On the second day of absence, the Supervisor should follow the same procedure, with a message indicating that unless the employee contacts the Supervisor before the end of the third day of absence, the employee is deemed to have constructively quit their job and will be considered a voluntary resignation, effective the last day worked.

Failure to Return from Leave of Absence

If an employee does not return from an approved leave of absence by the agreed-upon return date and does not contact the Supervisor within three (3) days of that date, the employee is also deemed to have constructively quit their job and will be considered a voluntary resignation. The resignation is effective on the agreed-upon return date.

Retirement

Employees who elect retirement should submit written notice to their Supervisor, Department Director or Human Resources, stating their intention to retire and indicating the last available day of employment. A minimum of two (2) weeks' notice is preferred. An exit interview may be conducted with employees leaving the employment of the City.

Layoff

The Mayor may lay off employees due to lack of work, budgetary restrictions, or other changes that have taken place. Temporary employees or employees who have not completed their orientation period will be laid off before regular employees are affected. In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for remaining jobs. Seniority will be considered when performance and qualifications are equal, unless otherwise stated in the Union Agreement.

Continuation of Benefits (COBRA)

The City of Milton will inform terminating employees, or surviving dependents of a deceased employee, of their rights to continue health coverage, as provided by the Consolidated Omnibus Budget Reconciliation Act (COBRA). In addition, information about final paychecks, PTO payouts and other benefits will be provided.

The City of Milton will continue paying for benefits through the end of the month in which the employee terminates employment.

Final Paycheck

Terminated employees will receive their final paycheck on the regular payday following the effective date of termination unless the law requires otherwise. The final paycheck will include compensation through the last day of employment and any accrued, but unused, vacation and compensatory time based on eligibility.

If an employee has a negative vacation or sick balance, the City will deduct an amount equal to what is negative from the final check. Employees who leave employment with the City prior to completion of one year's service shall not be compensated for any accrued vacation time. Any vacation time used during the first year shall be deducted from the lump sum payment. Additionally, any expense advances or other monies the employee owes will be deducted from the final paycheck, where allowable by law.

Any other deduction from a final paycheck must be authorized in writing by the employee.

Termination Checklist

Before leaving the City of Milton, the employee must return all files, reports, cell phones and chargers, laptops, iPad and accessories, uniforms, keys, equipment, credit cards, identification, and other company or customer materials issued to the employee or in the employee's possession. A checklist should be given to the terminating employee before the last day of employment as a reminder of the items that need to be returned. Items not returned by employee may be deducted from their final paycheck if permitted by law.

Pay & Benefits

Employee Classifications

The City of Milton classifies employees as exempt or non-exempt, in accordance with the Fair Labor Standards Act and Washington's Wage and Hour laws.

- *Salaried Exempt* employees are certain executive, administrative and professional employees who are exempt from the overtime provisions of state and federal law and are paid a salary.
- *Hourly Non-exempt* employees are paid on an hourly basis and are eligible for overtime pay pursuant to state and federal law. If you are a non-exempt employee who is scheduled to work 40 hours per week or less, it is your responsibility to keep your hours at or below 40 hours during the week unless approved in advance by your Supervisor.

Employees are also classified as full-time, part-time, temporary/seasonal and on-call:

- *Full-time employees* include both exempt and non-exempt employees who are normally or regularly scheduled to work forty hours per week and are eligible for benefits.
- *Part-time employees* include both exempt and non-exempt employees who are normally or regularly scheduled to work less than forty hours per week but not less than twenty hours per week and are eligible for benefits.
- *Temporary employees* are non-exempt employees who do not have a normal or regularly scheduled number of hours per week, who are employed for a specific assignment. Temporary employees are not eligible for benefits. Temporary employees shall not exceed 960 hours per year.
- *Seasonal employees* are employees who are working on a temporary, short-term position. Typically, seasonal employees are only hired for a specified period of time that should not last longer than 960 hours per calendar year.

Employees are compensated per the following guidelines:

Non-exempt employees are compensated for each regular hour they work on the basis of an hourly rate. When non-exempt employees work more than forty (40) hours in a work week, they are paid at one and one-half times (1-1/2x) their regular hourly rate, or such other amount as may be required by state and federal wage and hour laws or an applicable collective bargaining agreement. All overtime must be authorized in advance. Non-exempt employees entitled to overtime pay may elect to receive compensatory time off instead of cash payment. This is approved on a case-by-case basis by the employee's Department Director. If the compensatory time option is exercised, the employee is credited with one and one-half the hours worked as overtime. Maximum accruals of compensatory time shall be limited to forty (40) hours. After the maximum accrual, overtime compensation shall be paid. Employees should use compensatory time within a reasonable time period after making a request to their Department Director, unless doing so would unduly disrupt City operations.

Compensatory time should be used for short-term absences from work during times mutual agreed to by the employee and her/his Department Director. Accumulation of compensatory time to be used for extended vacation time off is not normally permitted. If an employee is unable to use accrued compensatory time within the calendar year, the employee will be paid his/her original overtime

wage. Should the accrual of compensatory time, along with vacation, holiday leave, and sick leave create a retirement liability to the City, such compensatory time shall be taken by the employee prior to retirement.

Exempt employees are compensated through an assigned salary. This salary is determined on the basis of market value, the special attributes the individual brings to the City, the level of responsibility associated with the position, and the value of the position to the City.

If an employee's paycheck is lost or stolen, please notify a Supervisor immediately. Notify Human Resources, in writing, of any changes in the employee's name, telephone number, home address, marital status, number of dependents, beneficiary designations, individuals to notify in case of an emergency, and so forth. Change of address forms may be obtained from Human Resources.

Work Week

Refer to CBA/Exempt Policy

Attendance

Punctual and consistent, in-person attendance on the job site is a condition of employment. Each Department Director is responsible for maintaining an accurate attendance record of his/her employees. Employees unable to work or unable to report to work on time must notify their Supervisor as soon as possible, ordinarily before the workday begins or within 30 minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting in each day unless other prior arrangements have been made with the Supervisor. If the Supervisor is unable to be reached via phone, the employee may leave them a voice or text message stating the reason for being late or unable to report for work.

Employees are expected to be at work even during inclement weather. Department Directors may allow employees to be late or leave early during severe weather conditions; however, non-attendance will be counted as absence from work and will be charged to accrued vacation time. An Employee who is absent without authorization or notification is subject to disciplinary action, up to and including termination.

Limited Campus Access

In order to perform their job duties, employees may be entrusted with access to secure and/or sensitive areas of City-owned property. For example, custodial employees may be given keys to City Hall so that they may maintain the facility after usual business hours. But, this access is limited. Employees may not enter, access, or allow any other individual to enter/access, any part of a City-owned facility, during times in which it is not publicly accessible, for non-work-related purposes and/or outside of their scheduled work hours, unless given prior authorization to do so by their department director. Any violation of this policy may subject the employee to discipline, including but not limited to termination and/or referral for criminal prosecution.

