

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
RESOLUTION NO. 02-47D**

**A RESOLUTION OF THE CITY OF LIBERTY LAKE, WASHINGTON
AMENDING THE ADOPTED PERSONNEL POLICY FOR ALL
EMPLOYEES OF THE CITY OF LIBERTY LAKE.**

WHEREAS, the Liberty Lake City Council adopted a personnel policy manual on June 2, 2002, as required. The manual establishes policy and procedures which relate to the City of Liberty Lake employees and other such matters properly related thereto; and

WHEREAS, City Staff and Liberty Lake City Council have reviewed the attached Amended Personnel Manual and finds it to be acceptable and appropriate.

NOW, THEREFORE, be it Resolved by the City Council of the City of Liberty Lake, Washington as follows:

1. City of Liberty Lake Personnel Manual as Amended The policy for personnel matters set forth in the document entitled "City of Liberty Lake Personnel Manual" which is attached hereto as Exhibit "A" and incorporated herein by this reference is hereby adopted as the official policy for all employees employed by the City of Liberty Lake.
2. Amendments as Needed. The City of Liberty Lake through the City Council by Resolution, may amend, change, supplement or update any and all sections, terms or portions of the Personnel Manual as presently exist or as necessary.
3. Authority. The Mayor and City Administrator shall carry out the duties of enforcing the Personnel Policy and Procedures as prescribed in the Manual.
4. Effective Date. The Resolution shall become effective immediately upon passage by the Liberty Lake City Council.

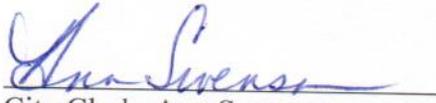
Adopted this 1st day of April, 2014.

APPROVED:



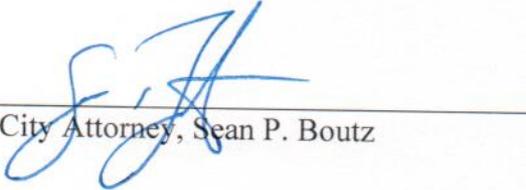
Mayor, Steve Peterson

ATTEST:

A handwritten signature in blue ink, appearing to read "Ann Swenson", written over a horizontal line.

City Clerk, Ann Swenson

APPROVED AS TO FORM

A handwritten signature in blue ink, appearing to read "S. Boutz", written over a horizontal line.

City Attorney, Sean P. Boutz

EXHIBIT A

CITY OF LIBERTY LAKE

PERSONNEL MANUAL

*Adopted by Resolution No. 02-47
June 18, 2002*

*Amended by Resolution No. 02-47A
June 7, 2005*

*Amended by Resolution No. 06-47A-1
Chapter 5, March 7, 2006*

*Amended by Resolution No. 02-47B-D
January thru April 2014*

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Chapter 7

BENEFITS

7.1 EMPLOYEE PAID BENEFITS

City paid employee benefits include medical insurance, dental insurance, vision insurance, ~~employee group basic~~ life insurance, dependant life insurance, an employee assistance plan (EAP), and long-term disability. All regular, full-time employees will participate in these programs.

The City will contribute medical benefits for each regular, full-time employee. Employees are required to contribute 10% of the premium cost for the employee's health insurance. Participation in the medical plan is mandatory for the employee but coverage for dependants is optional and in some cases may require additional contribution to fund medical premium costs.

~~**Medical Deductible Compensation:** The City will contribute up to \$600 per employee annually, subject to Council approval, for medical related expenses for all full-time employees and family members. This benefit is not part of the employee's salary, but an additional benefit to defray medical expenses not covered under the medical plan. Any unused benefit at year end will be forfeited and not carried over to the next fiscal year.~~

Health Reimbursement Arrangement (HRA)

The City of Liberty Lake will contribute to an HRA VEBA Medical Reimbursement Plan on behalf of all regular, full-time employees. Contributions on behalf of each regular, full-time employee shall be based on the City's finances each year and ability to contribute to the HRA.

~~**Termination, Retirement, Layoff Leave of Absence:** For eligible employees who terminate, retire or are laid off on approved leave of absence, benefits will continue to the last day of the month of termination, retirement, or layoff.~~

7.2 RETIREMENT BENEFITS

The City of Liberty Lake determines employees who are eligible for retirement per the guidelines described in the Washington State Department of Retirement Systems Handbook that is applicable to the employee's job classification. Regular uniformed employees in the police and fire departments are covered by the Law Enforcement Officers and Firefighter's Retirement System (LEOFF).

