



# THE CITY OF MEDINA EMPLOYEE HANDBOOK



November 26, 2024



Washington

# **ABOUT THIS HANDBOOK/DISCLAIMER**

We prepared this handbook to help employees find the answers to many questions that they may have regarding their employment with The City of Medina. Please take the necessary time to read it.

We do not expect this handbook to answer all questions. Supervisors and Human Resources also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a management representative is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. The City of Medina adheres to the policy of employment at will, which permits the City or the employee to end the employment relationship at any time, for any reason, with or without cause or notice.

No City representative other than the City Manager may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate City documents. These City documents are always controlling over any statement made in this handbook or by any member of management.

This handbook states only general City guidelines. The City may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and the City Manager.

**This handbook is subject to the terms of any applicable collective bargaining agreement.**

This handbook supersedes all prior handbooks.

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## Section 1 - Governing Principles of Employment

### 1-1. Introduction

For employees who are commencing employment with The City of Medina ("The City of Medina" or "the City"), on behalf of The City of Medina, let me extend a warm and sincere welcome.

For employees who have been with us, thanks for your past and continued service.

I extend my personal best wishes for success and happiness here at The City of Medina. We understand that it is our employees who provide the services that our customers rely upon, and who will enable us to create new opportunities in the years to come.

### 1-2. Equal Employment Opportunity

The City of Medina is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, pregnancy-related conditions, and lactation), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances. The City of Medina's management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, access to facilities and programs, and general treatment during employment.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Head of Human Resources and/or the Human Resources Director. The City of Medina will not allow any form of retaliation against employees who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact the Head of Human Resources and/or the Human Resources Director. To ensure the workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

### 1-3. Reasonable Accommodations & Interactive Dialogue

The City of Medina is committed to complying with applicable federal, state, and local laws governing reasonable accommodations of individuals, including, but not limited to, the Americans with Disabilities Act (ADA) and the Pregnant Workers Fairness Act (PWFA). To that end, The City of Medina will endeavor to make a reasonable accommodation to applicants and employees who have requested an accommodation or for whom The City of Medina has notice may require such an accommodation, related to an individual's:

- Disability, meaning any physical, medical, mental, or psychological impairment, or a history or record of such impairment;
- Sincerely held religious beliefs and practices;
- Needs as a victim of domestic violence, sex offenses, or stalking;
- Needs related to pregnancy, childbirth, or related medical conditions; and/or

- Any other reason required by applicable law, unless the accommodation would impose an undue hardship on the operation of our business.

Reasonable accommodations can take many forms. For example, reasonable accommodations for pregnancy, childbirth, or related medical conditions include but are not limited to things such as the ability to carry or keep water near and drink, as needed; allowing the employee additional restroom breaks; allowing the employee whose work requires standing to sit and whose work requires sitting to stand; allowing the employee breaks, as needed, to eat and drink; accommodations related to lactation; time off to recover from childbirth; modification of equipment; appropriate seating; temporary transfer to a different position that the employee is able to perform; restructuring job duties; light duty; or a modified work schedule. The City of Medina will work with the employee to determine what accommodation is appropriate for the employee, given the employee's unique circumstances, that does not impose an undue hardship on The City of Medina.

Any employee who would like to request an accommodation based on any of the reasons set forth above should contact the Head of Human Resources and/or the Human Resources Director. Accommodation requests can be made in writing using a form which can be obtained from the Head of Human Resources and/or the Human Resources Director. If the employee who has requested an accommodation has not received an initial response within five (5) business days, they should contact the Head of Human Resources and/or the Human Resources Director.

Unless otherwise required by law, The City of Medina may request that the employee provide supporting documentation. Cooperating with The City of Medina by returning requested information in a timely fashion is required.

After receiving a request for an accommodation or learning indirectly that the employee may require such an accommodation, The City of Medina will engage in an interactive dialogue with the employee.

Even if employee has not formally requested an accommodation, The City of Medina may initiate an interactive dialogue under certain circumstances, such as when The City of Medina has knowledge that employee's performance at work has been negatively affected and a reasonable basis to believe that the issue is related to any of the protected classifications set forth above, in compliance with applicable law. In the event The City of Medina initiates an interactive dialogue, it should not be construed as The City of Medina's belief the employee requires an accommodation, but will serve as an invitation for the employee to share with The City of Medina any information the employee desires to share, or to request an accommodation.

The interactive dialogue may take place in person, by telephone, or by electronic means. As part of the interactive dialogue, The City of Medina will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how The City of Medina may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, The City of Medina will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. The City of Medina is not required to provide the specific accommodation sought by the employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitations.

The City of Medina will endeavor to keep confidential all communications regarding requests for reasonable accommodations and all circumstances surrounding the employee's underlying reason for needing an accommodation.

The City of Medina will not allow any form of retaliation against employees who have requested an accommodation, for whom The City of Medina has notice may require such an accommodation, or who

otherwise engage in the interactive dialogue process.

Employees with questions regarding this policy should contact the Head of Human Resources and/or the Human Resources Director.

## 1-4. Pregnancy Accommodations

In compliance with Washington law, The City of Medina will not discriminate against the employee in relation to pregnancy and pregnancy-related health conditions. The City will endeavor to provide reasonable accommodations for conditions related to pregnancy and pregnancy-related health conditions, including the need to express breast milk. Reasonable accommodations include:

1. providing more frequent, longer or flexible restroom breaks;
2. modifying a no food or drink policy;
3. job restructuring, part-time or modified work schedules, reassignment to a vacant position or acquiring or modifying equipment, devices or the employee's work station;
4. providing seating or allowing the employee to sit more often if the employee's job requires the employee to stand;
5. providing for a temporary transfer to a less strenuous or less hazardous position;
6. providing assistance with manual labor and limits on lifting;
7. scheduling flexibility for prenatal visits;
8. providing reasonable break time for an employee to express breast milk each time the employee needs to express the milk and providing a private location, other than a bathroom; and
9. any further pregnancy accommodation the employee may request, and to which the City must give reasonable consideration in consultation with information provided on pregnancy accommodation by the Washington Department of Labor and Industries or the attending health care provider of the employee.

The City may request that the employee provide a written certification from the employee's treating health care professional regarding the need for reasonable accommodation except for accommodations listed in points 1, 2, 4, and 8 above or limits on lifting in point 6 of more than 17 pounds. The employer may refuse accommodations listed in points 3, 5, 6 (for lifting, only if involves 17 pounds or less), 7, 8, and 9 if the accommodation would pose an undue hardship on the City's program, enterprise or business.

The City is not required to create additional employment that would not otherwise have been created or discharge any employee, transfer any employee with more seniority or promote any employee who is not qualified to perform the job, unless the City does so or would do so for other classes of employees who need accommodation.

The City will not take adverse action against the employee who requests, declines or uses an accommodation under this policy. Further, the City will not deny employment opportunities to an otherwise qualified employee or prospective employee if such denial is based on the City's need to reasonably accommodate the employee's or prospective employee's condition related to pregnancy, childbirth or a related medical condition. Additionally, the City will not require the employee to take leave if another reasonable accommodation can be provided for the employee's pregnancy and pregnancy-related health conditions.

If employees have any questions about or would like to request a reasonable accommodation pursuant to this policy, they should contact the Head of Human Resources and/or the Human Resources Director.



## 1-5. Non-Harassment

It is The City of Medina's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by The City of Medina.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on City premises, while on City business (whether or not on City premises) or while representing the City. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

### **Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the City Manager. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the Human Resources Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

### **Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

### **Retaliation Prohibited**

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

## **1-6. Workplace Violence**

The City of Medina is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to City and personal property.

The City of Medina does not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, The City of Medina specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, The City of Medina does expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals

often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in City policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

### **Prohibited Conduct**

Threats, threatening language or any other acts of aggression or violence made toward or by any City employee **WILL NOT BE TOLERATED**. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto City premises.

### **Procedures for Reporting a Threat**

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede The City of Medina's ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an appropriate good faith investigation, that someone has violated this policy, the City will take swift and appropriate corrective action.

If the employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for the City to be aware of any potential danger in its offices. Indeed, the City wants to take effective measures to protect everyone from the threat of a violent act by employees or by anyone else.

## **1-7. Drug-Free and Alcohol-Free Workplace**

To help ensure a safe, healthy and productive work environment for our employees and others, to protect City property, and to ensure efficient operations, The City of Medina has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the City.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale, or distribution of controlled substances (including medical marijuana), drug paraphernalia, or alcohol by an individual anywhere on City premises, while on City business (whether or not on City premises) or while representing the City, is strictly prohibited. Employees and other individuals who work for the City also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend

any right to report to work under the influence of lawful recreational or medical marijuana or to use such as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law.

Violation of this policy will result in disciplinary action, up to and including discharge.

The City maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any City employee, including themselves.

## 1-8. Process to Update the Handbook

The City endeavors to update this employee handbook at least once a calendar year. Employees will be required to read and provide signatures every time a change is made.

All changes must be approved by the City Manager and by Council via Consent, unless the changes are trivial updates to language provided throughout the year by ADP.

Any major updates that change working conditions of employees, or have a financial impact, must also go through the Personnel or Finance committees and, as applicable, the impacted employees' collective bargaining representative, for review.

## Section 2 - Operational Policies

### 2-1. Employee Classifications and Definitions

For purposes of this handbook, all The City of Medina employees fall within one of the classifications below.

**Full-Time Employees** - Employees who regularly work at least 40 hours per week who were not hired on a short-term basis.

**Part-Time Employees** - Employees who regularly work fewer than 40 hours per week who were not hired on a short-term basis.

**Short-Term Employees** - Employees who were hired for a specific short-term project, or on a short-term freelance, per diem or temporary basis. Short-Term employees generally are not eligible for City benefits, but are eligible to receive statutory benefits.

Employees who regularly work at least 28 or more hours per week who were not hired on a short-term basis are eligible for health insurance benefits.

**Trial Employee** - Employees who have not yet completed their trial period in a regular position and who have not been certified to regular employment status. Unless otherwise specified, when regular employees are referred to in these policies, they shall include trial employees.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. Non-exempt employees are entitled to overtime compensation when they work more than 40 hours in a workweek. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

**City Manager** - An employee who is retained by the city council to manage the City on a day to day basis. The City Manager shall administer these guidelines.

**Department Director** - An employee who is responsible for directing one (1) or more departments.

**Flexible Work Schedule** - A work schedule which permits flexible starting and quitting times for employees other than the standard work schedule of Monday through Friday from 8:30 am to 5 pm. The employee must maintain a set number of hours which must be worked on a regular basis.

**Immediate Family** - Includes the employee's parent(s), spouse, registered domestic partner, child(ren), step-child(ren), brother(s) or sister(s), step-parent(s), mother or father-in-law, son(s) or daughter(s) in-law, grandparent(s), grandchild(ren), or other relative(s) who lives in the employee's home. Effective January 1, 2025, the Washington Paid Sick Leave Law's definition of "family member" is expanded to include "any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care.

## 2-2. Police Captain Terms of Employment

The following is an outline of the terms of employment for the Captain position within the Medina Police Department. The Captain's position will fall in line with the currently in-force Agreement with the Police Officers' Collective for all benefits, unless otherwise stated.

The following fall outside the Police Officers' Collective,

- Is not eligible for exemplary service pay, and differential shift pay.
- Deferred Comp Match and Life Insurance fall inline with City Management.

## 2-3. Temporary Employees

Department directors may use temporary employees to replace regular employees who are on vacation or on other leave, to meet peak or seasonal workload needs, for special projects or to temporarily fill a vacancy until a regular employee is hired. Temporary employees may be hired without competitive recruitment or examination. The hiring process and use of temporary employees shall comply with state and federal laws as well as collective bargaining agreements. Temporary employees shall not be allowed to work more than 346 hours per year.

Compensation/Benefits: Temporary employees are eligible for overtime pay as required by law. Temporary employees do not receive retirement, vacation, sick leave, health insurance, holidays or any other benefits during their employment unless required by law or CBA. Temporary employees pay contributions to the Social Security system, as does the City on their behalf. Temporary employees will not be enrolled in the state PERS retirement system, although there are a few exceptions depending on PERS eligibility criteria.

## 2-4. Employee Trial Period

Upon hire or appointment, all employees enter a trial period that is considered an integral part of the selection and the evaluation process. The trial period is designed to give the employee time to learn the job, as well as to give the supervisor time to evaluate whether the match between employee and job is appropriate. The normal trial period is six months from the employee's date of hire, rehire or promotion. The City Manager may authorize the department director to extend the trial period for up to an additional six (6) months. An extension may be granted due to circumstances such as an extended illness or a continued need to evaluate an employee's performance.

Once the trial period is successfully completed, the employee may be certified to regular employment status. Satisfactory completion of the trial period does not create an employment contract or guarantee employment with the City for a specified duration.

## 2-5. Your Employment Records

In order to obtain their position, employees have provided personal information, such as address and telephone number. This information is contained in their personnel file.

Employees should keep their personnel file up to date by informing the Head of Human Resources and/or the Human Resources Director of any changes. Employees also should inform the Head of Human Resources and/or the Human Resources Director of any specialized training or skills they acquire, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach employees in a crisis could cause a severe health or safety risk or other significant problem.

Medical information about employees is contained in a separate confidential file and access is restricted by the Health Insurance Portability & Accountability Act (HIPAA).