Time Reporting

All employees must complete a time record, recording all hours worked for the pay period including holiday, sick, over time and comp time. This record allows the City to pay its employees properly for their time.

- Each time record covers hours worked from the first day of the pay period through the last day of the pay period.
- Employees are required to record their time accurately, reflecting the hours actually worked. Falsifying time records is subject to discipline, up to and including termination. Working “off the clock” is not allowed.
- For non-exempt employees, work in excess of 40 hours per week (overtime) is not permitted without prior approval. Employees who work unauthorized overtime will be paid for the hours actually worked but will be subject to disciplinary action up to and including termination.
- The Fair Labor Standards Act (FLSA) requires employers to pay nonexempt employees time and one half of the employees’ regular rate of pay for all hours worked over 40 in a workweek. The City of Milton will not count paid holidays, paid time off (PTO), vacation, personal or sick leave hours taken by an employee toward the calculation of the overtime requirement, because these hours are not actually “worked” and are therefore not considered as hours counted toward overtime under the FLSA.

Pay Periods and Pay Days

All staff are paid twice per month. Paychecks are issued on the 5th and 20th of each month. If the pay date falls on a holiday, then paychecks will be issued the day prior to the regular pay date. If the pay day falls on a weekend day, the paychecks will be issued on the Friday before the weekend.

Meals and Rest Periods

Employees who work five (5) or more hours in a day are provided a generally uninterrupted meal break. The length of the meal break varies depending on your department but is not less than 30, nor more than 60 minutes in length. Employees who are not able to take a break at their discretion are also provided one fifteen-minute break for every four hours worked. All breaks shall be arranged so that they do not interfere with City business or service to the public.

Employees who are authorized to work for two or more consecutive hours beyond normal working hours as determined by the employee’s department head and who purchase a meal in connection with performing such unscheduled, unplanned overtime will be reimbursed in accordance with the City of Milton’s travel, meals and lodging reimbursement policies.

Breaks to Express Breast Milk

The City will providing reasonable break time for an employee to express breast milk for two years after the child’s birth each time the employee has need to express the milk and will provide a private location, other than a bathroom, if such a location exists at the place of business or worksite, which may be used by the employee to express breast milk. If the business location does not have a space for the employee to express milk, the City shall work with the employee to identify a convenient location and

work schedule to accommodate their needs. If employees utilize their standard 15-minute rest break or lunch break to express breast milk, they will be paid for the time. If the employee is taking an additional break for the purpose of expressing milk the time will be unpaid. Employees will not be retaliated against for exercising their rights under this policy.

Employee Parking

The City provides parking for employees in identified reserve parking spaces on a first-come-first-serve basis in the City parking lots. City employees are not authorized to park their private automobiles in the central parking area located between City Hall (Building D), the Milton Activity Center/Police Station (Building B) and the Fire Station (Building A). If parking accommodations need to be made, speak with your Department Director. The City does not assume responsibility for vehicles or their contents in these parking areas.

Employee Health and Wellness Benefits

Providing a quality benefit package for our employees is important to the City of Milton. It is our way of saying “thank you” for pledging your commitment to our vision.

Eligibility for Health Benefits

If you enroll in the health plans at the City of Milton you can also enroll your eligible dependents which include your lawful spouse, your spouse’s natural or legally adopted children and children for whom you are the legal guardian. Children are eligible up to age 26. Eligibility is determined by the City’s health insurance provider and the relevant plan.

Enrolling in Benefits

New employees, who meet the eligibility requirements, are eligible to enroll in the health plans on the first day of the month following date of hire. The City offers three medical plan choices, two dental plan choices, vision, and life insurance. Human Resources will go over plan details with you during the onboarding process.

To be eligible you must work at least 20 hours per week. A change of employment status may result in a change in your benefit eligibility.

Your initial date of eligibility is your time to enroll. Otherwise, you must wait until the Annual Open Enrollment period. Open Enrollment is the only time during the year that you may enroll if you previously waived coverage, changed your benefit elections or added/removed dependents from the plan.

If you sign up for benefits you may not drop or change them during the year unless you experience a qualifying event. Any change in coverage at that time must be consistent with the qualifying event.

Retirement Benefit

Employees may retire as so provided under PERS and LEOFF rules. In all instances, the retirement date and all benefits shall be in accordance with DRS rules and state law. Employees shall be required to contribute to Public Employees Retirement System or Law Enforcement Officers and Firefighters Retirement Systems of the state as provided by law and regulation. Rates of contributions may be adjusted from time to time by current state legislation.

Holidays

All full-time regular employees shall be entitled to compensation for holidays in accordance with their Collective Bargaining Agreements or Exempt Policy. (Part-time regular employees shall accrue holiday benefits in direct ratio to hours worked). Dates of the legal holidays will be so designated as celebrated and proclaimed by the State of Washington. The “floating holidays” shall be chosen by mutual agreement by the employee and the Department Director and must be used

during the calendar year in which the employee is entitled to these “floating holidays”. Refer to your CBA/Exempt policy regarding floating holiday eligibility. In order to be eligible for a holiday (including “floating holidays”) an employee must be in paid status on the regular workday immediately preceding and immediately following the scheduled holiday unless the holiday is a state legal holiday. Paid status includes being compensated for sick leave, vacation, bereavement leave (unless it is taken as PFML leave), military leave, jury duty, compensatory time, and a regular workday. It also includes being paid for working. If a full-time or part-time regular City employee is required to work on any holiday, such time worked on the regular holiday shall be paid in accordance with their Collective Bargaining Agreements or Exempt Policy. Holidays falling on a Saturday are normally observed on the preceding Friday. Holidays falling on a Sunday are normally observed on the following Monday. Employees will be eligible for Holiday pay when their scheduled workday falls on a recognized paid holiday.

Religious Holidays

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

The employee may select the days he or she wishes to take the two unpaid holidays after consultation with his/her Department Director. If an employee prefers to take the two unpaid holidays on specific days, the employee will be allowed to take those days off unless the absence would cause an “undue hardship” or the employee is necessary to maintain public safety. The term “undue hardship” has the same meaning as defined in WAC 82-56-020, as currently enacted and as amended.

The City will consider the following factors, on a case-by-case basis, when determining whether granting the request would cause an undue hardship:

- The requesting employee's department or the City's financial resources.
- The number of other employees requesting leave on the same date(s).
- Impact on the City, the requesting employee's department, or public safety.
- Type of operations of the requesting employee's department.
- Nature of the employee's work.
- Any other impact of the City's operation or requesting employee's department due to the employee's absence.