Regular full-time and eligible part-time non-uniformed employees are mandatory under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

~~The City's contribution for retirement, social security replacement, and paid employee medical benefits for regular, full-time employees will be made in the following order:~~

~~in addition to those contributions made by the employee through FICA payroll deductions.~~

~~The City will contribute 7.5% of gross wages toward retirement programs. Employees may contribute to retirement programs up to the legal maximums. At their option, employees may designate up to 2.5% of retirement benefits be used for medical benefits purposes provided that mandatory retirement contributions will be made first.~~

Social Security Replacement: In lieu of contributions to the Federal Social Security Program, the City of Liberty Lake has authorized a 401(a) ~~pension~~ **retirement** plan administered by the ICMA Retirement Corporation. Guidelines are described in ICMA Retirement Agreement. ~~The City will contribute 5.25% of gross wages for regular, full-time employees. Employees may contribute to the plan to the legal maximums.~~

~~All regular full-time and eligible part-time non-uniformed employees are covered under the ICMA 401 (a) pension plan.~~

Employees intending to retire should notify their Manager or Supervisor of their intent to retire at least six (6) months prior to the date of retirement.

7.3 OPTIONAL EMPLOYEE BENEFITS

457 Deferred Compensation Plan: All regular full-time, part-time and uniformed employees can voluntarily contribute to a 457 Deferred Compensation Plan administered by ICMA Corporation. Notwithstanding any potential contributions to the LEOFF, the City of Liberty Lake does not match any contributions to this plan.

401 Money Purchase Plan: All regular full-time employees and uniformed employees who qualify can participate in the 401 Loan Plan. ~~for: 1) un-reimbursed medical expenses resulting from life threatening disease, catastrophic illness or organ transplants of participant or participant's immediate family; or 2) purchase of a primary residence for participant.~~

Employees must contact ~~the Finance Director~~ ICMA for detailed information and guidelines regarding this program.

~~125 Cafeteria Plan The plan is designed to allow regular full-time employees to receive income tax free reimbursement for uninsured medical and dental expenses incurred during a calendar year. The employee designates a monthly deduction for anticipated expenses for the year. All claims are processed through and reimbursement received, from the Plan provider (Associated Industries). If the employee does not use the amount specified within the calendar year, those funds are forfeited by the Plan provider.~~

~~Dependant Care Reimbursement Plan This Plan (125 Cafeteria Plan) is available to all regular full-time employees and is designed to reimburse employees for the cost of dependant care expenses (day care) incurred by them incidental to their employment. The Plan is intended to meet the requirements for qualification under Section 129(d)(1) of the Code and that benefits paid to Employees hereunder by excludible from their gross income by virtue of Section 129(a) of the Code.~~

~~Employees must contact the Finance Director for detailed information and guidelines regarding the 125 Cafeteria and Dependant Care Plans. The open enrollment period runs from October through November for the following year.~~

7.4 DISABILITY BENEFITS

All employees, other than police and fire employees in the LEOFF # 2 retirement system, are covered by the state Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses.

AWC, the City's insurance provider, offers long-term disability coverage for all regular, full-time employees for off-the-job injury or illness.

7.5 WORKER'S COMPENSATION

~~Any employee receiving time loss payments from Workers' Compensation shall have the option of using sick leave or other accrued leave to make up the difference between the Workers' Compensation payments and his/her regular salary for a maximum six months. The status of the disabled employee shall be reviewed at three months and at six months to determine the extent of his/her disability and to determine, under the Americans with Disabilities Act, if accommodation can be made to allow the employee to return to work. These reviews shall be conducted by the City Administrator, Mayor and Personnel Officer. Following the final review at six months, the Mayor may, based on the review and at his/her discretion, extend the time during which the employee can use accrued leave or donated sick leave, as described in the section on sick leave donation, if exceptional circumstances warrant such an extension.~~

~~The City will pay the employee in full for the first five days of absence from employment if the employee has enough sick or vacation time accrued.~~

~~Absence for on-the-job injury covered by Worker's Compensation may be charged to any of the injured worker's paid leave banks.~~

~~An employee using paid sick leave and simultaneously receiving compensation under the Worker's Compensation Law will receive for the duration of such sick leave only that portion of the employee's regular salary which, together with such compensation, equals the regular salary. Employees in this situation will have sick leave "buy back" calculated by the Administrative Services Department and a future paycheck(s) will be reduced by the corresponding value of the Worker's Compensation payments in order to restore the corresponding value of sick leave that was used.~~

~~Members of the LEOFF 2 retirement system are entitled to an additional supplemental benefit as provided for under RCW 41.04.500 beginning on the sixth calendar day after the date of injury for a maximum period of six (6) months. This supplemental benefit applies when a LEOFF 2 employee is using sick leave and results in less sick leave being deducted from the employee's accrual when the "buy back" is calculated.~~

7.6 UNEMPLOYMENT COMPENSATION

City employees may qualify for State Unemployment Compensation after termination from City employment, depending on the reason for termination and if certain qualifications are met.

7.7 COBRA RIGHTS

COBRA Rights: Upon an employee's separation from City employment ~~or upon an unpaid leave of absence~~, at the employee's option and expense, the employee may be eligible to continue City health insurance benefits to the extent provided under federal COBRA regulations.