Employees have the right to review their personnel files. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the City denies an employee's request to remove the information, the employee may file a written rebuttal statement to be placed into the employee's file.

Except for routine verification of employment, personnel files, including medical records subject to HIPAA, are kept confidential to the maximum extent permitted by law.

For Police Department personnel, training records are separately maintained by the Police Department.

## 2-6. Breaks and Meal Periods

Non-exempt employees may take one (1) fifteen (15) minute paid rest break for every four (4) hours worked and up to one (1) sixty (60) minute unpaid meal break for every six (6) hours worked. Meal breaks may be scheduled at less than sixty (60) minutes depending on the work schedule of the employee, but may not be less than thirty (30) minutes. All breaks should be arranged so they do not interfere with City business or with service to the public and should be taken away from the work area if possible. Breaks are not intended to be saved to extend any other break period or to leave early from work.

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

## 2-7. Working Hours and Schedule

The City of Medina normally is open for business from 7:30 AM to 4:00 PM, Monday through Friday.

Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of the business, at some point The City of Medina may need to change individual work schedules on either a short-term or long-term basis.

Employees will be provided meal and rest periods as required by law. A supervisor will provide further details.

## Flexible and Alternate Work Schedule

To accommodate the City's workload and to recognize the City's responsibilities under regional commute trip reduction regulations, alternate work schedules may be established. Examples include compressed work weeks or telecommuting.

## Unusual Weather Conditions

During periods of inclement weather or of natural disaster, it is essential that the City continue to provide vital public services. Therefore, it is expected that employees will make every reasonable effort to report to work without endangering their personal safety. A non-exempt employee who is unable to report to work or departs work early because of inclement weather conditions may charge the time missed to vacation, floating holiday, compensatory time, or leave without pay. Non-emergency employees who arrive within two (2) hours of the start of their normal work day during a period of inclement weather or natural disaster will be paid for a full day's work. The employee shall advise their supervisor by e-mail and phone as in any other case of late arrival or absence.

During periods of inclement weather or natural disaster, employees may be assigned, in order to provide emergency services, work schedules other than their normal work assignments.

If the City determines to send employees home before the conclusion of their work day or determines not to have employees report for work due to inclement weather or natural disaster, the employees will be paid their normal rate of pay for their regular work hours for that day.

## Call Back

All employees are subject to call back in emergencies or as needed by the City to provide necessary services to the public. Non-exempt employees called back to duty will be paid at their regular rate, with the overtime rate paid in accordance with the applicable bargaining unit contract or FLSA standard if not represented.

## 2-8. Work From Home

### **PURPOSE.**

Establish policies and procedures for the City of Medina's ("City's") remote work program to:

- Attract and retain a diverse and talented work force.
- Strengthen the resiliency and productivity of the City's workforce.
- Reduce operational costs without sacrificing quality of services.
- Reduce the city's carbon footprint and mitigate traffic congestion.
- Promote the health, safety, and wellbeing of employees.

Department directors shall manage their workforce in accordance with this policy and implement consistent and equitable remote arrangements for eligible positions.

Remote working is not an entitlement, it is not an employee benefit, it does not change the terms and



conditions of employment with the City and the approval of remote work agreements is at the sole discretion of the Department Director or City Manager. The City reserves the right to terminate a remote work arrangement at any time and will provide reasonable advance notice of the change to remote work arrangements.

### **APPLICABILITY.**

This policy applies to all City employees whose duties may be performed remotely. Remote work will only be available on the following weekdays, (Tuesday, Wednesday, Thursday). An employee must be in the office four days on any given week. Therefore, work from home is unavailable during a week with paid time off, holidays, or flex days. Departments may have additional remote work rules or requirements due to the nature of their work. In the event any provision of this policy conflicts with an applicable provision of a collective bargaining agreement, the latter shall prevail.

### **ELIGIBILITY.**

When evaluating a request to work remotely, the City will consider the following eligibility criteria:

- The nature of an employee's duties and the extent to which duties can be performed effectively working remotely.
- Operational and customer service needs, including impact on other staff members.
- Equipment needs.
- The ability to return to the office on short notice from a remote work location.
- Other factors relevant to a particular situation.

This remote work policy applies to all City of Medina staff who meet the above criteria and is not dependent upon length of service or probationary status. However, employees on probationary status may need to be present in the office for onboarding and training.

### **Intermittent/Situational Remote Work Arrangement**

This type of remote work is approved on a case-by-case basis and allows the employee to attend to sporadic household appointment needs, trainings, uninterrupted time for projects, no commute in inclement weather, or other situations where employees can perform work remotely for a short period of time. This type of remote work does not require a Remote Work Agreement Form; however, approval must be documented by e-mail. Situational remote work is not an appropriate substitute for sick leave and may not be used for the employee's own or a family member's, illness, injury, or other circumstance that interferes with the employee's ability to perform their work.

### **Regular Remote Work Arrangement**

This type of remote work arrangement is for predictable remote work that is anticipated to be sustainable on an ongoing basis and meets the operational and customer service needs of the city. This type of remote work requires a Remote Work Agreement Form that will be reviewed and addressed at minimum on an annual basis. Supervisors should consider remote work requests and should do so objectively and fairly on an individual basis and across the work group.

### **Other Considerations**

Remote work may change over time in response to seasonal workflow demands, staff changes, special assignments, or other factors. Therefore, remote work arrangements may be appropriate at certain times and not others.

Remote work is strictly voluntary and offered as a consideration to eligible employees. The City does not

require that any employee work remotely as part of their normal job duties.

### **Remote Hours Worked and Meal/Rest Periods Requirements**

Employees approved to work remotely are expected to work their assigned work schedule unless approved by their supervisor. Non-exempt employees must also observe regular lunch and rest periods. The number of hours worked per week does not change when following a remote work schedule. The rules around reporting hours for overtime eligible or overtime exempt employees do not change when following a remote work schedule. The supervisor must approve any overtime in advance.

Failure to comply with this requirement may result in termination of the remote work arrangement, and disciplinary action.

An employee working remotely may be required by their supervisor to maintain a daily log of work activities and/or report their work activities.

The employee will follow existing City policies to use paid sick, vacation time, or other accrued leave.

### **Leave**

Remote work is not a replacement for the use of leave. Remote workers will be required to use leave as they would if they were in the office (for example: if you took leave to attend any non-work appointments, run errands, etc., you would request leave while remote work).

### **Responsibilities**

The following responsibilities shall apply in addition to the responsibilities covered elsewhere in this policy.

### **Employees**

1. Employees will be available to attend in-person meetings and other in-person reporting requirements as needed. Requirements for in-person attendance can override regular remote work schedules.
2. Remote workers must arrange with their supervisor for coverage of on-site job demands that arise on remote workdays. If this coverage cannot be achieved, the teleworker will report to their city worksite. Remote work will not become a burden to co-workers who work in the office.
3. The location of a Remote Worksite must be within the State of Washington and in a location where, if needed, the employee is able to report to city hall within a reasonable amount of time.
4. Employees who do remote work are expected to be available during their work hours via normal communication channels, including email, phone, and other City Communication tools.
5. Employees who work remotely understand they are required to meet the performance expectations of the position and abide by all City policies, procedures, and rules that govern their employment with the City. In addition, employees must read and understand the requirements listed in this policy.
6. Non-exempt employees must accurately report all time worked and time off taken while working remotely.

## **Supervisors**

The supervisor shall set expectations for the employee related to the remote work arrangement and job performance. Expectations for timely completion of work to established standards, attendance at meetings, responsiveness to customers, and other performance criteria are the same for remote work and on-site employees. Supervisors will apply the same performance standards to employees regardless of work location.

The supervisor must review the employee's work product regularly to ensure expectations are continually being met.

The supervisor should coordinate with supervisors in other departments when setting remote work schedules to ensure the number of remote work staff on each date of the week is relatively constant.

## **Technology Requirements**

The City will determine, with information supplied by the employee and the supervisor or Department Director, the appropriate equipment such as a laptop, monitor, scanner, mouse, keyboard, etc., for each remote working arrangement.

- Equipment supplied by the City will be maintained by the City. However, it is the employee's responsibility to ensure the equipment is handled and secured to prevent loss, damage, and misuse.
- Equipment supplied by the employee, if deemed appropriate by the City, will be maintained by the employee. The City is not responsible for damage or repairs to employee-owned equipment.

The City reserves the right to make determinations as to appropriate equipment.

## **Remote Workspace Requirements**

The employee must establish a safe and appropriate remote work environment.

- The City will not be responsible for costs associated with the setup of the employee's remote work location, such as remodeling, furniture, lighting, utilities, rent or insurance, internet connectivity or for repairs or modifications to the remote office space.
- The employee's remote workspace environment should be free from disruptions and distractions that negatively affect attendance and/or the performance of job duties.
- Remote work should not be used to provide active care for a child or other dependents. Employees should arrange care so as not to interfere with performing the requirements of their position.
- The employee's off-site workspace will be considered an extension of the City workspace. The employee must maintain their designated workspace in a safe condition, free from hazards, noise and other dangers to the employee and equipment. The off-site workspace should provide an adequate and appropriate work area and environment.
- Materials and files that are taken home should be kept in the designated work area at home and not be made accessible to others.

## **Liability**

Injuries sustained by an employee while telecommuting off-site during the employee's working hours are normally covered by workers' compensation. Employees working remotely are responsible for promptly notifying their supervisor of such injuries.

Employees working remotely are solely responsible and liable for any injuries sustained by visitors to their off-site workspace. Homeowner's insurance and any changes in rates or coverage are the responsibility of the employee. All business correspondence, invoices, and general office mail will continue to be addressed directly to City Hall.

### **Remote Employee Availability/Responsiveness Requirements**

An employee who is working remotely must be available and responsive during regularly scheduled work hours. Regardless of an agreed-upon remote work schedule, if an employee's in-person presence is needed, the employee must remain willing and able to come to the worksite to perform job duties. Supervisors should give at least 24-hour advance notice whenever possible. A request to come to the worksite during regularly scheduled work hours is not considered a schedule change.

If an employee is directed to report to city hall after the remote worker has started working for the day, the time spent traveling from the remote worksite to city hall shall be treated as "job site" to "job site" travel, and the employee's travel time shall be counted as hours worked and compensated accordingly. Supervisors should give at least 24-hour advance notice whenever possible. A request to come to the worksite during regularly scheduled work hours is not considered a schedule change.

If the employee is directed to report to city hall to begin their workday, travel time to city hall should be treated as regular commuting, which is not eligible for compensation. For this reason, and due to tax implications, the city will not approve remote work arrangements where the employee's remote work location would be permanently outside the State of Washington.

### **Remote Employee Disciplinary Action Requirements**

Failure to follow the rules and guidelines stated in this policy may result in progressive disciplinary action up to and including termination and in accordance with the relevant union contract.

## **2-9. Compensation**

The City Manager or his/her designee is responsible for preparing a salary schedule that establishes pay ranges for each job classification. This salary schedule is in effect only with City Council approval and any subsequent changes in the salary schedule must be approved by the City Council.

It is the intent of the City to attract and to retain quality employees. Within budget limitations, the City endeavors to pay salaries competitive with those of other employees in the applicable labor market. Salaries are reviewed on an annual basis and, resources permitting, an annual adjustment may be applied to salary ranges by the City Council. Typically, non-represented employees' annual salary range adjustments reflect June to June's prior year change to the Seattle, Tacoma, Bellevue CPI-W. If this figure is less than 0% or greater than 4%, the City Council (or its subcommittee), City Manager & Finance/HR Director will meet to determine the range adjustment. Refer to Collective Bargaining Agreements for negotiated, required increases for represented

employees.

New employees will normally start their employment at the beginning of the pay range for their classification. However, the City Manager may approve compensation at a higher rate in the pay range when qualified applicants cannot be recruited or the department director determines the best-qualified applicant has experience and qualifications that warrant a higher salary.

Non-represented employees are eligible for a step increase within the range for their position on their performance review date (usually their anniversary date). Salary increases are contingent upon satisfactory performance with performance appraisals required for all increases. If an employee's performance is unsatisfactory, the department director will recommend that the City Manager defer a scheduled pay increase for a specified period or until the employee's job performance is satisfactory. A written work plan for improvement, agreed to between the department director and the employee, must be successfully achieved before the employee is eligible to receive a deferred salary increase. No deferred salary increase shall be made retroactive.

### **Compensation Upon Separation**

The affected department will notify the finance department of the employee's separation date for payroll purposes. A final paycheck will be issued to the employee per RCW 49.48.010. Upon an employee's separation from City employment represented employees will be compensated according to the applicable collective bargaining agreement. Unrepresented employees will receive the following compensation: regular wages for all hours worked that have not been paid, overtime/compensatory time, and payment of any accrued but unused vacation. No unused floating holiday will be paid out upon separation. Unrepresented employees with a minimum of ten (10) years of service shall be paid for 25% of unused accrued sick leave up to a maximum of 180 Hours. Payment will be made at the next regularly scheduled payday.

## **2-10. Timekeeping Procedures**

Employees must record their actual time worked for payroll and benefit purposes. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, on forms as prescribed by management.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

Exempt employees are required to record their daily work attendance and report full days of absence from work for reasons such as leaves of absence, sick leave or personal business.

Non-exempt employees may not start work until their scheduled starting time.

It is the employee's responsibility to sign time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors.