An employee should submit a request for an unpaid holiday to the employee's Department Director a minimum of two weeks before the requested day off. The Department Director will coordinate with Mayor to evaluate requests and consider the desires of the employee, scheduled work, anticipated peak workloads, response to unexpected emergencies, the availability, if any, of a qualified substitute, and consideration of the meaning of “undue hardship” as set forth above. These unpaid holidays are available only during a single calendar year, and any unused days will not be carried over to subsequent years.

Leaves and Extended Time Off

Vacation Leave

Refer to CBA/Exempt policy

Temporary and seasonal employees receive only those benefits specifically provided for by state law such as the Washington Paid Sick Leave Act.

Vacation Leave Buy Back

The City allows employees to cash out 40 hours of accrued vacation once a calendar year, so long as 2 workweeks of accrued vacation remain for the benefit of the employee. An employee wishing to utilize this policy must have previously taken a minimum of 2 weeks of accrued vacation time during the calendar year.

Starting the 16th year of service, an employee may cash out 80 hours of accrued vacation once a calendar year, so long as 2 workweeks of accrued vacation remain for the benefit of the employee.

Employees requesting an accrued vacation buy back must fill out the request form and submit to their Department Director for approval. Department Directors submit to Finance Department by November 1st. Requests will be reviewed for budgetary limitations by the Finance Department who will provide the Mayor with a recommendation of final approval. The Mayor will either approve or deny the request and forward it back to the Finance Department by November 30th for processing.

Accrued vacation buy back will be processed with the regular December 5th payroll. Due to payroll processing requirements, no separate check runs will be authorized.

Longevity Pay

Refer to CBA/Exempt policy

Leave Without Pay

Upon written request of the employee, the Mayor may grant a regular employee a leave of absence without pay, not to exceed one year. Approval of such leave shall be in writing and signed by the Mayor. No vacation or sick leave benefits or any other fringe benefits shall accrue while an employee is on leave of absence without pay. Upon expiration of a regularly approved leave without pay, the employee shall be reinstated in the position held at the time the leave was granted or to another equivalent position.

Administrative Leave

On a case-by-case basis, the City in its discretion may place an employee on administrative leave with pay for an indefinite period of time, interests of the City, during the course of an investigation

or other administrative proceeding or when the Mayor otherwise determines it to be in the best interests of the City. The length of an administrative leave is at the Mayor or designee's discretion. The City reserves the right to restrict access to non-public areas of City facilities, the City network and databases, and City issued phones, tools, and equipment during the period the employee is on administrative leave.

The City may require the employee to be available during their regular work shift while on administrative leave.

Sick Leave

All full-time and part-time regular employees shall accrue sick leave. Refer to CBA/Exempt policy for accrual policies. Temporary employees who are not entitled to sick leave under a CBA or City policy shall accrue 1 hour of sick leave for each forty hours worked and accrue and may use the leave as provided for by the Washington Paid Sick Leave Act. Verification from a health care provider shall be required when an employee is absent for a period in excess of three (3) consecutive days that an employee is required to work. If the city obtains any health information about an employee or an employee's family member the City will treat such information in a confidential manner consistent with applicable privacy laws. Employer-required verification may not result in an unreasonable burden or expense on the employee. If the City requires verification, and the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee must be allowed to provide an oral or written explanation to the City which asserts: (i) That the employee's use of paid sick leave was for an authorized purpose; and (ii) How the employer's verification requirement creates an unreasonable burden or expense on the employee. The City must consider the employee's explanation. Within ten calendar days of the employee providing an explanation to the City about the existence of an unreasonable burden or expense, the City must make a reasonable effort to identify and provide alternatives for the employee to meet the City's verification requirement in a manner which does not result in an unreasonable burden or expense on the employee. A reasonable effort by the City to identify and provide alternatives could include but is not limited to: (i) Accepting the oral or written explanation provided by the employee as a form of verification which meets the employer's verification requirement; or (ii) Mitigating the employee's out-of-pocket expenses associated with obtaining medical verification.

If after the City considers the employee's explanation, the City and the employee disagree that the City's verification requirement results in an unreasonable burden or expense on the employee: (i) The City and employee may consult with the Employment Security Department ("ESD") regarding the verification requirement; and (ii) The employee may file a complaint with the ESD.

If the City requires verification that the use of paid sick leave is to care for themselves or a family member, verification must be provided to the employer within ten (10) calendar days following the first day upon which the employee uses paid sick leave. If the City requires verification that the use of paid sick leave is for an authorized purpose under the Domestic Violence Leave Act, chapter 49.76 RCW, any such verification requirements must comply with the provisions outlined in the policy on Domestic Violence, Sexual Assault, and Stalking Leave. For use of paid sick leave for purposes authorized under federal, state, or other local laws that permit employers to make medical inquiries, the City may require verification from an employee that complies with such

certification requirements. Where permitted by law, the City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a serious physical or mental condition which impairs her/his ability to perform the job. Employees who call in sick and/or leave early unexpectedly (regardless of reason) will be taken off "on call" register for 24 hours for each day they call in.

Military Leave

Refer to CBA/Exempt Policy

Jury Duty/Trial Witness Leave

Refer to CBA/Exempt Policy

Bereavement Leave

Refer to CBA/Exempt Policy and the Paid Family Medical Leave ("PFML") Policy.

Domestic Violence, Sexual Assault, and Stalking Leave

Employees who are victims of domestic violence, sexual assault, or stalking, or who have a family member who is a victim, may take reasonable unpaid leave from work either in continuous blocks of time or intermittently, or continue employment on a reduced work schedule, to take care of related legal or law enforcement needs, to obtain or assist in obtaining medical treatment, social services assistance, or mental health counseling, to participate in safety planning, to temporarily or permanently relocate, or to take other actions to increase the safety of the employee or family member. An employee may elect to use sick or vacation time while on leave. For purposes of this policy, family member is defined as child, spouse, parent, parent-in-law, grandparent on either side, or person with whom the employee has a dating relationship. Employees must give as much advance notice of the need for the leave as possible. Leave requests must be supported with one or more of the following:

- A police report.
- A court order of protection.
- Documentation supporting a court appearance.
- Documentation from a healthcare provider, domestic violence advocate, attorney, or clergy; or
- An employee's written statement that the employee or employee's family member is a victim and needs assistance.

If the situation does not allow for advance notice, the employee must notify their Supervisor or Department Director no later than the end of the first day that the employee takes leave.

The City of Milton will continue to pay the City's share of health benefits as if the employee were still at work provided the employee pays his or her share of the premium.

At the end of the leave, the employee will be restored to the same position or equivalent position in pay,

benefits, terms and conditions unless the employee had a temporary assignment or was hired to work on a limited term project that was completed before or during the leave.