Chapter 8

LEAVES

8.1 VACATION LEAVE

Regular, full-time employees will receive vacation based on years of service, according to the following schedule. Vacation accrues each pay period and it will begin to accrue as of the date of hire. Although vacation begins to accrue immediately, employees are not eligible to take accrued vacation until they have worked for the City for at least six months.

<u>Length of Service</u>	<u>Annual Vacation Days*</u>
1 through 4 years	10 days (6.67 hours accrued each month)
5 through 9 years	15 days (10.00 hours accrued each month)
10 through 14 years	18 days (12.00 hours accrued each month)
15 through 19 years	21 days (14.00 hours accrued each month)
20+ years	23 days (15.34 hours accrued each month)

~~*One day of vacation pay is equal to 8 hours.~~ Accrual is based on a monthly pay period.

At the discretion of the ~~Mayor or Mayor's designee~~ ~~City Administrator~~, an employee's years of service for vacation accrual purposes may be calculated based on previous relevant government service. Credit of up to 50% may be given for related career service up to a maximum of five years credit.

~~If an employee is unable to take all vacation available up to two years, accrual can be carried over. Vacation at a maximum of 240 hours accrued over the two year maximum will be forfeited. Employees may also use vacation to care for an ill family member or child under the Washington Family Care Act. (Appendix A)~~

If an employee is unable to take all vacation available, accrual can be carried over to the following year up to a maximum of 240 hours. Vacation accrued above the 240 hour maximum will be forfeited.

Vacation Leave for all police department personnel is defined in the Labor Agreement between the City of Liberty Lake and the Teamsters Local Union No. 690. .

An employee will be paid for unused vacation up to a maximum **accrual** of 240 hours (6 weeks) upon separation from the City.

8.2 SICK LEAVE

All full-time regular employees accrue sick leave benefits at the rate of **eight (8)** hours per month up to 640 hours.

All regular, full-time employees will have 40 hours of sick leave available for their immediate use following their date of hire. Employees will begin to accrue sick leave starting on the sixth-month pay period and will not accrue more than 96 hours in the first year of employment.

Allowable Uses of Sick Leave: Employees must notify their Manager or Supervisor when the following situations arise. Sick leave covers those situations in which an employee is absent from work due to:

1. Employee's own health condition (illness, injury, physical or mental disability, including disability due to pregnancy or childbirth);
2. The need to care for the employee's immediate family members who are ill (Immediate family for sick leave is defined under the Washington Family Care Act);
3. Medical or dental appointments for the employee or an immediate family member who needs assistance to go to such appointments;
4. Exposure to a contagious disease where on-the-job presence of the employee would jeopardize the health of others; or the use of over-the-counter medication.
5. Use of a prescription drug that impairs job performance or safety;
6. Additional leave beyond bereavement leave for a death in the immediate family may be authorized by the Mayor or his/her designee;
7. Worker's Compensation pay differential: Employees on Worker's Compensation may use sick leave (or other accrued leave) for a maximum of six months to bring their total monthly income to 100% of their regular salary. The status of the employee shall be reviewed at three months and six months. Following review, the Mayor or his/her designee may, if exceptional circumstances warrant an extension, extend the period of time for which an employee may use sick leave for the balance of his/her salary.

A doctor's certificate may be required when an employee is absent for a period in excess of three (3) days. The City may also request the opinion of a second doctor at the City's expense to determine whether the employee suffers from a chronic physical or mental condition which impairs his/her ability to perform the job.

Employees who use all their accumulated sick leave and require more time off work due to illness or injury may, with their Manager or Supervisor's Head's prior approval, request a leave without pay. (See Leave Without Pay Policy, 8.5.)

Sick leave for police department personnel is defined in the Labor Agreement between the City of Liberty Lake and the Teamsters Local Union No. 690.

Employees will not be paid for unused sick leave upon leaving City service for any reason.

8.3 SICK LEAVE DONATION

In the event an employee or a member of an employee's immediate family suffers a serious illness that threatens to use up all of the employee's sick leave, other City employees may voluntarily donate some of their accrued sick leave hours to that employee. Employees donating sick leave must maintain a minimum balance of 40 hours of sick leave for their use. All sick leave donations must be approved by the Mayor or his/her designee..

Donations may only be made after the recipient has used up his/her sick leave, all of his/her accrued compensatory time and all but 40 hours of vacation time; and, when appropriate, has made application for state industrial and/or long term disability coverage.

Donations shall be made on an as-needed basis. At the end of each pay period, the City payroll officer shall calculate the number of hours needed to constitute full-time employment for the recipient employee. Other employees may then donate hours to help cover, but not exceed, the number of hours needed for that specific pay period. If donations of sick leave cover the number of hours necessary for full-time employment, the recipient will be paid his/her salary. In the event donations do not cover the number of hours equivalent to full-time employment, the recipient employee will be paid hourly at his/her own hourly rate for the number of donated sick hours he/she received and for any hours actually worked.

In that Long Term disability payments are incrementally reduced when sick leave or other payment is made to an employee, sick leave donations shall cease when the recipient employee becomes eligible for Long Term Disability.