## **2-11. Overtime and Compensatory Time**

When The City of Medina experiences periods of extremely high activity, additional work may be required. Supervisors are responsible for monitoring business activity and requesting overtime work if it is necessary. Effort will be made to provide employees with adequate advance notice in such situations when possible. Employees may work overtime only with prior management authorization. Any non-exempt employee who

works overtime without authorization may be subject to disciplinary action, up to and including termination.

Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) their regular hourly wage for all time worked in excess of 40 hours each workweek, unless otherwise required by applicable law. Overtime pay is calculated based on actual hours worked. Paid time off, holidays, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations. For purposes of calculating overtime for non-exempt employees, the workweek begins at 12 a.m. on Monday and ends 168 hours later at 12 a.m. on the following Monday.

The maximum accrual of comp time shall not exceed two hundred forty (120) hours or limits set by CBA. If comp time exceeds the maximum accrual, then the excess comp time over the maximum accrual will be paid as overtime compensation at the current overtime rate. Every employee's compensatory time accrual will be reviewed at year-end as part of the City's budget preparation for the upcoming year.

## 2-12. Your Paycheck

Employees will be paid semi-monthly or monthly for all the time worked during the past pay period.

Payroll stubs itemize deductions made from gross earnings. By law, The City of Medina is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in any employee's pay, the employee should bring the matter to the attention of the Director of Finance immediately so the City can resolve the matter quickly and amicably.

Paychecks will be given only to the employee, unless the employee requests that they be mailed or authorizes in writing that another person may accept the check.

## 2-13. Direct Deposit

The City of Medina strongly encourages employees to use direct deposit. Authorization forms are available from the Director of Finance.

## 2-14. Salary Advances

The City of Medina does not permit advances on paychecks or against accrued paid time off. Advance pay for vacation must be requested in writing at least two weeks prior to the vacation period.

## 2-15. Artificial Intelligence

The City recognizes that the use of artificial intelligence (AI) tools can potentially assist employees with the performance of job duties. However, there are many risks. To ensure the protection of confidential information and the integrity of our operations, as set forth below, all employees who wish to use AI tools must receive management approval and, if granted, comply with the below best practices.

**Evaluation of AI tools.** Employees must evaluate the utility and security of any AI tool before using it. This includes reviewing the tool's security features, terms of service, and privacy policy. Employees also should

review the reputation of the tool developer and any third-party services used by the tool. But most importantly, employees must receive management approval prior to using any AI tool after explaining the manner in which it will be used and the benefits to the business.

**Protection of confidential data.** In using any AI tool, employees must not upload or share any confidential, proprietary, or protected data without prior written approval from the Head of Human Resources. This includes data related to customers, employees, or partners. Similarly, employees must ensure any AI tool does not utilize confidential or copyrighted information of a third party.

**Access control.** Employees must not give access to any AI tools approved for business use to anyone outside the City without prior approval from the Head of Human Resources and implementation of processes as required to meet security compliance requirements. This includes sharing login credentials or other sensitive information with third parties.

**Compliance with security policies.** Employees must apply the same security best practices we use for all The City of Medina and customer data. This includes using strong passwords, keeping software up-to-date, and following the City's data retention and disposal policies.

## 2-16. Open Door Policy

All employees have the opportunity to express ideas and opinions to management. The City believes that open communication is essential to a successful work environment, as well as to the City's success. All employees may express ideas and opinions directly to City management. Employees who would like to bring an idea or suggestion to the City's attention, or just simply wishes to discuss an issue not covered by a separate reporting procedure, are always welcome to send an email or make a call to Human Resources.

## 2-17. Record Retention

The City of Medina acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the City and its employees and possible disciplinary action against responsible individuals (up to and including discharge of the employee). Each employee has an obligation to contact the the City Manager to inform them of potential or actual litigation, external audit, investigation or similar proceeding involving the City that may have an impact on record retention protocols.

## 2-18. Safe Harbor Policy for Exempt Employees

It is The City of Medina's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for The City of Medina. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires

otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because the City has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact the Director of Finance or any other supervisor in The City of Medina with whom the employee feels comfortable.

## 2-19. Job Postings

The City of Medina is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. This policy outlines the online job posting program which is in place for all employees. To be eligible to apply for an open position, the employees must meet the following requirements:

- Be a current, regular, full-time or part-time employee;
- Have been in current position for at least six (6) months;
- Maintain a performance rating of satisfactory or above;
- Not be on conduct/performance-related probation or warning;
- Meet the job qualifications listed on the job posting; and



- Provide their current manager with notice prior to applying for the position.

If employees find a position of interest on the job posting website and they meet the eligibility requirements, an online job posting application must be completed in order to be considered for the position. Not all positions are guaranteed to be posted. The City reserves the right to seek applicants solely from outside sources or to post positions internally and externally simultaneously.

For more specific information about the program, please contact the Human Resources Department.

## 2-20. Performance Review

To ensure all employees perform their jobs to the best of their ability, it is important for the employee and his/her supervisor to communicate openly and frequently about the job and any concerns or problems the employee may be experiencing. To accomplish this, the City has established a performance review process.

During the working trial period, the supervisor and the employee will meet to discuss the employee's progress as needed. The supervisor may extend the working trial period at his/her discretion if s/he believes that an additional period is needed to evaluate the performance of the employee. All employees who have successfully completed their working trial period will receive a written evaluation at the end of the trial period, normally six (6) months. Successful completion of the working trial period does not change or alter the status of at-will employees.

Employees receive performance reviews annually on or near their employment anniversary date. Normally, this occurs twelve (12) months from the last review date; however, the formal performance review date may be delayed or be accelerated by the supervisor based on work load issues, scheduling conflicts, or the employee's performance (see "Merit Increases" in Section 5.04). Supervisors and employees are expected throughout the year to discuss performance issues and progress on mutually set annual goals.

The primary purpose of the performance review is to ensure employees understand what is required of them for successful performance of their job duties and requirements. Additionally, evaluations may be used as a factor in pay increase decisions for non-represented employees, performance improvement, counseling efforts, career growth, determination of training needs, and other job-related issues.

Employees are expected to fully participate and cooperate in the evaluation process.

## 2-21. City Manager Review

While the City Manager receives feedback from the City Council, Citizens, and City Staff on a regular basis, it is important for personal and professional development that a formal evaluation be conducted each year. Not only does an evaluation provide an opportunity to review the past year's activities, but it also facilitates discussion of objectives and priorities for the coming year.

The City Council shall review and evaluate the performance of the City Manager after the first six months, and annually thereafter, on or about their anniversary date.

After the first six months and annually thereafter, the City Council and the City Manager shall define such goals and performance objectives which they determine necessary for the proper operation of the City and in the attainment of the Council's policy objectives. Said goals and objectives shall be reduced to writing. They shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

At its discretion, the City Council may consider increases in base salary, deferred compensation, retirement contribution, and/or other allowances given by the City to the City Manager.

## Procedures

### Step 1 - Soliciting Input and Setting Goals

The Mayor or designee shall solicit input from City Council members and, optionally, City Department Directors, regarding the City Manager's performance during the past year and recommend goals and objectives for the coming year. This input shall be aggregated for presentation to the Council in an Executive Session.

City Manager may also submit recommended goals and objectives for the coming year to the Mayor and City Council.

The City Council may meet in Executive Session to review and discuss the input received from the City Council Members, City Department Directors, and the City Manager.

The City Council will develop goals and performance objectives for the coming year and if necessary, any changes to compensation.

### Step 2 Personnel Committee

The Personnel Committee will meet with the City Manager and review the goals and performance objectives developed by the City Council as well as any compensation changes.

### Step 3 City Council Action

The goals and performance objectives will be adopted by the City Council at a Regular City Council Meeting.

## 2-22. Credit Card Usage, and Purchasing Policy

### Credit Card Usage

The Director of Finance shall implement the following system for the distribution, authorization and control of credit limits and payment of bills related to the use of credit cards by City officials and employees.

### Credit Cards

Credit Cards may be distributed to City officials and employees who, in the opinion of Director of Finance have job responsibilities which would be facilitated using a credit card and the use of the credit card would benefit the City. The employee must sign and submit the City's Credit Card User Agreement form upon being issued a card. The Director of Finance shall set credit limits. See City of Medina Municipal Code 2.58.050 for more details.

The payment of credit card bills shall adhere to the following process:

1. Cardholders are accountable and responsible for the expenses charged on the credit card issued in their name or the City's name.
2. Credit/purchasing cards are to be used for City business only and not for personal use. All purchases must be accompanied by a business justification description for each item purchased.
3. Prior to request for payment of credit card bills, the bill will include: Department director or City Manager approval, business justification/description for each line item and department budget coding.
4. The purchaser must retain all receipts and reconcile the credit card bill within a prompt timeline to prevent late charges and finance fees. Receipts must be attached for each item purchased, along with a description for city business justification.
5. Purchases which are unauthorized, or which are for non-city business shall be repaid to the City promptly by the employee who initiated the unauthorized charge. The City Manager or her/his designee is directed and authorized to take all necessary legal actions to recover any unauthorized charges. City of Medina Municipal Code 2.58.070.
6. Purchase returns and billing errors are the responsibility of the cardholder. The cardholder is responsible to resolve all disputes directly with the purchasing vendor or the merchant.
7. Credit cardholders should not use the card after the period where charges are disallowed until the charges are resolved. Credit card accounts may be closed at the discretion of the Director of Finance with City Manager approval.
8. The City shall have unlimited authority to revoke the use of any purchasing/credit card if:
  1. The card is used in a manner inconsistent with City Policy;
  2. The cardholder resigns or is terminated from employment with the City;
  3. The credit card billing is not submitted with the proper approval signature, receipts, business justification and within prompt timelines outlined above;
  4. Finance charges are incurred because of employee's failure to comply with item d) listed above;  
or
  5. The card is lost or stolen.

9. Lost or stolen credit cards must be reported immediately to the Director of Finance.
10. City credit cards should not be used for cash advances. (See Cash Advances below.)

## Petty Cash

There is established in the City of Medina a "Petty Cash Fund," a fund established solely for making payment and/or small reimbursements for City-related purchases. The fund has been established in the amount of two hundred dollars (\$200).

Petty Cash Disbursements are authorized by Central Services.

Authorized Disbursers are: Administrative (Central) Services Personnel (primary and alternate)

Authorized Request Approvers are: City Clerk (Primary) and Director of Finance and City Manager (Alternate).

## Petty Cash Process:

- a. Disbursements shall be logged each time Petty Cash Funds are released and returned.
- b. The City of Medina "Petty Cash Request/Expenditure Tracking Log" Form must be completed for Petty Cash requests.
- c. The Description of the Item purchased field must be completed, along with the recipient name and name of the person disbursing the cash.
- d. Receipts must be returned to Central Services for submission to Finance for documentation/audit purposes.

## Purchasing Authorization

Purchases that exceed the City Manager's purchase authorization threshold of fifty-thousand dollars (\$50,000) must be presented to City Council for pre-approval prior to placing the order.

All department purchases must be approved by the department director, supervisor or the City Manager. In addition, purchases must not exceed the adopted budget for the department without City Manager's approval.

## Non-allowable expenses:

- Meals, other than travel related, that are provided outside a public event such as the Public Works Annual BBQ.
- Tips and delivery costs above fifteen percent (20%) of the total food public event meals;
- First class or business airfare;
- Alcoholic beverages;

- Fines, forfeitures, tickets or penalties;
- Long distance phone calls from hotel rooms;
- Expenses incurred by a spouse, family member, or other person not authorized under the City's policies;
- Travel insurance;
- Cash advances;
- Items or services for personal use;
- Gifts or flowers for an employee or family member;
- Meritorious service/years of service plaques are allowable as long as they are presented in a public meeting, less than \$100 and equitably administered across all employees.

## 2-23. Travel Per-Diem

Actual meal costs must be documented by an itemized receipt, listing what was purchased, not just the total. Alcohol charges are prohibited. Total meal costs should not exceed sixty dollars (\$60.00) per day including tip. Additional amounts may be approved by the City Manager, where required in high-cost areas. Tips may not exceed twenty percent (20%) of the service bill. If meal costs are for persons other than the employee, those persons must be entitled to reimbursement in their own right and shall be listed by name and title, along with the nature of the topic of discussion, or purpose of the meeting.

## 2-24. Trainings

The City seeks, within the limits of available resources, to develop staff by offering training opportunities that will increase employee job knowledge and skills. Opportunities may include, but are not limited to: on-the-job training, in-house workshops, seminars sponsored by other agencies or organizations, and programmed learning courses. Training assigned by the City usually occurs during employee work time and is paid for by the City.

As part of the performance review process, the employee and his/her supervisor may set employee development goals that identify training priorities for the next review period. All training should be job related and be within budget allocations.

## Section 3 - Benefits

### 3-1. Benefits Overview

In addition to good working conditions and competitive pay, it is The City of Medina's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs The City of Medina provides employees and their families. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from the Director of Human Resources. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, The City of Medina (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact the Director of Human Resources.

### 3-2. Paid Holidays

Full-time, Part-time employees will be paid for the following holidays:

New Year's Day

Martin Luther King, Jr. Day

President's Day

Memorial Day

Independence Day

Labor Day

Veterans' Day

Thanksgiving Day  
Day after Thanksgiving  
Christmas Day  
Juneteenth  
Two Floating Holidays

When holidays fall or are celebrated on a regular work day, eligible employees will receive one (1) day's pay at their regular straight-time rate. Eligible employees who are called in to work on a holiday will receive one (1) day's pay at their regular straight-time rate, and an additional payment of straight-time for the actual time they work that day.

