



# **EMPLOYEE HANDBOOK**

## **Personnel Policies**

*Adopted: Update 02/01/2025*

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# **POLICY 100 – WELCOME MESSAGE AND MISSION STATEMENT**

## **Welcome to the City of Arlington!**

Please read and become familiar with the policies contained in this Employee Handbook. They have been developed to help you use the resources available to you. As a City employee, it is extremely important that you fully understand what is expected of you, and what you can expect from us. If you have any questions at any time regarding our policies, please ask your supervisor, department director, or contact Human Resources.

It may become necessary in the future to change some of the policies contained in this Handbook. The City reserves the right to revise, supplement, clarify or rescind any policy or portion of a policy when deemed appropriate; subject to any mandatory bargaining. The changes themselves will be noted in the appropriate policy within the handbook along with the revision date. The City will notify you in a timely manner when changes occur.

The policies referenced herein are adopted as the official City of Arlington Personnel Policies.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor Don E, Vanney

*Our mission is to provide high quality services that are essential for a safe and vibrant community.*



## **POLICY 101 - ACKNOWLEDGMENT and RECEIPT**

This Employee Handbook summarizes the City’s basic personnel policies and is intended to serve as a resource concerning your employment with the City. All employees are expected to review the Handbook and become familiar with its policies. This Handbook supersedes any prior policies or handbooks. As the City grows or evolves, personnel policies may change. The City, therefore, reserves the right to modify, revoke, suspend, terminate or deviate from the policies set forth in this Handbook at any time. While the City will try to provide advance notice of any policy changes, advance notice will not always be possible or practical.

There are several things to keep in mind about this Handbook. First and foremost, the Handbook contains only general information and guidelines. It does not constitute an employment contract, or promises of specific treatment, or a promise of employment of any specific duration between the City and its employees. Your employment with the City of Arlington is “at will,” which means that the employment relationship can be terminated at any time, without cause or notice, by you or by the City. Nothing in this Handbook is intended to modify the at-will relationship. No supervisor or other City representative has the authority to modify an employee’s at-will status or make representations that are inconsistent with the policies in this Handbook, unless the modification is in writing and duly approved by the City Administrator.

Second, this Handbook is not intended to address every aspect of your employment in detail. In some cases, details may be found in other controlling documents, such as the summary plan descriptions of benefit plans. You may also have questions about whether and how a policy applies to a specific situation. For any questions about a specific employment issue, please contact Human Resources for guidance.

Additionally, this Handbook applies to all employees of the City. ***In cases where these policies conflict with an applicable state or federal law, a written employment contract, or collective bargaining agreement, the terms of the law or contract will control.***

Finally, please note that in addition to the policies included in this Handbook, your Department or work group may have standard operating procedures or other work rules that pertain to you. Those rules and procedures supplement the personnel policies included in this Handbook.

**I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.**

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Employee's Name (Print)

\_\_\_\_\_  
Date

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**

## **POLICY 102 – CODE OF ETHICS**

The City of Arlington conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

The City of Arlington is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, and among employees. The highest standards of ethical business conduct are required of City of Arlington employees in performance of their responsibilities. Employees will not engage in conduct or activities that may raise questions as to the City's honesty, impartiality, or reputation or otherwise cause embarrassment to the City.

Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- (a) Using public office, public position or city resources for private gain
- (b) Giving preferential treatment to any person or entity
- (c) Losing impartiality, or
- (d) Adversely affecting the confidence of the public in the integrity of the City

Every employee has the responsibility to ask questions, seek guidance, make good faith reports of suspected violations, and express concerns regarding compliance with this policy. Retaliation against employees who use City reporting mechanisms to raise genuine and good faith concerns will not be tolerated.

This policy constitutes the standards of ethical business conduct required of all employees. Department Heads are responsible for supporting their implementation and monitoring compliance.

## **POLICY 103 - CONFIDENTIALITY**

Our citizens and employees entrust us with important information. It is our policy that all information considered confidential will not be disclosed to external parties or to other employees without a "need to know." It is the policy of the City to disclose pertinent public records upon request under the Public Disclosure Act, but not to disclose confidential information to any person or entity not entitled or authorized to receive the information.

Confidential information includes specific information, rather than generalized knowledge, that is not available to the general public or information made confidential by law. If an employee questions whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

This is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications. No employee may make a disclosure of confidential information gained by reason of the employee's official position or otherwise use the information for his/her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving the employee's agency and the person or persons who have the authority to waive the confidentiality of the information.

## **POLICY 201 – EQUAL EMPLOYMENT OPPORTUNITY**

The City of Arlington is an equal opportunity employer. All employees and potential employees will be recruited, selected, trained, promoted, compensated and, if necessary, disciplined or terminated without regard to sex/gender, race, color, creed, national origin, religion, marital status, military or veteran status, age, national origin, pregnancy, sexual orientation, gender identity, the presence of any sensory, mental or physical disability, genetic information, political affiliation, or any other basis prohibited by law.

Any employee who believes that he or she has been discriminated against or who has suffered from unlawful harassment or retaliation should report it to his/her supervisor, any City manager or department head, or Human Resources. Please refer also to the Anti-Harassment policy. Upon receipt of a complaint, the City will investigate and take appropriate corrective action as may be warranted.

## **POLICY 202 – AMERICANS WITH DISABILITIES ACT (ADA)**

The City complies with the Americans with Disabilities Act (ADA) and all applicable state and local fair employment practices laws, and is committed to providing equal employment opportunities to qualified individuals with disabilities. Consistent with this commitment, the City will provide a reasonable accommodation to qualified employees with a disability if the reasonable accommodation would allow the individual to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to the health or safety of others.

If you would like to request reasonable accommodation, please contact Human Resources. Human Resources will work with you (and your health care provider, as needed) to evaluate the need for reasonable accommodation and options for providing reasonable accommodation.

## **POLICY 203 – REASONABLE ACCOMMODATIONS OF RELIGIOUS BELIEFS**

The City respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business or operations. See Policy 702 – Absences.

## **POLICY 204 - ANTI HARASSMENT**

The City of Arlington is committed to ensuring that the practices and conduct of all its employees comply with the requirements of federal and state laws against unlawful harassment. It is the policy of the City that all employees have the right to work in an environment free from unlawful harassment based upon their race, color, religion, creed, sex, national origin, age, marital status, pregnancy, sexual orientation and gender identity, veterans' status, genetic information, disability, and any other class status protected by federal, state, or local law. Any unlawful workplace harassment of employees will not be tolerated by the City.

Harassment encompasses unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, sexual orientation, gender identity, color, race, religion, national origin, age, disability, marital status, veteran or military status, citizenship status, or other protected group status. The City will not tolerate harassing conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment.

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

Sexual harassment is one form of prohibited, unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

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

- Unwelcome or unwanted flirtations, propositions, or advances. This includes patting, pinching, brushing up against, hugging, cornering, kissing, fondling, putting one's arm around another, or any other similar physical contact considered unacceptable by another individual.
- Requests or demands for sexual favors. This includes subtle or blatant expectations, pressures, or requests for any type of sexual favor accompanied by an implied or stated promise of preferential treatment or negative consequences concerning an individual's employment.
- Verbal abuse or kidding that is sexually oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance when such comments go beyond an isolated innocuous compliment; off-color jokes or offensive language; or any other tasteless, sexually oriented comments, innuendoes, or offensive actions, including leering, whistling, or gesturing.

- Participation in fostering a work environment that is generally intimidating, hostile, or offensive because of unwelcome or unwanted sexually oriented conversation, office décor, suggestions, requests, demands, physical contacts, or attention.

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

The Complaint Form, available from Human Resources, may be used to file a written complaint. A harassment complaint generally will be handled as follows:

- Every complaint is to be reported within three days either by the complainant or by the person receiving the complaint. If reported verbally, the person taking the complaint should produce a written statement for the complainant to review and sign.
- The complaint will be investigated as soon as reasonably practicable. Choice of investigator, level of formality, and the procedures used in the investigation may vary, depending upon the nature of the allegations and full circumstances of the situation, including the context in which the alleged incidents occurred.
- Confidentiality will be maintained throughout the investigatory process to the extent practical and consistent with the need to undertake a full investigation.

There shall be no retaliation by the City, its officers, managers, or other employees toward any employee bringing a complaint in good faith or cooperating with the investigation of a harassment complaint. Any person who feels they have been retaliated against, should immediately report their concern to the Human Resource Department or City Administrator. The City strictly prohibits retaliation under this policy, and any sustained allegations of retaliation will lead to discipline, up to and including termination.

Where the investigation confirms the allegation of unlawful harassment or retaliation, the City will take prompt corrective action and, where appropriate, discipline the offending individual. Discipline may include verbal and written reprimands, professional counseling, reassignment, demotion, or other appropriate action, up to and including termination. The affected individuals will be informed of the outcome of the investigation.

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

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

## **POLICY 205 - WORKPLACE VIOLENCE**

The City of Arlington is committed to providing a safe workplace for its employees, guests, contractors, and vendors. Therefore, in an effort to help prevent or reduce the possibility of violence here in our workplace, the City has implemented this policy on workplace violence for our employees.

The City of Arlington strictly prohibits threatened or actual workplace violence. This includes, but is not limited to, any of the following conduct associated in or around the workplace, or otherwise related to employment:

- Threatening injury or damage against a person or property;
- Fighting or threatening to fight with another person;
- Threatening to use a weapon on City of Arlington premises (unless such threat is a lawful use of force by an employee required to carry a firearm or weapon as a condition of employment);
- Abusing or injuring another person;
- Abusing or damaging property;
- Using obscene or abusive language or gestures in a threatening manner; or
- Raising voices in a threatening manner.

Because of the potential for misunderstanding, joking about any of the above misconduct is also prohibited.

The term "premises" means all areas within the ownership and/or control of the City of Arlington, including, but not limited to, buildings, offices, work areas, lounges, vehicles, parking lots, desks, cabinets, lockers, storage areas, and any other City owned property on which employees may work. The City reserves the right to search all facility premises when management determines that such a search is a reasonable and necessary precaution for workplace safety.

Any workplace violence incidents or incidents indicating a potential for violence are to be reported by an employee to the Human Resources Director as soon as possible and Incident Reports are to be completed. If the City determines that an employee has violated this policy, the employee will be subject to immediate discipline up to and including termination. The Human Resource Department and Department Head shall handle concerns with members of the public or other parties as it determines under its policies and procedures.

Any employee who believes that a situation with an aggressive employee, resident, guest, contractor, vendor, or other party (e.g., any person who uses obscene or abusive language or gestures, makes threats or acts in a violent or threatening manner) may immediately become violent putting the employee or others in imminent danger, should promptly leave the work area and immediately call 911. No disciplinary action shall be taken against any employee who leaves a work area when the employee has a reasonable belief that an emerging situation with an aggressive person is likely to turn violent at that time. The employee should coordinate the timing and circumstances of possible return by the employee to the area with police and their immediate manager.

All City of Arlington security policies and rules must be adhered to at all times. To prevent inappropriate outsider access, facility solicitation, and access, those policies and rules must be strictly followed. It is especially important that building security rules and procedures are

specifically enforced at all times (e.g., doors locked after hours). Failure to comply with these requirements may lead to disciplinary action, up to and including termination. Employees should:

- Be familiar with all safety and health procedures relevant to the operations under their supervision;
- Inspect their work areas periodically;
- Identify conditions that are recognized as being unsafe;
- Report accidents and injuries to the immediate Manager, Department Head and Human Resources immediately; and
- Ensure that any injured employee is referred to appropriate medical care.

## **POLICY 206 – DOMESTIC VIOLENCE IN THE WORKPLACE**

This policy is adopted in order to establish the City of Arlington’s commitment to promoting the health and safety of its employees and maintaining workplace that is free from violence or threats of violence. This policy applies to all employees of the City.

“Domestic violence” means physical bodily harm, bodily injury, assault or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; sexual assault of one family or household member by another; stalking of one family or household member by another family or household member, as defined in the Washington Criminal Code (RCW 9A.46.110).

“Family or household member” means spouses, registered domestic partners, former spouses, or former registered domestic partners; persons who have a child in common regardless of whether they have been married or have lived together at any time; adult persons related by blood or marriage; adult persons who are presently residing together or who have resided together in the past; persons sixteen (16) years of age or older who presently have or have had dating relationship; persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren

The City of Arlington does not penalize or discipline employees because they are, or have been, victims of domestic violence. The City will make reasonable efforts to provide support and assistance for employees who are affected by domestic violence. These efforts may include, but are not limited to, the following:

- Referrals to the Employee Assistance Program (EAP)
- Information about community resources available to assist victims of domestic violence, including Domestic Violence and Sexual Assault Services
- Work schedule adjustments or leave, for both victims and family members of victims, as needed to obtain medical, mental health, legal assistance, and/or confidential secure shelter (as required by Washington State’s Domestic Violence Leave law, RCW 49.76)
- Development of a workplace safety plan that seeks to minimize risk to the victim

The City does not tolerate domestic violence in the workplace, including offices, facilities, work sites, vehicles or other locations where business is conducted. Domestic violence perpetrators may be removed from the premises and may be subject to arrest and/or criminal prosecution. Employees who engage in domestic violence in the workplace or who use the City’s facilities, property or resources (including but not limited to using workplace phones, computers, fax machines, and/or vehicles, or paid workplace time) to engage in domestic violence are subject to disciplinary action, up to and including termination.

Corrective or disciplinary action may also be taken against employees who are convicted or issued an injunction as a result of domestic violence when such action has a direct connection to their job duties. Criminal prosecution may result if federal, state or local laws are violated.

All employees of the City are encouraged to promote a safe workplace that is free of violence and threats of violence by immediately reporting threats, acts of aggression, or acts of violence in the workplace to their supervisor, law enforcement agencies, and/or the Human Resources Department.

The City encourages employees who are perpetrators of domestic violence to seek assistance and will make reasonable efforts to provide the following:

- Referrals to the Employee Assistance Program (EAP)
- Information about certified domestic violence perpetrator treatment programs
- Work schedule arrangements to permit receipt of such assistance

## **POLICY 207 – HIRING and JOB POSTINGS**

The City of Arlington is an equal opportunity employer and hires individuals solely based on their qualifications and ability to do the job.

The City will try to fill job openings above entry level by promoting from within if qualified internal applicants are available. Employees should note, however, that some positions are Civil Service and fall under the Civil Service Rules. The City will give consideration to any known qualified individuals who are on layoff status before recruiting applicants from outside the organization.

All job vacancies must be submitted to the Human Resources Department for review and creation of a job notice. Once approved, all job notices will be posted in appropriate city locations at least five working days prior to the closing date for applications.

Appointments for part-time, temporary, or provisional employment may be allowed as substitution for a regular employee who is absent, provided sufficient funds have been authorized and budgeted for this purpose, when it is impossible to make a regular appointment due to recruitment difficulties, or where budget appropriations provide for this alternate employment. Temporary appointments will indicate the length of duration and not exceed six months unless approved by the City Administrator.

All offers of employment will be made in writing and signed by the Mayor.

The City of Arlington will consider a member of an employee's immediate family for employment if the applicant possesses all the qualifications for employment. An immediate family member may not be hired if the employment would create either a direct or indirect supervisor/subordinate relationship with a family member; or create an actual conflict of interest or the appearance of a conflict of interest. These criteria will also be considered when assigning, transferring, or promoting an employee. For purposes of this policy, "immediate family" includes: the employee's spouse, domestic partner, brother, sister, mother, father, stepmother, stepfather, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, and any other member of the employee's household. Employees who marry or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between the employees; or an actual conflict of interest or the appearance of a conflict of interest.

Should one of the above situations occur, the City of Arlington would attempt to find a suitable position within the City to which one of the affected employees may transfer. If accommodations of this nature are not feasible, the employees will first be permitted to determine which of them will resign. If no agreement between the employees can be reached, the City will decide which of the employees will be terminated. Termination would generally occur within ninety (90) days.

Former employees who left the City of Arlington in good standing may be considered for re-employment. Former employees who resigned without advance notice or who were dismissed for disciplinary reasons may not be considered for re-employment. A former employee who is re-employed will be considered a new employee from the date of re-employment unless the break in service is less than 3 months, in which case the employee will retain accumulated seniority. Length of service for the purposes of benefits is governed by the terms of each benefit plan.

Employees who retire may be eligible, in certain circumstances, to be considered for rehire.

## **POLICY 208 - MEDICAL EXAMINATIONS**

The City of Arlington may require applicants to whom a conditional offer of employment has been extended to submit to a medical examination to establish their fitness to perform the job for which they have applied without endangering the health and safety of themselves or others. If management determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made shall be examined.

Employees may be required to have a medical examination on other occasions when the examination is job-related and consistent with business necessity (See POLICY 705, 808, 809). For example, a medical examination may be required when an employee is exposed to toxic or unhealthful conditions, requests an accommodation for a particular disability, returns from a leave due to a medical condition, or has a questionable ability to perform essential job functions due to a medical condition.

Medical examinations required by the City of Arlington will be paid for by the City and will be performed by a physician or licensed medical facility designated or approved by it. Medical examinations paid for by the City of Arlington are the property of the City of Arlington, and the examination records will be treated as confidential and kept in separate medical files. However, records of specific examinations, if required by law or regulation, will be made available to the employee, persons designated and authorized by the employee, public agencies, relevant insurance companies, or the employee's doctor.

Employees who need to use prescription or nonprescription legal drugs while at work must report this requirement to their supervisor if the use might impair their ability to perform their job safely and effectively. Depending on the circumstances, employees may be reassigned, prohibited from performing certain tasks, or prohibited from working if they are determined to be unable to perform their jobs safely and properly while taking prescription or nonprescription legal drugs.

The City reserves the right to require acceptable confirmation of the nature and extent of any illness or injury that requires an employee to be absent from scheduled work. The City also may require a second and, if appropriate, third medical opinion from a neutral medical professional regarding an employee's absence because of illness or injury. The City will pay for any additional opinions it requires.

Employees returning from a disability leave or an absence caused by health problems may be required to provide a doctor's certification of their ability to perform their regular work satisfactorily without endangering themselves or their fellow employees.

Employees who become ill on the job or suffer any work-connected injury, no matter how minor, must report immediately to their supervisors. The supervisor will arrange referral for examination, treatment, and recording of the incident as necessary. Time an employee spends waiting for and receiving this medical attention will be considered hours worked for pay purposes.

The City also may require job applicants and current employees to take a test to determine the presence of drugs, narcotics, or alcohol, unless prohibited by law (See POLICY 808 and 809).

## **POLICY 209 - INTRODUCTORY PERIOD**

The City of Arlington carefully monitors and evaluates all new employees and all present employees transferred or promoted to a new job during an initial introductory period. After satisfactory completion of the introductory period, those employees will be evaluated as provided for in the performance appraisals policy.

The introductory period should last six months as calculated from the first month of employment or the first of the month following employment if the date of hire is after the fifteenth. Under certain circumstances this period may be extended. Supervisors should observe carefully the performance of each employee in a new job position. Where appropriate, weaknesses in performance, behavior, or development should be brought to the employee's attention for correction.

Supervisors should prepare a written evaluation of the employee's job performance before the end of the introductory period on the new job. The evaluation should include a recommendation as to whether the employee should continue in the position. Copies of the evaluation should be forwarded to the Department Head and the Human Resource Department for inclusion in the employee's personnel file.

Employees generally will be allowed to continue in their new positions if they are given both a satisfactory evaluation by the end of their introductory period and their supervisor's endorsement to continue in the job. Employees who do not receive a satisfactory evaluation and endorsement may be given additional time in 30-day increments to demonstrate their ability to do the job, if the supervisor feels additional time is warranted in order to achieve acceptable job performance. Supervisors may recommend the termination of a newly hired employee at any time. Introductory employees are at-will employees. A recommendation for termination should be submitted in writing to the Human Resource Department for review and should include an evaluation and a list of actions taken to assist the employee.

At the discretion of management, transferred or promoted employees who are unable to perform satisfactorily in their new jobs may be returned to their original jobs, if a vacancy exists, or may be terminated.

## **POLICY 210 – TRANSFER**

The City of Arlington may, at its discretion, initiate or approve employee job transfers from one job to another or from one location to another. The City may also require employees to make either a temporary or long-term job transfer in order to accommodate the City's business needs. The City of Arlington will try to limit the number and duration of temporary transfers that it requests of individual employees in a twelve-month period.

Employees may request a voluntary job transfer to an open position in another department. To be eligible for a voluntary transfer, employees must meet the requirements of the new position, have held their current position for at least 12 months, have a satisfactory performance record, and have no disciplinary actions during the same period.

Eligible employees who request a transfer generally will be considered in the following order:

- a. Employees in the same department as the job opening;
- b. Employees who are being considered for layoff because of a reduction in force or because of the elimination of their job; and
- c. All other employees.

The employee should submit a letter of interest and list of qualifications to the applicable Department Head and to the Human Resources Department. The request should include the reason for the transfer and the department and specific job that the employee wants. Requests based on posted job openings must be initiated prior to the cut-off date specified in the posting. It is recommended that employees inform their immediate supervisor of their intent to apply for another position

The Human Resources Department and the Department Head will determine if the employee is eligible. If the employee is eligible for a job opening, the hiring manager will arrange an interview with the candidate. The candidate will be allowed time off with pay for job interviews related to the transfer. The Department Head with the job opening will make the final transfer decision, subject to prior approval of the Human Resource Department and the City Administrator.

Transferred employees will be subject in their new positions to the provisions of the Introductory Period Policy. Transferred employees may be required to have a medical examination if the examination is job-related and consistent with business necessity. Transferred employees will retain their existing job seniority.

Pay for transferred employees generally will be handled as follows:

- a. Employees transferred to a job within the same salary range will continue to receive their existing rate of pay;
- b. Employees transferred to a job in a higher salary range will be paid at a rate within the higher range to be determined at the time of transfer;
- c. Employees transferred, for management's convenience, to a job in a lower salary range will usually be paid at their former rate. At management's discretion, however, employees may be paid at the rate of the new job; and
- d. Employees who are transferred for disciplinary reasons, lack of work, budgetary reasons, municipal reorganization, or at their own request to a job in a lower salary range will be paid at the lower rate beginning with the start of the new job.