If or when an employee becomes eligible for Worker's Compensation payment and meets the criteria above, sick leave donations may be made monthly for up to six months, to cover the difference between the Worker's Compensation payment and the employee's full salary. Following review, the Mayor or his/her designee may, if exceptional circumstances warrant an extension, extend the period of time for which an employee may receive sick leave donation for the balance of his/her salary.

8.4 FAMILY AND MEDICAL LEAVE (FMLA)

City of Liberty Lake will comply with all laws regulating leaves of absence, including the Family Medical Leave Act (FMLA) and the Washington State Family Leave Act (WA FLA). Administrative Services can assist with further information. FMLA allows “eligible” employees to take off up to 12 work weeks in any 12 month period for the reasons listed below:

- the birth of a child and in order to care for that child
- the placement of a child for adoption or foster care and to care for the newly placed child
- to care for a spouse, child or parent with a serious health condition (described below)
- the serious health condition (described below) of the employee, which makes the employee unable to perform the functions of the employee's position
- caregiver, exigency or active duty leave (up to 26 weeks) – described below

An “eligible” employee is an employee who has been employed by the City of Liberty Lake for at least 12 months (the 12 months need not be consecutive, subject to certain exceptions) and worked at least 1,250 hours in the preceding 12 months.

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day or a partial day, periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the work week or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 work weeks (or 26 workweeks to care for an injured or ill service member over a 12-month period). FMLA can be taken on an intermittent basis allowing the employee to work on a less than full-time schedule if required by a health care provider.

Spouses who are both employed by the City of Liberty Lake are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 work weeks (or 26 work weeks if leave to care for a covered service member with a serious injury or illness is also used). Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

8.5 LEAVE OF ABSENCE WITHOUT PAY

The Mayor or his/her designee may grant leave of absence without pay for absence from work for up to a 30 day duration not covered by any other type of leave or if other leave balances are exhausted. ~~Examples of situations for which such leave without pay may be granted include time off work for personal reasons such as prolonged illness, parenting, caring for an ill relative or pursuing an education.~~ Situations for which such leave may be granted would be to the interest and welfare of the City and are not solely for the employee's personal gain or profit. Employees that fail to return to their position at the end of the agreed upon leave of absence shall be deemed to have resigned from

employment with the City unless there are extenuating circumstances approved in advance by the City.

8.6 JURY AND WITNESS LEAVE

Jury Duty. The City provides all employees leave with pay for the full period of jury duty service. Payment provided by the courts during period of paid jury duty leave must be turned over to the City, excluding expense reimbursement such as mileage. You must provide your **Manager or Supervisor** ~~supervisor~~ with a copy of the jury duty summons as soon as possible after receiving it. Upon completion of jury duty, you are required to provide your **Manager or Supervisor** ~~supervisor~~ with proof of jury service.

Witness Duty. All employees summoned to testify in court are allowed time off for the period they serve as witnesses. In general, witness duty leave is unpaid unless you are a witness in a case involving the City.

8.7 MILITARY LEAVE

~~We provide all employees leave while performing military service in accordance with federal and state law.~~

An employee who is a member of an organized unit of the United States military reserve or Washington National Guard shall be granted leave with pay, in accordance with Federal and State Law, so that the employee may report for active duty, when called, or take part in active training duty in such manner and at such time as the employee may be ordered to active duty or active training duty. Any authorized leave in excess of the days permitted by Federal and State Law will be charged pursuant to other applicable federal and state laws or to leave without pay or annual leave at the option of the employee.

Military Family Leave

During a period of military conflict, an employee is entitled to leave under this section when a spouse or domestic partner who is a member of the armed forces of the United States, National Guard, or reserves has been notified of an impending call or order to active duty or has been deployed.

- (a) Period of Military Conflict – means a period of war declared by the United States Congress, declared by executive order of the president, or in which a member of a reserve component of the armed forces is ordered to active duty pursuant to either sections 12301 and 12302 of Title 10 of the United States Code or Title 32 of the United States Code.

The employee shall be granted a total of 15 days of unpaid leave per deployment after the military spouse or domestic partner has been notified of an impending call or order to active duty and before deployment or when the military spouse or domestic partner is on leave from deployment.

An employee returning from military family leave shall be restored to a position of employment in the same manner as an employee returning after Family and Medical Leave pursuant to the city's personnel policies. Benefits during this period of unpaid leave will be subject to the city's qualification for benefits rule of the personnel policies.

An employee may continue benefits in the same manner as an employee on Family and Medical Leave.

An employee who seeks to take leave under this chapter must provide the city with notice, within five (5) business days of receiving official notice of an impending call or order to active duty or of a leave from deployment of the employee's intention to take leave under this chapter.

An employee who takes leave under this section may elect to substitute any of the accrued leave to which the employee may be entitled for any part of the leave under this section.