If a holiday falls within an eligible employee's approved vacation period, the eligible employee will be paid for the holiday (at the regular straight-time rate) in addition to the vacation day, or the eligible employee will receive an additional vacation day at the option of the City.

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday (at the regular straight-time rate) in addition to the leave day, or the eligible employee will receive an additional day off at the option of the City.

### 3-3. Floating Holidays

**Floating Holiday:** Unless an applicable labor agreement provides otherwise, each regular full-time employee is entitled to two floating holidays per calendar year. Regular part-time employees shall receive pro-rated floating holiday leave in proportion to the number of hours in their normal work schedule. Temporary employees are not eligible for floating holidays. Floating holidays are awarded at the beginning of each calendar year and used any time after an employee completes the trial period, subject to the following conditions:

- The floating holiday shall be scheduled by agreement between the employee and his/her supervisor.
- The holiday must be used by the end of the calendar year and cannot be carried over into the next year. Unused floating holidays are not compensated upon termination.

### 3-4. Vacation

Vacation hours are credited at the completion of each pay period. New hires will receive a full month accrual if start day is in the first half of the month, ½ amount if after middle of month and zero if starting in the last 5 days of the month. Regular part-time employees earn vacation on a pro-rated basis. Temporary employees are not eligible for vacation leave unless approved in writing by the City Manager.

Vacations shall be scheduled at such times as the Department directors find most suitable after considering the wishes of the employees and the requirements of the department. As a general guideline, leave requests of one (1) week or more in duration should be submitted in writing at least thirty (30) days in advance. Vacation requests for less than one week should be submitted as soon as practicable, recognizing that vacation leave will

be approved on a first-come, first-served basis, based upon the City's staffing and operational needs.

**Vacation Accrual:** Employees are encouraged to use vacation leave in the year it is earned. The maximum vacation leave that an employee may carry over at the end of each year is 1.5 times annual leave accrual level, or as specified in an applicable labor agreement. Any hours earned above the maximum must be taken by the end of the calendar year. HR/Payroll will notify employees, along with their managers, before the beginning of the 4<sup>th</sup> quarter if they are projected to exceed the limit at year-end. Employees are expected to schedule the necessary leave to bring their balance down to within the carryover limit by the end of the year.

Excess carryover leave may be allowed with advance written approval by the City Manager, or with advance City Council approval for the City Manager's excess carryover. Employees granted permission to carryover excess leave are expected to be within the limit by the end of the following calendar year. If a non-represented employee has failed to bring their balance within the limit by the end of that following year, that employee's vacation accrual will cease until their balance is within their carryover limit.

### **Vacation Accrual Schedule**

<u>Length of Continuous Service</u>	<u>Annualized Leave</u>
1 <sup>st</sup> Year	96 Hours
2 <sup>nd</sup> - 4 <sup>th</sup> Year	112 Hours
5 <sup>th</sup> - 7 <sup>th</sup> Year	128 Hours
8 <sup>th</sup> - 9 <sup>th</sup> Year	144 Hours
10 <sup>th</sup> - 14 <sup>th</sup> Year	160 Hours
15 <sup>th</sup> - 19 <sup>th</sup> Year	176 Hours
20 <sup>th</sup> and Subsequent Years	200 Hours

**Minimum Vacation Use:** Vacation may be used at a minimum rate of one (1) hour per day for non-exempt employees. Exempt employees are required to use vacation at a minimum rate of one (1) day. Employees will be paid for accrued but unused vacation time upon separation from employment.



### 3-5. Management Leave

Department Directors and City Manager shall receive two (2) weeks per year of Management Leave. This is granted at the beginning of each year in recognition of job requirement attendance at many meetings held outside of standard business hours, in lieu of overtime/comp time. Management Leave must be used in the year earned and cannot be carried over from one year to the next. No compensation shall be provided for unused Management Leave when an employee leaves City service.

### 3-6. Sick Leave

Full-time employees are eligible to receive up to twelve (12) paid sick days each year, with part-time employees earning a prorated amount. If the employees will be out of work due to illness, they must call in and notify their supervisor as early as possible, unless an emergency situation exists, in which case notice must be provided as soon as practicable. If the employees call in sick for three (3) or more consecutive days, they may be required to provide their supervisor with a doctor's note on the day they return to work.

Exempt employees are required to use sick leave at a minimum rate of one (1) day. Non-exempt employees must use sick leave at a minimum rate of 15 minutes or an alternate amount if outlined in their CBA.

Advanced but unaccrued sick days will be deducted from the final paycheck, to the extent permitted by state law. By accepting a sick leave advance, employees acknowledge that this constitutes a debt to the City, which is voluntarily incurred by them for their own personal benefit, and that the City is expressly authorized to deduct any advanced but unaccrued sick leave from their final paycheck.

### 3-7. Sick Leave Usage

#### Usage

These changes reflect amendments to the Washington Paid Sick Leave Laws.

Employees may use paid sick leave for absences due to:

- An absence resulting from the employee's mental or physical illness, injury or health condition; to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or the employee's need for preventive medical care;
- To allow the employee to provide care for a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care for a family member who needs preventive medical care;
- When the employee's place of business has been closed by order of a public official for any health-related reason, or when the employee's child's school or place of care has been closed for such a reason; or after the declaration of an emergency by a local or state government or agency, or by the federal government;
- An absence covered under Washington's Domestic Violence Leave Act, as addressed further within the Leave for Victims of Domestic Violence.

For purposes of this policy, family member includes:

- a child, including a biological child, adopted child, foster child, stepchild; or a child to whom the employee stands in loco parentis, is a legal guardian of, or is a de facto parent, regardless of age or dependency status;
- a parent, including a biological parent, adoptive parent, de facto parent, foster parent, stepparent, or legal guardian of the employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- a spouse;
- a registered domestic partner;
- a grandparent;
- a grandchild;
- a sibling.
- any individual who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for the person, and that individual depends on the employee for care.

The employee's use of paid sick leave will not be conditioned upon searching for or finding a replacement worker.

Unless advised otherwise by the employee, the City will assume, subject to applicable law, that employees want to use available paid sick leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have paid sick leave available.

The City may withhold payment of paid sick leave hours where the employee is demonstrated to have used paid sick leave for an uncovered purpose, however, their available paid sick leave hours will not be deducted.

Employees will be notified of their available paid sick leave on each itemized wage statement.

### **Notice and Documentation**

Employees are required to give reasonable notice of an absence from work. Employees should make a reasonable effort to schedule the use of paid sick time in a manner that does not unduly disrupt the City's operations. Requests to use earned paid leave time may be made orally, in writing, or electronically (e.g., via email), and whenever possible, the request must include the expected duration of the employee's absence. When the use of paid sick leave is foreseeable, the employee is required to make a good faith effort to provide notice of the need for such time to the Director of Human Resources at least 10 days in advance of the use of the paid sick leave or as soon as practicable. When the use of earned sick time is not foreseeable, the employee is required to provide notice to the Director of Human Resources as soon as possible before the start of their workday or as soon as practicable under the circumstances. In the event it is impracticable for the employee to provide notice, a person may provide notice on the employee's behalf.

For paid sick leave of more than three (3) consecutive work days, the City requires documentation verifying that the employee's use of paid sick leave is for an authorized purpose. Documentation must be provided within a reasonable time period during or after the leave. Documentation should not explain the nature of the employee's or a family member's health condition or the details of domestic violence, sexual violence, abuse or stalking. Employees have the right to assert that the verification requirement results in an unreasonable burden or expenses on the employee. If the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee may provide an oral or written explanation to the Director of Human Resources which asserts that the employee's use of paid sick leave was for a covered purpose and how the verification requirement creates an unreasonable burden or expense on the employee.

### 3-8. Paid Sick Leave (Seasonal Employees)

#### **Eligibility**

The City provides paid sick leave to seasonal and temporary employees who work in Washington and are not eligible for City of Medina's sick leave policy. For non-exempt employees who work in Washington who are eligible for sick time under the general Sick Days policy and/or any other applicable sick time/leave law or ordinance, this policy applies solely to the extent it provides greater benefits/rights on any specific issue or issues than the general Sick Days policy and/or any other applicable sick time/leave law or ordinance.

#### **Accrual**

Employees accrue one (1) hour for every 40 hours worked. For purposes of this policy, the accrual period is the consecutive 12-month period beginning on January 1 and ending on December 31.

#### **Usage**

Employees may use paid sick leave beginning on the 90th calendar day of employment. Paid sick leave must be used in 1-hour intervals.

Employees may use paid sick leave for absences due to:

- an absence resulting from the employee's mental or physical illness, injury or health condition; to accommodate the employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or the employee's need for preventive medical care;
- to allow the employee to provide care for a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition; or care for a family member who needs preventive medical care;
- when the employee's place of business has been closed by order of a public official for any health-related reason or when the employee's child's school or place of care has been closed for such a reason; or
- an absence covered under Washington's Domestic Violence Leave Act, as addressed further within the Leave for Victims of Domestic Violence.

For purposes of this policy, family member includes:

- a child, including a biological child, adopted child, foster child, stepchild; or a child to whom the employee stands in loco parentis, is a legal guardian of, or is a de facto parent, regardless of age or dependency status;
- a parent, including a biological parent, adoptive parent, de facto parent, foster parent, stepparent, or legal guardian of the employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child;
- a spouse;
- a registered domestic partner;
- a grandparent;
- a grandchild; or
- a sibling.

The employee's use of paid sick leave will not be conditioned upon searching for or finding a replacement worker.

Unless advised otherwise by the employee, the City will assume, subject to applicable law, that employees want to use available paid sick leave for absences for reasons set forth above and employees will be paid for such absences to the extent they have paid sick leave available.

The City may withhold payment of paid sick leave hours where the employee is demonstrated to have used paid sick leave for an uncovered purpose, however, their available paid sick leave hours will not be deducted.

Employees will be notified of their available paid sick leave on each itemized wage statement.

### **Notice and Documentation**

Employees are required to give reasonable notice of an absence from work. Employees should make a reasonable effort to schedule the use of paid sick time in a manner that does not unduly disrupt the City's operations. Requests to use earned paid leave time may be made orally, in writing, or electronically (e.g., via email), and whenever possible, the request must include the expected duration of the employee's absence. When the use of paid sick leave is foreseeable, the employee is required to make a good faith effort to provide notice of the need for such time to the Director of Human Resources at least 10 days in advance of the use of the paid sick leave or as soon as practicable. When the use of earned sick time is not foreseeable, the employee is required to provide notice to the Director of Human Resources as soon as possible before the start of their workday or as soon as practicable under the circumstances. In the event it is impracticable for the employee to provide notice, a person may provide notice on the employee's behalf.

For paid sick leave of more than three (3) consecutive work days, the City requires documentation verifying that the employee's use of paid sick leave is for an authorized purpose. Documentation must be provided within a reasonable time period during or after the leave. Documentation should not explain the nature of the employee's or a family member's health condition or the details of the domestic violence, sexual violence, abuse or stalking. Employees have the right to assert that the verification requirement results in an unreasonable burden or expenses on the employee. If the employee anticipates that the requirement will result in an unreasonable burden or expense, the employee may provide an oral or written explanation to the Director of Human Resources which asserts that the employee's use of paid sick leave was for a covered purpose and how the verification requirement creates an unreasonable burden or expense on the employee.

### **Payment**

Paid sick leave will be paid at the same hourly rate the employee earns from their employment at the time the employee uses such time, but no less than the applicable minimum wage, unless otherwise required by applicable law. Use of paid sick leave is not considered hours worked for purposes of calculating overtime.

### **Carryover and Payout**

The employee may carry over up to 40 hours of accrued, unused paid sick leave to the following calendar year. Unused paid sick leave will not be paid at separation.

### **Enforcement and Retaliation**

Retaliation or discrimination against the employee who requests paid sick days or uses paid sick days or both is prohibited, and employees may file a complaint with the Washington State Department of Labor & Industries against an employer who retaliates or discriminates against the employee.

Questions about rights and responsibilities under the law can be answered by the Director of Human

Resources.

### 3-9. Shared Leave Program

Employees may donate their accrued sick leave into a pool bank for use by eligible City employees who are suffering from, or who has an immediate family member suffering from, an extraordinary or severe illness, injury, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or to terminate his/her employment. While an employee is using shared leave, he/she will continue to receive the same treatment with respect to salary and benefits that the employee would otherwise receive if using vacation or sick leave. The following conditions apply:

#### Employee Donation of Sick Leave

The donation of sick leave is strictly voluntary and is irrevocable.

An employee may donate sick leave at any time to a pool for use by eligible recipients. Any unused sick leave so donated remain in the donor pool and will not be returned to the donating employee.

The donation of sick leave is on a dollar-by-dollar basis.

The minimum number of sick leave hours that a benefits-eligible employee may donate is 8 hours. All donations will be in increments of whole hours.

The maximum number of sick leave hours a benefits-eligible employee may donate in one calendar year is 40 hours.

No employee may donate sick leave if, after that donation, his/her balance of sick leave is less than 100 hours.

#### Recipient Eligibility

Employees may utilize donated leave when they have exhausted all available accrued vacation and sick leave. The employee or immediate family member must provide certification from a licensed physician of a serious medical condition as described above.