## **POLICY 211 - PROMOTION**

The City of Arlington may offer employees promotions to higher-level positions when appropriate. Management prefers to promote from within and may first consider current employees with the necessary qualifications and skills to fill vacancies above entry level, unless outside recruitment is considered to be in the City of Arlington's best interest.

All employees are encouraged to seek advancement opportunities and to obtain promotion and career guidance from their Supervisor, Department Head, and the Human Resource Department.

Employee eligibility for promotion will be determined by the requirements of the new job. In addition, to be considered, employees must have held their current position for at least twelve (12) months, have a satisfactory performance record, and have no disciplinary actions during the same period. Management retains the discretion to make exceptions to the policy.

Job openings and promotions for which management solicits candidates from within the City of Arlington will be posted via electronic mail and on the City's Intranet Site. When job openings or promotional opportunities are posted:

- a. Interested employees must complete an internal application form or letter of interest and forward it to the Human Resource Department prior to the cut-off date specified in the posting;
- b. Employees who are candidates for job openings and promotions will be considered for the position as outlined in the Transfer policy.
- c. Employee candidates for promotion will normally be screened and selected based on attendance and work records, performance appraisals, and job-related qualifications including, in some instances, aptitude or achievement tests.
- d. Seniority will be considered if required by a labor contract.
- e. In addition, employees seeking promotion may be required to have a medical examination if the examination is job-related and consistent with business necessity.

Promoted employees will be subject to the provisions of the Introductory Period policy in their new positions. Upon promotion to a position of higher salary range, the employee shall receive an increase in salary which is at least one increment higher than currently paid, but not less than the minimum of the new salary range. Note: Department heads must assure the employee will receive a salary which is greater than that which could be received through an imminent performance increase within the position held before promotion.

## **POLICY 212 - HOURS OF WORK**

The City of Arlington establishes the time and duration of working hours as required by workload and workflow, customer service needs, the efficient management of employees, and any applicable law.

The normal workweek is Sunday through Saturday, beginning and ending at midnight on Saturday, and consisting of forty hours. The normal workday will consist of eight hours of work with an unpaid meal period. Different work schedules, such as in the case of police, fire, maintenance and operations, water, and wastewater employees, may be established by the City to meet job assignments and provide necessary City services. Rest or coffee breaks are considered as time worked.

Each employee's scheduled work hours will be determined by his or her supervisor. The supervisor, or his/her designee, will inform employees of their daily schedule of hours of work, including meal periods and rest or coffee breaks, and of any changes that are considered necessary or desirable by the City of Arlington. Employees are required to take lunch and rest breaks.

Supervisors may schedule overtime or extra shifts. Supervisors will assign overtime to nonexempt employees (those employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act) as needed. Employees are not permitted to work overtime without the prior approval of their supervisor. For the purposes of overtime compensation, only hours worked in excess of forty during a workweek will be counted.

If management requires and authorizes it, attendance at lectures, meetings, and training programs will be considered hours of work, and therefore will be compensated time.

## **POLICY 213 – ON CALL**

On call hours may be required for certain departments. On call quarterly schedules will be prepared and posted by the department manager or his/her designee and will include the date, hours of on call status and employee name. The schedule for subsequent quarters will be posted not less than one calendar month prior to the effective date of the new schedule.

On call employees may trade assigned on call shifts with other employees in that department with prior approval of the department manager. Such trades shall be for not less than a complete on call shift.

In the event of a personal emergency that precludes the on call employee's ability to respond, the employee must notify the department manager or designee as soon as possible.

On call procedures will be set by each department and the department head or manager will ensure that all employees are familiar with those procedures.

Employees on-call are compensated for remaining available to respond to emergencies, carrying and monitoring a phone, computer, and/or pager, and remaining alcohol and substance free during the on-call period.

Employees shall be compensated a minimum of one hour at 1.5 times the employee's straight rate of pay for each full day served on on-call status or a minimum of two hours at 1.5 times the employee's straight rate of pay for each full day served on a holiday as specified in Policy 503.

A phone call or computer contact that requires the employee to respond between the time their shift ends and begins but that does not cause the employee to leave their location shall be deemed a "call-in" and be compensated at the rate of ½ an hour paid at 1.5 times the employee's straight rate of pay. Additional phone calls or computer contacts that require the employee to respond during those times shall be considered a new "call-in." This would include answering and addressing any on-call phones, computers or pagers during the on-call period and be considered additional work performed on the City's behalf and be compensated separately from the on-call pay.

A phone call or computer contact received while on-call that causes the employee to leave their location and respond shall be deemed a "call-out" and be compensated a minimum of two hours at 1.5 times the employee's straight rate of pay or for the actual duration of the event, whichever is greater. Such time shall be calculated on a portal to portal basis (i.e. from home to emergency scene to home). An employee who is not on-call may be called out to assist and will be compensated in the same manner.

Call-ins and call-outs must be substantiated with supporting documentation and required action taken, and be noted on the employee's electronic timesheet.

## **POLICY 214 - OUTSIDE EMPLOYMENT**

The City of Arlington recognizes that employees may engage in outside work or hold other jobs.

An employee's activities away from the job must not compete, conflict with, or compromise its interests, or adversely affect job performance and the ability to fulfill all responsibilities to the City of Arlington. This requirement, for example, prohibits employees from performing any services for customers on non-working time that are normally performed by City of Arlington personnel. This prohibition also extends to the unauthorized use of any City of Arlington resources, including its communication systems, and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

The City cautions employees to carefully consider the demands that additional work activity will create including but not limited to the following:

- a. May reduce the employee's efficiency in working for the City of Arlington;
- b. Involves working for an organization that does a significant amount of business with the City of Arlington, such as major contractors, suppliers, and customers; or
- c. May adversely affect the City of Arlington's image.

If an employee's outside employment duties are similar or related to their City of Arlington duties, or if they cause the employee to deal with people or entities whom the employee deals with on behalf of the City, the employee must be clear that no conflict of interest exists.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If necessary, normal disciplinary procedures will be followed to deal with specific problems

Employees may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

## **POLICY 215 - EMPLOYEE CLASSIFICATIONS**

Wage rates or salary and benefits can be affected, in part, by the employee's classification. The following are the most common employee classifications used by the City. An employee may fall into more than one of these categories:

1. **Introductory Employee:** A regular employee who has been in his or her position for less than six months.
2. **Regular, Full-Time Employee:** An employee who is regularly scheduled to work at least 40 hours per week and who has successfully completed his or her introductory period.
3. **Regular, Part-Time Employee:** An employee who is regularly scheduled to work between 20 and 40 hours per week and who has successfully completed his or her introductory period. The City will comply with any applicable laws related to benefits.
4. **Casual/On-Call/Seasonal Employee:** An employee who is hired to work on an intermittent or as-needed basis.
5. **Temporary/Seasonal Employee:** An employee who is hired with the expectation that he or she will be needed for a limited period of time, generally not more than six months.
6. **Non-exempt Employee:** An employee whose duties render his or her job eligible for overtime pay for all hours actually worked in excess of forty hours in a week in accordance with applicable federal and state wage and hour laws.
7. **Exempt Employee:** An employee who is paid a fixed salary on a weekly, monthly, or annual basis and whose duties meet the criteria for exclusion under the applicable federal and state wage and hour laws, including but not limited to, executive, administrative, or professional employees. An exempt employee is not eligible to receive overtime pay.

Employees reclassified from Temporary or Regular Part Time to Regular Full Time shall retain their original date of hire, accrue participation in holiday, sick leave, vacation, and related city benefits from date of reclassification; and be eligible to participate in city sponsored group insurance plans. This provision excludes contract employees or government sponsored employment programs.

## **POLICY 216 - LAYOFF AND RECALL**

If the City of Arlington must reduce employment because of adverse economic or other conditions, layoffs and recall from layoffs generally will be conducted in a manner that is consistent with City of Arlington requirements and in accordance with the procedures described below.

In the event that a layoff is expected, the City of Arlington will attempt to communicate information about an impending layoff as soon as possible. However, management reserves the right to alter the layoff procedure and withhold information about the layoff as permitted by law in order to protect the City of Arlington's interests.

Selections for layoffs will be made according to this policy and then handled according to policies outlined in TERMINATION OF EMPLOYMENT and SEVERANCE PAY. Evaluation of the foregoing criteria shall be within the sole discretion of the City. Employees will be selected for layoff, based on the following criteria:

- Existing and naturally occurring vacancies to go unfilled;
- Introductory employees with less than six months service. Those employees will have no recall rights;
- Promotion potential and transferability of skills to other positions within the department or City;
- Demonstrated current and past performance;
- The needs of the City; and
- Length of service with the City of Arlington.

An employee's length of service is measured from the original date of employment with the City of Arlington, as long as there has not been a break in service greater than 30 days. During a layoff, employees with breaks in service greater than 30 days, but less than one year per break, are credited only for their time actually worked, i.e., the break time does not get counted unless required by law. Employees with a break in service greater than one year receive credit for service only from their most recent date of hire with the City of Arlington.

Employees selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances.

Employees who are laid off will be maintained on a recall list for twelve months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to the Human Resource Department if they become unavailable for recall. Employees who do not keep a current home address on record with the Human Resource Department will lose their recall rights.

Employees will be recalled according to needs of the City of Arlington, their classification, and their ability to perform the job. Notice of recall will be sent by electronic mail and registered mail, return receipt requested, to the current home address on record with the Human Resource Department. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the City of Arlington.

## **POLICY 217 - TERMINATION OF EMPLOYMENT**

The City of Arlington may terminate employment because of an employee's voluntary resignation, disciplinary action, retirement, the expiration of an employment contract, department re-organization, or a permanent reduction in the workforce. Termination can be for any reason not prohibited by law. In the absence of a specific written agreement, employees are free to resign at any time and for any reason, and the City of Arlington reserves the right to terminate employment with cause. The exception to this is with "at will" employees, such as introductory employees, Department Heads, or those who have individual contracts with the City of Arlington, who may be terminated at any time, with or without notice and with or without cause. At will employees, however, cannot be terminated for any reason that would violate anti-discrimination laws or public policy.

Employees are requested to give two weeks written notice of their intent to resign including the anticipated date of termination. Failure to give advance written notice may result in ineligibility for re-employment. The following guidelines are suggested:

- Department heads and managerial employees should give at least four weeks' notice; and
- All other employees should give at least two weeks' notice.

Employees who are absent from work for three consecutive days without being excused or giving proper notice will be considered as having voluntarily quit.

The Human Resource Department, through AWC, will notify terminating employees covered by the City's health plan, of their right to continue coverage under that plan.

Supervisors should send notices of resignation and recommendations for termination to the Human Resource Department for review. This information should be accompanied by any needed supporting documents, such as performance appraisals or disciplinary reports.

Requests for employment references should be made in writing to the Human Resource Department and should include an authorization by the employee for the release of the requested information. Generally, the Human Resource Department will not release reference information without the employee's authorization, or will limit the information to verification of the employee's position, job location, and dates of employment with the City of Arlington. Employees may request that their supervisor provide a letter of recommendation. A copy of the letter of recommendation is to be placed in the employee's personnel file.

## **POLICY 218 - RETIREMENT**

The City of Arlington determines eligible positions for normal 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 covered under the Public Employees Retirement System (PERS). The State of Washington determines eligibility, benefit levels, and contribution rates.

Employees who choose to take normal retirement are requested to give the Human Resource Department as much advance notice of their intent as possible, or at least 90 days. Employees who have given notice of either normal or early retirement may be called upon to assist in the training of their replacements.

Employees who qualify for retirement under this policy may be eligible to receive limited health and various other benefits in accordance with the provisions of the City of Arlington's employee benefit plans. Retiring employees are eligible to receive pay for accrued but unused vacation and sick leave. See Policy 311 – Compensation Upon Termination.

All employee benefit plans and programs are subject to amendment or termination, even after retirement, at the City of Arlington's and the Washington State Retirement System's discretion. The Washington State Department of Retirement Systems administers the retirement benefits. Human Resources will post any notices required by law on the City of Arlington's bulletin boards.

DRS Mailing Address:	DRS, PO Box 48380, Olympia, WA 98504-8380
DRS Street Address:	6835 Capitol Boulevard Tumwater, WA 98501
DRS Phone Number:	(360) 664-7000 or toll free 1-800-547-6657
Website:	<a href="http://www.drs.wa.gov/">http://www.drs.wa.gov/</a>

When contacting the Washington State Department of Retirement Systems the following identifying information is necessary: your name, retirement system plan, and your Social Security number.

Retiring employees may be eligible to reapply for employment, and those who are interested in future temporary or part-time employment with the City of Arlington should make that interest known at their exit interview. An applicant who is receiving PERS retirement benefits must comply with State of Washington regulations. These include a prohibition of any written agreement for re-employment and an absence of at least one (1) month prior to starting a new job with the City of Arlington.

## **POLICY 219 – EMERGENCY MANAGEMENT**

All City employees are expected to report for assigned duties during an emergency or disaster event. The City expects that after employees ensure that their families are safe and provided for, they will return to work as safely and expeditiously as possible. The City will support the efforts of employees to communicate with their families and return home as needed.

Should emergency conditions prevent employees from returning to work, it will be the responsibility of the employee to contact his/her supervisor by telephone to advise that they will not be able to return to work. Employees who are unable to report for work or are released from work during the first day of an emergency situation shall be paid for the day at their regular straight time rate of pay. Employees who are unable to report to work due to an emergency situation on the second day or after will be given the opportunity to make up the time or may charge the time to accrued comp time, accrued vacation time, earned floating holiday, any accrued sick leave up to a maximum of three days in any one calendar year or leave without pay for a defined period of time. Employees may use leave without pay rather than compensated time off at their request.

During periods of official closure of city offices or facilities due to physical damage or unavailability of utilities, employees will be provided substitute work to assist where appropriate to their skill level. The employee, under such circumstances, may be assigned to a different department or supervisor.

In times of extreme emergency, the Arlington EOC will ensure basic needs are met for employees on duty. It is suggested that employees consider keeping proper supplies at their desk or work area in the event of an emergency or disaster. Easy-to-carry emergency preparedness kits can be purchased at the [Red Cross website](#) or consider putting together your own kit with this [list](#).

The City may, under certain circumstances or for temporary periods, provide emergency shelter for employees' families in the City's emergency shelter which will be identified at the time of the emergency. This may occur during an earthquake, flood, mudslide, severe winter storm, fire, explosion, extended power outage, civil disturbance, or any other natural disaster.

If a family shelter plan is activated, families should bring necessary medications, food, water, any special food needs such as baby food or formula, and clothing sufficient for a 72-hour period.

## **POLICY 301 - SALARY ADMINISTRATION**

The City of Arlington pays compensation that is nondiscriminatory and competitive. However, all compensation policy decisions must take into consideration the City of Arlington's overall financial condition and competitive position.

Salary ranges are outlined in the City's adopted classification charts. This provides a low and high range for each position. New employees generally will be hired at the starting rate assigned to their job grade. Supervisors may recommend higher or lower starting rates depending on an applicant's experience or skill level or other competitive considerations. These recommendations will be reviewed and approved by the Department Head, the Human Resource Department, and the City Administrator.

Performance increases coincide with the employee evaluations and are outlined in the proficiency level chart. Employees who receive a satisfactory to excellent rating will be eligible for their next salary increase so long as they are not at the end of their salary range. Employees who receive a fair to poor rating may not be eligible for salary increases subject to City Administrator approval.

In the event that an employee is on a Performance Improvement Plan (PIP) status the date he/she is scheduled to receive a proficiency level increase, such salary review shall not be implemented until the date the employee is removed from such status. No salary increase shall be payable for any period of time an employee is on a PIP.

For non-represented staff, the City uses a market based pay structure. There are twelve (12) steps from base to maximum, and step 5 is defined as the market median. There are step increases each year, with 3% between steps up to step 5, and 2% between steps thereafter.

The Human Resource Department is responsible for coordinating with the City Administrator the continuing review of compensation and for making sure that each job is evaluated. This review should determine whether compensation accurately and fairly reflects each position's responsibilities and performance.

## **POLICY 302 – TIMESHEETS and LEAVE REQUESTS-Council approved 1/6/2025**

All full-time employees are required to complete an electronic timesheet.

Requests for time off will be submitted in a timely fashion. In the event more than one request is received for the same date, subject to department needs, the request received first will have priority. The supervisor will approve or deny the request. If the request is denied, the supervisor will indicate the reason for denial in the comment section.

Pay periods are from the first of the month until the fifteenth (1-15) and from the sixteenth of the month until the last day of the month (16-end of month). Paydays are on the 25th (covering the 1-15 pay period) and the 10th of the following month (covering the 16-end of month pay period). Timesheets must be submitted by the employee and approved by their supervisor on the 16<sup>th</sup> and 1<sup>st</sup>. Any changes to the timesheets can be made through the adjustment timesheet feature and captured during the next pay cycle.

Falsifying any time record is prohibited and may be grounds for disciplinary action, up to and including termination.

## **POLICY 303 – OVERTIME and COMPENSATORY TIME – Council approved 1/6/2025**

Nonexempt employees (those not exempt from the provisions of the Fair Labor Standards Act) will be paid overtime, either in cash or compensatory time off, at the rate of one and one-half times their regular hourly rate for hours worked in excess of forty hours during their normal workweek. Paid time off such as sick pay, holiday pay, vacation pay, bereavement leave, jury duty pay will not count toward hours worked for the purpose of determining overtime pay

Compensatory Time: If an employee elects to accrue compensatory time off in lieu of overtime pay, one and one half-hours of compensatory time-off is earned for each hour worked beyond the 40 hours in a normal workweek. The maximum accrual of compensatory time shall be limited to twenty-four hours and used within thirty days. Any hours accrued in excess of twenty-four shall be paid as overtime. No comp hours will be rolled over the next year. Any hours not used by December 15<sup>th</sup> will be paid in the December 24<sup>th</sup> paycheck.

Employees may use compensatory time after making a request to their supervisor, unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and the supervisor.

Upon termination, employees will receive compensation for their accrued compensatory time balance.

Personnel employed in executive, administrative, professional, or certain computer-related capacities generally are exempt from the provisions of the Fair Labor Standards Act. Exempt employees do not receive overtime compensation. The City recognizes that exempt employees may incur excessive work hours due to special projects, unusual evening meetings, and emergency situations. Therefore, Exempt employees may be granted time off during regular work hours with prior approval from the City Administrator.

## **POLICY 304 – EXEMPT STAFF TIME OFF**

City of Arlington adheres to federal and state regulations which require most exempt employees to be paid on a salary basis. All time off must be scheduled in advance and approved by the supervisor. Exempt employees fulfill their professional responsibilities with no expectation of overtime compensation. They are allowed discretion in structuring their workday so they can ensure they can fulfill those responsibilities. Please see also Policy 314 Natural Disaster Recovery for additional topics on exempt staff compensation.

1. City of Arlington expects exempt employees to be available during scheduled work days.
2. Unscheduled absences are subject to the City's attendance standards.
3. For exempt employees with paid leave, unless absent for a partial day due to an FMLA-qualified absence, eligible salaried employees shall not be required to use their paid leave balances for occasional absences of four hours or less during a work day, and shall be paid their regular salaries despite such absences. Eligible salaried employees shall notify their supervisor in advance of such absences and shall schedule such absences to cause the least impact on their work units. Such absences shall not interfere with the employee's ability to produce his or her expected work outcomes.
4. Although the City of Arlington does not use compensatory time for exempt employees, the City recognizes that exempt employees may incur excessive work hours due to special projects, unusual evening meetings or emergency situations. Therefore, employees may be granted paid time off without using leave balances, during regular work hours with City Administrator permission. Such days off must be arranged during the calendar month in which the excessive work hours occurred.
5. City of Arlington continues an exempt employee's salary during work weeks while the exempt employee is on jury, witness or temporary military leave so long as the exempt employee is still providing services to the City for at least part of those work weeks.
6. Unless Section 8 below applies, when an exempt employee's paid leave (vacation or sick time) is exhausted, then deductions from his/her pay will occur in one-day increments.
7. Generally, unless Section 8 below applies, being paid on a salary basis means that once any applicable type of paid leave is used up, then an exempt employee's salary is reduced for only full-day absences occasioned for personal reasons, illness or injury.
8. City of Arlington limits the use of unpaid disciplinary suspensions with exempt employees to full days and to those limited circumstances allowed by salary basis regulations.
9. When an exempt employee is eligible for the federal Family and Medical Leave Act, deductions from paid leave balances or salary may be made in one-hour increments. FMLA-qualified absences are tracked in one hour increments for exempt employees and will be counted toward his/her FMLA entitlement.
10. City of Arlington is not required to pay the full salary of an exempt employee in any partial initial or terminal week of employment.
11. Any exempt employee who believes that improper deductions have been made from their salary are urged to bring their concern to Human Resources as soon as they are discovered. Human Resources will investigate promptly, and if applicable, will reimburse the employee on the next payroll.

## **POLICY 305 – RECLASSIFICATIONS**

An employee or his/her Department Head may request a change in a position's classification when the duties of the position have substantially changed and such changes are documented in the job description. To ensure consistency, compensation administration and correct status classification according to the Fair Labor Standards Act (FLSA), all changes to a job description must be reviewed with the Human Resources Department. Any changes to the job description, which potentially alter the salary classification, must be submitted for classification evaluation and are subject to approval by the City Administrator.

The employee's classification and rate of pay shall be adjusted to the 1st of the month in which the job analysis was completed and approved.

Note: It is the responsibility of the requesting party to assure that a revised job description is prepared and submitted for review and approval.

## **POLICY 306 - PERFORMANCE APPRAISALS**

The City strives to have supervisors complete performance appraisals by the end of the introductory period and then on an annual basis (based on the employee's anniversary date or most recent promotion date).