Family Medical Leave Act (FMLA)

The City of Milton complies with the Federal Family and Medical Leave Act of 1993 (FMLA) and all applicable State laws related to family and medical leave including but not limited to the Washington Paid Family and Medical Leave (WAPFML) and the Washington Maternity Disability Regulations (MDR).

Purpose

The FMLA provides for up to 12 weeks of unpaid leave to eligible employees for reasons relating to family and medical care. However, the City is not subject to the FMLA's requirements to provide leave unless it employs 50 or more people for a specified period of time within a 75-mile radius. Therefore, the FMLA leave in the Policy is not available to the City's employees if the City does not meet the 50-employee threshold. The MDR provides employees who are pregnant or have given birth additional weeks of leave for the period in which they are physically sick or temporarily disabled. Regardless of whether an employee is eligible for FMLA leave, employees who are pregnant or have given birth are entitled to MDR.

General Policy

Employees who have been employed by the City for at least 12 months and have worked at least 1,250 hours in the last 12 months are entitled to 12 workweeks of FMLA - qualified leave every 12 months for one or more of the following reasons:

1. A serious health condition that makes the employee unable to perform the essential functions of his or her job.
2. Care for a newborn or a newly adopted child or a newly placed foster child.
3. Care of a spouse, child, or parent with a serious health condition.
4. Any qualifying exigency arising when the employee's spouse, child, or parent is called to active military duty or is on active duty. Qualifying exigencies are generally activities related to the active foreign duty or call to foreign duty, including attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

A serious health condition is defined as an illness, injury, impairment or physical or mental condition that involves:

- Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.
- A period of incapacity of more than three consecutive, full calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider.
- A period of incapacity due to pregnancy or for prenatal care.
- A period of incapacity or treatment due to a chronic serious health condition, for a permanent or long-term condition for which treatment may not be effective, or to receive multiple treatments for restorative surgery after an accident or injury or for a condition that would likely result in an

incapacity of more than three full, consecutive calendar days in the absence of medical treatment (e.g., chemotherapy for cancer or dialysis for kidney disease).

Selection of FMLA Period

The 12-month period during which an employee is entitled to 12 weeks of FMLA -qualified leave is a "rolling" 12-month period measured backwards from the date an employee uses any FMLA - qualified leave.

Intermittent or Reduced Work Schedule Leave

In certain circumstances, eligible employees may take FMLA intermittently or by reducing their work schedule. If the FMLA is due to the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary, because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the city's permission. Where intermittent leave or reduced-schedule leave is needed for planned medical treatment, an employee must make a reasonable effort to schedule the treatment so as not to unduly disrupt the city's operations.

Where an employee needs intermittent or reduced-schedule leave based on planned medical treatment, the city may transfer the employee to an alternative position with equivalent pay and benefits that can better accommodate such recurring leave.

Additional Leave for Pregnant Employees

Under the MDR, pregnant employees are entitled to unpaid leave for the period of time that the female employee is physically disabled due to pregnancy and/or childbirth. The period of temporary disability normally lasts six weeks if the pregnancy and childbirth are without complications. With complications, such as required bed rest before childbirth, the period of temporary disability can last longer.

If eligible for FMLA, the pregnancy leave required under MDR runs concurrently (at the same time) with the FMLA and does not extend the 12 weeks of leave allowed under federal law.

Shared Leave When Both Parents Work for the City of Milton

If both parents are employed by the City, they are jointly entitled to a combined total of 12 workweeks of FMLA -qualified leave in a 12-month period for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition. Leave for the birth or for the placement for adoption or foster care must be completed within 12 months of the child's birth or placement.

Additional Leave for Caregivers of Military Personnel

Per FMLA, eligible employees may receive up to 26 weeks of unpaid leave in a 12-month period to care for an injured military service personnel

- who is the employee's spouse, parent, child, or next of kin.
- who is a current member of the armed forces, including National Guard and Reserves; and
- who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is on the temporary disability retired list.

For purposes of this kind of leave, the 12-month period begins with the first day the employee takes leave. The combined total of leave for all purposes described in this policy may not exceed 26 weeks in the applicable leave year.

Notice

An employee seeking to use leave must provide written notice to Human Resources at least 30 days in advance of the need to take the leave when the need is foreseeable. The City may require delay of any leave if the need was foreseeable and proper notice was not given. For leaves that are not foreseeable, the employee should give notice as soon as practical.

When leave is requested in connection with planned medical treatment, the employee must make a reasonable effort to schedule treatment in order to prevent disruptions to City operations.

In addition, employees who need leave for their own or a family member's serious health condition may be asked to provide medical certification from a healthcare provider of the serious health condition, periodic recertification of the serious health condition and when the leave is for an employee's own serious health condition, a certification that the employee is fit to return to work. A second medical certification may be performed by a different doctor at the city's expense. If the second certification differs from the first, the employee and City may mutually select a third healthcare provider paid for by the City, whose opinion will control.

Employees who need leave for qualifying exigency arising from a family member's military leave must provide certification confirming the need for leave.

Employment Protection

Upon return from an FMLA-qualified leave, the employee is entitled to his or her former position or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If an employee takes more than 12 weeks of FMLA-qualified leave in any 12-month period, the City reserves the discretion to not return the employee to work after such leave unless otherwise required by law. If the employee chooses not to return to work for any reason, the employee should notify Human Resources as soon as possible.

Continuation of Health Insurance

For leave taken under the FMLA, the City must keep the employee on its health insurance coverage, including family coverage if applicable, and continue to pay the City's share of the coverage as if the employee were still at work. The employee must pay his or her share of the premium. The City may cancel coverage if the employee's premium payment is more than 30 days late and the City provides the employee with written notice at least 15 days in advance advising that coverage will be cancelled if the premium is not received.

Because neither the WAPFML nor the MDR provides for payment of health care premiums, the City is only obligated to maintain coverage at its expense for a maximum of twelve weeks. If the employee fails to return from leave, the City may recover the premiums paid for any coverage unless the failure to return is due to a serious health condition that prevents return, or other circumstances beyond the employee's control.

The taking of FMLA-qualified leave will not result in the loss of any benefits, including seniority or pension rights, accrued before the date on which the FMLA-qualified leave commenced.

Washington Paid Family and Medical Leave

The Washington State Paid Family and Medical Leave (PFML) law (Chapter 50A RCW) and supporting regulations establish a program administered by the Washington Employment Security Department (ESD) to provide paid leave benefits and job protection to eligible employees who need leave for certain family and medical reasons. PFML benefits will be available starting on January 1, 2020. This policy provides a summary of the PFML program, but employees may obtain additional information at www.paidleave.wa.gov. To the extent an issue is not addressed in this policy, the Employer will administer this benefit program consistent applicable statutes and regulations.