~~Regular full-time and part-time employees receive paid military leave of up to 15 working days per year for military service. In general, if military service extends beyond 15 working days, the additional leave will be unpaid. All employees who are not eligible for paid military leave are provided unpaid leave for a period of their military service. Reinstatement upon return from military service will be determined in accordance with applicable federal and state law.~~

8.8 BEREAVEMENT LEAVE

The City provides regular, full-time employees with paid **bereavement** leave of up to three **working** days in the event of the death of an immediate family member. Additional **bereavement** leave **up to of two additional** ~~a total of five~~ days may be granted ~~at the discretion and approval of both the Department Head and~~ **by the Mayor or his/her designee**. **An employee is not paid for any day off if the employee would not otherwise have been entitled to compensation for that day. Bereavement leave pay shall be that amount the employee would have earned had the employee worked his/her regular work schedule during the leave.**

Immediate family is defined as being related by blood, marriage, co-habitation, or legal adoption in the degree of consanguinity of grandparents, parents, spouse, brother, sister, child, grandchild and any relative living in the employee's household.

8.9 HOLIDAYS

All regular, full-time employees receive an eight (8 hour) paid holiday for the following recognized holidays: ~~The following holidays are recognized as paid holidays for all regular full-time employees:~~

<u>HOLIDAYS</u>	<u>DATES</u>
New Years Day	January 1 st
Martin Luther King Jr. Day	Third Monday in January
Presidents Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veteran's Day	November 11 th
Thanksgiving Day and day after Thanksgiving	Fourth Thursday in November and day after
Christmas Day	December 25 th

Any holiday falling on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated on the following Monday. Pursuant to WAC 357-31-030, "When a holiday falls on an employee's regularly scheduled day off, the employer must provide that employee an in-lieu of holiday as follows:

- 1) Designate the prior or the following work day as the holiday;
- 2) Allow the employee to request an alternate work day to observe as a holiday.

The employer requires that the employee request an alternate day off within the same pay period as the holiday.

If the holiday is not taken, it will be forfeited.

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

Employees who are required by their Manager or Supervisor ~~Head~~ or by shift schedules to work on a recognized holiday shall be paid at an amount equal to one and one-half times their hourly rate for time worked on that holiday.

Police department holiday hours and shifts are defined in the Labor Agreement between the City of Liberty Lake and the Teamsters Local Union No. 690.

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her Manager or Supervisor's ~~Head's~~ approval, take the day off using vacation, or compensatory time. ~~or leave without pay.~~

Chapter 9

EMPLOYEE RESPONSIBILITIES AND CONDUCT

9.1 GENERAL CODE OF CONDUCT

All City employees are expected to represent the City to the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean, neat and professional appearance appropriate to their work assignment as determined by the Manager or Supervisor ~~Head~~ for their position. Inappropriate attire will be addressed by the Manager or Supervisor ~~Head~~ and/or **Mayor or his/her designee** ~~City administrator~~.

Since the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of personal conduct.

Among the City's expectations are: Basic tact and courtesy towards the public and fellow employees; adherence to City policies, procedures, safety rules and safe work practices; compliance with directions from supervisors; preserving and protecting the City's equipment, grounds, facilities and resources; and providing orderly and cost efficient services to its citizens. The City relies on each employee's good judgment and sense of responsibility as the principal source of guidance for conducting day-to-day duties and responsibilities.

To function as efficiently as possible, we may ask you to perform other duties outside your regular assignments.

To make the most efficient use of personnel, the City also reserves the right to modify your work assignments and the duties originally assigned. If these arrangements become necessary, we expect the best cooperation from employees.

9.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

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

1. Outside employment that prevents the employee from being available to work for the City beyond normal working hours.
2. Employment that is conducted during the employee's work hours with the City;
3. Non-City employment that utilizes City telephones, computers, supplies or any other resources, facilities or equipment;

As with any set of policies or rules, exceptions will be granted and documented on a case-by-case basis. These require authorization from the Department involved.

Any employee who observes or suspects a violation of these policies and requirements, particularly those that relate to security of the City's network, systems and data, should immediately report these concerns to their Manager or Supervisor ~~Head~~.

Violations of this policy are subject to disciplinary action as deemed appropriate by the Department Director and Mayor or his/her designee. . Actions that demonstrate a clear disregard for these policies and requirements and that result in damage or serious disruption to the City's network, systems, services or data may result in immediate discharge.

9.8 USE OF CITY VEHICLES AND EQUIPMENT

Use of City phones and cellular phones for local personal phone calls should be kept to a minimum. Other City equipment, including vehicles, should be used by employees for City business only. Unless otherwise authorized, the Manager or Supervisor ~~Head~~ may allow an employee to drive a City vehicle home when that employee is on call, if call-in is anticipated or for reasons that will improve City service or efficiency. The City vehicle, in this case, should remain at the employee's home unless used after hours on official City business. An employees' misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.

9.9 CONTACT WITH THE NEWS MEDIA

The Mayor or his/her designee, and designated Manager or Supervisor ~~Heads~~ shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Mayor or his/her designee may designate specific employees to give out procedural, factual or historical information on particular subjects.