Between scheduled appraisals, supervisors should discuss with employees on an informal basis any performance issues that require attention and should keep records of any significant incidents. Supervisors are authorized to retain information to aid in the development on an employees' performance appraisal. These notes are generally to be destroyed following the performance appraisal.

In evaluating employees, supervisors should consider factors such as the experience and training of the employee, the job description, and the employee's attainment of previously set objectives and goals. Other factors that normally should be considered include knowledge of the job, quantity and quality of work, promptness in completing assignments, cooperation, initiative, reliability, attendance, judgment, conduct, and acceptance of responsibility.

Supervisors should prepare a written appraisal of each employee's job performance on the City's approved form. The appraisal should include the supervisor's comments and recommendations, an action plan for both the employee and supervisor, and performance goals for the next evaluation period. If ratings in the poor or excellent categories, original documentation supporting the rating should be attached to the evaluation.

Department heads should review each supervisor's written evaluation to help assure that the evaluation function has been properly completed in as uniform, fair, and objective a manner as possible.

The supervisor and employee should meet and discuss the evaluation, assess the employee's strengths and weaknesses in a constructive manner, and set objectives and goals for the period ahead. The employee should be given the opportunity to examine the evaluation and make written comments about any aspect of it which may be attached. The employee and supervisor should then sign and date the evaluation and forward it to the Human Resource Department for review. If acceptable, the Human Resource Department and the City Administrator will sign. A copy will be placed in the employee's personnel file and the original and one copy will be sent to the Department Head; the original to the employee for his/her records and the copy for the supervisor's file.

In the event the employee disagrees with the evaluation, he/she may prepare a written statement within thirty days. That statement will either be attached to the evaluation and/or filed separately in the employee's personnel file. If the employee refuses to sign the evaluation form, the supervisor, in the presence of a witness, will write "refused to sign" in the employee signature spot and send to Human Resources for review.

Information derived from the performance appraisal may be considered when making decisions affecting training, pay, promotion, transfer, or continued employment.

## **POLICY 307 - SEVERANCE PAY**

Severance pay may be granted to terminated employees under certain limited circumstances. The City of Arlington, however, retains the right to amend or terminate its severance policy at any time.

Severance pay is intended to provide extra economic help to terminated employees while they adjust to their job loss. Severance pay is not available for temporary employees. The Human Resource Department is responsible for administering the City of Arlington policy on severance pay and will handle any employee claims or complaints.

Employees may be considered eligible for severance pay if they have worked full-time for at least one year and are terminated because of a permanent reduction in force (unless the employee refuses a transfer recommended by the City), or the elimination of the job or position.

Employees normally will not be considered eligible for severance pay if their employment is terminated because of:

- An employee-initiated voluntary resignation;
- Conduct or performance issues;
- A layoff that is expected to be short-term (less than 30 days);
- A breach of an employment agreement;
- Normal retirement, permanent disability, or death.

Eligible employees may be required to sign a release agreement in order to receive severance pay.

Severance pay will be determined on a case-by-case basis and as determined by the City Administrator and Finance Director. Unless otherwise provided, payment will be made in a lump sum at the time when final termination pay is provided.

## **POLICY 308 - PAY PROCEDURES – Council approved 1/6/2025**

The City of Arlington pays employees by check or direct deposit in a manner so that the amount, method, and timing of wage payments comply with any applicable laws or regulations.

Employees will be paid on the 10<sup>th</sup> and 25<sup>th</sup> of each month. If the pay day falls on a weekend, the employee will be paid on the Friday before that weekend. Employees receiving a paper paycheck may pick up their paycheck on payday in the Finance Department. Paychecks not claimed will be mailed to the address in the employee's personnel file. Employees who utilize direct deposit are responsible for updating any information to Human Resources or Payroll about their account.

Employees on each payday will receive, in addition to their pay, a statement showing gross pay, deductions, health and welfare benefits (if applicable), and net pay. Local, state, federal, Social Security taxes, and retirement contributions shall be deducted automatically. No other deductions will be made unless required or allowed by law, contract, or employee obligation. Employees may elect to have additional deductions taken from their pay only if they authorize the deductions in writing.

Employees who discover a mistake in their paycheck, lose their paycheck, or have it stolen should notify their supervisor and the payroll department immediately. In the case of loss or theft, the Finance Department will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss, and the City of Arlington will not be responsible for the loss or theft of a check if it cannot stop payment on the check.

Overtime and compensatory time is covered under Policy 303.

Employees who wish to authorize another person to pick up their paycheck must do so in writing to the Finance Department. Paychecks will not be distributed without an authorization in place.

Employees should discuss any questions or concerns regarding their rate of pay and other compensation issues with their immediate supervisor. If the employee and immediate supervisor are not able to resolve the question, the employee should contact Human Resources.

## **POLICY 309 – ERRORS IN PAY**

Every effort is made to avoid errors in paychecks. However, any employee who believes that an error has been made should contact their supervisor and the payroll department. Steps will be taken to research the problem and to assure that any necessary correction is made properly and promptly.

If an employee has been overpaid in error, the City will ask that the amount be repaid by payroll deductions or by agreement, consistent with applicable laws.

## **POLICY 310 – INTERIM ASSIGNMENTS / OUT OF CLASS PAY**

Employees may be assigned to work at a classification lower or higher than their regular assigned classification. Employees assigned to work at a lower classification will not suffer a reduction in salary unless permanently assigned to that classification. Employees assigned to work at a higher classification for one (1) or more full shifts in a work week will be paid at the first proficiency level of the salary range for the position which represents a salary increase for the employee.

In the event an employee is temporarily assigned to and will actually be performing the total responsibilities of a position of higher classification, the employee shall be paid the first proficiency level of the salary range for the position which represents a salary increase for the employee for the duration of the temporary assignment.

If an employee covered by a bargaining unit is assigned to a non-union interim assignment, the City of Arlington' policy supersedes the bargaining agreement. If an employee covered by a bargaining agreement is assigned to a position within the same bargaining unit the bargaining agreement procedures take precedence.

## **POLICY 311 – LONGEVITY – Council approval 1/6/2025**

Employees are recognized for long term employment with the City. Longevity for non-represented employees is as follows:

Starting with the 61 <sup>st</sup> month of service:	1%
Starting with the 121 <sup>st</sup> month of service:	2%
Starting with the 181 <sup>st</sup> month of service:	3%
Starting with the 241 <sup>st</sup> month of service:	4%

Longevity is calculated from the employee's base monthly salary. Longevity pay shall be paid beginning on the first payday after the employee's eligibility.

Rates for represented employees are as set forth in their collective bargaining agreements.

Elected officials are not eligible for longevity pay.

Employees who are terminated and rehired shall be considered new employees for purposes of this policy. Leaves of absences and other non-paid time will not be included when computing eligibility for longevity pay.

## **POLICY 312 – COMPENSATION UPON TERMINATION (Council approval 1/6/2025)**

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

- 1) regular wages for all hours worked up to the time of termination which have not already been paid;
- 2) any overtime or holiday pay due;
- 3) A lump sum payment of any accrued but unused vacation\*
- 4) compensatory time (if applicable) and;
- 5) one third of accrued, but unused sick leave\*.

\*The combined sick and vacation benefits payable upon termination for non-represented employees cannot exceed two hundred forty hours, except for Directors. Directors may cash out all unused vacation up to 300 hours and one third of unused sick leave up to 480 hours (160 hours maximum sick leave cashout)

## **POLICY 313 – GARNISHMENTS / WAGE ASSIGNMENTS**

The Payroll Department is the only person authorized to receive a writ of garnishment or attachment, a notice of levy by any taxing authority, or any other similar order requiring payment of a portion of an employee's compensation to someone other than the employee. The Payroll Department will deduct the required amount from the employee's earnings, up to the limit permitted by law. The garnishment or assignment will continue until written notice of discontinuance or satisfaction is received in accordance with the law.

No employee will be disciplined because their earnings have been garnished for one indebtedness. However, multiple garnishments may result in discipline, up to and including termination, depending on the circumstances of the case and any legal restrictions

## **POLICY 314 – NATURAL DISASTER RECOVERY**

The City of Arlington recognizes that at times its exempt personnel and city leaders will be called upon to act due to a natural disaster or emergency. This policy is created to define and quantify disaster recovery work performed as the result of a major disaster event.

As approved by the City Administrator, volunteer firefighters will be paid double their current rate of pay for FEMA classified work under Category A and Search and Rescue. Elected officials, acting in their official capacity, and requested to do so, will be paid double their current stipend rate for attending an extra meeting for FEMA classified work under Category B. For purposes of this policy, extra meetings shall be based on three hours increments. For instance: If an elect receives \$50 for attending an extra meeting and he/she is called out for emergency protective measures for six hours, the pay for that day shall be \$200.

Category A and B are defined as follows:

### **Category A: Debris Removal**

Clearance of trees and woody debris; certain building wreckage; damaged/ destroyed building contents; sand, mud, silt, and gravel; vehicles; and other disaster-related material deposited on public and, in very limited cases, private property.

### **Category B: Emergency Protective Measures**

Measures taken before, during, and after a disaster to eliminate/reduce an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures.

If a state of emergency is called, exempt employees who are called upon will itemize their time and be paid at one and a half times their normal rate of pay at the time of reimbursement by the governing agency. In all other circumstances, exempt employees will itemize their time and may be subject to reimbursement pursuant to Policy 303. All other employees will be reimbursed subject to Policy 303.

## **POLICY 401 – MEALS, LODGING, TRAVEL & TRAINING**

This policy is intended to cover the reasonable costs of meals and lodging incurred by employees and elected or appointed officials for business purposes while in travel status. The City shall use the GSA published per diem rate for meals, incidental expenses, and lodging. Employee salaries shall be liened for any disallowed or undocumented charges. These liens would be considered a taxable fringe benefit to the employee and therefore taxed as such through Payroll. Any misuse of this policy and procedure is grounds for disciplinary action, up to and including termination of employment.

Documentation require to support travel related expenses include but are not limited to the following;

- Hotel receipt
- Conference registration and agenda
- GSA published rate sheet
- Travel request form
- Detailed receipts for other expenses such as; taxi, parking, airfare

### Meals

All city employees and officials on travel status (overnight travel) shall be entitled to per diem rates as stated above. All rates include taxes and gratuities. Claims for meals will only be paid for overnight stays. P-cards are not to be used for the purchase of meals during travel status. Day classes and seminars are not subject to meal reimbursement. Per diem meal requests (from Travel Request Form) must be submitted to the Finance Department 2 weeks prior to when the per diem check is needed.

The City uses the per diem basis for meals while in travel status, therefore no receipts are required. An allowance for incidental expenses is included within the per diem rates for the area of travel. Incidental expenses include fees and tips given to porters, baggage carriers, hotel and restaurant staff, and others for personal services performed and are not a miscellaneous expense. The Finance Department does require an agenda for the business event to indicate if any meals were provided.

### Lodging

All city employees and officials on travel status shall be entitled to lodging expenses as stated above. All lodging rates are exclusive of taxes. Expenses will be allowed for lodging necessary and appropriate to the purpose of the trip. Lodging arrangements should be made at the hotel where the conference is held, if at all possible. However, if a significant savings can be made by staying in another hotel, within a short distance from the conference facility, then the less expensive accommodations should be considered. The Department Head may direct an employee to stay at the lower cost facility, if nearby. Should the conference hotel rate exceed the GSA per diem rate, an exception will be made for approval of the conference hotel rate. Justification for the exception of the GSA rate shall be noted on the travel request form and accompany the receipt for lodging. Reservations for lodging must be made in advance using city P-Card. Staff should be mindful to request government rate or lowest possible discounted lodging rate. Receipts for lodging must be provided to the Finance Department. An agenda for the business event is also required to be submitted with any receipts.

### Travel

From time to time employees are required to go out of town for city business. This can occur during normal working hours, outside normal working hours, and on non-working days such as Saturday, Sunday, or holidays.

1. Travel Time Outside Normal Working hours
  - a. Travel time outside an employee's normal working hours is not compensable unless the employee is actually driving. Normal working hours apply to travel time even on non-

- working days (no overtime).
- b. Travel time as a passenger on an airplane, train, boat, bus, automobile outside normal work hours or on non-working days is not compensable.
2. Travel Time During Normal Working hours – travel time during an employee’s normal working hours is compensable.
  3. Exempt Employees – Exempt employees who go out of town for city business and travel outside of their normal working hours are not compensated for travel time. This applies to both drivers and passengers.

Employees traveling on City of Arlington business are representatives of the City of Arlington and are expected to maintain a high level of professionalism and to follow all of the City of Arlington’s policies and rules.

### Training

Each department head is authorized to approve training expenses for attendance at webinars, , workshops, association meetings, conferences or other professional meeting within their approved department budget. Training is intended for the purpose of a direct benefit to the City and is used to enhance professional qualifications of an employee and/or to meet local/state/federal mandates. If overnight travel is necessary for the conduct of the training, policies related to meals (travel request form), lodging, mileage and travel time shall apply.

### **OTHER EXPENSES:**

Interagency or Joint Meetings: Reasonable expenses (within GSA guidelines) for food and beverages for City Council, Boards, Commissions, and staff conducting formal City business or workshops during traditional meal times are specifically authorized.

Special Events / Celebrations: Events such as Open Houses, Bicentennial Celebrations, City anniversary celebrations, hosting of delegations from other cities and sister cities represent examples of appropriate expenditures for “reasonable” refreshments (i.e. coffee, juice, water, cake/cookies). These events fulfill a primary objective of disseminating and exchanging information, which benefits both the City as well as the public.

Retreats / Meetings / Training Sessions: Authorization for expenditures for food and beverages (within GSA guidelines) shall be at the discretion of the department head within their approved budget and subject to the following:

- A detailed receipt, an agenda stating the purpose of the meeting, objectives of the meeting, justification of why the meeting took place during a meal period and names of the people involved:
  - Departmental Retreats – should be limited to one per year and consideration should be given to utilizing existing City facilities. The reasonable cost of necessary food and beverages (within GSA guidelines) while conducting City business is an authorized expense.
  - Breakfast / Lunch / Dinner Meetings – should be limited to instances where discussions cannot be conducted during normal business hours. Where business is conducted during a meal, or so near just before or just after the meal as to justify treating the meal as part of the meeting, the expense shall be authorized.
  - In-House Training Sessions – shall require approval of the City Administrator, or Finance Director.
  - Other situations not already identified shall be authorized by approval of the City Administrator or Finance Director and be accompanied by a detailed receipt and other documentation to support the expense.

Council Retreats: Expenditures are authorized for lodging and meals at the published GSA per diem rates. If GSA rates are not available, justification of why the rates were exceeded must be accompanied along with receipts and other documentation to support the expense. Justification must also be provided for any retreats located outside of city limits.

Birthday Celebrations: This type of expenditure is not an appropriate use of public funds. If the work group wishes to celebrate the birthday of a co-worker, supervisor, or manager with the purchase of food or beverages, the cost shall be incurred by the group, not the City.

Retirement Celebrations: These types of expenditures are approved in cases where the employee has worked at least twenty (20) years for the City as a full-time employee. Public funds may also be expended when an employee has thirty (30) or more years of government service with at least the last four (4) of those years with the City. Expenses for refreshments shall be an appropriate expense, as well as tokens of appreciation, prize, plaque, award or other similar item. These celebrations shall require approval of the City Administrator.

Regularly scheduled staff meetings: The purchase of food and/or beverages for the sole purpose of providing refreshments during staff meetings is not authorized.

Awards / Recognitions: The City Administrator is authorized to expend funds for the purpose of employee recognition as long as the total annual award(s) received by the employee does not exceed the non-taxable limit as set by the Internal Revenue Service. Such awards may include; non-cash prizes, pins, certificates, plaques and other like items. Eligibility for recognition and determination of granting an award will be established through procedures on the Employee Recognition Nomination Form. The expenditure of meals related to an employee recognition event must have criteria defining eligibility for the event and the procedure used in determining the recipient(s) of any recognition awards. The total amount of expenditure for meals for such an event must not exceed the per employee cost of meals covered under the per diem rates as published by GSA.

Promotions / Graduations: Events held in recognition of recent promotions, certifications, or recruit class graduations are approved. Reasonable expenses for food and beverages shall be an appropriate expense, as well as tokens of appreciation, prize, plaque, award or other similar item. These celebrations shall require approval of the City Administrator, or Finance Director.

Interviewers and Staff Involved in Day-Long Interviews: Costs for meals of interviewers and staff involved in day-long interviews shall be an appropriate expense.

*CAUTION: Any time a meal is provided or a gift presented, it must be occasional (infrequent), not routine, and be reasonable in cost or the IRS could consider them to be taxable fringe benefits and require that the Finance Department deduct appropriate taxes from each individual's pay. The Finance Department will need a meeting agenda and/or a list of those attending the meeting or function to reimburse any expenses.*

#### Mileage – Use of Personal Vehicle

City vehicles should be used for all out of town trips whenever possible. If no City vehicle is available, an employee's use of a private vehicle will be reimbursed at the current IRS mileage rate. A Claim for Expenses form approved by the Department Head shall be submitted to the Finance Department for mileage reimbursement and will include all supporting documentation. The employee is responsible for his/her own insurance coverage.

Rental Vehicles

The cost of commercial vehicle rental will be handled on an exception basis and must be approved by the department head and is authorized within the department's budget.

## **POLICY 402 – VEHICLE / EQUIPMENT USE (Council approval 1/6/2025)**

The City of Arlington provides vehicles for use to employees conducting City business. (The term "vehicle" as used in these guidelines includes, but is not limited to, cars, trucks, backhoes, front-end loaders, graders, and any motorized watercraft.)

Employees may not drive any City vehicles without approval of their supervisor. Employees to whom fuel cards are issued are required to acknowledge the City's fuel card policy and procedures. Each employee's driving record will be checked to verify the existence of a valid driver's license and personal auto liability coverage prior to employment. Employees approved to drive on City of Arlington 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.

Employees holding jobs requiring regular driving for business as a condition of employment must be able to meet the driver approval standards of this policy at all times. Employees holding jobs where driving is a condition of employment must inform their supervisors of any changes that may affect their ability to meet the standards of this policy. For example, employees who lose their licenses must report this to their supervisors. For all other jobs, driving is considered only an incidental function of the position.

Employees who need transportation in the course of their normal work may be assigned a City of Arlington vehicle for their use. All other employees needing transportation for City of Arlington business may use vehicles assigned to their department or those currently available. When no City of Arlington vehicles are available, employees may use their own vehicles for business purposes with prior approval of their supervisor.

Employees who drive a vehicle on City of Arlington business must, in addition to meeting the approval requirements above, exercise due diligence to drive safely follow all traffic laws, ensure seat belts are used, avoid distractions while driving (such as using cell phones), and maintain the security of the vehicle and its contents. In addition, because texting while driving is particularly dangerous and illegal, employees are prohibited from texting while driving. Use of phone while driving must be with an app, Bluetooth device or driver must pull over to take/make calls. Drivers also must make sure the vehicle meets all City or legal standards for insurance, maintenance, and safety. Employees are personally responsible for any driving infractions or fines as a result of their driving a City vehicle and must report them to their supervisors. Employees who drive a City vehicle also should ensure that the vehicle is kept clean and free of litter. Employees may use a City vehicle to leave a job site for lunch during allowable periods provided they are reasonably close to the "nearest place of accommodation."

Non-business passengers are prohibited from riding in City of Arlington vehicles, i.e., family and friends. Civilian passengers on the Police or Fire Department Ride Along Programs are required to sign a waiver of liability prior to riding.

Employees who use their personal vehicle for approved business purposes may receive a mileage allowance equal to the Internal Revenue Service optional mileage allowance for such usage. Directors shall receive a monthly stipend of \$300.00 for using their personal vehicle for City business and will not receive a mileage allowance. The allowances are to compensate for the cost of gasoline, oil, depreciation, and insurance. Employees who operate any form of motorized transportation for City of Arlington business shall obtain liability coverage for bodily injury and property damage with a special

endorsement for Business Use, when necessary as determined by their personal insurance agent.

Employees must report any accident, theft, or malicious damage involving a City of Arlington vehicle to their supervisor and the Human Resource Department, regardless of the extent of damage or lack of injuries. Employees will utilize the Incident Report Form available on the Intranet/SharePoint. Such reports must be made as soon as possible but no later than twenty four hours after the incident. Serious vehicle accidents should be reported by phone as soon as possible. Employees are expected to cooperate fully with authorities in the event of an accident. However, employees should make no voluntary statement, such as fault or cause of accident, other than in reply to questions of investigating officers. In the event of an accident, the Department Head will review the employee's driving record to determine if the employee should be eligible to continue to operate City vehicles/equipment. The Department Head will provide the City Administrator with the factual information and action to be taken regarding the incident. Any employee who is involved in an accident while driving City owned vehicles/equipment will be subject to drug and alcohol testing.

Persons operating specialized equipment must pass a City approved operator's competency test for that equipment. Each department head or supervisor will determine the job related equipment involved for his/her department. Current employees may be required to take and pass this test on a periodic basis. CDL drivers with a valid license on file are waived from additional testing on CDL equipment. If any employee fails the periodic test, they will be unable to use that equipment/vehicle in the course of their job duties and the department head will notify the City Administrator. A re-qualification test will be administered within 30 days. Should the employee fail in re-qualification, they are subject to disciplinary action up to and including termination.

Vehicles/equipment must be operated in a safe and courteous manner. Employees operating or parking vehicles/equipment improperly are responsible for paying moving or parking violations, traffic citations, towing charges, and other related charges even though they may have been received in the performance of their duties. Anyone who receives a traffic citation while operating a city vehicle is required to notify their department head or supervisor immediately.

Mechanical defects, including excessive fuel or oil leaks, must be reported immediately to the Department Head or Supervisor in a timely basis to assist the City in maintaining safe vehicles/equipment. Vehicles/equipment should not be operated following the discovery of any defect that impairs operator/operational safety and which might cause or contribute to an accident.