Payroll Deductions

The PFML program is funded through premiums collected by ESD via payroll deductions and employer contributions. The premium rate is established by law. Should the State in the future modify the PFML premium rate or the percentage of premiums subject to collection through payroll deduction, the Employer will modify payroll practices to reflect those statutory changes.

Eligibility

Under PFML, employees may be eligible for monetary benefits and job protection when taking leave for covered reasons. Eligibility requirements are as follows: Monetary Benefits: In order to be eligible for monetary benefits from ESD, an employee must have worked 820 hours in Washington (for any employer or combination of employers) during the year preceding the claim.

Job Protection: In order to be eligible for job protection under PFML, an employee must meet FMLA eligibility requirements (the City must have 50 or more employees, and the employee must have worked for the city at least 12 months and have worked 1250 hours in the last year).

Leave Entitlement

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

Medical Leave: Medical leave may be taken due to the employee's own serious health condition, which is an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider, as those terms are defined under the FMLA and RCW 50A.05.010. However, an employee is not eligible for PFML benefits if the employee is receiving time loss benefits under the workers compensation system.

Family Leave: Family leave may be taken to care for a covered family member with a serious health condition; for bonding during the first 12 months following the birth of the employee's child or placement of a child under age 18 with the employee (through adoption or foster care); or for qualifying military exigencies as defined under the FMLA.

For purposes of family leave, a covered family members means a child, grandchild, parent, sibling, or spouse of an employee, and also includes any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care. "Family member" includes any individual who regularly resides in the employee's home, except that it does not include an individual who simply resides in the same home with no expectation that the employee care for the individual. "Child" includes a biological, adopted, or foster child, a stepchild, a child's spouse, 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. "Parent" means the biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse, or an individual who stood in loco parentis to an employee when the employee was a child. "Grandparent" means a parent of the employee's parent.

You may also use family leave for the seven days following the loss of a child if you meet one of these requirements:

- You would have qualified for prenatal or postnatal medical leave for the birth of your child.
- You would have qualified for family leave to bond with your child during the first 12 months after birth, or
- You had a child under the age of 18 placed in your home and qualified for bonding leave within the first 12 months of placement.

More to know about family leave for the loss of a child:

- The waiting week does not apply to family leave for the loss of a child.
- Family leave for the loss of a child must meet one of the above requirements, but you do not have to be a birth parent. It does not include leave for the death of any other family member.
- Any death of a child occurring prior to the law going into effect (June 9, 2022) is not eligible. You will need to provide the Employment Security Department ("ESD") with the date of death and documentation or an attestation to qualify for this leave. You can call us or send a secure message to let us know, and we may request additional documentation.
- Family leave for the loss of a child is not another type of leave. It is a form of family leave, so it will use hours from your available duration of leave in a claim year.

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

PFML Application Process

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

Notification Requirements

An employee must provide written notice to the City of Milton Human Resources Department of the intent to take PFML leave. If the need for leave is foreseeable, notice must be given at least 30 days in advance of the leave. For unforeseeable leave, notice must be given as soon as practicable. The employee's written notice must include the type of leave taken (family or medical), as well as the anticipated timing and duration of the leave. If an employee fails to provide this required notice to the City, ESD will temporarily deny PFML benefits. After receiving the employee's notice of the need for leave, the City will advise the employee whether the employee is eligible for job protection under PFML or FMLA or both.

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

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

PFML Monetary Benefits

If ESD approves a claim for PFML benefits, partial wage replacement benefit payments will be made by ESD directly to the employee. The amount of the benefit is based on a statutory formula, which generally results in a benefit in the range of 75-90 percent of an employee's average weekly wage. The benefit amounts are subject to change. ESD's website includes a benefits calculator to assist employees in estimating their weekly benefit amount.

With the exception of leave taken in connection with the birth or placement of a child and bereavement leave for the death of a child, monetary PFML benefits are subject to a seven-day waiting period. The waiting period begins on the Sunday of the week in which PFML leave is first taken. The waiting period is counted for purposes of the overall duration of PFML leave, but no monetary benefits will be paid by ESD for that week. Employees may use available accrued Paid-Time-Off (PTO) hours to cover absences during the waiting period.

Supplemental Pay While on Leave

Available vacation and sick leave may be used to supplement your pay while on leave from work during FMLA or PFML. Please contact Human Resources to ensure you utilize your benefits in accordance with your preference. The City of Milton will not use an employee's vacation or sick leave to supplement the monetary PFML benefits without employee consent.

Note: Employees do not continue to accrue paid time off when the employee moves to an unpaid status.

For each day they receive PFML monetary benefits, full-time employees can designate up to eight (8) hours of their accrued sick leave or vacation leave as a “supplemental benefit” under the PFML law.

Employees who work part-time or are not on a 5/8 work schedule can designate accrued vacation or sick leave up to the number of hours they would regularly be scheduled to work as a “supplemental benefit”.

The “supplemental benefit” designation allows employees to make up the difference between the PFML benefit received from ESD and regular pay for a week in which PFML leave is taken, and/or provide replacement income while waiting for ESD to process their PFML application.

The use of accrued sick leave and/or vacation as a supplemental benefit is contingent on 1) the employee submitting proof of application for weekly PFML benefits; and 2) the employee being approved for FMLA leave if the employee is eligible for FMLA leave. The City will then coordinate payment of supplemental benefits and the corresponding deductions from the employee’s vacation and sick leave banks directly with each employee.

Employees are not required to reimburse the City for the supplemental benefit payments even if the amount they receive from ESD, combined with their supplemental benefit, exceeds their regular pay because the supplemental benefit amounts are in addition to their ESD.

Important note: If an employee uses accrued leave during the initial seven (7) day waiting period before receiving payment from PFML, such leave does not qualify as a supplemental benefit and must be reported to ESD when filing the weekly PFML benefit claim.

Leave Sharing Bank

The City has established a leave sharing plan in which eligible employees may donate excess leave for use by a named fellow employee who is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition. Employees that donate such leave must maintain a minimum of 160 hours sick leave accrual after donation and waive all rights to the donated leave. The benefactor of donated sick leave must have used up all available paid leave before receiving any donated sick leave. This leave can be donated anonymously and doesn’t have to be requested by employee in need. Sick leave donations will be reviewed and approved by the Mayor.

Workplace Conduct and Behavior

Violence in the Workplace

As part of our goal to provide a safe environment for our employees and customers, the City of Milton absolutely prohibits any kind of threats or acts of violence in the workplace. We consider such behavior on the part of employees, customers, vendors, or any other individual to be a serious matter.

Threats are generally considered to be an expression of intent to inflict harm. Acts of violence include any physical force intended to harm people or damage property.