#### Conditions or Circumstances That Do Not Qualify for Receipt of Donated Leave

Employees may not receive donated leave in the following circumstances:

Any occupationally-related accident or illness which is compensable under Workers' Compensation benefits;

Disability incurred during the commission of a felony (including driving while impaired) or assault; or

Disability related to an uncomplicated pregnancy/delivery.

An employee may also not utilize donated leave:

During the period of any disciplinary suspension;

While receiving disability insurance/Social Security Income (SSI) benefits; or

After the termination of employment.

#### Application Process to Utilize Donated Leave

An eligible employee may request donated leave by submitting a written request and the physician's certification to the HR Manager.

The minimum number of hours that a benefits-eligible employee may request is 8 hours.

In the event of a chronic illness or injury requiring episodic treatment (dialysis, chemotherapy, radiation therapy, physical therapy), the recipient may use donated leave in non-consecutive increments.

No individual employee may receive donated leave more than 320 hours (8 weeks) during one consecutive 12-month period.

#### Donated Leave Approval Process

The HR Manager, along with the City Manager and the applicant's supervisor/department head will review the request for donated leave within 5 business days of receiving the request.

The HR Manager will notify the applicant about the review panel's decision as well as Payroll if request is approved.

Applicants who have had their request denied can discuss any special situations that should be considered in appeal to the City Manager.

### 3-10. Bereavement Leave

The death of a family member is a time when employees wish to be with their families. If the employee is full-time or part-time and loses a close relative, the employee will be allowed paid time off of up to four (4) workdays to assist in attending to obligations and commitments. For the purposes of this policy, a close relative includes a spouse, domestic/civil union partner, parent, sibling, or any other relation required by applicable law. Paid leave days may be taken only on regularly scheduled, consecutive workdays following the day of death. Employees must inform their supervisor prior to commencing bereavement leave. In administering this policy, The City of Medina may require verification of death.

### 3-11. Jury Duty

The City of Medina realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Employees on jury duty leave will be paid for their jury duty service in accordance with state law; however, exempt employees will be paid their full salary for any week in which time is missed due to jury duty if work is performed for the City during such week.

### 3-12. Voting Leave

In the event employees do not have sufficient time outside of working hours to vote in a statewide election, if required by state law, the employee may take off enough working time to vote. Such time will be paid if required by state law. This time should be taken at the beginning or end of the regular work schedule. Where possible, supervisors should be notified at least two (2) days prior to the voting day.

### 3-13. Workers' Compensation

On-the-job injuries are covered by The City of Medina's Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor. Failure to follow City procedures may affect the ability of employees to receive Workers Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

#### **Coordination of Benefits -**

When the employee receives Workers' Compensation benefits, s/he is required to repay to the City the amount covered by Workers' Compensation and previously advanced by the City. This policy is to ensure that employees receive prompt and regular payments during periods of injury or disability if accrued sick or other leave is available, while also ensuring that no employee receives more than s/he would have received had the injury not occurred. Upon repayment of funds advanced, the appropriate amount of leave shall be restored to the employee's account. Employees may supplement Workers' Compensation salary benefits by using accrued sick or other forms of leave to increase their Workers' Compensation disability payments up to an amount not to exceed their net pay if they were working their regular schedule.

The City may require a medical examination, at its expense, performed by a physician of its choice, to determine when the employee can return to work and whether s/he can perform the duties of the position.

Citizens who volunteer for the "staff equivalent" services at the City shall be covered by the State Workers' Compensation program.

#### **Workers Compensation Leave -**

An employee receiving Workers Compensation benefits continues to accrue vacation leave and sick leave for up to twelve (12) months. The City also continues to pay for the employer's portion of health insurance premiums, provided that the employee continues to pay his/her share of premiums, if any. After twelve (12) months, the employee's benefits shall cease unless the City makes an exception. The employee may continue health care benefits by self-paying insurance premiums for the remainder of the time s/he receives Workers Compensation benefits.

### 3-14. Salary Continuation

The City of Medina provides enhanced monetary short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for more information. Employees will be required to submit medical certification as requested by The City of Medina. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

### 3-15. Lactation Accommodations

The City of Medina will provide a reasonable amount of break time to accommodate employees desiring to express breast milk for their child, in accordance with and to the extent required by applicable law. The break time, if possible and permitted by applicable law, must run concurrently with rest and meal periods already provided. If the break time cannot run concurrently with rest and meal periods already provided, the break time will be unpaid, subject to applicable law.

The City may not be able to provide additional break time if doing so would seriously disrupt the City's operations, subject to applicable law.

The City will make reasonable efforts to provide employees with the use of a room or location in close proximity to the employee's work area, other than a bathroom, to express milk in private. This location may be the employee's private office, if applicable. Please consult the Director of Human Resources with questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

### 3-16. Insurance Programs

Full-time employees may participate in The City of Medina's insurance programs. Under these plans, eligible employees will receive comprehensive health and other insurance coverage for themselves and their families, as well as other benefits.

Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to contact the Director of Human Resources with any further questions.

### 3-17. Long-Term Disability Benefits

Full-time employees are eligible to participate in the Long-Term Disability plan, subject to all terms and conditions of the agreement between The City of Medina and the insurance carrier.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### 3-18. Employee Assistance Program

The City recognizes that a wide range of problems - such as marital or family distress, alcoholism, and drug abuse - not directly associated with an individual's job function can nonetheless be detrimental to an employee's performance on the job. Consequently, we believe it is in the interest of employees and the City to provide an effective program to assist employees and their families in resolving problems such as these as the need arises. To this end, the City provides an Employee Assistance Program (EAP) for employees and their eligible family members. The EAP is designed to provide voluntary, private, confidential, and professional counseling outside the workplace for any type of personal problem. The EAP provides consultation services for referrals to local community treatment sources. All employees are eligible to use this program and are



encouraged to do so. Employee visits to the EAP are held in confidence to the maximum possible extent.

Participation in the EAP does not excuse employees from otherwise complying with City policies or from meeting normal job requirements during or after receiving assistance. Nor will participation in our employee assistance program prevent the City from taking disciplinary action against any employee for performance problems that occur before, during, or after the employee seeks assistance through the program.

### 3-19. Deferred Compensation Plan

The City of Medina provides a voluntary deferred compensation 457 plan for employees to contribute pre-tax and/or post-tax dollars. The City of Medina will match the first \$500 contributed by unrepresented employees. Represented employees will be compensated according to the employee's labor agreement.

### 3-20. Retirement Plan

The City of Medina makes contributions on behalf of all eligible employees to the Social Security System in addition to those contributions made by the employee through Federal Insurance Contributions Act payroll deductions. All regular uniformed employees in the police department are covered by the Law Enforcement Officers and Firefighters Retirement System (LEOFF). Benefit levels and contribution rates are set by the State of Washington. All regular full-time and eligible part-time non-uniformed employees are covered under the Public Employees Retirement System (PERS). Benefit levels, contribution rates, and eligibility criteria are determined by the State of Washington.

### 3-21. Transportation Reimbursement Program

The City of Medina provides a Transportation Reimbursement Program which allows all employees to pay for eligible transportation expenses with pre-tax income. Employees may participate on the first of the month after one (1) month of employment. The program works similarly to a Flexible Benefits Program, in which employees elect to have a portion of pre-tax income transferred to an account for future reimbursement for transportation expenses. The amount of contributions is subject to IRS limits which generally change every year. Upon becoming eligible to participate in this plan, employees will receive a Summary Plan Document (SPD) describing the benefit in greater detail. Employees should refer to the SPD for detailed plan information. Of course, employees also should feel free to speak to the Director of Human Resources if they have any further questions.

### 3-22. Tuition Reimbursement Program

To promote the continued education and professional growth of City employees, a tuition reimbursement benefit program is available to regular employees, subject to City budget considerations. Through reimbursement, an employee may have tuition costs for a job-related course reimbursed by the City following successful completion of course as follows:

- Reimbursement is for tuition only. No reimbursement is made for books, lab fees or travel costs.

- Reimbursement is capped at the prevailing rate for undergraduate tuition for in state students on a per credit basis established by the University of Washington.
- To qualify for reimbursement, the employee must submit a tuition reimbursement application and must receive prior approval for the coursework from the department director and City Manager. In addition, the employee must complete each course with a minimum grade of "pass" or "C".

Course work will be reimbursable as follows:

- Courses directly benefiting current duties and assignments but not considered training - fifty percent (50%) subject to the limits set forth above.
- Courses in a degree path directly benefiting future promotional opportunities with the City - fifty percent (50%) subject to the limits set forth above.
- Courses of a personal development nature or in a degree path not benefiting or indirectly benefiting the City or future promotional opportunities with the City - zero percent (0%). However, the City may make accommodations to the employee's work schedule to allow the employee to participate in the educational opportunity.
- Coursework, even if reimbursable, is on the employee's time and is not training, and as such, is not compensable time.

The City's decision whether to reimburse an employee for coursework is a decision within the City's discretion and is final and not subject to appeal.

## Section 4 - Leaves of Absence

### 4-1. Personal Leave

If employees are ineligible for any other City leave of absence, The City of Medina, under certain circumstances, may grant a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two (2) weeks before the anticipated start of the leave. If the leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. The request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, a leave of absence will be granted for a period of up to eight (8) weeks. However, a personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to management and the request is granted. During the leave, employees will not earn vacation, personal days, or sick days. Health insurance coverage is subject to the terms of the plan documents.

When the employee anticipates returning to work, he or she should notify management of the expected return date. This notification should be made at least one week before the end of the leave.

Upon completion of the personal leave of absence, the City will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the City will be considered a voluntary resignation of employment.

Personal leave runs concurrently with any City-provided Short-Term Disability Leave of Absence.

### 4-2. Paid Family and Medical Leave

#### **Eligibility**

Employees who have worked 820 hours in the qualifying period (equal to 16 hours a week for a year) are eligible to apply for paid medical leave or paid family leave (collectively PFML). "Qualifying period" means the first four (4) of the last five (5) completed calendar quarters or, if eligibility is not established, the last four (4) completed calendar quarters immediately preceding the application for PFML. The 820 hours are cumulative, regardless of the number of employers or jobs someone has during a year. All paid work over the course of the year counts toward the 820 hours, including part-time, seasonal, and temporary work.

#### **Entitlement**

PFML is available to eligible employees for up to 12 weeks within any 52 consecutive week period. PFML may be used:

- To participate in providing care, including physical or psychological care, for a family member (child, grandchild, grandparent, parent, sibling, spouse, child's spouse or state registered domestic partner, or anyone who has an expectation to rely on the employee for care, whether living in the same household or not) with a serious health condition;

- To bond with the employee's child after the child's birth or after the placement of a child under the age of 18 with the employee;
- Because of any qualifying military exigency as permitted under the federal Family and Medical Leave Act (FMLA) for the employee's family member (child, grandchild, grandparent, parent, sibling, spouse, child's spouse or state registered domestic partner of an employee);
- Because of the employee's own serious health condition; or
- Because of the death of the employee's child for whom the employee would have qualified for medical leave for the birth of the child or would have qualified for family leave to bond with the child during the seven (7) calendar days following the death.

For purposes of the above, unless the context clearly requires otherwise, "child" includes: biological, adopted, or foster child; a stepchild or a child to whom the employee stands in loco parentis, is a legal guardian or is a de facto parent regardless of age or dependency status. "Parent" includes biological, adoptive, de facto or foster parent, stepparent or legal guardian of the employee or the employee's spouse or state registered domestic partner or an individual who stood in loco parentis to the employee when the employee was a child.

Qualifying military exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty, and attending post-deployment reintegration briefings.

If the employee faces multiple events in a year, the employee may be eligible to receive up to 16 weeks, and up to 18 weeks if the employee experiences a serious health condition during pregnancy that results in incapacity.

Leave to care for the employee's child after birth, or placement for adoption or foster care must be taken within one (1) year of the child's birth or placement. Leave for any other reason must be taken within one (1) year of the date of which the employee filed an application for the benefits.

These benefits are financed through both employee and The City of Medina contributions to the PFML program. The program is administered by the Washington Employment Security Department (ESD). The City will calculate and withhold premiums from employees' paychecks and send both employees' shares and the City's share, if applicable, to ESD on a quarterly basis.

While on PFML, employees are entitled to partial wage replacement at a portion of their average weekly pay. There is a waiting period of up to seven (7) consecutive calendar days of leave, but employees may use any paid time off (including vacation leave, personal leave, medical leave, sick leave, compensatory leave or any other paid leave offered under the City's established policy) to receive compensation during that waiting period. No waiting period is required where leave is for the medical leave for the birth parent taken upon the birth of a child, family leave for bonding after birth or placement of a child or for a military exigency. A waiting period will not reduce the maximum duration of an employee's available paid family or medical leave.

If the employee's average weekly wage is 50 percent or less of the state average weekly wage, the employee's weekly benefit is 90 percent of the average weekly wage. If the employee's weekly benefit is greater than 50 percent of the of the state average weekly wage, the weekly benefit is the sum of:

- 90 percent of 50 percent of the state average weekly wage; and
- 50 percent of the employee's average weekly wage that is greater than 50 percent of the state average weekly wage.

The ESD sets the maximum weekly benefit for PFML, and it will be adjusted effective January 1 of each

subsequent year as determined by the state based on 90 percent of the state's average weekly wage. Employees will be paid benefits directly by ESD rather than by the City.

In any week in which the employee is eligible to receive benefits under Title 50 (unemployment compensation) or certain provisions of Title 51 (industrial insurance) of the Revised Code of Washington, or any other applicable federal unemployment compensation, industrial insurance or disability insurance laws, the employee is disqualified from receiving PFML.