9.10 SEAT BELT POLICY

Per Washington State law, anyone operating or riding in City vehicles must wear a seat belt at all times.

9.11 DRIVER'S LICENSE REQUIREMENTS

As part of the requirements for certain specific City positions, an employee will be required to hold a valid Washington State or Idaho State Driver's license and must be insurable. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her Manager or Supervisor ~~Head~~ and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her Manager or Supervisor ~~Head~~. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to

4. Non-City employment with a firm which has contracts with or does business with the City;

5. Non-City employment which may reasonably be perceived by members of the public as a conflict of interest or which otherwise discredits public service.

An employee who chooses to have an additional job, contractual commitment or self-employment, may do so only after obtaining prior approval from the Mayor or his/her designee City Administrator.

9.3 REPORTING IMPROPER GOVERNMENTAL ACTION

General Policy:

In compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41.050, this policy is created to encourage employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

Key Definitions:

1. Improper Governmental Action. An action by a City officer or employee that is undertaken in the performance of the official's or employee's official duties, whether or not the action is within the scope of the employee's employment, that is in violation of any federal, state or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

"Improper Governmental Action" does not include personnel actions (hiring, firing, complaints, promotions, and reassignment, for example). In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

2. Retaliatory Action. Any material adverse change in the terms and conditions of an employee's employment.

3. Emergency. A circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action

City employees who become aware of improper governmental actions should follow this procedure:

1. Bring the matter to the attention of his/her supervisor, if the supervisor is not involved in the alleged wrongdoing, in writing, stating in detail the basis for the

employee's belief that an improper action has occurred. This should be done as soon as the employee becomes aware of the improper action.

2. Where the employee believes the improper action involves the supervisor, the employee may raise the issue directly with the Mayor.

3. The Mayor or his/her designee, as the case may be, shall promptly investigate the report of improper government action. After the investigation is completed (within 30 days of the employee's report), the employee shall be advised of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

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

Employees may report information about improper governmental action directly to an outside agency if the employee reasonably believes that an adequate investigation was not undertaken by the City to determine whether an improper governmental action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur.

List of Government Agencies

Spokane County Prosecuting Attorney
W 1100 Mallon
Spokane, Washington 99201
(509) 456-3662

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

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

Human Rights Commission
W 905 Riverside
Spokane, Washington
(509) 456-4473

Department of Labor and Industries
E 3901 Main
Spokane, Washington
(509) 324-2600

Environmental Protection Agency
Criminal Investigations
1200 Sixth Avenue
Seattle, Washington
1-800-424-4372

Protection Against Retaliation

It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who believe they have been retaliated against for reporting an improper government action should follow this procedure:

1. Employees must provide a written complaint to the supervisor within 30 days of the occurrence of the alleged retaliatory action. If the supervisor is involved, the notice should go to the Mayor or his/her designee. The written charge shall specify the alleged retaliatory action and the relief requested.

2. The Mayor or his/her designee shall investigate the complaint and respond in writing within 30 days of receipt of the written charge.

3. After receiving the City's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either 15 days of receipt of the City's response to the charge of retaliatory action or 45 days of receipt of the charge of retaliation to the Mayor for response.

4. Within **five (5)** working days of receipt of a request for hearing, the City shall apply to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than 45 days after the date of the request for hearing, unless an extension is granted.

Policy Implementation

The Mayor or his/her designee is responsible for implementing these policies and procedures. This includes posting the policy on the City bulletin board, making the policy available to any employee upon request, and providing the policy to all newly hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility.

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

9.4 POLITICAL ACTIVITIES

City employees may participate in political or partisan activities of their choosing provided that City resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on City time or in a City uniform or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

Any City employee who meets with or may be observed by the public or otherwise represents the City to the public, while performing his/her regular duties, may not wear or display any button, badge or sticker relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, for a contribution for a partisan political cause.

Except as noted in this policy, City employees are otherwise free to fully exercise their constitutional First Amendment rights.

9.5 NO SMOKING POLICY

For health and safety considerations, the City prohibits smoking by employees in all City facilities, buildings, vehicles and offices, or facilities rented or leased by the City, including individual employee offices.

9.6 PERSONAL POSSESSIONS

The City furnishes desks and other office related equipment. However, we do not assume responsibility for any theft or damage to the personal belongings of employees and we reserve the right to search employee desks, and personal belongings brought onto City premises, if necessary, without notice.

The City also furnishes computers for use in conducting City business. Because the computers are for City business, the City reserves the right to review the contents of any files or documents on the computer, including contents of any electronic mail. City computers are not for personal use.