As an employee, you are also responsible for:

- Reporting to Human Resources any restraining order, temporary or permanent, which identify any city location as a protected area. You will also need to provide Human Resources with a copy of the restraining order.
- Ensuring that you do not bring any potentially dangerous items – including weapons – to work with you. Weapons of any kind are not allowed in any of the City's workplaces, buildings, or customer sites.

Failure to use good judgment in keeping our workplace free from violence may result in disciplinary action up to and including termination from employment.

Weapons in the Workplace

Weapons (including all firearms and other items capable of harming others) and explosives are prohibited on City premises, including City facility parking lots. Employees are encouraged to promptly report any weapons on City premises to any Director or Human Resources and will not be retaliated against for doing so. This policy does not apply to commissioned police officers.

Personal Appearance and Dress Code

The first impression customers and visitors receive is generally the lasting impression they maintain. Because we are often in close contact with our fellow employees, customers, and visitors, we must be conscious of our appearance and manners. The dress and grooming of City employees should always ensure their safety and well-being on the job. Standards of personal appearance will reflect the needs and expectations of our customers.

Different jobs may have different dress code requirements for the effective performance of job duties (for example, a truck driver needs to wear sturdy footwear); these, too, may be established by the Department Directors. For specific questions related to dress code or personal appearance on the job, employees should talk to their Director. If an employee leaves or is terminated before probation, any clothing/boot allowance that has been paid to them will be deducted from their final check.

The City of Milton reserves the right to determine what is appropriate dress or appearance. Employees who would like to request an accommodation regarding the City rules on dress or appearance for religious reasons should contact their Director. Donning and doffing, when uniforms and/or protective gear are required, is to be done at start of and just prior to the end of the employee's shift and is therefore not overtime eligible.

Drug-Free Workplace

The use of non-prescribed, controlled substances at any time by any employee is a direct threat to the lives and property of citizens and the public health, safety, and welfare of all citizens in the City. Additionally, the use of drugs or alcohol by an employee in a manner that affects his or her job performance or causes an undesirable reflection on the reputation of the City, may lead to disciplinary action, up to and including termination.

Illegal drugs under either state or federal law include narcotics, hallucinogens, depressants, stimulants, and other substances capable of creating or maintain adverse effects on a person's physical, emotional, or mental condition.

Medication or prescribed drugs are drugs an individual may be taking under the direction of a licensed medical professional in a medical setting to address a specific physical, emotional, or mental condition.

Alcohol or illegal drugs use, or possession is prohibited on City property. Alcohol or illegal drug consumption off City property during working hours is prohibited, and reporting for work or being on duty with a breath/blood alcohol level greater than .000 or under any influence of drugs is a violation of this policy. Employees who appear to be under the influence of alcohol or illegal drugs during working hours may be required to submit to appropriate tests to confirm or deny alcohol consumption or use of illegal drugs.

Failure to submit to testing upon request shall be grounds for disciplinary action, up to and including termination.

An employee who appears at the work site affected by alcohol or illegal drugs may be placed upon administrative leave for the day, followed by disciplinary action, up to termination. Proof of violation of this policy can be established by an alcohol or drug test through other evidence such as observation of impairment, or observations of an employee using alcohol or illegal drugs while on duty.

Employees are expected and required to report to work on time and in appropriate mental and physical condition necessary to perform their assigned duties.

The City recognizes drug and alcohol dependency as an illness and a major health problem. The City also recognizes drug abuse as a potential health, safety, and security problem. Employees needing help in dealing with such problems are encouraged to use the Employee Assistance Program and health insurance plans, as appropriate. Conscientious voluntary effort to seek such help will not jeopardize any employee's job and will not be noted in any personnel records.

Employees must, as a condition of employment, abide by terms of the above policy and report any conviction under a criminal drug statute for violations occurring on or off City premises while conduction City business. A report of conviction must be made within five (5) days following conviction. (This is a requirement per the Drug-Free Workplace Act of 1988.)

Smoking

The City is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. Consistent with this commitment, the City prohibits smoking and vaping on all City premises to provide a safe and healthy work environment for all employees.

The City prohibits smoking by all employees, visitors, contractors and consultants in all City facilities including buildings, vehicles, and offices or other facilities rented or leased by the City, including employee offices. This policy also prohibits smoking at company-sponsored offsite conferences and meetings. The City encourages all employees who smoke to enter a smoking cessation program and will support efforts undertaken by such employees. The City may identify an outdoor smoking area that meets the requirements of the Clean Air Act. Infractions of this policy will be handled as a disciplinary issue, using progressive disciplinary measures.

Electronic Surveillance

Unauthorized electronic surveillance of employees is disruptive to employee morale and inconsistent with the respectful treatment required of our employees. For this reason, no employee may record the conversation of another employee without his or her full knowledge and consent.

No employee may record, by any means, a conversation with another employee unless all of the following criteria are met:

1. Full knowledge and consent of the employee being recorded.
2. A legitimate purpose for the recording.
3. A recording device in plain view.
4. Written authorization from the supervisor of the employee who wishes to record the conversation.

For safety reasons, the City may visually record certain locations. However, where these recording devices are installed, the devices shall be placed in plain view of the public.

Ethics and Confidentiality

Code of Ethics Policy

The City of Milton upholds, promotes, and demands the highest standards of ethics from its employees for personal integrity, truthfulness, honesty, responsibility, and fairness in carrying out their public duties. Employees must avoid any improprieties in their roles as public servants and must never use their City position or powers for personal gain or in breach of the public trust.

What ethical conduct is expected under this policy?

Ethical conduct includes, but is not limited to:

- Acting at all times in the best interests of the community we serve.
- Demonstrating excellence, integrity, and responsibility in our work.
- Adhering to the laws of the United States, the state of Washington and the City of Milton.
- Providing honest, accurate, timely and complete information.
- Identifying problems and helping create solutions.
- Following City and department policies, procedures, and rules.
- Reporting improper conduct.
- Keeping our co-workers safe from retaliation of any kind.
- Abstaining from decisions that could result in a direct benefit to the employee, a relative or co-habitant.

What are the key expectations for employees to comply with this policy?

Employees of the City are expected to:

- Read and understand all employment policies.
- Follow appropriate ethical behaviors as specifically set forth in the employment policies.
- Seek guidance in resolving ethical issues or concerns from their Supervisor, Department Director, Human Resources, or the City Attorney.
- Report to their Supervisor, Department Director or Human Resources any conduct by other City employees which may violate this Ethics Policy, any other employment policies, or the City's Code.

What are a supervisor's additional responsibilities for complying with this policy?

A Supervisor's additional responsibilities for complying with this policy include:

- Monitoring and ensuring compliance with this Ethics Policy or other employment policies or the City Code.
- Setting an example of exemplary ethical conduct.
- Dealing effectively with ethics concerns that arise in their area.
- Prohibiting retribution or retaliation against any employee who reports or supplies information about, or assists an investigation into, an ethics concern.