Employees who are on call on a 24-hour basis and may be allowed to take a City of Arlington vehicle home so they can respond as soon as possible need to provide written acknowledgment that they fully understand that the vehicle is used only as part of emergency response and not for personal use.

Employees are not permitted, under any circumstances, to operate a City of Arlington vehicle, or a personal vehicle for City of Arlington business, when any physical or mental impairment causes the employee to be unable to drive safely. Additionally, employees shall not operate any City of Arlington vehicle at any time, or operate any personal vehicle while on City of Arlington business, while using, consuming, or having an open container of alcohol, illegal drugs, or prescription medications that may affect their ability to drive. These prohibitions include circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of impairment, illness, medication, or intoxication.

In most circumstances, time spent by nonexempt employees (those covered by the minimum wage and overtime provisions of the Fair Labor Standards Act) in driving a City or personal vehicle on City business is considered hours worked for pay purposes. However, under most circumstances,

commuting time before the start and after the end of the workday is not treated as work time for pay purposes.

The City may periodically review the driving record of all employees who operate City owned vehicles/equipment. This screening will include volunteer firefighters and reserve police officers. Employees shall immediately report criminal charges, convictions, revocations, expirations or suspensions of their license to their supervisor. Any employee whose driver's license is suspended or revoked is subject to disciplinary action. However, attempts may be made to accommodate individuals in this situation. If reasonable accommodations cannot be made, the individual will be terminated.

A Department Head may determine that a previously qualified employee is no longer eligible to operate City owned vehicles/equipment due to a demonstrated lack of current proficiency and be subject to disciplinary action up to and including termination of employment depending on the severity of the situation. An ineligible employee may request re-qualification after an operator suspension period of up to six months. An ineligible employee may be required (at the employee's expense) to complete a defensive driving course, view defensive driving training videos, or participate in such other courses as the department head may deem appropriate as a pre-requisite for re-qualification.

## **POLICY 403 – P CARD and EXPENSE REIMBURSEMENT**

The City will issue authorized employees Procurement Cards (P-Cards) for the purpose of purchasing supplies for City business. Card remain property of the City and shall not be used for personal expenses.

The cardholder is responsible for all activity on his/her card.

The Department Head will be responsible for completing a Request for Procurement Card form, which will identify the employee and the credit limit, and return it to the Finance Director. P-Cards will be issued by the Finance Department. Cardholders will be required to sign an agreement which outlines the cardholder's responsibilities prior to being issued their card. Requests for changes in credit limits or card restrictions must be made in writing by the Department Head.

When an employee leaves the City's employment, it is the responsibility of the Department Head to notify the Finance Department, in writing, to terminate the P-Card and to retrieve the P-Card from the employee.

### **Purchasing Process;**

- 1) Original detailed receipts shall be obtained for all P-card purchases.
- 2) Other documentation to substantiate the purchase, such as packing slips, shall be attached and forwarded to the finance department.
- 3) Receipts shall clearly identify the item(s) that was purchased.
- 4) Receipts shall be coded and approved by the department head or designee.
- 5) After receipts are coded and approved, they are to be forwarded to the finance department within 5 days of purchase date.
- 6) Credits and returns shall be processed in the same manner as noted in #1- #4.
- 7) In the event a receipt or other purchase documentation is lost or unable to be retrieved, an "Affidavit of Non Documentation" form must be completed by the cardholder, obtain approval from the department head or designee and forward to the finance department. Repeated use of this form may result in revocation of the employee's P-card.
- 8) If there are any discrepancies, the cardholder should first contact the vendor to resolve the issue. If the dispute still exists, contact the finance department for assistance.
- 9) A lost or stolen card or suspected fraudulent purchases must be immediately reported to the finance department.

P-Cards shall not be used for any of the following:

- non-city charges/personal purchases
- cash advances
- meals for travel in place of per diem
- alcohol
- service contracts including those related to public works
- payments to individuals or employees
- refunds of revenue
- recurring payments
- gifts/donations/contributions to individuals or organizations
- moving expenses

- college tuition payments

Non City related charges to City P-Cards are prohibited. Any employee who willfully makes non-city charges shall be subject to disciplinary action, up to and including termination. Unauthorized charges, or charges not properly identified, shall be paid by the employee. These charges are considered liens against any amount owed by the City to the employee and may be withheld by the City from funds owed to the employee up to the amount of the disallowed charges [RCW 42.24.115(3)].

## **POLICY 404 - CLUBS and CIVIC ORGANIZATIONS**

Employees are encouraged to seek membership in community clubs and civic organizations where membership will promote the City of Arlington's business interests and enhance its image in the community. However, employees who participate in clubs or community organizations may not allow their activities to interfere with job performance or harm or conflict with the City of Arlington's interests.

The City Administrator may identify certain community organizations in which the City wants to be represented and then designate the employees that it will sponsor for membership in them. Employees who are designated for membership act as City of Arlington representatives in the organization and are expected to promote its interests.

Employee participation in club and civic organization activities is not considered as hours worked for pay purposes unless it is at the City of Arlington's request or under its direction and control. The following factors will be considered when selecting organizations for representation and designating employees to sponsor for membership:

- The nature and purpose of the club or organization
- The potential benefit to the City of Arlington, including the enhancement of the employee's leadership and organizational skills;
- The cost to the City of Arlington;
- The extent to which the City of Arlington is already represented in the club or organization; and
- The employee's job responsibilities, length of service, and overall qualifications for membership.

Review of representation will be made periodically with appropriate changes made if necessary.

Employees whose membership is sponsored by the City of Arlington are encouraged to use the clubs or civic organizations for business purposes.

Employees who are sponsored for membership in community clubs and civic organizations are eligible for reimbursement for dues only. An expense authorization form must be submitted and approved. Employees who are not designated and sponsored for membership in community organizations are responsible for their own expenses.

## **POLICY 405 - TRADE and PROFESSIONAL ASSOCIATIONS**

The City of Arlington encourages employees to participate in certain trade and professional associations where there is a clear benefit to the City of Arlington.

Employees are encouraged to participate in trade and professional associations that promote City of Arlington goals, individual skills development, and professional recognition. However, employee participation in those associations must not conflict with the City of Arlington's interests and must fit within budgetary constraints.

The City of Arlington may identify certain trade and professional associations in which representation is desirable and then designate the employees that it will sponsor for membership. Employees who are designated for membership act as City of Arlington representatives in the association and are expected to promote its interests and to participate accordingly.

Employee participation in trade and professional association activities will not be considered as hours worked for pay purposes for employees classified as nonexempt under the Fair Labor Standards Act, unless participation is at the City of Arlington's request or under its direction and control.

Department heads are responsible for coordinating representation in trade and professional associations and must receive prior approval from the City Administrator. The following factors normally will be considered in selecting associations for representation and in designating employees to be sponsored for membership:

- The nature and purpose of the association;
- The potential benefit to the City of Arlington, including enhancement of the City of Arlington's reputation and the development of the employee's leadership and organizational skills;
- The cost to the City of Arlington;
- The extent to which the City of Arlington is already represented in the association; and
- The employee's job responsibilities, length of service, and overall qualifications for membership.

Department heads are responsible for planning, budgeting, and approving the expenses of their employees' participation in association activities within their budgetary authority. The City of Arlington will pay or reimburse the approved and reasonable expenses of employees sponsored for membership in trade and professional associations. Employees not sponsored for association membership may be eligible for reimbursement for the expenses of special association events, if the City Administrator approves participation in the activity in advance.

Employees must have their supervisor's advance approval before soliciting or accepting any official position in a trade or professional association that will occur during regularly scheduled working hours.

Employees are encouraged to contribute articles, present papers, and give talks to trade and professional associations. However, employees must obtain prior approval from their supervisor for any communication that might represent the City of Arlington's position or involve any information that is sensitive.

## **POLICY 406 – TUITION REIMBURSEMENT PROGRAM**

The City of Arlington encourages its employees to improve their knowledge and skill. The Tuition Reimbursement Program provides financial assistance to regular employees enrolled in college degree programs, college or technical courses, technical certification programs, or other programs which enhance the employee's ability to accomplish one or more of the following:

- Learn project organization, management techniques and/or communication or interpersonal skills which enhance the employee's ability to take on more responsibility in a work group;
- Learn new technical skills, acquire cross-training and/or explore new public service-related fields, or explore personal career development options which allow the City more flexibility in assigning work to the employee;
- Stay abreast of new concepts, developments and/or technology, or obtain certificates or college degrees in the employee's general occupational field.

Any full time employee who has been with the City for at least twelve months since his/her most recent date of hire is eligible to participate.

Subject to budgetary limitations, the City will reimburse all or a portion of the education expenses incurred by employees, except for elective courses that do not contribute to skill development. Expenses include tuition and/or lab fees. The following shall apply:

- Employees are expected to maintain an above-average level of job performance and avoid any significant job related disciplinary actions;
- Courses will be attended on employee's own time, unless approved by the employee's supervisor;
- Each request will be considered on its own merits;
- All requests must be made and approved prior to the quarter/semester in which the class will be taken.

The employee must write a brief memo (no more than one page) which identifies the specific knowledge/skill to gain, and describes a specific short or long term benefit to the City that the employee will be able to provide. This shall be attached to the Training Request Form and submitted to the employee's supervisor who will then attach his/her own written statement as to the relevance of the request to the employee's job.

Human Resources is responsible for reviewing and approving all requests for tuition reimbursement. Actual allocations will be dependent upon the total number and amount of requests submitted and the state of the City's budget. The following four categories will be used in classifying the requests:

- Classes or programs directly related to an employee's current job or which can be added to that employee's job as a result of new skills or which will prepare the employee for promotional opportunities;
- AA or BA degree programs in the employee's current field;
- Master's degree program in the employee's current field;
- AA, BA, or MA in any field represented in the City.

Employees must pursue other financial sources. The City will not pay for tuition or fees which are paid by other sources such as scholarships, grants, veterans programs, aid programs, or other subsidies. The City only considers the difference between the actual cost and any received financial assistance awards as the amount eligible for reimbursement. Employees who fail to disclose other sources of financial assistance shall be subject to discipline, up to and including termination.

In order to receive reimbursement, an employee must:

- Receive approval prior to starting the class;
- Submit the following documentation:
  - A copy of his/her approved request form
  - Proof of expenses paid
  - Copy of transcript showing proof of passing grade (“C” or better for undergraduate classes and “B” or better in graduate classes)

Reimbursement will not be provided for classes not completed. Monies received by the employee under this program may be subject to income tax withholding and may be included in the employee’s taxable gross income as required under IRS code provisions.

An employee who receives tuition reimbursement shall complete a two-year service requirement with the City so that the City may benefit from the knowledge/skills gained. An employee shall be required to reimburse the City if he/she leaves City employment prior to the end of the service requirement for any reason other than layoff or permanent disability as a result of an on-the-job injury. The two years begins on the date of the reimbursement check. A separate two year service requirement will be completed for each payment made to the employee. A service requirement is not an assurance of continued employment by the City. If a termination of employment occurs (voluntary or involuntary) and a repayment amount is owed by the employee, the employee agrees to have the amount deducted from his/her final or cash out paycheck.

If completion of a specific degree program (IE AA, BA, or MA) by an employee is desired by the City, and an agreement to this effect is memorialized in a written document, the City may elect to pay for the employee’s classes in advance. Should this occur, the employee must meet the minimum grade requirements (“C” for undergraduate and “B” for graduate) to continue with the program. If the employee fails to meet the minimum grade requirements, the employee shall reimburse the City for the entire cost paid by the City and the employee forfeits his/her eligibility for this program for a period of two years.

## **POLICY 501 - HEALTH and WELFARE BENEFIT DISCLOSURE**

The City of Arlington offers certain benefits to eligible employees, including medical, dental, vision, life, disability insurance, and pension/retirement plans. Information and summaries intended to explain these benefit plans will be furnished to all plan participants. The City reserves the right to modify, amend, or terminate its health and welfare benefits as they apply to all current, former, and retired employees. Additionally, the Administrator of each benefit plan has the discretionary authority to determine eligibility for benefits and to interpret the plan's terms.

Benefits for eligible employees will commence on their date of hire if the employee's date of hire is between the 1<sup>st</sup> and 15<sup>th</sup>. Benefits for employee's whose date of hire is between the 16<sup>th</sup> and the end of the month will begin on the 1<sup>st</sup> of the month following their date of hire. The City of Arlington also provides a number of other benefits such as paid vacation, holidays, and sick days.

Part time and temporary employees are not eligible to participate in city sponsored benefit programs unless authorized by law, contained in a labor agreement, and/or approved by the City Administrator.

The Human Resource Department serves as the Administrator of the City's welfare and pension plans. The Administrator is responsible for communications and disclosures concerning City of Arlington benefits and for compliance with all applicable laws and regulations. In addition, the Human Resource Department is available to answer questions concerning the benefit plans.

Some of the City's insurance and pension plans require the employee to designate a beneficiary for the employee's death benefits. The designation must be made in writing in a form acceptable to the insurance company or pension plan. It is the employee's responsibility to maintain the proper beneficiary designations and alert the Human Resource Department to any changes in status affecting eligibility or designations.

Employees, spouses, domestic partners, and dependents covered by the City of Arlington health and welfare plan will be notified, when appropriate, of the opportunity to continue their health care coverage, at their own expense, in certain specified situations including layoff, termination, reduction in hours of employment, and separation or divorce. Employees are responsible for contacting the Human Resource Department in the event of a divorce, death, prior to a dependent's 26<sup>th</sup> birthday, or any change of dependents. Insuring dependents who are no longer dependents is considered fraud. The City reserves the right to seek reimbursement from the employee should he/she fail to inform Human Resources of these changes.

## **POLICY 502 – DUAL COVERAGE “OPT OUT” - Council approved 1/6/2025**

When an employee has family members (spouse and/or eligible dependents) covered under the City’s health insurance programs (medical, dental, vision) and when the employee or their family members are also covered by another comprehensive health insurance plan other than the City’s, the employee is said to have "dual coverage."

Regular, full-time employees are able to voluntarily decline medical insurance coverage for themselves or their eligible family members and receive a monthly financial incentive for doing so. Employees electing to only decline dental insurance will not receive an incentive. This program is not available to employees that are married, and both have coverage on the City medical insurance plan. Only one spouse or domestic partner may receive the dual coverage medical insurance incentive benefit.

Employees must sign a waiver and acknowledge the conditions for re-enrollment. In addition, employees who “opt out” will need to enroll in the City’s VEBA program or HSA program as applicable for coverage.

Incentive payments will only be made if there is an actual savings in the premiums the City is paying. The maximum incentive amount per month is \$300. Incentive amounts are payable monthly into the employee’s VEBA or HSA account. Employees and dependents who are covered under a spouse’s high deductible plan are eligible to have funds deposited into an HSA account. If they are covered under a general plan, they must elect and set up a VEBA account.

Pay Schedule:	Employee	\$100
	Spouse	\$100
	Dependent	\$ 50
	Dependent	\$ 50

Because the rate for employees with more than two (2) dependents does not change, any dependents over two (2) would not be eligible for the incentive.

For purposes of this policy, an eligible dependent is defined as your child or stepchild who is under the age of 26, or of any age if permanently and totally disabled. The dependent does not have to be a student and they can be married.

Employees must enroll in this program each year and provide proof of other coverage.

Note: This policy does not apply to single employees with no dependents as there would be no “dual coverage” consideration.

The City retains the right to revoke, modify or cancel this program at any time.

## **POLICY 503 – VACATIONS – Council approval 1/6/2025**

The City of Arlington grants paid vacation hours to regular full-time employees in accordance with the guidelines established below. Vacation hours are accrued or earned based on the employee's length of service and on the time actually worked.

Full-time non-represented employees will accrue paid vacation according to the following schedule.

First month through 24 months	8 hours
25 months through 48 months	10 hours
49 months through 60 months	12 hours
61 months through 96 months	14 hours
97 months through 120 months	16 hours
121 months through 240 months	18 hours
241+ months	20 hours

Vacation accrual for Directors is as follows:

First month through 60 months	13.33 hours
61 months through 96 months	14 hours
97 months through 120 months	16 hours
121 months through 240 months	18 hours
241+ months	20 hours

The following provisions will apply:

- Vacation cannot be taken until hours are accrued.
- An employee shall not be permitted to work and receive vacation pay in lieu of vacation time.
- Employees on unpaid leave of absence are not eligible to accrue vacation hours.
- Vacation hours are paid at the employee's regular rate of pay.
- Employees may accrue up to 300 hours.
- Employees whose vacation balance exceeds the maximum accrual will no longer accrue vacation benefits until the vacation balance falls below the maximum accrual.
- Employees are responsible to monitor their accrual balance.
- If an employee requests vacation that has not been accrued and has personal holiday hours or comp time available, the personal holiday hours or comp time will be utilized.
- Seasonal and temporary employees do not receive paid vacation unless specified by law or bargaining unit contract.
- Employees who are on FMLA leave must apply accrual vacation, sick, and personal holiday hours.
- Employees may not cash out accrued vacation pay except upon termination, except Directors. Maximum number of hours allowed for cash out, combined vacation and sick leave, is 240.
- Directors are allowed to cash out their unused vacation accrual up to the maximum of 300 hours upon termination of employment.
- Annually Directors may elect to cash out up to 40 hours of vacation to be paid out in the following year in March. The Director must have at least 120 hours of vacation accrual at the time of the request. Forms must be submitted to HR by December 31<sup>st</sup> each year.

Generally, employees should submit vacation requests to their supervisor at least four weeks in advance of the requested vacation date. Management reserves the right to approve when vacations are taken. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when

feasible, to resolve vacation scheduling conflicts based on length of service. However, employees who want to change their plans after the vacation schedule has been approved lose their seniority consideration.

## POLICY 504 - HOLIDAYS

The City of Arlington designates and observes certain days each year as holidays. Eligible employees will be given a day off with pay for each holiday observed.

The City of Arlington observes the following holidays (8 hours each) per calendar year:

New Year's Day	January 1 <sup>st</sup>
Martin Luther King Day	3 <sup>rd</sup> Monday in January
President's Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	1 <sup>st</sup> Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	4 <sup>th</sup> Thursday in November
Day after Thanksgiving	Friday after Thanksgiving
Christmas Day	December 25 <sup>th</sup>
2 Floating or Personal Holidays	See Below

Employees may select two (2) floating/personal holidays each year with the approval of their supervisor. On January 1<sup>st</sup> of each, 16 hours are added to an employee's record. Floating holidays are to be used in eight hour increments. Employees hired after June 30<sup>th</sup> will receive one (1) floating/personal holiday for that year. Floating/personal holiday hours are not carried over from one year to the next. At the end of the year, unused hours are forfeited.

Full-time employees are eligible to receive their regular rate of pay for each observed holiday. Temporary and seasonal employees are not eligible to receive holiday pay.

A holiday that occurs on a Saturday will be observed on the preceding Friday. A holiday that occurs on a Sunday will be observed the following Monday. Shift workers observe holidays on the actual day it occurs. If a holiday occurs during an employee's vacation period, the employee will be required to record the day as holiday pay on their timesheet.

Those employees that work shifts other than eight (8) hours will be required to use accrued vacation hours.

When an employee's regularly scheduled day off is the day the holiday is observed, the employee shall schedule and take another day off by the end of the next pay period.

Employees not on-call and required to work on a holiday because of City needs shall be paid two times their regular rate of pay for all hours worked.

The City of Arlington recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days that are not included in the City of Arlington's regular holiday schedule. Employees may use personal holidays **or** accrued vacation for these occasions.

## **POLICY 505 - EMPLOYEE COUNSELING**

The City of Arlington assists employees with referral services that will help in solving personal problems, both on and off the job, financial planning, and career planning.

The City of Arlington recognizes that personal difficulties can adversely affect job performance. Accordingly, employees experiencing personal problems are encouraged to seek assistance from the Employee Assistance Program (EAP). The Employee Assistant Counselors are available 24 hours a day, seven days a week to arrange an appointment with a qualified counselor. The telephone number for EAP is 1-800-570-9315.

Supervisors should be alert to signs of the existence of personal problems among their employees. Indications of personal problems include excessive absenteeism, changes in both behavior and employee attitudes, and substandard job performance.

Supervisors, where appropriate, should try to communicate with employees who seem to be experiencing problems. Depending on the circumstances, the supervisor should proceed as follows:

- If an employee's problem seems to require professional counseling, or does not lend itself to an easy solution, the supervisor should refer the employee to the City's Employee Assistance Program.
- If the employee's problem is an unresolved complaint or grievance, the supervisor should advise the employee of the appropriate steps to be taken in compliance with the Grievance Procedure.

Employees needing extended treatment may request a leave of absence in accordance with the City of Arlington's leave policy.

The Human Resource Department will also, to the degree that its resources permit, provide counseling and reference information for employees seeking guidance on education and career planning, relocation, outplacement, and retirement planning.

Employees are required to meet satisfactory standards of job performance. Performance appraisals are to be based on factors related to job performance, regardless of whether an employee seeks counseling. In certain circumstances, however, the City of Arlington may require an employee to participate in counseling as a condition of continued employment.

Communications between employees, supervisors, the Human Resource Department, the Employee Assistance Program, and professional counselors or agencies as a result of this policy are to be confidential, except to the degree necessary to protect the safety of the employee or others or to protect the security of City of Arlington property.

## **POLICY 506 - EMPLOYEE RECOGNITION and SERVICE AWARDS**

The City of Arlington recognizes employee contributions and service to the organization by presenting employee recognition and service awards to eligible employees according to the guidelines below.

The City of Arlington may reward outstanding performance and productivity by presenting recognition awards to eligible employees.

All regular full-time and regular part-time employees are eligible to receive a Pride in Service award upon completion of 1, 5, 10, 15, 20, 25, and 30 years of service. Human Resources is responsible for identifying when employees should be honored, notifying the employees, ordering the awards, and helping management to arrange for appropriate announcements and publications of awards, both internally and externally.