### **Definition of a Serious Health Condition**

A serious health condition is an illness, injury, impairment or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. Subject to certain conditions, the continuing treatment requirement may include, but is not limited to:

- A period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition;
- Any period of incapacity due to pregnancy, or for prenatal care;
- Any period of incapacity or treatment for such incapacity due to a chronic serious health condition;
- A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective; or
- Any period of absence to receive multiple treatments, including any period of recovery from the treatments, by a healthcare provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for: restorative surgery after an accident or other injury; or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer, severe arthritis, or kidney disease.

### **Use of PFML**

Employees do not need to use PFML in one block. PFML can be taken intermittently in minimum increments of eight (8) consecutive hours. PFML taken on an intermittent basis will not result in a reduction of the total amount of PFML to which the employee is entitled beyond the amount of PFML actually taken.

### **Employee Notice**

Employees must provide the City at least 30 days' written notice before PFML is to begin if the need for PFML is foreseeable based on an expected birth, placement of a child or planned medical treatment for a serious health condition. Employees must provide the City written notice as soon as is practicable when 30 days' notice is not possible, such as because of a lack of knowledge of approximately when PFML will be required to begin, a change in circumstances or a medical emergency. Employees must provide written notice as soon as is practicable for foreseeable PFML due to a qualifying military exigency, regardless of how far in advance such PFML is foreseeable. When the need for PFML is not foreseeable, employees must provide written notice as soon as is practicable under the facts and circumstances of the particular situation. If the employee is unable to provide notice personally, written notice may be given by another responsible party, such as the employee's spouse, neighbor or coworker.

The employee must provide written notice to make the City aware that the employee may need PFML. The notice must contain at least the anticipated timing and duration of the PFML. Written notice includes, but is not limited to, handwritten or typed notices, and all forms of written electronic communications such as text

messages and email.

Whether PFML is to be continuous or is to be taken intermittently or on a reduced schedule basis, written notice need only be given one time, but the employee must inform the City as soon as is practicable if dates of the scheduled PFML change, are extended or were initially unknown.

### **Filing Claims with the ESD**

The employee may apply for PFML benefits by:

- Using the ESD online services;
- Contacting the paid family and medical leave customer care center by telephone; or
- Using alternate methods authorized by ESD.

When the employee submits an application for PFML benefits, the employee must provide information sufficient for ESD to determine eligibility for benefits. This information includes, but is not limited to, information identifying the employee, the type and anticipated duration of PFML, as well as certification or documentation to validate the qualifying event. If the employee is in a claim year and has need for successive periods of benefits for the same qualifying event beyond what was originally approved, the employee must update the application. If the employee experiences a new qualifying event during a claim year, the employee must reopen the claim and provide additional information required by ESD before benefits can be paid. Any time the employee applies for PFML benefits, the application must be supported by documentation or certification as required by applicable law. For example, when PFML is taken because of the employee's own serious health condition or the serious health condition of a family member, medical certification from a health care provider will be required. However, the employee does not need to obtain medical certification during the six (6)-week postnatal period.

The ESD is solely responsible for determining if an employee is eligible for benefits.

### **Supplemental Benefits During PFML**

The City offers the following supplemental benefits to employees who are receiving PFML: vacation leave, sick leave, other paid time off, comp time.

### **Job Benefits and Protection**

Employees' eligibility for health insurance benefits while using PFML depends upon the terms of the insurance plan and/or the employees' use of FMLA, if applicable. If Employees are eligible to maintain their health coverage during PFML leave, Employees who contribute to the cost of their health insurance must continue to pay their portion of the premium cost while on PFML.

Employees who return from PFML generally will be restored to a same or equivalent job if the City has 50 or more employees and the employee has worked for the City for at least 12 months, and has worked 1,250 hours in the 12 months before taking PFML (about 24 hours per week, on average). Otherwise, Employees taking PFML are not guaranteed job reinstatement unless they qualify for such reinstatement under federal and/or state leave laws or other applicable laws.

The use of PFML cannot result in the loss of any employment benefits that accrued prior to the start of PFML.

### **FMLA Concurrent with PFML**

Any time off for PFML purposes will run concurrently with FMLA, if applicable, with the exception of any leave for sickness or temporary disability because of pregnancy or childbirth, which is in addition to leave

under PFML. Please see the "Family and Medical Leave" policy for eligibility requirements under the FMLA and see the "Pregnancy and Childbirth Leave" policy for eligibility requirements for pregnancy leave.

### **Questions and/or Complaints about PFML**

The City is prohibited from discriminating or retaliating against employees for requesting or taking PFML.

For more information on PFML, employees may go to [paidleave.wa.gov](http://paidleave.wa.gov) or speak with the Director of Human Resources.

### **4-3. Leave for Victims of Domestic Violence**

If the employee or the employee's family member is a victim of domestic violence, the employee may be eligible to take reasonable, unpaid time off from work for one or more of the following reasons:

- seek legal or law enforcement assistance or remedies to ensure the health and safety of the employee or a family member including, but not limited to, preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence, sexual assault or stalking;
- seek treatment by a health care provider for physical or mental injuries caused by domestic violence, sexual assault or stalking, or to attend to health care treatment for a victim who is a family member;
- obtain or assist a family member in obtaining services from a domestic violence shelter, rape crisis center or other social services program for relief from domestic violence, sexual assault or stalking;
- obtain or assist a family member in obtaining mental health counseling related to an incident of domestic violence, sexual assault or stalking, in which the employee or family member was a victim of domestic violence, sexual assault or stalking; or
- participate in safety planning, temporarily or permanently relocate or take other actions to increase personal safety or that of family members from future domestic violence, sexual assault or stalking.

Employees may elect to use any sick leave or other paid time off for leave pursuant to this policy. Leave may take the form of reasonable unpaid leave from work, intermittent leave or leave on a reduced leave schedule.

Employees wishing to take leave pursuant to this policy must give advance notice of their intention to take leave. When advance notice cannot be given because of an emergency or unforeseen circumstance due to domestic violence, sexual assault or stalking, the employee or a designee must give notice no later than the end of the first day on which such leave is taken.

Verification of the need for leave may be required.

### **4-4. Pregnancy and Childbirth Leave**

Employees are eligible to take unpaid leave for the actual period of time that they are sick or temporarily disabled because of pregnancy, childbirth or related medical conditions.

Any employees wishing to request leave because of a pregnancy-related disability must provide appropriate medical certification.

This leave is available regardless of whether the employee qualifies for leave under The City of Medina's Family & Medical Leave policy. This leave does not count towards the employee's leave entitlement, if any, under the Washington State Paid Family and Medical Leave Act (PFML), but FMLA leave will run

concurrently with this leave.

During this leave, employees may use any applicable paid time off benefits that they have available to cover some or all of the absence. Otherwise, the leave will be unpaid. Group health and other benefits will be handled in the same manner as for any other similar pregnancy or non-pregnancy related absence.

If employees take this leave only for the actual period of disability, as certified by their health care provider, then they ordinarily will be allowed to return from this leave to the same job they held when the leave began or to a similar job of at least the same pay. Exceptions to this general rule will be made only if the City has a business necessity to do otherwise.

If employees have any questions regarding this policy, they should contact the Director of Human Resources.

#### 4-5. Military Leave

If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

If employees are required to attend yearly Reserves or National Guard duty, they can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). They should give management as much advance notice of their need for military leave as possible so that The City of Medina can maintain proper coverage while employees are away.

#### 4-6. Family Military Leave

Eligible employees are entitled to up to 15 days of unpaid family military leave during a period of military conflict. Leave may be taken prior to deployment or during a leave from deployment.

An eligible employee is one who (1) is the spouse of a member of the military called to active duty; and (2) works an average of 20 or more hours per week and is not an independent contractor.

Family military leave is unpaid; however, employees may opt to use accrued paid time off for this purpose.

An employee must notify his/her supervisor of the intention to take family military leave within 5 business days of receiving official notice that his/her spouse will be called to active duty or on leave from deployment.

Upon expiration of the leave, an employee will be reinstated to his or her previous position. The City strictly prohibits any form of discrimination or retaliation for exercising rights set forth in this policy.



#### 4-7. Leave for 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.

The employee may select the desired days to take the two unpaid holidays after consultation with their supervisor, unless the absence would impose an undue hardship for the City, or the employee's presence at work is necessary to maintain public safety. "Undue hardship" means significant difficulty or expense, considering factors such as the effect of the employee's absence on operations and the number of other employees requesting leave, and the impact on other employees' leave entitlements.

Employees shall submit a written request for an unpaid holiday to management a minimum of 30 days prior to the requested day off. Leave requests under this section will be considered on a first-come, first-served basis. Approval of the unpaid holiday shall not be deemed approved unless it has been authorized in writing by the employee's supervisor. Partial days off will count as a full day towards the annual entitlement of two unpaid holidays.

**Holidays Worked** - Non-exempt employees who work on a holiday will be paid subject to the provisions of their respective bargaining agreement. Except for police personnel, such work time must be pre-authorized in writing by the supervisor.

#### 4-8. Leave Without Pay

The City Manager may grant leave of absences without pay for absence from work not covered by any other type of leave or if other leave balances are exhausted. Examples of absences that may qualify include, but are not limited to: a prolonged illness or medical condition, parenting, or caring for an ill relative.

An employee will be required to use any accrued paid leave before a leave without pay begins. If an employee is on unpaid status for more than six (6) months, his/her anniversary date and time in service will be changed to reflect the period of absence.

## Section 5 - General Standards of Conduct

### 5-1. Workplace Conduct

The City of Medina endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense, and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the City's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing, or defacing The City of Medina property or a co-worker's property, and/or disclosure of confidential information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. Violation of The City of Medina's Drug and Alcohol-Free Workplace Policy.
6. Fighting, threatening, or disrupting the work of others or other violations of The City of Medina's Workplace Violence Policy.
7. Failure to follow lawful instructions of a supervisor.
8. Failure to perform assigned job duties.
9. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness, or unexcused absences.
10. Gambling on City property.
11. Willful or careless destruction or damage to City assets or to the equipment or possessions of another employee.
12. Wasting work materials.
13. Performing work of a personal nature during working time.
14. Violation of the Solicitation and Distribution Policy.
15. Violation of The City of Medina's Harassment or Equal Employment Opportunity Policies.
16. Violation of the Communication and Computer Systems Policy.
17. Unsatisfactory job performance.
18. Any other violation of The City of Medina policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and The City of Medina reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this handbook should be construed as a promise of specific treatment in a given situation. However, The City of Medina will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate the employee at any time for any reason.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

## 5-2. Punctuality and Attendance

Employees are hired to perform important functions at The City of Medina. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive and disruptive and place an unfair burden on fellow employees and supervisors. The City expects excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

The City does recognize, however, that there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify supervisors as early as possible, but no later than the start of the workday. Asking another employee, friend, or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the absence and its expected duration, every day of absenteeism.

Unreported absences of three (3) consecutive workdays generally will be considered a voluntary resignation of employment with the City.

## 5-3. Use of Communications and Computer Systems

The City of Medina's communication and computer systems are intended primarily for business purposes; however limited personal usage is permitted if it does not hinder performance of job duties or violate any other City policy. This includes the voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the The City of Medina systems.

The City of Medina may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the City deems it appropriate to do so. The reasons for which the City may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that City operations continue appropriately during the employee's absence.

Further, The City of Medina may review Internet usage to ensure that such use with City property, or communications sent via the Internet with City property, are appropriate. The reasons for which the City may review employees' use of the Internet with City property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that City operations continue appropriately during the employee's absence.

The City may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The City's policies prohibiting harassment, in their entirety, apply to the use of City's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Further, since the City's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

#### 5-4. Use of Social Media

The City of Medina respects the right of any employee to maintain a blog or web page or to participate in a social networking, X (formerly Twitter), or similar site, including but not limited to Facebook and LinkedIn. However, to protect City interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not post on a blog or web page or participate on a social networking platform, such as X (formerly Twitter) or similar site, during work time or at any time with City equipment or property.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages, and social networking platforms, such as X (formerly Twitter), Facebook, LinkedIn, or similar sites. Any information that cannot be disclosed through a conversation, a note, or an e-mail also cannot be disclosed in a blog, web page, or social networking site.

Whether the employees are posting something on their own blog, web page, social networking, X (formerly Twitter), or similar site or on someone else's, if the employee mentions the City and also expresses either a political opinion or an opinion regarding the City's actions that could pose an actual or potential conflict of interest with the City, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is a personal opinion and not the City's position. This is necessary to preserve the City's good will in the marketplace.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, X (formerly Twitter), or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous, or violent is forbidden. City policies apply equally to employee social media usage.

The City of Medina encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including discharge.

#### 5-5. Personal and Company-Provided Portable Communication Devices

The City of Medina-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal

PCD also may subject to monitoring if sent through the City's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a City-provided or personal device, employees must comply with applicable City guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a City-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If employees who use a personal PCD for business resign or are discharged, they will be required to submit the device to the IT department for resetting on or before their last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, City information and personal data (such as contacts, e-mails and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of City information. This is the only way currently possible to ensure that all City information is removed from the device at the time of termination. The removal of City information is crucial to ensure compliance with the City's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or a City-issued device, the City's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

### **Portable Communication Device Use While Driving**

Employees who drive on City business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while driving, and permitted by law, employees must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

## 5-6. Inspections

To the maximum extent permitted by applicable law, The City of Medina reserves the right to require employees while on City property, or on client property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on City or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the City or to its clients. Employees are expected to cooperate in the conduct of any search or inspection.