Outside Employment

Employees may engage in paid outside employment, consulting work or self-employment only if the work does not compete with or create a conflict of interest with an employee's duty to the City. To the extent that this policy conflicts with an existing policy of the police department, its collective bargaining agreement or past practice, that policy, agreement, or practice will control. Additionally, the City may not restrict, restrain, or prohibit an employee earning less than twice the applicable state minimum hourly wage from having an additional job, supplementing their income by working for another employer, working as an independent contractor, or being self-employed unless the specific services to be offered by the employee raise issues of safety for the employee, coworkers, or the public, or interfere with the reasonable and normal scheduling expectations of the City.

When does outside employment "compete with" City employment?

Outside employment competes with an employee's duty to the City when the work requires an employee's conduct to be disruptive or damaging to the City and/or the City working environment.

Examples of work that may be viewed as competing with City employment include those that:

- May adversely affect job performance at the City, or an employee's ability to fulfill all job responsibilities at the City. Adverse effects may include but are not limited to poor job performance, fatigue or excessive absenteeism or tardiness.
- Interfere with an employee's ability to work his/her normal schedule at the City or prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, and when such availability is a regular part of the employee's job.
- Interfere with responsibilities to the City as the primary employer.
- Involve performing services for customers that are normally performed by City employees. Require working for a competitor, a City grant and/or contract created by the employee, or self-employment that is in competition with the City.
- May require the use of City information, property, facilities and/or systems, such as phones, tools, equipment, etc.
- Involve assisting others in transactions with the City in which the employee has participated, or which has been under their official responsibility.

What is a "conflict of interest"?

Outside employment creates a conflict of interest with an employee's duty to the City when an employee engages in activities for personal gain that compromises the employee's ability to represent the City's best interests.

Examples of activities that may create a conflict of interest include those that:

- Require the use or disclosure of confidential City information.
- Impair objectivity or independent judgment or create an impression of conduct that violates the public trust.
- Involve activities which may appear to conflict with the City's Core Ethics policy and/or other related employment policies.
- Negatively impact the normal course of the employee's official duties.

How does an employee obtain approval to engaging in outside employment?

The employee must provide his/her Supervisor with a written request prior to beginning the

employment. The notice should include the dates of employment; the potential employer or, if self-employment, the name of the business; the type of work to be performed; any potential problems the outside employment may cause with City employment; and any actual or perceived competition or conflicts of interest with City employment. The City shall have sole discretion to determine whether the request should be approved.

How will the employee know his or her request has been approved?

The City will provide approval in writing. The City may also require a written agreement with the employee which outlines the type of work that has been approved, discusses any perceived conflict of interest as well as how it may be eliminated, and addresses any other conditions of approval. Employees may not perform any outside employment during the hours they are on duty working for the City. If an employee accepts outside employment, the City may request information about the employment at any time.

Can an employee use City leave benefits for outside employment needs?

Use of sick, FMLA or Catastrophic leave concurrent with outside employment must be approved by the City.

Can a regular employee work for the City outside their regular job duties?

Yes. However, the employee must obtain approval from Human Resources prior to engaging in such work.

Conflicts of Interest

Employees are expected to 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.

What is a "conflict of interest"?

It is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest. The following list is not intended to be exhaustive, but includes some of the clearer examples:

- Employees may not accept any employment relationship which competes with or creates a conflict of interest with a duty to the City.
- Accepting gifts, gratuities, loans, entertainment, or other items of value from anyone with whom an employee regularly transacts City business, who has or seeks a contract with the City, or who desires other official action from the City.
- Giving, offering, or promising anything of value to a customer, a potential customer, or a financial institution in connection with any transaction or business that the City may have with that customer, potential customer, or financial institution.
- Misusing confidential City information or disclosing such information to any individual who does not have a need to know the information.
- Using the City's name, account, or credit to purchase merchandise for personal use. Using City assets or labor for personal use.

What should an employee do if he or she learns of a situation that is a conflict of interest or may appear to be a conflict of interest?

Any conflict or potential conflict of interest must be disclosed to an employee's immediate Supervisor, the Department Director or Human Resources as soon as possible.

What if an employee is offered or receives a gift?

Any and all gifts received by a City employee at any time during the year should be given to the employee's immediate Supervisor or the Department Director with an explanation of the circumstances surrounding receipt of the gift. If possible, the Supervisor or Department Director will return the gift to the sender with a written expression of thanks and an explanation of the City policy concerning gifts. A copy of the letter will be sent to the Mayor or Designee.

If returning or refusing a gift would be impractical (such as food, flowers or plants), the Supervisor will take the item to a recognized relief/assistance organization or make the item available for the enjoyment of all employees or members of the public in the employee's work area. The Supervisor will also send a thank you card to the person or company that provided the gift explaining what was done with the gift.

Are there any situations when an employee may accept a gift?

Yes, under limited circumstances. Items of nominal value provided for advertising purposes such as pens, calendars, or items received at a conference, are acceptable. Employees should make every effort to use such items in the workplace instead of taking them home. In addition, meals may be purchased or provided for City employees at business meetings as long as there is a justifiable work-related purpose for the meeting.

Nepotism

To avoid the reality or appearance of improper influence or favoritism, two employees who are dating or are in the same immediate family may be employed by the City *unless* such employment would create a real or potential conflict of interest.

What relationships are included in this policy?

For the purposes of this policy, relationships under this policy may include employees dating each other, the employee's spouse, domestic partner, child, domestic partner's children, mother, father, brother, sister, stepfamily, aunt, uncle, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents and grandchildren, and grandparents and grandchildren of the spouse or member of the employee's household, other than roommates.

Each employee must inform his/her immediate Supervisor or Department Director immediately if they enter into a relationship which may create a conflict of interest under this policy.

What is a "conflict of interest"?

A conflict of interest exists where the City has a compelling and essential need to avoid a business-related conflict of interest or the reality of appearance of improper influence or favor. A conflict of interest always exists under the following circumstances:

Where one of the individuals would have authority (or practical power) to supervise, appoint, remove, or discipline the other.

Where one of the individuals would be responsible for leading, auditing, overseeing, or guiding the work of the other.

A conflict of interest may also exist in other situations such as where both employees would report to the same immediate Supervisor.

What if a reassignment, transfer, or promotion would create a conflict of interest?

The City will actively seek solutions to prevent a conflict and still allow the reassignment, transfer, or promotion.

What will happen if two City employees establish a relationship (as defined in this policy)?

If a conflict or potential conflict exists due to the new relationship, the City will attempt to find a suitable accommodation to eliminate the conflict. If accommodations are not feasible, the employees will be given 30 calendar days to determine which of them will resign. If no decision is made during this time, the City reserves the right to make the decision.