The IRS classifies cash and gift certificate awards as taxable income. Payroll withholds taxes accordingly.

## **POLICY 507 - WELLNESS PROGRAM**

The City of Arlington recognizes that employee health is related to lifestyle choices and decisions, and that many illnesses and injuries can be prevented by positive health practices. The City established its Wellness Program in 1997 and confirmed their commitment to this program by adoption of Resolutions 608 and 701 in 2001 and 2004 respectively. The program will be comprised of health-related education, physical activity, and social interaction and will be available to all city employees. The City will provide financial assistance for the Wellness program through the annual budget process.

The Human Resource Department will oversee the Wellness Program and coordinate activities. The Wellness Committee is responsible for planning, promoting, and evaluating the program activities as well as allocating the Wellness budget. Joining the Wellness Committee will be on a voluntary basis. The Committee will be a group of employees who will be responsible for wellness activities for all city departments. The Wellness Committee will meet annually in January for a planning meeting. Subsequent meetings will take place throughout the year to plan events.

City employees will be provided time to participate in wellness activities during regular working hours.

## **POLICY 601 – SAFETY and ACCIDENT PREVENTION**

The City of Arlington complies with all applicable federal, state, and local health and safety regulations and provides a work environment as free as practicable from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by the City of Arlington or by federal, state, or local law. The Safety Committee maintains an Accident Prevention Manual.

The City of Arlington has appointed a Safety Committee to oversee the City of Arlington's safety policies and procedures.

All employees are responsible for ensuring that they understand and comply with all City of Arlington safety rules, regulations, and procedures. All employees are responsible for:

- Being familiar with all safety and health procedures relevant to the operations under their supervision;
- Inspecting their work areas periodically;
- Identifying conditions that are recognized as being unsafe; and
- Reporting accidents and injuries to the immediate manager, department head and Human Resources immediately and ensuring that any injured employee is referred to appropriate medical care.

Supervisors should complete a safety orientation to each new employee upon hiring. This is to ensure that the employee understands and complies with the safety rules, regulations, and procedures within their department.

Employees should report to their supervisor or the Safety Committee all observed safety and health violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.

Violations of City of Arlington safety rules, regulations, or procedures will result in disciplinary action, up to and including termination.

### CPR, First Aid, & Blood Borne Pathogen Training

Employees are offered CPR and First Aid training. Depending on the employee's job assignment the training may be mandatory.

Each department, vehicle and remote work site is required to have a first aid kit reasonably accessible. The size of the kit is determined by the number of employees at the work location. The first aid kit will be inspected by the supervisor or designee.

Employees whose job descriptions warrant them to take Blood Borne Pathogen training should, if possible, be scheduled to attend training as soon as possible. The Blood Borne Pathogen Site Specific Plan identifies job titles in which exposure to pathogens may exist and require training. Supervisors are responsible to ensure that their employees Blood Borne Pathogen certification remains current.

Employees who may be exposed to Hepatitis B as disclosed in their job description have the option to receive Hepatitis B vaccinations paid for by the City of Arlington. Employees will be advised during orientation of the risks associated with their job classification and given the opportunity to accept or

decline the vaccinations.

Defensive Driving:

Defensive driving instruction will be provided at the City's expense to employees within three months of assuming a job classification requiring driving, and refresher training will be required every fourth year.

Accident Investigations:

Non-vehicle accidents must be reported immediately to the employee's supervisor and investigated as soon as possible. A written report will be prepared for the safety committee with copies to the City Safety Officer, the City Risk Manager, and the City Administrator. The report will include the findings, the corrective action taken and other related information or recommendations.

Vehicle accidents occurring while on city business involving \$750 or more must be reported immediately and investigated by the appropriate law enforcement agency. The results of such investigation shall be communicated in writing to the supervisor(s) involved with a copy forwarded to the City Safety Officer, the City Risk Manager, and the City Administrator.

Hazardous Materials Disclosure:

The department supervisor's shall be responsible for obtaining hazardous material data sheets from suppliers and the dissemination of the information to employees working with such materials.

Hazardous material shall be stored and secured by the supervisor or designee.

## **POLICY 602 - SOLICITATION**

The City of Arlington prohibits solicitation and distribution on its premises by non-employees and permits solicitation and distribution by employees only as outlined below. The City of Arlington limits solicitation and distribution on its premises because those activities can interfere with its normal operations, reduce employee efficiency, annoy customers, and pose a threat to security.

The Human Resource Department is responsible for administering this policy and enforcing its provisions. Employees will be subject to disciplinary action for violating this policy.

Individuals not employed by the City of Arlington are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except with the City Administrator's prior approval,) or engaging in any other solicitation, distribution, or similar activity on City of Arlington premises.

The City of Arlington may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but participation is entirely voluntary.

The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- Soliciting and distributing literature, or selling merchandise or services, during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term "working time" does not include an employee's authorized lunch or rest periods or other times when the employee is not required to be working.
- Distribution of literature is prohibited in work areas at all times.
- Distributing literature in a way that causes litter on City of Arlington property is prohibited.
- Employees may not use City facilities, resources, or supplies to promote or solicit participation in gambling activities, including but not limited to wagers, bets, or pools.

The City of Arlington maintains various communication systems to communicate City of Arlington information to employees and to disseminate or post notices required by law. These communication systems (including bulletin boards, text messages, cell phones, electronic mail, voice mail, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature. The unauthorized use of the communication systems or the distribution or posting of notices, photographs, or other materials on any City of Arlington property is prohibited.

## **POLICY 603 - PARKING**

The City of Arlington provides parking facilities, when practical, for the benefit and convenience of its employees, customers, and visitors.

Employees, when reasonably able to do so, should park in city owned parking lots. Any parking spaces near the front entrances to city offices should be made available to our customers and the general public.

The City of Arlington will provide parking for as many employees as practical. Special spaces will be designated for certain employees, customers, and visitors.

The City owned parking lots are considered part of the City of Arlington premises; therefore, all City of Arlington policies and rules apply to employees and their vehicles while on the lots.

Employees who use the City of Arlington parking lots do so at their own risk. The City of Arlington assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lots.

## **POLICY 604 - SMOKING**

The City of Arlington complies with all applicable federal, state, and local regulations regarding smoking in the workplace and provides a work environment that promotes productivity and the well-being of its employees. For the purposes of this policy, "smoking" shall include smoking, smokeless tobacco, and vaping products.

The use of tobacco in the workplace is now in violation of the law in the State of Washington. Accordingly, the use of smoking products are restricted in all of its facilities. Smoking is prohibited inside all City of Arlington facilities, including City-owned buildings, vehicles, and offices or other facilities rented or leased by the City, including individual employee offices. The smoking policy applies to employees during working time and to customers and visitors while on the City of Arlington's premises.

Smoking is only allowed in designated outside areas that are at least 25 feet from building entrances and exits, windows that open, and ventilation intakes. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of coworkers with regard to the smoking policy. Smokers have a special obligation to not abuse break and work rules and to keep smoking areas litter-free. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the City of Arlington's grievance procedure. Employees who violate the policy will be subject to disciplinary action.

Employees may contact the Human Resource Department for information regarding the effects of smoking and the availability of smoking cessation programs.

## **POLICY 701 - ATTENDANCE and PUNCTUALITY**

The City of Arlington requires employees to report for work punctually and to work all scheduled hours and overtime required by business necessity. Excessive tardiness and poor attendance disrupt workflow and customer service and will not be tolerated.

Supervisors should notify employees of their starting, ending, and break times. Employees are expected to be engaged in carrying out their duties during all scheduled work time and should be ready to begin working at their scheduled starting time. Supervisors should record all absences and, for nonexempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act), any tardiness or early departure exceeding ten minutes.

Employees should notify their supervisor in as far advance as possible whenever they are unable to report for work, know they will be late, or must leave early. The notice should include a reason for the absence and an indication of when the employee can be expected to report for work. If the supervisor is unavailable, notification should be made to the next level of management.

Employees will be compensated during authorized absences in accordance with the policies contained in Absences, Policy 702. Non-exempt employees will not receive compensation for time missed because of tardiness or early departure if the time missed exceeds 10 minutes after starting time or before quitting time. Failure to notify the City of Arlington properly of any absence may result in loss of compensation during the absence and may be grounds for disciplinary action.

Nonexempt employees who are delayed in reporting for work more than 30 minutes and who have not notified their supervisor of their expected tardiness may lose their right to work the balance of the work day. In addition, employees who report for work without proper equipment or in improper attire may not be permitted to work. Employees, who report for work in a condition considered not fit for work, whether due to illness, alcohol or drug use, or any other reason, will not be allowed to work.

Employees generally are expected to report for work during inclement weather conditions unless the City Administrator or designee declares an emergency closing. During times of inclement weather or natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work, so long as doing so does not endanger their personal safety. An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to vacation, personal/floating holiday, compensatory time off, or leave without pay.

Nonexempt employees will not be required or permitted to work any period of time before or after scheduled starting or quitting times for the purpose of making up time lost because of tardiness, unauthorized absence, authorized absence, or any other reason if the result will be that the employee works more than forty hours during the work week. Exempt employees may be permitted to make up time subject to supervisor approval.

Employees must report to their supervisor after being late or absent, give an explanation of the circumstances surrounding their tardiness or absence, and, when applicable, certify that they are fit to return to work. The supervisor should record the information in the employee's file and forward a copy to the Human Resource Department. When appropriate, the supervisor should counsel the employee on the importance of good attendance and warn that excessive tardiness or absences will lead to discipline, up to and including termination.

Employees who are frequently away from the premises for business reasons should inform their supervisors of their whereabouts during working hours.

Unauthorized or excessive absences or tardiness will result in disciplinary action, up to and including termination. An absence is considered to be unauthorized if the employee has not followed proper notification procedures or the absence has not been properly approved. Generally, absences in excess of those allowed in Policy 702, and tardiness or early departure (i.e., beyond ten minutes of starting or quitting time) more than three times in a three-month period are grounds for discipline.

Employees who are absent from work for three consecutive days without giving proper notice to the City of Arlington will be considered as having abandoned the job. At that time, the City of Arlington will formally note the termination and advise the employee of the action by certified mail to the employee's last known address.

## **POLICY 702 – ABSENCES – Council approval 1/6/2025**

The City of Arlington permits employees to be absent from work on an authorized basis for a variety of reasons, including sickness or injury. To help employees maintain their income during certain authorized absences, the City provides compensation according to the guidelines below.

Employees cannot receive “advances” against their accrued sick leave or vacation banks. Employees will only receive paid time off if they have accrued balances in the leave banks prior to the leave being taken. In addition, authorized days off for short-term absences will not be considered as working time for calculating weekly overtime compensation.

### Sick Leave:

Regular, full time employees, accrue paid sick leave at the rate of 8 hours per calendar month of continuous employment. Temporary or seasonal employees are not eligible for paid sick leave benefits. Employees do not accrue sick leave benefits during an absence without pay. The maximum number of hours of sick leave that an employee can accumulate is 1200.

Sick leave may be used for any of the following purposes:

- Personal illness or incapacity of the employee;
- Forced quarantine of the employee by a public health official;
- To care for the employee’s dependent children under age 18 who are ill;
- To attend the birth of the employee’s child;
- Use of a prescription drug that impairs job performance or safety;
- Medical or dental appointments of the employee or dependent children under the age of 18, when such appointments cannot reasonably be scheduled during off-duty time;
- For any other purpose described in the WA Family Care policy set forth below.

Sick leave may be coordinated with certain other leaves (see Family and Medical Leave policy below.) Employees may be required to provide medical or other documentation to verify the appropriate use of sick leave. A doctor’s note will be required when an employee is absent for three or more consecutive days, or in other situations as deemed appropriate by the City of Arlington (e.g., pattern absences on Fridays and/or Mondays.) Excessive tardiness or absences (other than approved FMLA or disability-related leave) may lead to disciplinary action up to and including termination.

Employees shall notify their supervisor of their absence immediately after the start of each workday.

Sick leave is computed up to the nearest ½ hour and payable for the approved period of absence up to the regularly scheduled hours of work for the day(s) absent.

In the event that an employee incurs a personal illness, injury, accident or disability, or that of a member of the employee’s immediate family, while the employee is on scheduled vacation leave, the employee may cease utilizing vacation leave and convert to the use of accrued sick leave. Such conversion from vacation to sick leave will require a physician’s certification.

In the event that an employee is absent for a condition listed above, and in excess of accrued sick leave, the following shall be applied:

- Earned but unused comp time; followed by
- Earned but unused vacation time; followed by
- Earned but unused floating holidays; followed by

- Shared leave (if applicable); followed by
- Leave of absence without pay which may result in a review of the employee's attendance record

Employees on leave of absence are not eligible to accrue sick leave benefits.

Upon termination or retirement, employees are eligible for a cash out 1/3 of their unused sick leave up to 240 hours. Combined sick leave and vacation cash out, however, shall not exceed 240 hours, except for Directors. Directors may cash out one third of their sick leave up to 480 hours (160 hours maximum sick leave cashout) and up to 300 hours of vacation upon termination or retirement. .

#### Jury or Witness Duty:

Employees who are required by law to render jury service will be granted time off during period of jury duty. Nonexempt employee will be paid their regular base rate for authorized absences to serve as a juror or subpoenaed witness, up to a limit of two work weeks per calendar year.

Payment received from the courts during City-paid jury duty leave must be paid to the City. Expense reimbursements, such as mileage, do not need to be paid to the City. Employees should notify their supervisors as soon as possible after receipt of a juror summons so that operational adjustments can be made as needed during the employee's absence. A copy of the juror summons must be provided to the supervisor. If an employee is summoned for jury service during a critical work period, the City of Arlington may ask the employee to request a waiver from duty; in such cases: the City of Arlington will provide documentation to the relevant court supporting the waiver request. Employees who are released from jury duty on any particular day are expected to notify their supervisor and report to work if requested to do so.

An employee subpoenaed to testify in court on behalf of the City will be granted time off and be compensated for the period served as a witness. In general, leave for witness duty is unpaid unless the employee has been called as a witness through their duties as an employee with the City of Arlington.

#### Military Leave:

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

Washington State Law provides 21 days of paid military leave per year. A public employee is entitled to a paid military leave of absence for a period not to exceed 21 working days during each year beginning October 1<sup>st</sup> and ending the following September 30<sup>th</sup>. According to guidance from the Attorney General's office, a day is calculated according to the number of days the employee would have worked, but for the military leave. Military leave beyond the 21 days of paid time off will be unpaid. The employee may elect to use accrued vacation, compensatory time, exchange time, or other available paid time off during the period of military leave.

Employees should notify their supervisor as soon as they receive notice of the need to report for military duty and provide the supervisor with a copy of the military orders.

#### Leave for Spouses of Military Personnel(Non-FMLA):

During a period of military conflict declared by the President or Congress, an employee who is the spouse of a member of the Armed Forces, National Guard or Reserves is entitled to up to 15 days

of unpaid leave while their spouse is on leave from deployment, or before and up to deployment. (This reason for leave may also be covered under FMLA leave for a qualifying exigency, although an employee need not meet the more stringent FMLA eligibility requirements in order to take this spousal military leave.) The purpose of this leave is to support the families of military personnel serving in military conflicts by permitting them to spend time together before a family member is deployed or while the family member is on leave from a deployment. An employee must work an average of 20 hours per week to be eligible for this family military leave.

An employee who seeks to take family military leave must provide the City of Arlington with notice of their intent to take the leave within five business days of receiving official notice that the employee's spouse will be on leave or of an impending call to active duty. The employee may substitute available accrued vacation or compensatory time for any part of this family military leave.

Family Care/Use of Accrued Leave to Care for Sick Family Member:

Consistent with the Washington Family Care Act, employee may use their choice of any accrued leave that they have available for their own use in order to care for their child, spouse, domestic partner, parent, parent-in-law, or grandparent as described below.

- An employee may use available paid time off to care for their child where the child has a health condition requiring treatment or supervision, or where the child needs preventative care (such as medical, dental, optical, or immunization services.)
- An employee may use available paid time off when a spouse, domestic partner, parent, parent-in-law, or grandparent has a "serious or emergency health condition" which are conditions:
  - Requiring an overnight stay in a hospital or other medical-care facility;
  - Resulting in any period of incapacity or treatment or recovery following inpatient care;
  - Involving continuing treatment under the care of a health services provider that includes any period of incapacity to work or attend to regular daily activities; or
  - Involving an emergency (i.e. demanding immediate action)

Where the need for family care leave is unexpected, the City of Arlington understands that advance approval of the use of leave (as is required for certain kinds of accrued leave) may not be possible. Employees are required, however, to notify their supervisor of the need to take time off to care for a family member as soon as the need for leave becomes known. The City of Arlington reserves the right to require verification or documentation confirming that a family member has or has had a "serious or emergency" health condition when available leave is used to care for that family member.

Bereavement Leave:

In the event of the death of an employee's immediate family member, time off with pay for employee's regular scheduled workday will be granted to regular full-time employees. The phrase "immediate family" for the purposes of the bereavement policy includes the employee's spouse, brother, sister, father, mother, stepfather, stepmother, grandparent, children, stepchildren, grandchildren, father-in-law, mother-in-law, grandparent-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, aunt, uncle, or any person residing with or legally dependent upon the employee.

Unless stated in a collective bargaining agreement for represented employees, three workdays off with bereavement leave pay will be approved to attend the funeral or memorial service. (Maximum twenty-four (24) hours). If an employee requires bereavement leave, the employee or another family member, if necessary, should inform Human Resources immediately or as soon as is

reasonably practical. Two additional bereavement leave work days off with pay, maximum of sixteen (16) hours, may be approved for travel from the employee's home to the funeral or memorial service, if the travel exceeds two hundred (200) miles each way. This additional bereavement leave may be requested through a written document to Human Resources and is subject approval by the City Administrator. Paid time off for bereavement leave will not be used to calculate overtime pay.

Employees having questions or concerns regarding this policy should contact Human Resources.

#### Domestic Violence/Sexual Assault Leave:

This leave is available to employees who are victims of domestic violence, sexual assault, or stalking. It is also available to employees with a family member (child, spouse, domestic partner, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship) who is a victim of domestic violence, sexual assault, or stalking. The leave maybe taken in blocks, intermittently, or on a reduced leave schedule. The amount of leave that an employee may take is limited to a "reasonable" amount. Domestic violence/sexual assault leave is unpaid, although an employee may elect to use the employee's accrued paid leave (e.g. vacation, compensatory time, or sick leave if it qualifies) in connection with such leave.

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

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

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

#### Coordination of Wages with Worker's Compensation:

Employees receiving salary continuation through Workers Compensation who are still receiving their regular wages from the City of Arlington by usage of their accrued sick leave, must return their Workers Compensation payment to the Finance Department within ten days of receiving it. The employee's sick leave bank will then be reinstated at the employee's current rate of pay. Vacation, comp time, or shift trades will not be used during a work related injury or illness.

#### Other Personal/Unpaid Leave:

Subject to operational and other considerations, the City may grant a leave of absence without pay for an absence not covered by any other type of leave. In considering the request, the employee will submit the reason for requesting the leave, the length of time desired, the work load involved and the need for a replacement employee, if any. Any available accrued leave must be exhausted

before an unpaid leave will be approved. An example of an absence that may qualify is a prolonged illness or medical condition for which an employee needs reasonable accommodation. An unpaid leave of absence will not exceed three months. A personal leave of absence is not to be used as a substitution for resignation or to enable an employee to perform comparable work elsewhere. Unpaid leave of absences do not accrue vacation or sick leave benefits. For purposes of salary increases, the employee's situation will be evaluated based on the length of leave and their performance.

#### Administrative Leave:

On a case by case basis, the City Administrator may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used when it is in the City of Arlington's best interest, such as during the pendency of an investigation.

#### Benefits During Leave:

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies, benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave and/or during periods in which the employee receives workers' compensation. In certain cases, self-payment of insurance premiums may apply. This means the employee may be required to pay to the city his/her share of the health insurance benefits.

#### Outside Employment:

Employees who are on an approved leave of absence may not perform work for any other employer during that leave, except when the leave is for military service or explicitly approved by the City Administrator.

#### Unpaid Holidays for Reasons of Faith or Conscience:

Consistent with State law, employees are entitled to two unpaid holidays per calendar year for a reason of faith or conscience or an organized activity conducted under the auspices of a religious denomination, church, or religious organization.

You may select the days on you desire to take the two unpaid holidays after consultation with your supervisor. If you prefer to take the two unpaid holidays on specific days, then you will be allowed to take the unpaid holidays on the days you have selected unless the absence would impose an undue hardship, or your presence at work is necessary to maintain public safety. "Undue hardship" means significant difficulty or expense, taking into account factors such as the effect of your absence on operations and the number of other employees requesting leave, and the impact on other employees' leave entitlements.

If possible, you should submit a written request for an unpaid holiday to your supervisor a minimum of thirty (30) days prior to the requested day off. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by your supervisor. Partial days off will count as a full day toward the annual entitlement of two unpaid holidays.

Employees may not use accrued vacation or other leave for this time of leave; if you would like to take vacation or other paid time off instead of an unpaid holiday under this policy, it will be subject to the paid time off approval process applicable to the type of paid leave requested. The two unpaid holidays allowed by this section must be taken during the calendar year, if at all; they do not carry over from one year to the next.

Return from Leave of Absence:

It is the employee's responsibility to notify their supervisor of their intention to return to work a minimum of two weeks prior to the end of an approved leave or, in the absence of extenuating circumstances, the employee shall be considered to have voluntarily resigned employment with the City. The City will make every effort to return an employee who has been on personal leave to the same position which they occupied prior to the leave or to another position for which the employee is qualified.