9.7 TECHNOLOGY RESOURCE USAGE POLICY

The following policies define appropriate use of the City of Liberty Lake network, computers, all related peripherals, software, electronic communications, and Internet access. They apply to the access of the City's network and use of computing technology resources at any location, from any device, via wired or wireless connection. They apply

to all users of City technology resources regardless of employment status. Access to all networks and related resources require that each user be familiar with these policies and associated work rules. The City of Liberty Lake authorizes the use of computing and network resources by City staff, contractors, volunteers and others to carry out legitimate City business. All users of City computing and network resources will do so in an ethical, legal, and responsible manner. All use of technology resources must be consistent with the intent and requirements of all City policies and work rules. Technology resources may not be used to facilitate operation of a personal business. See Social Media Policy (Appendix A) for more details.

This document does not attempt to address every possible situation that may arise. Etiquette and common sense should be exercised while using City technology resources. This document provides policies and general rules for appropriate use of resources.

Permitted Personal Use

Limited Internet, on-line services, and personal e-mail communications are permitted subject to the following limitations:

- Such use shall not occur on city time but is permitted before and after hours, and during breaks.
- Such use is permitted only to the extent that the city does not incur user charges.
- Personal use remains subject to the prohibited and inappropriate use policies in Section 9.7.

Network Usage

Approval must be obtained when connecting devices to the City's network. This includes PCs, hubs, printers, scanners, remote connections, and wireless or wired devices.

- Use of modems on the City's network requires written approval from **the Mayor or his/her designee** ~~City Administrator or designee~~. Approved devices with modems must be disconnected from the network prior to using the modem.
- Personal software or devices may not be loaded or attached to any City-owned equipment without written authorization by Mayor or his/her designee..
- Intruding or attempting to intrude into any gap in system or network security is prohibited. Sharing of internal information to others that facilitates their exploitation of a gap in system or network security is also prohibited. If you encounter or observe a gap in system or network security, report the gap immediately as per 9.7-6.
- Obey the privacy and rules governing the use of any information accessible through the network, even if that information is not securely protected.

- All users are responsible for ensuring that their computing devices have current virus definitions and for scanning attachments and downloaded materials for viruses prior to opening.
- Use of the network via any connection (e-mail, application, Internet, etc.) to access or download large non-business related files is prohibited. Examples include video, audio, MP3 files, and games.
- Transmission, distribution, or storage of any information or materials in violation of federal, state or municipal law is prohibited. Software that is copyrighted or licensed may not be shared or illegally distributed. Copyright violations are federal offenses that may result in civil and criminal penalties to employees and the City of Liberty Lake.

Internet/Intranet Usage

- This technology usage agreement outlines appropriate use of the Internet/Intranet. Usage shall be primarily focused on business-related tasks.
- When using the Internet or other means of communication keep in mind that you are representing the City. Comments made should be reflective of City policy unless expressly indicated otherwise.
- Use of the Internet, as with use of all technology resources, should conform to all City policies and work rules. Visiting "adult" or sexually-oriented web sites, sites associated with hate crimes, violence or other crimes that create discomfort in the workplace and have no legitimate business value and is **prohibited** unless necessary by law enforcement personnel for investigative or intelligence gathering purposes. Filtering software will be actively used to preclude access to inappropriate web sites. Attempts to alter or bypass filtering mechanisms are prohibited.
- The Manager or Supervisor ~~Head~~ or designees may limit Internet connect time and bandwidth. Using "push" technology or other "subscriber" technologies that employ continuous or extended connections to the Internet or produce high volumes of e-mail communications is prohibited.
- ~~The City's Intranet site will be routinely used to relay information and announcements relevant to the general employee population. The Intranet is intended to replace the use of broad email distribution of non-critical and non-time-sensitive announcements.~~

E-Mail Usage

- E-mail must follow the same code of conduct as expected in any other form of written or face-to-face communication.

- Messages sent or received via e-mail are public record and must meet the same standards as if they were tangible documents or instruments. Users must manage their e-mail in accordance with record retention policies and procedures as defined by the City Clerk's office.
- E-mail accounts must be managed within assigned capacities. Messages must be stored to alternative locations (like a hard drive or back-up disk) on a regular basis and deleted from the e-mail system. Personal messages should be deleted immediately.
- Frequent deletion of old and/or unneeded e-mail is the responsibility of each user, according to the record retention policies.
- The City provides staff access to and support of the Exchange/Outlook messaging (e-mail) system. Access or usage of any other messaging systems is not allowed.

User Accounts

Each user is responsible for establishing and maintaining a password that meets City requirements. Without the express authorization of the user, the use of another person's account or attempt to capture other users' passwords is prohibited. Each user is responsible for restricting unauthorized access to the network by logging out of their computer account when leaving their computer unattended. If you discover unauthorized use of your account, immediately follow the reporting procedures in 9.7.6.

Monitoring and Employee Privacy

The City owns all data stored on its network and systems (including e-mail, voicemail and Internet usage logs) and reserves the right to inspect and monitor any and all such communications at any time. The City may conduct random and requested audits of employee accounts in order to ensure compliance with policies and requirements, to investigate suspicious activities that could be harmful to the organization, to assist Departments in evaluating performance issues and concerns, and to identify productivity or related issues that need additional educational focus within the City. Internet and email communications may be subject to public disclosure and the rules of discovery in the event of a lawsuit. The City's Internet connection and usage by individuals are monitored. There is no right to privacy in an employee's use of City technology resources.