Political Activities

Employees shall not use or authorize the use of City facilities, property or assets for working on campaigns for the election of any person to any office or for the promotion of, or opposition to, any ballot proposition, except as authorized by the provisions of RCW 42.17.130.

What types of activities are prohibited under this policy?

City employees are prohibited from using their official position to unlawfully influence, interfere with, or affect the results of an election. Therefore, no employee or group of employees, while representing themselves as City employees, shall campaign for or against any political candidate or ballot measure, or endorse or oppose a political advertisement, broadcast, statement, or campaign literature except as allowed by state and federal law. Nothing in this section prohibits a City employee from personally supporting or opposing any candidate for public office during off-duty hours.

Can an employee display or distribute campaign paraphernalia at work?

No. Employees shall not display or distribute partisan literature, political buttons, stickers, banners, etc., during work hours or on City property or in City vehicles.

May an employee testify as a private citizen at public hearings or meetings regarding issues affecting the City?

Yes. If the employee's testimony is given during non-work hours and the employee discloses that he or she is testifying as a private citizen and not a City employee.

Solicitation for Charities and Non-Profit Fundraisers

Most forms of solicitation on City property or during work time are prohibited. The City may, in its sole discretion, make exceptions to this policy when it is determined to be in the best interest of the City (e.g., United Way fund drive).

"Solicitation" is the requesting of an employee's time or resources for any cause, whether by an individual or group, and regardless of whether for financial or non-financial reasons. Solicitation may involve individuals or groups engaging in direct sales, recruitment, placing of signs and posters, and other activities resulting in the anticipated benefit of the individual or group.

What types of solicitation may be allowed under this policy?

Employees may solicit contributions to charitable or non-profit community, youth, or educational fundraisers so long as it does not cause undue disruption of the work environment. The use of City facilities or equipment to solicit contributions (e.g., via bulletin board postings) requires prior authorization from the employee's Department Director.

Whistleblower Protection

Public employees have an obligation to assure that government in general, and their departments in particular, perform ethically, as well as efficiently and effectively. City employees are prohibited from engaging in improper governmental action and are encouraged to report suspicious, unethical, or illegal

conduct or any other suspected improper governmental action taken by other employees, Supervisors, or officers. Employees who make good faith reports of improper governmental action will be protected from intimidation or retaliation for making a report.

Why does the City have a whistleblower program?

The whistleblower program holds City employees accountable for their actions. The policy also protects employees who make good faith reports of improper governmental action. And, most importantly, the program stops inappropriate and illegal governmental actions.

What is "improper governmental action"?

Improper governmental action is any action taken by a City employee, Supervisor, Department Director, or officer that is:

A violation of any federal, state, or local law or rule; An abuse of authority.

A gross waste of public funds (including use of public funds for private gain); or

A substantial and specific danger to public health or safety.

Improper governmental action does not include personnel actions or decisions, disciplinary actions, violations of collective bargaining or civil service laws, or violations of labor agreements.

Who can report improper governmental action?

Any employee working for the City may report suspected improper governmental actions through this Whistleblower program. This includes regular and temporary employees as well as elected officials.

Is there any information that does not fall under the Whistleblower Protection Policy?

Yes. This policy does not authorize disclosure where prohibited by law.

How should an employee report suspect improper governmental action?

To report suspected improper governmental action, an employee should take the following steps:

- Submit a written report of the action to any Department Director, the City Attorney, Risk Manager or Human Resources. The report should describe the suspected improper governmental action, the name of the employee(s) involved, and when the action occurred. In cases of an emergency (an immediate risk of injury or damage to property), the matter should be immediately brought to the attention of one of these individuals and followed by a written report.
- If an employee reports a suspected governmental action to the appropriate person and no action is taken, or the employee is not satisfied with the action taken, a report may then be made to the governmental agency responsible for investigating the improper action.

Will the reporting employee's identity remain confidential?

Yes. The identity of a reporting employee shall be kept confidential to the extent possible under law unless the employee authorizes the disclosure of his/her identity in writing.

Can an employee be prohibited from filing a report of improper governmental action with another governmental agency?

No. Direct or indirect interference or attempts to interfere with filing a report is prohibited.

What actions will the City take if an employee reports improper governmental action?

The City will conduct an investigation of the alleged suspicious, unethical, or illegal conduct or other improper governmental action. If it is determined that improper governmental action did occur, the City will take appropriate action and immediately report known or suspected loss of public funds or assets, or

other illegal activity to the State Auditor's Office.

What is "intimidation"?

Intimidation occurs when a City employee, Department Director, Supervisor or Officer uses his or her official authority or influence to threaten or coerce an employee for the purpose of interfering with that employee's right to report improper governmental action.

What is "retaliation"?

Retaliation is inflicting injury on an employee by making adverse changes to employment status or to the terms and conditions of employment because the employee made a report of improper governmental action or was believed to have made a report of improper governmental action. Under this definition, retaliation can take many forms. Examples of retaliatory action include, but are not limited to, unwarranted disciplinary action, unsubstantiated poor performance evaluations, reduction in pay, denial of a promotion, unwarranted termination of employment, or harassment.

What should an employee do if he or she is subjected to intimidation or retaliation?

Employees should provide a written report of any suspected intimidation or retaliation along with the relief requested to a Supervisor, Department Director or Human Resources.

If an employee complains about retaliation but is not satisfied with the City's response, is there an appeal process?

Yes. An employee is eligible to use the appeal process if the following conditions are met:
The complaint of retaliation was made within 30 days of the alleged retaliatory action.
The City did not respond within 30 days of the complaint or the employee received a response within 30 days but was not satisfied with the response.

What is the appeal process?

If the conditions outlined in this policy are met, the employee may request a hearing before a state administrative law judge. The request for hearing must be delivered to Human Resources or the Mayor's office within 15 days of receiving the response from the City or within 15 days of the last day on which the City could respond to the complaint of retaliation.

Do Supervisors and Department Directors have any additional responsibilities under this policy?

Yes. As with any policy, Supervisors and Department Directors are responsible for enforcement. Under this particular policy, Supervisors and Department Directors are required to report any knowledge of improper governmental action to Human Resources including, but not limited to, a complaint received from an employee.

PENALTIES

Any employee who violates or fails to comply with this Ethics Code shall be subject to the following penalties:

Disciplinary action

Any employee whose conduct, after an opportunity to be heard, is determined by the Mayor or designee to be in violation of the Ethics Code may be subject to disciplinary action, including termination.

Discharge

Any appointed official who violates or fails to comply with any provision of the Ethics Code may be discharged by appointing authority.

Voiding of contract or transaction

Any contract or transaction which is the subject of an official act or action of the City in which there is a prohibited interest by the Ethics Code, or which involves a violation of the Ethics Code shall be voidable at the option of the City Council.