## **POLICY 703 – SHARED LEAVE POLICY – Council approval 1/6/2025**

Eligibility to join this program was ended on December 31, 2024. For those employees eligible for this program the following are the requirements to utilize the program:

Eligibility to access funds from the program

Shared Leave may be requested by an employee needing shared leave if:

- The employee suffers, or has an immediate family member, as defined in the applicable collective bargaining agreement or City Policy, suffering from an illness, impairment or physical or mental condition which is likely to cause the employee to take leave without pay or to terminate employment with the City.
  
- The employee has depleted or will deplete their total accrued vacation, sick leave, compensatory time, and holiday time.
  
- The employee's absence and the use leave follow the applicable collective bargaining agreement and the City's sick leave use policy.
  
- If the employee is eligible for State Industrial Insurance Benefits or is using Paid Family and Medical Leave, then shared leave cannot be used as a supplement.

Amount of Shared Leave

- The Human Resources Department and the employee will determine the amount of leave needed and verify with the Finance Department that those funds are available.
  
- The employee will provide appropriate medical justification and documentation to the Human Resources Department as a part of requesting Share Leave request which will assist in determining the length of leave needed and number of hours being requested.
  
- The maximum number of shared leave hours that can be provided to an employee is 6 months (131 working days) throughout their employment with the City.

Shared Leave Bank – Account Management

- The Finance Department will be responsible for the accounting of the Shared Leave Bank and adjusting leave balances for employees.
  
- Transfers of accrued vacation or sick leave hours to an employee shall be made in 1 hour increments and will be transferred to their sick leave balance.

- Any unused transferred leave in an employee's sick leave bank will be returned to the Share Leave Pool Bank.
- Shared leave taken by an employee shall be shown on their timesheet as sick leave.

#### Administrative Provisions

- Inappropriate use by an employee of the provisions of this policy may result in the cancellation of the donated leave or the use of shared leave.
- While an employee is on shared leave they will continue to be classified as a City Employee and will receive salary and benefits as they would otherwise receive if using sick leave or vacation leave.
- All salary/benefit payments made to the employee on a shared leave shall be made by the department employing the person using the shared leave.
- In no event shall any donated shared leave be paid to an employee in the event of leaving the City's employ.
- Administration of this policy is the responsibility of the City Administrator.

## **POLICY 704 – LIGHT / MODIFIED DUTY**

Aggressive return to work strategies minimize time loss benefits, encourage employee healing, and minimize the financial hardship to the employee. The City may return employees to the position they held when they commenced leave (if a reasonable accommodation can be accomplished) to allow the employee to perform the essential functions of the position. If reasonable accommodation cannot be made without creating undue hardship, the city may provide a temporary alternative work assignment as soon as the city's needs and the employee's condition warrant. Family Medical Leave restrictions will be considered in return to work situations.

Employees who are not yet able to perform their original duties may be offered a temporary light/modified-duty assignment that has been approved by the employee's attending physician and the employee's current supervisor. The Human Resources Department is responsible for working with the employee's supervisor to develop and implement the light/modified-duty assignment. The assignment may consist of the employee's original job, with working hours or reduced activities, or an alternative light/modified-duty position. An employee may be assigned to light duty in another division or department, depending on the needs of the City.

The following restrictions apply to light/modified-duty assignments:

- No guarantee of work. The City will endeavor to return employees to gainful employment as soon as possible by exploring possible light/modified-duty assignments. The City does not guarantee the availability of light/modified-duty work.
- Light/Modified-duty assignments are temporary arrangements intended to facilitate the healing process. Light/Modified-duty assignments may be approved in 30 day increments and cannot exceed 90 days (according to FMLA) unless approved by the City Administrator.

## **POLICY 705 – FAMILY and MEDICAL LEAVE ACT (FMLA)**

The City's family and medical leave program enables employees to take time off, under certain conditions, for health reasons or to care for family members. This policy will be administered in accordance with the federal Family and Medical Leave Act (FMLA).

### Eligibility.

To be eligible for leave under this family and medical leave policy, an employee must have been employed by the City for at least 12 months, must have worked at least 1,250 hours in the preceding 12 months, and must work at a location where at least 50 employees are employed by the City within 75 miles.

### Leave Entitlement.

An eligible employee may request up to 12 workweeks of FMLA leave per "leave year" for one or more of the following reasons:

- To care for the employee's child upon birth, or to care for a child upon the child's placement with the employee for adoption or foster care;
- To care for a spouse, son, daughter or parent who has a serious health condition;
- To care for self, if the employee has a serious health condition that makes the employee unable to perform the essential functions of the position (including incapacity due to pregnancy, prenatal medical care or childbirth); or
- For a "qualifying exigency" arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member (including those in the regular Armed Forces, the National Guard or the Reserves) who is on active duty, or has been notified of an impending call to covered active duty, and who has been or is being deployed to a foreign country. Qualifying exigencies are generally activities related to the active duty or call to 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.

The City defines a leave year as the rolling twelve-month period measured backward from the date an employee uses any FMLA leave. FMLA leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement. In addition, generally spouses employed by the City will be jointly entitled to a combined leave of 12 workweeks of family leave for the birth or placement of a child for adoption or foster care, or to care for a parent with a serious health condition. Each spouse is, however, eligible for the full 12 weeks of leave in the 12-month leave period to care for a child or spouse with a serious health condition, or for either employee's own serious health condition.

### Military Caregiver FMLA entitlement.

An eligible employee may also take up to 26 weeks of leave during a single 12-month period to care for an injured service member who is the employee's spouse, parent, child or next of kin. A covered service member is a current member of the Armed Forces, including a National Guard or Reserves member, 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. A covered service member may also be a veteran who was a member of the Armed Forces any time during the five years preceding his/her need for medical treatment, recuperation or therapy for a serious injury or illness, where the injury or illness was

incurred or aggravated in the line of duty. 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.

#### Serious Health Condition.

For purposes of this FMLA policy, a serious health condition is 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).

#### Intermittent or Reduced Work Schedule Leave.

In certain circumstances, eligible employees may take FMLA intermittently (for example, in smaller blocks of time) or by reducing their work schedule. If the FMLA leave is because of the employee's own serious health condition or to care for a family member, the employee may take the leave intermittently or on a reduced work schedule if it is medically necessary. Eligible employees may also take FMLA leave on an intermittent or reduced schedule basis when necessary because of a qualifying exigency arising from a family member's military service. If FMLA leave is to care for a child after the birth or placement for adoption or foster care, employees may take their FMLA leave intermittently or on a reduced work schedule only with the City'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 disrupt unduly business 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.

#### Notice and Certification.

Employees who want to take FMLA leave ordinarily must provide the City with at least 30 days' notice of the need for leave, if the need for leave is foreseeable. If 30 days' advance notice is not possible, notice must be provided as soon as practicable (which is generally the same day or next business day after the need for leave becomes known). Absent unusual circumstances, employees are required to follow the City's regular procedural requirements when requesting FMLA leave. When requesting leave, employees must provide sufficient information for the City to determine whether the leave may be FMLA-qualifying, and the anticipated timing and duration of requested leave. Employees must also inform the City if the requested leave is for a reason for which FMLA leave was previously taken or certified.

In addition, employees who need leave for their own or a family member's serious health condition may be required to provide medical certification from a health care provider of the serious health condition. The City may require a second or third opinion (at City expense), periodic recertification's of the serious health condition and, when the leave is for an employee's own

serious health condition, a certification that the employee is fit to return to work.

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

The City may delay leave to employees who do not provide proper advance notice of the foreseeable need for leave. The City also may delay or deny approval of leave for lack of proper certification establishing the need for leave.

Please contact Human Resources to obtain further information and forms relating to FMLA leave requests.

#### Continuation of Pay and Benefits.

FMLA leave is unpaid leave. However, employees are required to use any accrued paid leave available to them as part of their FMLA leave.

Employees who are on a paid leave of absence shall continue to receive benefits they were entitled to prior to the start of their leave, including the accrual of vacation, sick leave, holidays, retirement, and health insurance benefits. Unless stated otherwise in these policies, benefits that accrue according to length of service, such as paid vacation, holiday, and sick days, do not accrue during periods of unpaid leave and/or during periods in which the employee receives workers' compensation. In certain cases, self-payment of insurance premiums may apply. This means the employee may be required to pay to the city his/her share of the health insurance benefits.

#### Job Restoration Upon Return From Leave.

Upon return from FMLA leave, an employee will be entitled to return to the employee's former position or a position with equivalent pay, benefits and conditions of employment, unless unusual circumstances have arisen (e.g., the employee's position or shift was eliminated for reasons unrelated to the leave). If the employee chooses not to return to work for any reason, the employee should notify the City as soon as possible.

#### For Guidance.

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

### **Additional Family/Medical Leave Entitlements Under State Law**

#### Pregnancy Disability Leave.

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

#### Washington Family Leave Act.

The WFLA provides certain additional leave benefits to eligible employees. The WFLA largely

mirrors the FMLA, with the same eligibility standards and entitlement to 12 weeks of leave for family and medical reasons. In most situations, WFLA provides the same leave entitlement as (and runs concurrently with) FMLA leave and employees should follow the procedures described above for both FMLA and WFLA leave. WFLA differs from FMLA leave only in the following respects:

- WFLA leave does not run concurrently with any leave taken for Pregnancy Disability leave; this affords an employee up to 12 weeks of additional time off to care for her newborn once she has recovered from the Pregnancy Disability.
- The WFLA does not provide leave for military exigencies or for military caregivers. Where such military-related leave is taken under the FMLA, it will not count against the 12-week leave entitlement available under the WFLA.
- Continuation of employer-paid health insurance is not required during WFLA leave. Thus, during leave that is covered only by WFLA and not FMLA, health insurance will not be automatically continued unless the employee elects continuation coverage at his/her expense.

## **POLICY 706 - REST BREAKS**

The City of Arlington provides rest breaks during the course of each workday. Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) should receive, unless job conditions do not permit, a rest break of fifteen minutes at approximately the middle of every four hours of work not interrupted by a meal period. Part time employees shall receive one fifteen minute break for each four consecutive hours worked to be observed approximately midway of each four hour work period. Rest breaks may not be added to or taken at the end of a workday.

Employees are expected to take their rest breaks. Employees who choose to remain at their work stations during rest breaks are expected to take their rest break shortly thereafter, and are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time.

Supervisors are responsible for scheduling the time for nonexempt employees' rest breaks and should consider the workload and the nature of the job performed. Whenever necessary, the frequency and time of rest periods may be changed.

Time spent on rest breaks will be compensated as working time. However, employees are expected to be punctual in starting and ending their breaks and may be disciplined for tardiness.

### Nursing/Lactation Breaks:

In addition, for one year following childbirth, non-exempt employees who are nursing mothers are entitled to unpaid breaks during the workday for the purpose of expressing breast milk. These breaks will be paid to the extent they run concurrently with the above-referenced daily rest breaks. The City will provide a suitable, private location for nursing breaks. Please contact Human Resources or your supervisor to make appropriate arrangements if you need nursing breaks.

Employees on rest breaks may not interfere with other employees who are continuing to work.

## **POLICY 707 - MEAL BREAKS**

The City of Arlington provides meal breaks during the course of each workday. Full-time employees are allowed a meal break near the middle of the workday.

Part-time employees scheduled to work more than five consecutive hours during any workday will receive a meal break of the same duration as full-time employees in their department.

Supervisors are responsible for balancing workloads and scheduling meal breaks and should take into consideration the workload and the nature of the job performed. Whenever necessary, the duration and time of meal periods may be changed.

Nonexempt employees (those covered by the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for their meal breaks unless they are required to work during their breaks.

Employees on meal breaks are not permitted to interfere with other employees who are continuing to work.

## **POLICY 801 – STANDARDS OF CONDUCT**

The City of Arlington strives to provide outstanding service to our community, and management expects excellence from each and every employee. Each employee was selected to work for the City based on the belief that he or she would be able to fulfill that expectation.

It is important to establish certain expectations regarding employee conduct to ensure efficient City operations, and for the benefit and safety of all employees. As a general matter, employees should conduct themselves in a professional manner and use good judgment in performing their job duties. Conduct that interferes with City operations, is detrimental to the City, and/or is offensive to coworkers or the public will not be tolerated. It is not possible to list all of the forms of behavior that are considered unacceptable in the workplace. The following are examples of behavior that is against City policy and that will result in disciplinary action, up to and including termination of employment:

- Failure to treat co-workers, constituents, vendors and others in a courteous and respectful manner;
- Failure to perform assigned duties, or performance of duties in an unsatisfactory manner;
- Unauthorized absence, or excessive tardiness or absences;
- Misusing, taking for personal use, destroying, damaging or wasting property, supplies or utilities belonging to the City or another employee;
- Assaulting, threatening, or intimidating supervisors or any other fellow employee, constituent, or any other person;
- Violation of City policy regarding workplace violence;
- Engaging in any form of sexual or other unlawful harassment of, or discrimination or retaliation towards, another employee, a client, a constituent or other third party;
- Falsifying, altering, or destroying any City record;
- Misusing City communication systems, including electronic mail, computers, Internet access, and telephones;
- Refusing to follow management's instructions concerning a job-related matter, or otherwise being disrespectful or insubordinate;
- Smoking where prohibited by City policy or local ordinance;
- Using profanity or abusive or offensive language;
- Sleeping on the job;
- Disclosing confidential information regarding the City, City employees, customers, or constituent(s);
- Negligence or improper conduct resulting in injury or damage to City property;
- Failure to fully cooperate with a City investigation;
- Improper handling of cash or other financial transactions;
- Failure to report immediately to your supervisor any accident or injury which occurs on the job;
- Making reports falsely or in bad faith;
- Violating safety procedures or policies, or otherwise endangering the safety of an employee, co-workers or other third party;
- Making, publishing or repeating false, vicious or malicious statements concerning a co-worker, constituent, or customer;
- Reporting to work under the influence of alcohol, illegal drugs, controlled substances, or narcotics, or using, selling, dispensing, or possessing illegal drugs or narcotics on City premises;

- Dishonesty;
- Fighting; or
- Engaging in off-duty misconduct or criminal activity that interferes with an employee's ability to do their job

This list contains examples only, and is not exhaustive. At management's discretion, any violation of City policies or any conduct considered inappropriate or unsatisfactory may subject an employee to disciplinary action. Disciplinary action may include, but is not limited to, verbal warning, written warning, suspension, demotion or termination. The City, in its sole discretion, will determine the appropriate disciplinary response to misconduct or unsatisfactory performance.

## **POLICY 802- PERSONAL APPEARANCE OF EMPLOYEES**

The City of Arlington requires each employee's dress, grooming, and personal hygiene to be appropriate to the work situation. Employees are expected at all times to present a professional image to customers and the public. Professional personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the City of Arlington. Radical departures from personal grooming and hygiene standards are not permitted.

Office workers and any employees who have regular contact with the public must comply with the following personal appearance standards and are expected to dress in a manner that is considered professional attire in similar business establishments. Employees should not wear suggestive attire or athletic clothing, and similar items of casual attire that do not present a professional appearance. Employees who do not regularly meet the public should follow basic requirements of safety and comfort, but should still be as neat and professional as working conditions permit.

Certain employees may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms, depending on the nature and location of the their job.

On Fridays, the City of Arlington allows employees (who are not required to wear a uniform) to dress in a more casual fashion than is normally required; however, employees are still expected to present a neat appearance and are not permitted to wear ripped or disheveled clothing, athletic wear, or similarly inappropriate clothing.

An employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises. Non-exempt employees (those subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy also may result in disciplinary action.

## **POLICY 803 – ELECTRONIC COMMUNICATIONS/TECHNOLOGY RESOURCES**

It is the policy of the City to maximize the cost-effective use of computer systems as a means of improving productivity. The City provides communication resources including computing resources, electronic mail (email), internet access, mobile devices, and other electronic communications equipment (collectively referred to as City Technology Resources) to employees to assist in and facilitate City business and communications. The primary purpose of the City's network and systems is to provide service to the public as part of the City's business, in a manner that is consistent with the City's vision and values. De minimus, incidental personal use of the City's Technology Resources by employees is permitted if accomplished in compliance with the provisions of this policy, as set forth below.

This policy does not address all required, allowed, or prohibited behaviors by employees, but covers common examples. In general, the City relies on the good judgment of its employees to ensure that City Technology Resources are used in the public's best interest.

### No Expectation of Privacy.

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

### Standardized Software and Hardware.

The City has established standard software and hardware for commonly used applications. The use of unauthorized, non-standard software or hardware, including personally owned software or hardware, on City computer systems without approval of the IT Manager is prohibited.

### Installation of Software and Hardware.

Improper installation of software or hardware can damage a computer system, cause system malfunction, or conflict with system configuration. All standardized software and hardware is to be installed by the IT Manager. Specialized software and hardware technologies exclusive to individual departments may be managed within the appropriate department, in coordination with the IT Manager. Any moving, relocating, or rearranging of computer software or hardware should also be coordinated with the IT Manager.

### Ownership and Confidentiality.

All software, programs, applications, templates, data, 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 retains the right to access, copy, modify, destroy or delete this property. Data files containing confidential or sensitive data must be treated accordingly and must not be removed from the workplace without proper authorization.

### Copying Software, Programs, Applications, Templates, etc.

Employees must notify the IT Manager and receive proper authorization before attempting to copy software, applications, programs or templates. In many cases, copyright laws and/or licenses for commercial software, programs, applications and templates used by the City prohibit the making of multiple copies. The City and its employees are required to abide by the federal copyright laws and to abide by all licensing agreements.

### Acceptable Uses of City's Technology Resources.

The City's Technology Resources are to be used by employees or volunteers for City business. De minimus, incidental personal use may be permitted where, in the judgment of the employee's manager, such use does not interfere with employee or department productivity, nor distract/take time away from the worker or co-workers assigned work. De minimus, incidental personal use means: (1) it is occasional and of short duration; (2) it is done on an employee's personal time, such as on a lunch break; (3) it does not interfere with job responsibilities; (4) it does not result in any expense to City; (5) it does not solicit for or promote commercial ventures; (6) it does not utilize excessive network resources; and (7) it does not constitute any prohibited use, as discussed below.

### Prohibited Uses of the City's Technology Resources.

Use of the City's Technology Resources to engage in any communication that violates federal, state, or local laws or regulations, or any City policy, is strictly prohibited at all times. In addition, the following uses of City's Technology Resources are inappropriate and are prohibited at all times, unless specifically exempted below:

1. Personal commercial use (meaning use that benefits an employee's outside employment or commercial business);
2. Accessing, receiving or sending pornographic, sexually explicit or indecent materials, including materials of an offensive nature;
3. Usage for any type of unlawful harassment or discrimination, including the transmission of obscene or harassing messages to any individual or group because of their sex, race, religion, sexual orientation, national origin, age, disability or other protected status;
4. Gambling;
5. Usage for recreational purposes including the loading of computer games or playing online games;
6. Usage that precludes or hampers City network performance; such as viewing or listening to streaming audio and/or video unless for City business, such as for online training;
7. Unauthorized copying or downloading of copyrighted material;
8. Usage that violates software license agreements;
9. Downloading of software programs unless specifically approved by applicable Manager and coordinated with the IT Manager;
10. Usage for political purposes, including partisan campaigning;
11. Sending anonymous messages and/or misrepresenting an employee's name, position, or job description;
12. Deliberately propagating any virus, worm, trojan horse, malware, spyware, or other code or file designed to disrupt, disable, impair, or otherwise harm either the City's networks or systems, or those of any other individual or entity;
13. Releasing misleading, distorted, untrue or confidential materials regarding City business, views or actions;
14. Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
15. Use of Technology Resources for personal use beyond a de minimis amount or in any

manner so as to deprive others of system use or resources, including, but not limited to, the sending of bulk email for other than official business or forwarding "chain letter" emails of any kind;

16. Connecting to the City's network, or any specific software package, utilizing somebody else's security identification login information to gain alternate security permissions;
17. Any personal use, even if incidental, that results in expense to the City;
18. Use of outside email systems (Yahoo, Hotmail, Gmail, etc.) or the use of Social Media (Facebook, Twitter, etc.) on machines used for processing credit cards or payments;
19. Transmitting of Computer Justice Information Systems (CJIS) data over email or text messaging;
20. Usage that violates the guidelines set forth in the Standards of Conduct described in this Handbook.

Any employee who violates these policies could be subject to disciplinary action, up to and including termination. In addition, employees may be held personally liable for damages incurred as a result of copyright and licensing requirements.

#### Downloading Files from the Internet or Opening Email Attachments.

Downloading files from the internet or opening email attachments from sources outside the City can lead to spyware and/or virus attacks that can severely damage, or degrade the City's network and/or data. The IT staff has installed anti-virus and anti-spyware software on all City computers and continuously updates signature definition files. However, that does not guarantee that all spyware is blocked, or that all viruses are caught.

If you are downloading a file and receive a message that a virus or spyware has been detected, you must call IT staff immediately for assistance. Similarly if you receive an email with a suspicious attachment, or from an unusual source, you should notify the IT Manager before opening it. If you notice that your computer is behaving strangely or you suspect spyware or a virus, notify IT.

Employees can find more in depth information about the City's IT policies on the intranet under IT Security Policies. Those policies are hereby incorporated into this policy.

Finally, employees are expected to not use, in excess, personal cell phones, personal data devices, smartphones, tablets or similar devices during working time for personal business

## **POLICY 804 – SOCIAL MEDIA**

We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. Social media can also be an effective way for the City to communicate with the community we serve. However, use of social media also presents certain risks and carries with it certain responsibilities. The purpose of this policy is to establish rules and expectations for the appropriate use of social media, whether your use is personal or part of your work responsibilities. This policy applies to all employees who work for the City of Arlington.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site (e.g., Facebook, Twitter, Instagram, LinkedIn, Tumblr, YouTube, etc.), web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

The City of Arlington supports the use of social media to enhance community engagement and distribute information to citizens, subject to the following guidelines:

1. All City social media site or page content shall be approved by the Communications Team, Department Supervisor, or his/her designee and shall be administered by the appropriate and authorized staff.
2. Where possible, social media pages shall clearly indicate they are maintained by the City of Arlington and shall have the City of Arlington contact information prominently displayed.
3. Social media content shall adhere to applicable laws, regulations, and policies, including information technology and records management policies. Content is subject to public records laws. Relevant records retention schedules apply to social media content. Content must be managed, stored, and retrieved to comply with open records laws and discovery laws and policies.
4. Where possible, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City of Arlington. Pages shall clearly indicate that posted comments will be monitored; that the City reserves the right to remove obscenities, off-topic comments, and personal attacks; and that any content posted is subject to public disclosure laws.
5. Investigative units may use unofficial social media accounts for investigative purposes with approval of the Department head.