Administration, Reporting and Violations

Departments share responsibility with monitoring appropriate implementation of these policies and requirements. Manager or Supervisors ~~Heads~~ are responsible for determining any and all disciplinary actions that may stem from violations of these policies and requirements.

disciplinary action, including termination. The City will verify all employees driving records annually to ensure compliance and eligibility

9.12 SOLICITATIONS

Most forms of selling and solicitations are inappropriate in the workplace. They can be an intrusion on employees and citizens and may present a risk to employee safety or to the security of City or employee property. The following limitations apply:

1. Persons not employed by the City may not solicit, survey, petition or distribute literature non-related to City business on City premises at any time. This includes persons soliciting for charities, salespersons, questionnaire surveyors, labor union organizers, or any other solicitor or distributor. An exception is community-based fund raising efforts.

2. Employees may not solicit for any purpose during work time. Reasonable forms of solicitation are permitted during non-work time such as before or after work or during meal or break times. Soliciting employees who are on non-work time may not solicit other employees who are on work time. Employees may not distribute literature for any purpose during work time or in work areas. Employee break areas are considered a non-work area under this policy.

9.13 SAFETY

Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her Manager or Supervisor ~~Head~~. The City will make every effort to remedy problems as quickly as possible. In case of any accident, employees shall immediately notify their Manager or Supervisor ~~Head~~ or, if the Manager or Supervisor ~~Head~~ is unavailable, the ~~City Administrator~~ **Mayor or his/her designee**.

Since being exposed to a bloodborne pathogen may lead to sicknesses such as hepatitis, AIDS or malaria, and since the City wants to assure the employees as safe and healthy a work environment as possible, it is the policy of the City to comply with all statutory obligations for the prevention of exposure to bloodborne pathogens. Therefore, employees shall follow the policy and procedures outlined in the **City of Liberty Lake Safety Policy (Appendix C)**

Employee safety depends on the safety consciousness of everyone. In order to facilitate a safe work environment, employees may not bring dangerous weapons of any kind to the workplace. This includes, but is not limited to, weapons for which employees have a valid permit. The only exception to this rule involves law enforcement positions for which the job requires possession of dangerous weapons.

9.14 SUBSTANCE ABUSE

The City's philosophy on substance abuse has two focuses: A concern for the well-being of the employee and a concern for the safety of other employees and members of the public.

Availability of Rehabilitation or Treatment

As part of the employee assistance program (EAP), the City encourages employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation. Although the decision to seek diagnosis and accept treatment is completely voluntary, the City is fully committed to help employees who voluntarily come forward to overcome a substance abuse problem. In most cases, the expense of treatment may be fully or partially covered by the City's benefit program. In recognition of the sensitive nature of these matters, all discussions will be kept confidential. Employees who seek advice or treatment will not be subject to retaliation or discrimination.

When Substance Abuse Affects Job Performance

Although the City is concerned with rehabilitation, it must be understood that disciplinary action may be taken when an employee's job performance is impaired because he/she is under the influence of drugs or alcohol on the job. The City may discipline or terminate an employee possessing, consuming, selling or using alcohol or controlled substances during work hours or who reports for duty under the influence. An employee may be required to submit to alcohol or controlled substance testing when the City has reasonable suspicion that the employee is under the influence of controlled substances or alcohol. Refusal to submit to testing, when requested, may result in immediate disciplinary action, including termination.

Prescribed Medication

An employee on a prescribed medication that affects his/her ability to work must notify his/her supervisor and may be assigned to other duties or required to leave work.

Drug-Free Workplace Act

The federal Drug-Free Workplace Act prohibits the manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees. Employees must notify the City within five days of any conviction for a drug violation. Failure to comply, with the Drug-Free Workplace Act or continued poor performance, and/or failure to successfully complete a rehabilitation program, is grounds for termination.

* * * * *

CERTIFICATION

I, Ann Swenson, the undersigned City Clerk of the City of Liberty Lake, of Spokane County, Washington, HEREBY CERTIFY that the foregoing Resolution is a full, true and correct copy of Resolution No. 02-47D duly adopted at a regular meeting of the City Council of said City, duly and regularly held at the regular meeting place thereof on April 1, 2014 of which meeting all members of said City Council had due notice and at which a majority thereof were present; and that at said meeting said Resolution was adopted by the following vote: unanimous, 5-0.

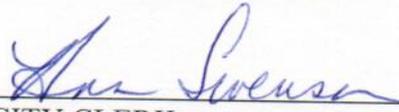
AYES, and in favor thereof: Mayor Pro Tem Kaminskas, and Council Members: Severs, Kopelson, Brickner, and Langford.

NAYS: None.

ABSENT: Council Member Olander.

ASTAINED: None.

CITY OF LIBERTY LAKE



CITY CLERK