## 5-7. Smoking

Smoking, including the use of e-cigarettes, is prohibited on City premises and in all City vehicles.

## 5-8. Alcohol and Drug Free Work Environment

The City is committed to providing and maintaining a safe and productive work environment free from the effects of drugs, alcohol and other job impairing substances. It is primarily concerned with the well-being of employees and the public they serve. We encourage employees who are concerned about their alcohol or drug use to seek counseling, treatment and rehabilitation. All City employees are subject to this policy.

**City Resources Available:** Although the decision to seek diagnosis and accept treatment may be voluntary, the City is fully committed to helping employees overcome substance abuse through its available resources. In most cases, the expense of treatment may be fully or partially covered by the City's benefit program. Human resources can provide more information on available benefits. In recognition of the sensitive nature of these matters, all discussions will be kept confidential to the extent permitted by law.

**Use of Medication:** An employee taking prescription or non-prescription medication that may affect the employee's ability to work or may affect the safety of the employee, co-workers or the public is required to notify his/her supervisor prior to the commencement of work. The supervisor may require the employee to obtain a certificate as to whether the employee is able to safely perform his or her job duties while using the medication.

**When Job Performance is Affected:** Although the City's emphasis is on rehabilitation, it must be understood disciplinary action may be taken when an employee demonstrates problems in job performance or is involved with or under the influence of drugs or alcohol on the job. Possession, consumption, sale, or use of alcohol, drugs or other controlled substances during work hours, or being under the influence of drugs or alcohol during work hours, shall be grounds for discipline, up to and including termination of employment.

**Drug-Free Workplace:** To comply with the requirements of the federal Drug-Free Workplace Act, the City adopts the following policies:

- The manufacturing, distribution, dispensation, possession and use of unlawful drugs or alcohol on City premises or during work hours by City employees is strictly prohibited.
- Employees must notify the City within five (5) days of any conviction for a drug violation.
- Violation of this policy shall result in disciplinary action, up to and including discharge.

## **Drug and Alcohol Testing Policy**

The City may require an employee to undergo testing for drugs or alcohol when it has reasonable cause or suspicion to believe an employee may be in violation of its drug-free workplace policy.

### **Purpose and Intent:**

Employees and the City have a mutual obligation to ensure a safe and healthy work environment. This policy is instituted to assure that the workplace be free of employees whose job performance may be impaired by the abuse of drugs and/or alcohol.

The City recognizes that drug and alcohol abuse may be considered treatable illnesses and to the extent possible the response to these illnesses may be treatment and rehabilitation. Employees are encouraged to seek treatment before their drug or alcohol use impacts their performance and becomes the subject of disciplinary action.

It is recognized that the consumption of alcohol or drugs to the point that employees are unable to perform their jobs safely and effectively cannot be tolerated.

It is recognized that when employees have placed themselves in a situation where their ability to perform their jobs is impaired by drugs or alcohol that it is the responsibility of the parties to remove such employees from the work environment to prevent the endangerment of the employee, fellow employees and/or the public.

### **Prohibited Substances:**

1. Drugs shall be defined as those substances whose dissemination is regulated by law, including, but not limited to, narcotics, depressants, stimulants, hallucinogens, cannabis, and alcohol. This definition shall include over-the-counter drugs and/or drugs that require a prescription or other written approval from a licensed physician, dentist, RN, or PA for their use. The drugs that are included in these categories are as follows:

- a) Alcohol
- b) Cannabis/marijuana
- c) Cocaine
- d) Heroin
- e) Opium or opiates
- f) Phencyclidine (PCP)
- g) Lysergic acid diethylamide (LSD)
- h) Barbiturates
- i) Amphetamines or methamphetamines
- j) Methaqualone
- k) Mescaline
- l) Glutethimide
- m) Phencyclidine
- n) Procyclidine
- o) Other controlled substances as defined in state or local law
- p) A prescription drug for which the employee does have or does not have a current, valid, personal prescription and which is not authorized or approved for use while operating a motor vehicle or other equipment.
- q) Any over-the-counter drug, which may impair job performance and safety.

2. The presence of trace amounts of alcohol, cannaboids and/or over-the counter drugs as evidenced by a drug or alcohol test, shall not be grounds for disciplinary action to the extent that job performance and/or the ability to perform safely is not lessened to any appreciable degree; except where the presence of these substances is in violation of an agreed upon treatment and/or return to work agreement.

3. Voluntary disclosure of a drug or alcohol problem by an employee shall result in a referral under the Employee Assistance Program for an evaluation and recommendation. However, this shall not preclude or circumvent disciplinary action initiated prior to such disclosure due to a positive test or performance issues stemming from a violation of this policy.

**Procedure:**



1. In the event there is reasonable cause to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee regarding the behavior. The supervisor shall directly observe the employee's behavior and document the behavior. Indications of impaired behavior include but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought process, poor judgment, or unusual or abnormal behavior. A reasonable cause to believe that an employee's job performance may be impaired by drugs or alcohol may also be based on the following:
  1. Involvement in a fatal or serious bodily injury accident or in an accident involving significant damage to property or equipment; or
  1. Observable phenomena, such as direct observation of drug/alcohol use or the physical symptoms of being under the influence of a drug/alcohol; or
  1. A pattern of abnormal conduct or erratic behavior; or
  1. An arrest and conviction of a drug related offense; or
  1. Information provided by reliable and credible sources that has been independently corroborated.
1. When possible, a second managerial employee shall also observe the employee to verify that there is reasonable cause to believe that drug or alcohol consumption may be involved. A determination shall be made as to if the employee's behavior is impaired to the point of being unable to perform his/her duties effectively and safely. The employee shall be relieved of their duties and placed on a leave of absence with pay status until a clear determination can be made as to the abuse or non-abuse of drugs or alcohol. A preliminary statement as to the reasons for the suspicion shall be given to the employee immediately upon notification of testing and written correspondence shall be provided within two (2) business days outlining the circumstances and conditions of such determination.
1. If it is concluded that there is reasonable cause to believe that drug or alcohol consumption is involved,

the supervisor or appropriate manager shall have a drug or alcohol test administered. Failure of an employee to take the test(s), or refusal to take the test, will be considered the same as a positive test and grounds for disciplinary action. The test(s) must be conducted within a reasonable period after the observation of the problem behavior.

**Drug Testing:** Testing shall be performed only by a laboratory and by a physician or health care professional certified by the U.S. Substance Abuse and Mental Health Services Administration (SAMHSA) under SAMHSA's standards. The laboratory shall test for only the substances and within the limits for the initial and confirmation test as provided within SAMHSA standards. The initial test shall use an immunoassay that meets the requirements of the Food and Drug Administration for commercial distribution. The following initial cutoff levels shall be used when screening specimens to determine whether they are negative for these five (5) drugs or classes of drugs:

Marijuana metabolites	50 ng/ml
Cocaine metabolites	300 ng/ml
Opiate metabolites <sup>1</sup>	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines	1,000 ng/ml

If immunoassay is specific for free morphine the initial test level is 25 ng/ml.

Only specimens identified as positive on the initial test shall be confirmed using gas chromatography/mass spectrometry (GC/MS) techniques at the following listed cutoff values:

Marijuana metabolites <sup>1</sup>	15 ng/ml
Cocaine metabolites <sup>2</sup>	150 ng/ml
Opiates:	
Morphine	300 ng/ml
Codeine	300 ng/ml
Phencyclidine	25 ng/ml
Amphetamines:	
Amphetamine	500 ng/ml
Methamphetamine <sup>3</sup>	500 ng/ml

1 Delta-9-tetrahydrocannabinol-9-carboxylic acid

2 Benzoyllecgonine

3 Specimens must also contain amphetamine at a concentration of ? 200 ng/ml.

**Alcohol Testing:** A breathalyzer or similar test equipment shall be used to screen for alcohol use and if positive, shall be confirmed by a blood alcohol test performed by the laboratory. If initial testing results are positive, the test should be confirmed using a blood alcohol level. If confirmatory testing results are negative, all samples shall be destroyed and records of the testing expunged from the employee's file.

1. Laboratory Results: The laboratory will advise the City and the employee of any positive results. The City will be required to keep the results confidential to the extent provided by law.
2. Testing Program Costs: The City shall pay for all costs involving drug and alcohol testing.

1. Physicians Release: Where appropriate, a signed physician's release may be required by the City before the employee is returned to work. If the behavior that led to the initial investigation is not due to substance abuse but continues to hinder job performance, the City may require that employee to undergo further medical evaluation.

1. Conflict With Other Laws: This Policy is in no way intended to supersede or waive any constitutional or other rights that the employee may be entitled to under Federal, State or local statutes.

**Union Representation:** Represented employees who are the subject of an investigation related to substance abuse may have a Union representative present during the investigative procedures outlined above. Disciplinary actions taken by the City under this procedure shall be subject to the applicable CBA grievance procedure. The City, the employee and the union, where applicable, shall work cooperatively to facilitate the resolution of problems that arise under the administration of this policy. When appropriate, the employee and the City shall enter into joint agreements that establish the form of treatment and the conditions that will be imposed for the return of an employee to the workplace.

## 5-9. Personal Visits and Telephone Calls

Disruptions during work time can lead to errors and delays. Therefore, personal telephone calls must be kept to a minimum, and only be made or received after working time, or during lunch or break time.

For safety and security reasons, employees are prohibited from having personal guests visit or accompanying them anywhere in The City of Medina facilities other than the reception areas.

## 5-10. Solicitation and Distribution

To avoid distractions, solicitation by the employee of another employee is prohibited while either employee is on work time. "Work time" is defined as the time the employee is engaged, or should be engaged, in performing their work tasks for The City of Medina. Solicitation of any kind by non-employees on City premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the City is prohibited at all times. Distribution of literature by non-employees on City premises is prohibited at all times.

## 5-11. Bulletin Boards

Important notices and items of general interest are continually posted on The City of Medina bulletin boards. Employees should make it a practice to review bulletin boards frequently. This will assist employees in keeping up with what is current at The City of Medina. To avoid confusion, employees should not post or remove any material from the bulletin board.

## 5-12. Records Retention

The City has the obligation to maintain all electronic files and records in accordance with the State archivist records retention schedule. Employees shall fully cooperate with the City in fulfilling its records retention duties.

## 5-13. Business Expense Reimbursement

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved by the employee's Supervisor, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to the Finance Department along with the receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact their Supervisor in advance if they have any questions about whether an expense will be reimbursed.

## 5-14. Professional and Civic Associations

It is the intent of the City, as a municipal corporation, to be actively represented in civic and service organizations whose activities may benefit or otherwise affect the citizens. The City Manager may authorize City employees and/or officers to be active participants in such organizations. Where specific community clubs may not exist, the City Manager may authorize membership in alternative neighboring or overlapping organizations. When possible, the City itself shall be the designated member of the organization, extending the ability to designate various attendees as necessary. Benefits to the City from such memberships may include, but are not limited to:

- a. providing information to such organizations through membership in committees and attendance at meetings;
- b. identifying opportunities to advance City programs or goals through partnership with civic and service organizations; or
- c. furthering other mutual benefits to the City and to the organization that may arise from association, such as cooperation in organizing and in supporting community events.

Officers or employees holding such memberships are prohibited from:

- a. exerting influence on other employees or officers to provide financial contributions or other support to the civic or service organization;
- b. using the civic or service organization as a forum for lobbying in support of or opposition to political or legislative actions, or the promotion of endeavors in which the officer or employee may have a direct or indirect financial interest or may acquire a personal benefit or gain.

City employees and/or officers shall request permission from the City Manager for membership in a civic or service organization, with explanation of the benefits to be derived from such membership. The City Manager may authorize membership and expenses, subject to the City's travel and meal reimbursement policies. Memberships shall be annually reviewed, subject to the City's budget process not to exceed five hundred dollars (\$500) per membership per year. The City may pay for membership and participation expenses in approved organizations but will not pay for charitable or personal contributions of time, money or goods.

#### **5-15. Confidential Company Information**

During the course of work, employees may become aware of confidential information about The City of Medina's business, including but not limited to information regarding City finances, pricing, products, and new product development, software, and computer programs, marketing strategies, suppliers, and customers and potential customers. Employees also may become aware of similar confidential information belonging to the City's clients. It is extremely important that all such information remain confidential, and particularly not be disclosed to The City of Medina's competitors. Any employee who improperly copies, removes (whether physically or electronically), uses, or discloses confidential information to anyone outside of the City may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

#### **5-16. Conflict of Interest and Business Ethics**

It is The City of Medina's policy that all employees avoid any conflict between their personal interests and those of the City. The purpose of this policy is to ensure that the City's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the City.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. Holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the City, by any employee who is in a position to directly or indirectly influence either the City's decision to do business, or the terms upon which business would be done with such organization;
2. Holding any interest in an organization that competes with the City;
3. Being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the City or which competes with the City; and/or
4. Profiting personally, e.g., through commissions, loans, expense reimbursements, or other payments, from any organization seeking to do business with the City.

A conflict of interest would also exist when a member of the employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is the employee's responsibility to report any actual or potential conflict that may exist between the employee (and the employee's immediate family) and the City.