### Personal Use of Social Media at Work

City employees are provided Internet access at work for the purpose of facilitating City of Arlington business, provided that de minimis, incidental personal use is permissible. With respect to social media, employees may not use work time for posting, checking or otherwise participating in social media. Occasional access to social media on lunch periods or rest breaks may be permissible, provided that such access is out of public view and conforms to the guidelines stated below.

### Personal Use of Social Media Away From Work

The City does not seek to censor employees who are active on social media on their own time and using their own computer resources. However, there are situations in which employees may be held accountable or disciplined for their social media activity, even when that activity occurs on the employee's own time. Based on interpretations of current law interpreting the free speech rights of public employees, the following guidelines apply to employees' personal use of social media:

1. Even when a communication occurs on personal time and/or away from work, employees should carefully distinguish between postings or comments made in their individual capacity versus their capacity as a person who is professionally affiliated with the City of Arlington. If any confusion is reasonably likely, the employee should expressly state with a disclaimer that he/she is speaking in his individual capacity, and not for or on behalf of the City. For example, if you identify yourself as a City employee as part of the posting, you should disclaim any inference that you are speaking in your capacity as a City of Arlington representative.
2. Employees must adhere to the same ethical obligations that govern their behavior while on the job. For example, confidential City of Arlington information or documents must not be disclosed or discussed.
3. Employees must exercise discretion and good judgment when commenting upon colleagues or coworkers, either professionally or personally. This is particularly true when the comments are derogatory and derisive, or constitute name calling or slurs. This is also true when the comments are on publicly available social media sites likely to be seen by other coworkers or the target of the comments.
4. Employees shall not post, share or support comments or other content that negatively affects the City's operations or ability to serve the public. Prohibited content includes:
  - any posting that includes harassment, threats of violence, or similar inappropriate conduct;
  - any posting that ridicules, maligns, disparages, expresses bias, negative connotations, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals;
  - any posting that suggests that City of Arlington personnel are engaged in behavior reasonably considered to be unlawful or reckless toward public interests;
  - any posting that otherwise violates any law or City policy.
5. Public employers such as the City of Arlington may lawfully impose disciplinary action for speech, even when such speech touches on a matter of public concern, when such speech also impairs discipline or control by supervisors; disrupts coworker relations; erodes close working relationships premised on personal loyalty and confidentiality; interferes with the speaker's performance of duties; or obstructs operations. City employees may be subject to discipline up to and including termination for social media activity that violates these standards or otherwise violates this policy.
6. The City of Arlington maintains various policies that are intended to encourage employees to report workplace concerns, including but not limited to our policies addressing unlawful harassment and whistleblower protections. If you have concerns about a workplace issues, the City encourages you to present such concerns through the appropriate channels. Keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing one of the reporting mechanisms designed to address such concerns rather than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements or content that reasonably could be viewed as malicious, obscene, threatening or intimidating, that defames or disparages others, or that might constitute harassment. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

If you have questions or need further guidance, please contact Human Resources or discuss your question with your supervisor.

## **POLICY 805 - CONFLICTS OF INTEREST**

The City of Arlington prohibits its employees from engaging in any activity, practice, or conduct which conflicts with, or appears to conflict with, the interests of the City of Arlington. Since it is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest, the prohibitions included in this policy are not intended to be exhaustive and include only some of the more clear-cut examples.

Employees are expected to represent the City of Arlington in a positive and ethical manner. Thus, employees have an obligation to avoid conflicts of interest and to refer questions and concerns about potential conflicts to their supervisor.

Employees may not, directly or indirectly whether on or off the job, engage in any conduct that is disruptive or damaging to the City of Arlington.

Employees and their immediate family may not accept gifts, except those of nominal (i.e. less than \$20.00) value, or any special discounts or loans from any person or firm doing, or seeking to do, business with the City of Arlington. The meaning of gifts for purposes of this policy includes the acceptance of entertainment and free travel and lodging.

Employees may not give, offer, or promise, directly or indirectly, anything of value to any representative or any entity in connection with any transaction or business that the City of Arlington may have.

Employees may not accept any employment relationship with any organization that does business with the City of Arlington. This prohibition on employment includes serving as an advisor or consultant to any organization of that type, unless the activity is conducted as an assigned representative of the City of Arlington.

Any conflict or potential conflict of interest must be disclosed to the City of Arlington. Failure to do so will result in discipline, up to and including termination.

## **POLICY 806 - MEDIA INQUIRIES**

All media inquiries and other inquiries of a general nature should be referred to the City's Public Information Officer (PIO). In addition, the Mayor or City Administrator must approve all press releases, publications, speeches, or other official declarations. The Mayor may authorize specific employees to respond to media inquiries without prior approval. Questions about employee references or other information concerning current or former employees should be referred to the Human Resource Department.

## **POLICY 807 – PROGRESSIVE CORRECTIVE ACTION**

The City of Arlington expects that all employees comply with the City of Arlington's standards of behavior and performance and that noncompliance with these standards must be corrected. Under many circumstances, the City of Arlington utilizes a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right and discretion to administer discipline in any manner it sees fit, and to terminate all at-will employees with or without cause. Use of progressive discipline does not alter at will employment.

The following list which is not an exhaustive list, may be cause for corrective action:

- Failure to carry out work-related instructions given by a supervisor
- Insubordination;
- Flagrant conduct;
- Falsification of City records and reports, including but not limited to time records, City documents and employment documents;
- Malicious or careless acts which result in personal injury, property damage or expenses;
- Unauthorized use, possession, removal, neglect, or willful damage to any City facility, property, equipment, records, materials, or supplies;
- Improper handling of cash or other financial transactions;
- Sleeping on the job;
- Excessive absenteeism or tardiness including abuse of sick leave. Includes failure to report to work without notice or with invalid reason;
- Failure to report immediately to your supervisor any accident or injury which occurs on the job;
- Making reports falsely or in bad faith; or
- Willful violation of any other City policies.

If an employee is not meeting City of Arlington standards of behavior or performance, the employee's supervisor may take the following action to achieve correction and avoid recurrence:

1. Verbal Notification: Employees may be notified verbally at least once by their supervisor of a less serious offense or unacceptable trend in performance or conduct. In some cases, the supervisor may meet with the employee to discuss the matter and to inform the employee of the nature of the problem and the action necessary to correct it; and a memorandum covering the conversation will be prepared by the supervisor.
2. Written Reprimand/Notice (pre-disciplinary): Should an employee's inadequate performance or conduct not improve following verbal notification, the supervisor will hold another meeting with the employee and take the following action:
  - a. Issue a Written Reprimand/Notice to the employee (the Human Resources Department should assist in the preparation of this notice);
  - b. Warn the employee that further incidences will result in disciplinary action; and
  - c. Prepare and forward to the Human Resource Department a written report, along with the formal Written Reprimand/Notice, describing the incidents and summarizing the action taken during the meeting with the employee. The original will be placed in the employee's personnel file.

3. If the Written Reprimand/Notice leads to improvement and no further action is needed, the supervisor will prepare a Follow Up Report. A copy will be provided to the employee and the original will be placed in the employee's personnel file. If the employee's performance or conduct has been maintained at an acceptable level for one year following the Follow Up Report, the employee may request the items be removed from his/her personnel file.
4. Demotion: In the event the Verbal Notification and Written Reprimand/Notice are not sufficient and the employee's inadequate performance or conduct does not improve, and the employee is in a job classification where there are lower classifications in the same series, the supervisor can recommend demotion of the employee to a lower classification in the same series. The supervisor will confer with the Department Head who will then make a formal request to Human Resources.
5. Performance Improvement Plan (PIP)(disciplinary): In the event the Verbal Notification and Written Reprimand/Notice are not sufficient, the supervisor, in consultation with Human Resources, will prepare a PIP. The supervisor will contact Human Resources for assistance in preparing the PIP and then hold a meeting with the employee. At that meeting, the supervisor will review the PIP and schedule weekly meetings for the duration of the 180 day PIP.
6. If the employee has met all the expectations of the PIP after the 180 days, the PIP will be closed. If the employee's performance or conduct has been maintained at an acceptable level for one year following the closure of the PIP, the employee may request all items related to this matter be removed from his/her personnel file.
7. Suspension: An employee may be suspended without pay for a period normally not to exceed five work shifts when the Department head, with the concurrence of the City Administrator, determines the situation or violation poses an imminent danger to persons or property or disruption to City operations; believes that effecting a suspension will resolve the situation short of termination; or when it becomes advisable to remove the employee from the work environment until the situation can be investigated a decision reached regarding an appropriate course of action. The supervisor must prepare and forward to the Human Resource Department another written report describing the occurrences, indicating the timing between the occurrences, and summarizing the action taken or recommended and its justification.
8. Administrative Leave: Depending on the nature of the behavior at issue, the City may place an employee on administrative leave pending an investigation and determination regarding discipline. As deemed appropriate by the City based on the particular circumstances, an employee on administrative leave shall be available to the City as needed during regular work hours, turn over all City property (cell phone, security cards, etc.), and/or remain away from City facilities without prior permission and escort.
9. Termination: Should the employee fail to respond to the above or in the event of an extremely serious offense, the employee, following a procedure review by the City Administrator, may be terminated.

The progressive disciplinary procedures described above may also be applied to an employee who is experiencing a series of unrelated problems involving job performance or behavior.

The degree of disciplinary action administered depends on the severity of the infraction. It is the responsibility of management to evaluate the circumstances and facts thoroughly and objectively. In cases involving serious misconduct, or any time the supervisor determines it is necessary, the procedures contained above, may be disregarded. The supervisor should suspend the employee immediately and, if appropriate, recommend termination of the employee. If appropriate, an investigation of the incidents leading up to the suspension may be conducted to determine what further action, if any, should be taken. Employees suspended from work generally will not receive or accrue any employee benefits during the suspension.

In the case of suspension or termination of an employee (other than introductory employees), the City will conduct a pre-disciplinary hearing. The pre-disciplinary hearing serves as a check against mistaken decisions and as an opportunity for an employee to furnish additional facts before a suspension or termination decision is finalized. The employee shall be provided with a notice of intended discipline. The notice shall include an explanation of the charges on which the recommendation is based, and the time and date for a pre-disciplinary hearing. If the employee fails or refuses to appear, the demotion, suspension, or termination may proceed. Pre-disciplinary hearings will be presided over by Human Resources or designated representative.

A non-supervisory employee who is represented by a union may request that a union representative be present at any interview if the meeting may lead to disciplinary action for that employee. The hearings are intended to be informal. The employee may show cause why they should not be demoted, suspended, or terminated. Usually within two working days after the pre-disciplinary hearing, the Mayor will issue a decision on whether there are reasonable grounds to believe the charges against the employee are true and support suspension or termination. A longer review period may be required in situations that are more complex.

The Human Resource Department shall review all recommendations for termination before any final action is taken.

If a disciplined employee works a full year without further disciplinary action under this policy, the next failure to meet behavior or performance standards may be treated as a first occurrence. However, the City of Arlington may still consider past disciplinary actions in evaluating the employee.

## **POLICY 808 – DRUG and ALCOHOL FREE WORKPLACE**

Use of alcohol or any drug that is illegal under federal or state law (including marijuana) is a serious threat to personal health, workplace safety and job performance. Employees are strictly prohibited from possessing, selling, consuming or being under any influence (defined as having any detectable amount in his/her body) of alcohol or illegal drugs while on the job or in any other manner that may affect the employee's work performance or the City's interests or reputation. This prohibition also extends to legal drugs for which an employee may not have a valid prescription, or that are not used in a manner consistent with accepted frequency or dosage requirements.

Any employee who is taking a medication that may be legally prescribed under both federal and state law should determine from his or her physician or pharmacist whether the prescription drug could impair his or her ability to perform the job safely and effectively. If the employee's performance of essential job functions may be functionally limited at work by use of a legal drug, he or she must promptly advise his or her manager and Human Resources so that reasonable accommodations can be considered.

Any employee experiencing difficulties with drugs or alcohol is encouraged to contact the City's Employee Assistance Program before the drug or alcohol issue affects his/her work performance.

As a condition of employment, each employee shall notify his/her supervisor of his/her conviction under any criminal drug statute for a violation occurring during his/her employment. Such notification shall be provided no later than five days after such conviction. The City may impose sanctions on employees convicted for drug related offenses within thirty days of notification from the employee. Sanctions may include requiring the employee to satisfactorily participate in a drug abuse assistance program at his/her expense, entering into a Performance Contract, or other appropriate actions including termination.

To ensure compliance with this policy, the City may require drug and alcohol testing of employees based upon reasonable suspicion where the City's representatives reasonably suspect that an employee may be under any influence of drugs or alcohol, or any other situation that suggests that an employee is otherwise violating this policy. The City also reserves the right to search employee desks, lockers, and work areas where there is a reasonable basis and reasonable suspicion to suspect a violation of this policy.

The City will impose disciplinary action, up to and including termination of employment, in the event of any of the following: (1) violation of this policy; (2) a positive test result; (3) refusal or failure to submit to testing when requested to do so; (4) refusal to cooperate in the testing process; or (5) adulteration of any sample or tampering with any part of the testing process.

Alcohol and drug test results are maintained as employee medical records in an employee's separate medical personnel file. The City limits access to employee medical personnel files in accordance with applicable law, which generally means that test results are shared only with those who have a need to know the information.

Certain employees required to possess a CDL are subject to further testing requirements – See Policy 809.

Questions concerning the City's drug and alcohol policy, including any drug or alcohol testing, should be directed to Human Resources.

## **POLICY 809 – DRUG and ALCOHOL TESTING FOR EMPLOYEES WITH CDL’S**

This policy applies to all employees who are required to have and maintain a Commercial Driver’s License (CDL) or those employees who operate City owned commercial vehicles and who participate in an approved EVIP program:

- An employee may not report or remain on duty while having an alcohol concentration of .04 or greater;
- An employee may not possess or use alcohol while on duty or while operating a commercial vehicle;
- An employee may not operate a commercial vehicle within four hours after using alcohol. An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty;
- An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident or until a post-accident test is given, whichever comes first;
- An employee may not report for duty or remain on duty which requires driving a commercial vehicle when an employee has used a drug or drugs, except when the use is pursuant to instructions of a physician who has advised the employee that the substance does not adversely affect the employee’s ability to safely operate a commercial vehicle;
- Employees who are taking a prescription or over-the-counter medication that may impair their ability to perform the duties safely and effectively should provide written notice from their physician or pharmacist with respect to the effect of such substances;
- An employee may not refuse to submit to a post-accident, random, reasonable suspicion or follow-up alcohol or drug test;
- An employee may not report for duty or remain on duty if the employee test positive for drugs or alcohol;
- An employee may not tamper with, adulterate, alter, substitute or otherwise obstruct any testing process required under this policy;
- No employee may possess, transfer or sell drugs or alcohol while in any position covered by this policy.

**Pre-Employment Drug Testing:** All individuals who are covered by this policy must pass a drug test as a condition of employment.

**Reasonable Suspicion Testing:** Employees subject to this policy shall submit to a drug and/or alcohol test when the City reasonably suspects that this policy may have been or is presently being violated. A referral for testing will be based on contemporaneous, articulable observations. Such referrals will be made by supervisory personnel who have received training concerning the signs and symptoms of drug and alcohol use. Alcohol testing for reasonable suspicion may only be conducted just before, during or after an employee has operated a commercial vehicle. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until an alcohol test is administered and the driver’s breath alcohol concentration measures less than .02 or 24 hours have elapsed following the reasonable suspicion determination.

**Post Accident Testing:** Following an accident involving a commercial vehicle, the driver is required to submit to alcohol and drug testing when the driver receives a citation under state or local law for

a moving violation, or where a fatality occurs as a result of the accident. Testing should occur as soon as possible but may not exceed 8 hours after the accident for alcohol testing and 32 hours after the accident for drug testing. A driver who is subject to post-accident testing must remain readily available for such testing and may not take action to interfere with testing or the results of testing. Drivers who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to disciplinary action for refusal to test.

**Random Testing:** Employees covered by this policy will be subject to random, unannounced alcohol and drug testing.

**Return to Duty Testing:** Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of .02.

**Follow Up Testing:** An employee who is referred for assistance to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up testing will be determined by the Substance Abuse Professional and the City but will not be less than six tests in the first 12 months following the employee's return to duty.

**Re-Tests:** Employees who test positive for drugs may request a second test of the remaining portion of the split sample within 72 hours of notification of a positive test result.

**Refusal to Take Test:** No employee shall refuse to submit to an alcohol or drug test. A refusal to submit shall include but is not limited to:

- A failure to provide adequate breath for testing without a valid medical explanation;
- Failure to provide adequate urine for drug testing without a valid medical explanation;
- Engaging in conduct that obstructs the testing process.

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

**Securing Information From Previous Employers:** If a person to be hired into a position covered by this policy, and during the previous two years, has worked as a driver of a commercial vehicle, that person must authorize a request of all employers of the driver to release information on positive alcohol or drug tests and any refusals to be tested. This information must be obtained before the person is employed by the City of Arlington. If the information obtained from the previous employer indicates either a positive test or that a refusal to be tested occurred within the past two years, that person will not be permitted to drive a commercial vehicle unless subsequent information indicates that an evaluation by a substance abuse professional was made and return to duty testing was administered.

**Consequences of Engaging in Prohibited Conduct or Positive Test:** An employee will be subject to appropriate disciplinary action up to and including termination if:

- The employee tests positive for drugs or alcohol;
- Results from an alcohol test indicate blood alcohol level of .02 or greater; or
- The employee has engaged in prohibited conduct.

All employees will be advised of resources available to them in evaluating or resolving problems associated with drug or alcohol use/misuse.

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

- If an employee tests positive for drugs or has an alcohol test that indicated a blood alcohol level of .04 or greater from a random, reasonable suspicion or post-accident test, or engages in prohibited conduct, the employee will be immediately removed from duties requiring the driving of a commercial vehicle. The employee will not be permitted to return to work unless he/she:
  - Has been evaluated by a qualified Substance Abuse Professional; and
  - If recommended by said professional, has properly followed any rehabilitation prescribed; and
  - Has a verified negative result on a return-to-duty alcohol (<.02) and/or drug test

Upon completion of a recommended rehabilitation program and successful return to work, an employee will be subject to follow-up random testing for up to sixty months as recommended by the substance abuse professional and the city with a minimum of six such unscheduled tests within the first twelve months of returning to duty.

- Employees having a breath alcohol concentration of at least .02 but less than .04 shall be removed from duty requiring the driving of a commercial vehicle for at least 24 hours.

All terms of this policy are in conjunction with Policy 808.

# **POLICY 901 - PERSONNEL RECORDS and EMPLOYEE PRIVACY**

The City of Arlington maintains personnel, medical and background records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government record keeping and reporting requirements.

The City of Arlington tries to balance its need to obtain, use, and retain employment information with a concern for each individual's privacy. To this end, it attempts to maintain only the information that is necessary for the conduct of its business or required by federal, state, or local law.

The Human Resource Department is responsible for overseeing record keeping for all employee related information and will specify what information should be collected and how it should be stored and secured.

Employees have a responsibility to keep their personnel records up to date and should notify the Human Resource Department in writing of any changes in at least the following:

- Name;
- Address;
- Telephone number;
- Marital status (for benefits and tax withholding purposes only);
- Number of dependents;
- Addresses and telephone numbers of dependents and spouse or domestic partner, or former spouse or domestic partner (for insurance purposes only);
- Beneficiary designations for any of the City of Arlington's insurance, disability plans; and for the State Department of Retirement Systems; and
- Persons to be notified in case of emergency.

In addition, employees who have a change in the number of dependents or marital status should complete a new Form W-4 for income tax withholding purposes.

Employees may inspect their own personnel records and may copy, but not remove, documents in the file. Inspections by employees must be requested in writing to the Human Resource Department and will be scheduled at a mutually convenient time. All inspections must be conducted in the presence of a designated member of the Human Resource Department.

Employees who believe that any file material is incomplete, inaccurate, or irrelevant may submit a written request for file revisions to the Human Resource Department. If the request is not granted, the employee may place a written statement of disagreement in the file.

Only supervisory and management employees who have an employment-related need-to-know for information about another employee may inspect the files of that employee. The inspection must be approved and witnessed by the Human Resource Department.

Employees should refer all requests from outside the City of Arlington for personnel information concerning applicants, employees, and past employees to the Human Resource Department. The Human Resource Department normally will release personnel information only in writing and only after obtaining the written consent of the individual involved. Exceptions may be made to cooperate

with legal, safety, and medical officials who need specific employee information. In addition, exceptions may be made to release limited general information, such as the following: employment dates, position held, and location of job site.

#### General Retention Schedule:

The City is required by government regulation to retain certain documents for set periods of time and in accordance with state retention schedules. Some examples of those include:

- Job announcements for postings and application forms and/or resumes when applicant is not hired.
- Employment interview evaluation files.
- I-9 forms.
- Records pertaining to promotion, demotion, or transfers.
- Layoff or termination.
- Payroll records.
- Records pertaining to the employment of minors.
- Records of reported occupational injuries and illness (OSHA/WISHA logs).
- ADA Claim and Accommodation files.
- Employee medical records.
- Minutes from the Safety Committee.

These documents are centralized in the Human Resources Department. Generally, contents of a personnel file are retained for up to six years after an employee terminates. Other employee documents such as medical records must be retained for a longer period.

Other documents that the City may retain include:

- Drafts, notes of conversations
- Interviews or investigations
- Email, correspondence, or memos
- Other working documents that may be needed to manage ongoing issues with employees. These documents may have little utility for anyone other than for the manager and/or the employee's manager and that generally are not viewed by anyone other than HR, the manager, in some cases the employee, and perhaps Legal.

The following documents should be routed to Human Resources for inclusion in the employee's personnel or medical file. Medical files are kept separately from personnel files.

- Application forms/ resumes/letters of offer
- Reviews/evaluation forms
- Performance Management memos
- Disciplinary memos
- Memos regarding the result of any internal complaint/investigation that resulted in disciplinary action being taken
- Termination/resignation notices
- Documents regarding the offer and/or acceptance of severance benefits
- Post-termination documents referencing a former employee's eligibility or ineligibility for rehire
- Applications for health, life, disability or other insurance or benefit program
- Workers' compensation claims
- Leave of absence
- Unemployment claims
- Medical records and/or physician's releases

- Documents pertaining to an ergonomic evaluation
- Request for accommodation of a physical or mental condition.

## **POLICY 902 – Health Insurance Portability and Accountability Act (HIPAA)**

The City is committed to maintaining and protecting the confidentiality of our employees' personal information. This policy relates to an employee or former employee's health information which may include health benefits plans, dental plans, employee assistance plans (EAPs) and pharmacy benefit programs.

The following describes the ways we may use and disclose health information that identifies you ("Health Information"). Except for the purposes described below, we will use and disclose Health Information only with your written permission. You may revoke such permission at any time by writing to our Human Resource Department.

We may use and disclose Health Information for your treatment and to provide you with treatment-related health care services. For example, we may disclose Health Information to doctors, nurses, technicians, or other personnel, including people outside our office, who are involved in your medical care and need the information to provide you with medical care.

We may use and disclose Health Information so that we or others may bill and receive payment from you, an insurance company or a third party for the treatment and services you received. For example, we may give your health plan information about you so that they will pay for your treatment.

We may release Health Information for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

We may disclose Health Information for public health activities. These activities generally include disclosures to prevent or control disease, injury or disability; report births and deaths; report child abuse or neglect; report reactions to medications or problems with products; notify people of recalls of products they may be using; a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition; and the appropriate government authority if we believe a patient has been the victim of abuse, neglect or domestic violence. We will only make this disclosure if you agree or when required or authorized by law.

We may use or disclose your Protected Health Information to provide legally required notices of unauthorized access to or disclosure of your health information.

If you are involved in a lawsuit or a dispute, we may disclose Health Information in response to a court or administrative order. We also may disclose Health Information in response to a subpoena, discovery request, or other lawful process by someone else involved in the dispute, but only if efforts have been made to tell you about the request or to obtain an order protecting the information requested.

We may release Health Information if asked by a law enforcement official if the information is: (1) in response to a court order, subpoena, warrant, summons or similar process; (2) limited information to identify or locate a suspect, fugitive, material witness, or missing person; (3) about the victim of a crime even if, under certain very limited circumstances, we are unable to obtain the person's agreement; (4) about a death we believe may be the result of criminal conduct; (5) about criminal conduct on our premises; and (6) in an emergency to report a crime, the location of the crime or

victims, or the identity, description or location of the person who committed the crime.

**Coroners, Medical Examiners and Funeral Directors.** We may release Health Information to a coroner or medical examiner. This may be necessary, for example, to identify a deceased person or determine the cause of death. We also may release Health Information to funeral directors as necessary for their duties.

**National Security and Intelligence Activities.** We may release Health Information to authorized federal officials for intelligence, counter-intelligence, and other national security activities authorized by law.

**Protective Services for the President and Others.** We may disclose Health Information to authorized federal officials so they may provide protection to the President, other authorized persons or foreign heads of state or to conduct special investigations.

**Inmates or Individuals in Custody.** If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release Health Information to the correctional institution or law enforcement official. This release would be if necessary: (1) for the institution to provide you with health care; (2) to protect your health and safety or the health and safety of others; or (3) the safety and security of the correctional institution.

If you paid out-of-pocket (or in other words, you have requested that we not bill your health plan) in full for a specific item or service, you have the right to ask that your Protected Health Information with respect to that item or service not be disclosed to a health plan for purposes of payment or health care operations, and we will honor that request.

If you believe your privacy rights have been violated, you may file a complaint with Human Resources or with the Secretary of the Department of Health and Human Services. All complaints must be made in writing. You will not be penalized for filing a complaint.

## **POLICY 903 – COMPLAINTS / DISPUTE RESOLUTION PROCEDURE**

The City of Arlington believes that employees should have an opportunity to present their work-related complaints and to appeal management decisions through a dispute resolution procedure. The City of Arlington will attempt to resolve promptly all disputes that are appropriate for handling under this policy. Confidentiality will be maintained to the extent practical and consistent with the City's need to undertake a full investigation.

Employees are encouraged to consult on a less formal basis with the human resources department, their supervisors, or other members of management regarding work-related complaints or disputes. An appropriate dispute is defined as an employee's expressed dissatisfaction concerning any interpretation or application of a work-related policy by management, supervisors, or other employees. In some instances, the City may arrange for some informal mechanism for resolving issues and the individual should be aware that the City may decide it must take action to address the claim beyond informal means. Examples of matters that may be considered appropriate disputes under this policy include:

- A belief that City of Arlington policies, practices, rules, regulations, or procedures have been applied inconsistently to an employee;
- Treatment considered unfair by an employee, such as coercion, reprisal, harassment (including sexual harassment), intimidation, or retaliation;
- Alleged discrimination because of race, color, sex, age, religion, national origin, marital status, gender identification, disability, or any other class protected by law; and
- Improper or unfair administration of employee benefits or conditions of employment such as scheduling, vacations, fringe benefits, promotions, retirement, holidays, performance review, salary, or seniority.

If the employee seeks to complain about harassment, discrimination, or retaliation, this complaint should be directed to the Human Resources Department. If the employee believes that human resources is involved, the employee should direct the complaint to the City Administrator. While employees are encouraged to have their concerns addressed internally, they may also direct these concerns to the Washington Human Rights Commission, the Equal Opportunity Commission, or any other government agency that receives and handles such complaints. For internal complaints, the Human Resources Department or City Administrator will apply this dispute resolution process. For all other types of complaints, the dispute resolution procedure is the exclusive remedy for employees with appropriate complaints. Certain employees may have more than one source of dispute resolution rights. 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 the employee.

The dispute resolution procedure has a maximum of three steps, but disputes may be resolved at any step in the process. Disputes will be processed until the employee is satisfied, does not file a timely appeal, or exhausts the right of appeal under the policy. A decision becomes binding on all parties whenever an employee does not file a timely appeal or when a decision is made in the final step and the right of appeal no longer exists.

Employees who feel they have an appropriate dispute should proceed as follows:

- Step One – Within three days of the offense, bring the complaint to the attention of the immediate supervisor. If the dispute involves the supervisor, then the employee may proceed

directly to step two. The supervisor, if authorized should investigate the complaint or refer it to the Human Resources Department for handling, attempt to resolve it, and give a decision to the employee within a reasonable time. The supervisor should prepare a written and dated summary of the dispute and proposed resolution.

- Step Two - Appeal the decision to the department head, if dissatisfied with the supervisor's decision, or initiate the procedure with the department head if Step One has been bypassed. This appeal or initial dispute notification must be made in a timely fashion using a written form provided for this purpose. The supervisor's version of the dispute and decision will then be submitted using a similar written form. The department head will, in a timely fashion, confer with the employee, the supervisor, and any other members of management considered appropriate; investigate the issues; and communicate a decision in writing to all the parties involved.
- Step Three - Appeal an unsatisfactory department head decision to the City Administrator. The timeliness requirement and procedures to be followed are similar to those in Step Two. The City Administrator will take the necessary steps to review and investigate the dispute and will then issue a written, final, and binding decision.

The Human Resource Department will provide training and support to supervisors and department heads in dealing with employee complaints. In addition, employees should be encouraged to consult with the Human Resource Department, their supervisors, or other members of management on a less formal basis regarding employee complaints or disputes.

Information concerning an employee dispute should be confidential to the extent possible. Supervisors, department heads, and other members of management who investigate a complaint may discuss it only with those individuals who have a need to know about it or who are needed to supply necessary background information or advice.

Time spent by employees in dispute discussions with management during their normal working hours will be considered hours worked for pay purposes.

Employees will not be penalized for proper use of the dispute resolution procedure. However, it is not considered proper use if an employee raises complaints in bad faith or solely for the purposes of delay or harassment or repeatedly raises merit less disputes. Implementation of the dispute resolution procedure by an employee does not limit the right of the City of Arlington to proceed with any disciplinary action that is not in retaliation for the use of the dispute resolution procedure. In addition, employees and supervisors are prohibited from retaliating against an employee who properly uses the dispute resolution procedure.

The City of Arlington may, at its discretion, refuse to proceed with any dispute it determines is improper under this policy.

## **POLICY 904 - WHISTLEBLOWER PROTECTION ACT**

The City of Arlington, in compliance with the Local Government Employee Whistleblower Protection Act, RCW 42.41, encourages employees/volunteers 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. For purposes of this policy, the term employee includes volunteers and part time/part paid employees.

### Definitions:

“Improper Governmental Action” is any action by a City officer or employee that is undertaken in the performance of the officer’s or employee’s official duties, whether or not the action is within the scope of the officer’s or employee’s employment, and

- (a) in violation of any federal, state or local law or rule;
- (b) an abuse of authority;
- (c) of substantial and specific danger to the public health or safety; or
- (d) a gross waste of public funds.

“Improper Governmental Action” does not include personnel actions including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, re-employment, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of collective bargaining or civil service laws, alleged violations of labor agreements or reprimands.

“Retaliatory action” means any adverse change in the terms and conditions of a City employee’s employment, or hostile actions by another employee towards a City employee that are encouraged by a supervisor or senior manager or official.

“Emergency” means a circumstance that if not immediately changed may cause damage to persons or property.

Procedure for Reporting Improper Government Action: Employees/volunteers who become aware of improper governmental action should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee’s belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves the employee’s supervisor, the employee may raise the issue directly with Human Resources or with the employee’s Department Director, the City Administrator or Mayor. This should be done as soon as the employee becomes aware of the improper action. In the event a particular complaint involves allegations of criminal behavior, the City may refer the matter to the appropriate law enforcement authorities. If the complaint involves allegations of criminal behavior that may cause immediate harm to an individual or to property, the complaining employee may first report the matter to the Police Department before initiating the procedures described in this policy. The Department Director, City Administrator, or Mayor (or a designee) shall take prompt action to assist the City in properly investigating the report of improper governmental action. Officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under the law, unless the employee authorizes in writing the disclosure of the employee’s identity. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a

summary of the results of the investigation, except the personnel actions taken as a result of the investigation may be kept confidential (to the extent permitted by law).

In an emergency, where the employee believes that personal injury or property damage may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action, such as:

- Snohomish County Prosecuting Attorney
- Attorney General, State of Washington
- U.S. Attorney (Western District of Washington)

As noted above, the employee may also report an emergency criminal matter to the Police Department or another law enforcement agency.

Employees may report information about improper governmental action directly to the appropriate government agency with responsibility for investigating the improper action 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.

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

Protection Against Retaliatory Actions: Officials and employees are prohibited from taking retaliatory action against an employee because the employee has in good faith reported an improper governmental action in accordance with these policies and procedures.

An employee who believes he or she has been retaliated against for reporting an improper governmental action must provide written notice to his/her supervisor within 30 days of the alleged retaliatory action. If the supervisor is allegedly involved in the retaliation, the written notice should be provided to the Department Director, City Administrator or Mayor. The written notice must specify the alleged retaliatory action and the relief requested. Officials and supervisors shall take appropriate action to investigate and assess complaints of retaliation. Represented employees may elect to pursue such issues through the labor agreement grievance process, in which case the procedures that follow would not apply.

After receiving the City's response to the retaliation complaint, or 30 working days after the delivery of the complaint to the City, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Department Director, City Administrator or Mayor within the earliest of either 15 working days after delivery of the City's response to the complaint of retaliation, or 45 working days after delivery of the employee's complaint of retaliation to the City. Upon receipt of the request for hearing, the City shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge.

Management Responsibilities: The City Administrator is responsible for implementing City policies and procedures, for reporting improper governmental action and for protecting employees against retaliatory actions. This includes ensuring that this policy and these procedures are:

1. Permanently posted where employees will have reasonable access to them;
2. Made available to any employee upon request, and;
3. Provided 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 termination.

## Appendix A – COBRA BENEFITS

You and your covered family members may continue coverage under your health plan provided through the AWC Employee Benefit Trust (“AWC Trust”) in certain instances when coverage would otherwise be lost. **When you first become covered by your health plan, this “Initial COBRA Notification” explains your rights and obligations should your employment end or certain other events occur which cause you to lose your medical coverage.**

COBRA coverage will be the same as that provided to employees (or if you are on a retiree plan, retirees) and their covered family members, including domestic partners.

Rules for the continued coverage are provided by federal law - the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, and its regulations. COBRA is continuation of Plan coverage when coverage would end because of a life event known as a “qualifying event.” Under COBRA, you can continue medical coverage if you have any one of these qualifying events that causes you to lose to coverage under the Plan:

- 1) Your employment terminates for any reason other than for gross misconduct. If you decide not to return to employment at the City of Arlington during FMLA leave, you will be offered COBRA at the earlier of the date your FMLA leave ends or the date you tell the City that you will not return to work after the FMLA leave.
- 2) You are no longer eligible for coverage due to reduced work hours.

Your covered family members can continue coverage if their coverage ends because of one of these qualifying events:

- One of the two qualifying events listed above;
- Your death;
- Legal separation, divorce, or termination of domestic partnership; or
- Your child is no longer eligible for coverage, due to age or loss of student or disability status.

Persons who are eligible to continue coverage under COBRA are called “qualified beneficiaries.” You may change your coverage and add or cancel coverage for eligible family members (1) during any annual or other open enrollment period that is offered; and (2) during any special enrollment period applicable to your coverage.

When the qualifying event is the end of your employment at the City of Arlington, the reduction of hours of your employment, or your death, your employer will notify the AWC Trust of the qualifying event within 30 days of the event.

You Must Give Notice of Some Qualifying Events. You or a family member is responsible for notifying the AWC Trust of a qualifying event which is your legal separation, divorce, termination of domestic partnership or your dependent child ceasing to be eligible for coverage. Such notice must be provided in writing within 60 days of the qualifying event to the AWC Trust as provided in the “Notice Procedures” below.

**Failure to furnish notice in accordance with these rules will result in a loss of coverage continuation rights that are otherwise available under COBRA.**

How To Apply And Pay For COBRA. You must follow the steps below to apply and pay for

COBRA continuation coverage.

Within 14 days after the AWC Trust receives notice of your qualifying event, a COBRA Enrollment Form will be mailed to the address listed on your employment record.

Complete the form and return it to the address on the form within 60 days of the later of (a) the date you are notified of the right to choose COBRA coverage; or (b) the date coverage would otherwise end. **IF YOU DO NOT SUBMIT A COMPLETED FORM BY THIS DUE DATE, YOU WILL LOSE YOUR RIGHT TO ELECT COBRA CONTINUATION COVERAGE.**

Send a check or money order for the required premium for the appropriate month(s) to the address on the enrollment form. The envelope must be postmarked within 45 days from the date COBRA is elected.

Payments are due each month on the due date listed on your billing statement, but must be postmarked no later than 31 days after the due date. You will receive premium-due billing statements each month, which will provide the address to which your payments must be mailed.

Each qualified beneficiary will have an independent right to elect COBRA continuation coverage. A spouse or domestic partner may elect, but not decline, COBRA continuation coverage on behalf of the other spouse or domestic partner. Either parent may elect or decline COBRA continuation coverage on behalf of their children, except that children who have reached the age of majority or who are otherwise considered adults under state law must decline COBRA continuation coverage on behalf of themselves.

Duration of COBRA Coverage. COBRA continuation coverage is a temporary continuation of coverage. If coverage ends due to your termination of employment (other than for gross misconduct), or a reduction in hours, coverage may be continued for up to 18 months. If coverage ends due to any other qualifying event, coverage may be continued for up to 36 months beginning with the date coverage ended.

If you were originally only eligible for 18 months of COBRA, in the event of a disability (as defined under the applicable provisions of the Social Security Act) existing at the time of your termination or reduction in hours or existing within the first sixty days of COBRA continuation coverage, you and other family members on COBRA continuation are eligible for an additional 11 months of continuation coverage (for a total of 29 months). The disability must also last at least until the end of the initial 18-month period of COBRA continuation coverage. The person(s) wishing to receive the additional 11 months of coverage must notify the Claim Administrator in writing at the address below under "Notice Procedures" of the determination of disability by the Social Security Administration within 60 days of the later of (a) the date of the disability determination by the Social Security Administration; or (b) the date on which the qualifying event occurred that entitled you and/or your family members to receive COBRA continuation coverage with a maximum duration of 18 months. However, such written notice must be furnished before the end of the first 18 months of COBRA continuation coverage. A copy of the Social Security determination must be included with the notice. If during the additional 11-month period it is determined that the person is no longer disabled under the Social Security Act, the right to continuation coverage ceases. The affected person must notify the AWC Trust in writing at the address below under "Notice Procedures" that the person is no longer disabled within 30 days of such determination.

**Failure to furnish a written notice in accordance with the Plan rules and the Notice**

**Procedures will result in a loss of coverage continuation rights that are otherwise available under COBRA.**

If you are a spouse, a domestic partner, or a Dependent child and you were originally only eligible for 18 months of COBRA continuation, and during the first eighteen (18) months, one of the four following events happens which would also have caused you to lose coverage, you are eligible for an additional 18 months of continuation coverage (for a total of 36 months): death of the Employee; divorce, legal separation, or termination of domestic partnership of the Employee; or the Dependent child ceasing to be eligible as a Dependent under the Benefit. You or a family member is responsible for notifying the AWC Trust in writing at the address below under "Notice Procedures" of such an event within 60 days of its occurrence. Reasonable documentation of the second qualifying event must be included with the notice. For example, if the second qualifying event is your death, a certified copy of the death certificate must be included. If it is your divorce, a copy of the final divorce decree must be included. **Failure to furnish written notice in accordance with these rules will result in a loss of coverage continuation rights that are otherwise available under COBRA.**

COBRA may also be elected, for the remainder of the parents' own continuation coverage, for any Dependent child born to, placed for adoption with or adopted by an employee or former employee during the period of COBRA continuation coverage. When a family member becomes eligible for continuation coverage when or after an employee becomes entitled to Medicare, the family member is entitled to continuation for a period of no less than 36 months from the date the employee became entitled to Medicare.

COBRA coverage will terminate if the City of Arlington terminates group coverage on all its employees (or if you are on retiree coverage, for all of its retirees) or if the recipient becomes covered under Medicare or covered under a new group health plan after the COBRA election (as long as the recipient is not subject to a pre-existing condition limitation in the other group plan). You must notify the AWC Trust in writing at the address listed below under "Notice Procedures" if you become entitled to Medicare or become covered under other group health plan within 30 days of such entitlement or coverage. However, your COBRA coverage will not be terminated based on the fact that you had other group coverage (including Medicare) in place prior to electing COBRA. Non-payment of premiums will also terminate coverage at the end of a 31-day grace period. Following the termination of continuation coverage, no further benefits will be payable unless eligible charges were actually incurred prior to the date continuation coverage terminates.

Special Considerations in Deciding Whether to Elect COBRA. In considering whether to elect COBRA, you should take into account that a failure to elect COBRA will affect your future rights under federal law. First, you can lose the right to avoid having preexisting condition exclusions applied to you by other group health plans if you have more than a 63-day gap in health coverage, and election of COBRA may help you not have such a gap.

Second, you will lose the guaranteed right to purchase individual health insurance policies that do not impose such preexisting condition exclusions if you do not get COBRA coverage for the maximum time available to you. Finally, you should take into account that you have special enrollment rights under federal law. You have the right to request special enrollment in another group health plan for which you are otherwise eligible (such as a plan sponsored by your spouse's employer) with 30 days after your group health coverage under the Plan ends because of one of the qualifying events listed above. You will also have the same special enrollment right at the end the COBRA coverage if you get COBRA coverage for the maximum time available

to you.

Cost of COBRA Coverage. You pay the full premium cost of COBRA coverage, plus a 2% administrative fee, as permitted by law. For any COBRA member who has extended COBRA eligibility for 11 months due to a disability, the cost of the extended coverage will be 150% of the full premium cost.

Address Changes. In order to protect your family's rights, you should keep the City of Arlington and the AWC Trust informed in writing of any changes in the address or marital status or domestic partnership of family members. You should also keep a copy for your records of any notices you send to the AWC Trust, the City of Arlington, or anyone else concerning COBRA.

This notice may not describe all information concerning your continuation rights under federal law. More complete information regarding such rights is available by contacting the AWC Trust.

COBRA NOTICE PROCEDURES:

Any notice that you provide must be in writing to the AWC Trust as described below: Oral notice, including notice by telephone, is not acceptable. You must mail, fax or hand-deliver your notice addressed as follows:

Mail to:

AWC Employee Benefit Trust c/o Northwest Administrators, P.O. Box 84303 Seattle, WA 98124

Fax to:

AWC Employee Benefit Trust c/o Northwest Administrators (206-926-2699)

If mailed, your notice must be postmarked no later than the last day of the required notice period. In addition to the information required by the Plan for the notice, all notices you provide must state:

- the name of the Plan,
- the name and address of the Employee or former employee,
- the name(s) and address(es) of the Qualified Beneficiary(ies), and
- the Qualifying Event and the date it happened.

If the Qualifying Event is a divorce, legal separation, or termination of domestic partnership, your notice must include a copy of the divorce decree, legal separation agreement, or similar document.