#### **5-17. Acceptance of Gifts**

No City employee shall solicit or receive a gift, loan, favor, entertainment, or other thing of monetary value if it is or it appears to be solicited, received, or given with the intent to give or to obtain special consideration or influence on any job-related action by the employee. However, this policy shall not prohibit:

1. Attendance at a hosted meal provided in conjunction with a seminar, conference, or banquet that relates directly to City business or is attended as a staff representative.
2. An award publicly presented in recognition of public service.
3. An occasional non-monetary gift (such as fruit and candy given to the City) having a monetary value of fifty dollars (\$50.00) or less when the gift is offered without obligation or the appearance of obligation. Such a gift may be accepted if made available to employees and to the public alike.
4. Any gift which would have been offered or given to the employee, regardless of City employment.

#### **5-18. Use of Facilities, Equipment and Property, Including Intellectual Property**

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective or in need of repair. Prompt reporting of loss, damages, defects and the need for repairs could prevent

deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about the employees' responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the City's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the City is not responsible for any damage to employees' personal belongings unless the employee's supervisor provided advance approval for the employee to bring the personal property to work.

### 5-19. Uniforms, Special Equipment

The City may require the wearing or use of uniforms, special clothing and/or special equipment. When such requirement exists, the City will pay for the purchase of such uniform, clothing or equipment. The employee is required to wear or utilize such clothing or equipment in accordance with City policy and practice. Failure to wear or utilize such uniforms, equipment or clothing may result in disciplinary action up to and including discharge.

### 5-20. Health and Safety

The health and safety of employees and others on City property are of critical concern to The City of Medina. The City intends to comply with all health and safety laws applicable to our business. To this end, the City must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the City's premises, or in a product, facility, piece of equipment, process, or business practice for which the City is responsible should be brought to the attention of management immediately.

Periodically, the City may issue rules and guidelines governing workplace safety and health. The City may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

### 5-21. Hiring Relatives/Employee Relationships

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, The City of Medina may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases, such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or discharged from employment, at the discretion of the City. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The City generally will attempt to identify other available positions, but if no alternate position is available, the City retains the right to decide which employee will remain with the City.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

## 5-22. Employee Dress and Personal Appearance

Employees are expected to report to work well groomed, clean, and dressed according to the requirements of their position. Some employees may be required to wear uniforms or safety equipment/clothing. Employees should contact their supervisor for specific information regarding acceptable attire for their position. If employees report to work dressed or groomed inappropriately, they may be prevented from working until they return to work well groomed and wearing the proper attire.

## 5-23. Reporting Improper Governmental Action (Whistleblower Protection Act).

In compliance with the Local Government Employee Whistleblower Protection Act, Chapter 42.41 RCW, this policy is created to encourage employees to disclose any improper governmental action taken by City officials or employees without fear of retaliation. This policy also safeguards legitimate employer interests by encouraging complaints to be made first to the City, with a process provided for speedy dispute resolution.

### Definitions

"Improper Governmental Action" is any action by a City officer or employee that is:

1. undertaken in the performance of the official's or employee's official duties, if the action is within the scope of the employee's employment, and;
2. in violation of any federal, state, or local law or rule, is an abuse of authority, is of substantial and specific danger to the public health or safety, or is a gross waste of public funds.

"Improper governmental action" does not include personnel actions (hiring, firing, complaints, promotions, reassignments, for example). The City has separate policies, with distinct rights and remedies, for allegations of improper personnel actions. In addition, employees are not free to disclose matters that would affect a person's right to legally protected confidential communications.

"Retaliatory Action" means

- A. Any negative change in the employee's employment status, or in the terms and conditions of



employment, including denial of adequate staff to perform duties, frequent staff changes, frequent and undesirable office changes, refusal to assign meaningful work, unwarranted and unsubstantiated letters of reprimand or unsatisfactory performance evaluations, demotion, transfer, reassignment, reduction in pay, denial of promotion, suspension, dismissal, or any other disciplinary action; or

B. Hostile actions by another employee towards a local government employee that were encouraged by a supervisor or senior manager or official.

Procedure for reporting Improper Government Action: City employees who wish to report improper governmental action should follow this procedure:

- (1) Bring the matter to the attention of the supervisor, department director, or Human Resources Manager, if non-involved, stating in detail the basis for the employee's belief that an improper action has occurred. This should be done within a reasonable period after the employee becomes aware of the improper action. If requested by the supervisor, department director, or the Human Resources Manager, the employee shall submit a written report to the city stating in detail the basis for the employee's belief that an improper governmental action has occurred.
- (2) If the employee believes the improper action involves one or all the above individuals, directly or indirectly, the employee may raise the issue directly with the City Manager.
- (3) If the employee believes the improper action involves the City Manager, directly or indirectly, the employee may report the improper government action to the City Attorney.
- (4) The person receiving a report of improper government action shall promptly investigate the report. Within thirty (30) days of the employee's report, as may be extended due to extenuating circumstances outside the City's control, the investigation shall be completed and the employee shall be advised of the results of the investigation, except that personnel actions taken because of the investigation may be kept confidential.

An employee who fails to make a good faith effort to follow this policy shall not be entitled to the protection of this policy against retaliation, pursuant to RCW 42.41.030.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may bypass the above procedure and report the improper action directly to any person who will likely be in a position to prevent the immediate risk of damage to person or property.

Employees may report information about improper governmental action directly to the appropriate governmental 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 government action occurred, or that insufficient action was taken by the City to address the improper action or that for other reasons the improper action is likely to recur. Agencies that may investigate improper governmental action include, for example:

King County Prosecuting Attorney

Washington State Attorney General

Washington State Auditor

United States Attorney for the Western District of Washington

**Protection against Retaliation:** It is unlawful for a local government to take retaliatory action because an employee, in good faith, provided information that improper government action occurred. Employees who wish to seek relief against retaliation for reporting an improper government action shall follow this procedure.

Procedure for Seeking Relief Against Retaliation :

- (1) Employees must provide a written complaint to City Manager or the Human Resources Manager within thirty (30) days of the occurrence of the alleged retaliatory action. The written charge shall specify the alleged retaliatory action and the relief requested.
- (2) The City Manager or human resources shall investigate the complaint and respond in writing within thirty (30) days of receipt of the written charge.
- (3) After receiving the City's response, the employee may request a hearing before a state administrative law judge (ALJ) to establish that a retaliatory action occurred and to obtain appropriate relief under the law. The request for hearing must be delivered within the earlier of either fifteen (15) days of receipt of the City's response to the charge of retaliatory action or forty-five (45) days of receipt of the charge of retaliation to the City Manager for response.
- (4) Within five (5) working days of receipt of a request for hearing the City shall apply to the State Office of Administrative Hearing's for an adjudicative proceeding before an administrative law judge. At the hearing, the employee must prove that a retaliatory action occurred by a preponderance of the evidence in the hearing. The ALJ will issue a final decision not later than forty-five (45) days after the date of the request for hearing, unless an extension is granted. The ALJ's decision is subject to judicial review.

## 5-24. Political Activities

City employees may participate in political or partisan activities of their choosing provided City resources, time and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions.

Employees may not campaign on City time, in a City uniform, or while representing the City in any way, or use City facilities, funds, or property (including but not limited to computer equipment, internet service, or office supplies) for purposes of assisting a campaign for election of any person to office or for the promotion or opposition of any ballot measure. Any City employee who meets with or who may be observed by the public, or otherwise represents the City to the public, while performing his/her regular duties may not wear or display any button, badge, sticker or other advertisement relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on City property or City time, using City equipment or services or supplies, for a contribution to a partisan political cause.

An employee shall not hold an appointed or an elected public office in the City when the holding of such office is incompatible with or substantially interferes with the official duties of the employee's job.

## 5-25. Publicity/Statements to the Media

All media inquiries regarding the position of the City as to any issues must be referred to the City Manager. Only the City Manager is authorized to make or approve public statements on behalf of the City. No employees, unless specifically designated by the City Manager, are authorized to make those statements on behalf of City. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the City must first obtain approval from the City Manager.

## 5-26. Operation of Vehicles

All employees authorized to drive City-owned or leased vehicles or personal vehicles in conducting City business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

Employees must have a valid driver's license in their possession while operating a vehicle off or on City property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

City-owned or leased vehicles may be used only as authorized by management.

### **Portable Communication Device Use While Driving**

Employees who drive on City business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving,

employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employees are driving, and permitted by law, they must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

## 5-27. Outside Employment

Employees may engage in another job outside their City employment if it does not conflict with the interests of the City or interfere with the employee's ability to perform his/her City job. Specifically, outside activities may not:

- (1) Interfere with City job responsibilities;
- (2) Be conducted during the employee's City work hours;
- (3) Utilize City telephones, computers, supplies, or any other resources, facilities or equipment;
- (4) Be employment with a firm which contracts with or does business with the City or otherwise creates an actual or apparent conflict of interest with the employee's City employment.
- (5) Involve service in a decision making or recommending capacity with a public, private, or non-profit agency that solicits funds from the City and where the employee has a role in the City to influence such actions.

## 5-28. References

Only human resources will provide employment references on current or former City employees. References will be limited to verification and dates of employment and salary unless the employee has completed a written waiver and release for additional specified information.

## 5-29. Disciplinary Policies

### **Investigation or Non-Disciplinary Suspension**

The City Manager may place an employee on paid administrative leave pending the outcome of an investigation undertaken by the City or when the City determines that public confidence, City efficiency, or the safety of the employee, co-workers or the public may be endangered by the employee's continued presence at

the work site. Based on the outcome of the investigation, further action may or may not be taken by the City.

### **Discipline Procedure for non-represented employees**

The City's discipline procedure is intended to give non-represented employees notice of problems with their conduct or performance so they have an opportunity to improve. Based on the seriousness or other circumstances of the situation, however, discipline may begin at any level, may skip steps, and/or any steps may be repeated as appropriate. It is the City's discretion to take whatever disciplinary action it believes is warranted under the circumstances.

Use of the disciplinary procedure does not alter an employee's at-will employment status. The following is a non-exhaustive list of disciplinary actions that may be taken by the City:

**(1) Verbal Counseling.** The supervisor will discuss behavior and performance problems with the employee on an informal basis. This gives the employee the opportunity to make changes. Such discussions may be documented in the supervisor's file, but not in the employee's personnel file.

**(2) Written Warning.** This is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions. Written warnings are placed in the employee's personnel file. The written warning may include the nature of the infraction, what the employee needs to do to correct the conduct or to improve performance, and make clear what further disciplinary action would follow if the incident happens again or improvement does not occur within a specified time.

**(3) Suspension.** A temporary, unpaid absence from duty, which may be imposed as a penalty for misconduct or repeated lesser infractions. A suspension is a disciplinary action that is made part of the employee's permanent record.

**(4) Demotion.** A reduction in responsibilities and compensation, which may be imposed as a penalty for misconduct or repeated lesser infractions. A demotion is a disciplinary action that is made part of the employee's permanent record.

**(5) Discharge.** An employee may be terminated from City employment for a serious offense, when the progressive steps above do not result in corrected behavior or improved work performance, or when the City determines immediate termination is appropriate.

### **Pre-Disciplinary Meeting**

If the City Manager is considering suspension, demotion, or discharge of a non-represented employee, the employee shall be provided with a written notice of the pre-disciplinary meeting that includes the time of the meeting and an explanation of the reasons for the proposed discipline. The meeting will be presided over by the City Manager or a designated representative.

At the meeting, the employee shall be given an opportunity to respond, either orally or in writing, and to explain why the City should not impose disciplinary action. The City Manager will issue a written decision determining the disciplinary action, if any, that may be imposed. Offering a pre-disciplinary meeting does not change the employment status of at-will or working trial period employees.

**Working Trial Period Employees** in their working trial period may be terminated with or without notice

without following the disciplinary procedure set forth above.

## 5-30. Termination

Termination of a non-represented employee from employment with the City may be for reasons including:

Resignation: Employment termination initiated by the employee who chooses to leave the City voluntarily.

Layoff: Involuntary employment termination initiated by the City for non-disciplinary reasons due to lack of work, limited funds, organization change or needs of the City.

Medical: Employment termination initiated by either the employee or the City when an employee is unable, for health reasons, to continue to work, and when a reasonable accommodation cannot be made.

Retirement: Voluntary retirement from active employment status initiated by the employee.

Discharge: Employment termination initiated by the City.

The City Manager or designee shall conduct exit interviews with separating employees where feasible and appropriate. At the exit interview, employees shall return all City property, including City keys, City car, ID card, City tools and equipment, City uniforms, credit cards, banking security tokens and printed materials belonging to the City. At separation, the employee's status as to retirement contributions, insurance conversions, and deferred compensation shall be resolved.

### **Layoff**

The City Manager may lay off employees for lack of work, reorganization, budgetary restrictions or other changes that have taken place in accordance with the needs of the City. In determining employees to be laid off, consideration will be given to individual performance and to the qualifications required for remaining jobs, or a collective bargaining agreement may provide for consideration of seniority in layoffs. The City reserves the right to retain any employee needed for essential City services and for emergency responsibilities if they cannot be accomplished under the foregoing guidelines.

Employees who are laid off will be placed on a re-employment list for up to six (6) months. Persons on this list will be given preference over outside candidates if they are qualified for any City position.

### **Benefits at Separation**

Employee and dependent benefits normally cease on the last day of the month of termination. Employees may be able to convert some group benefits to individual policies following termination. Human resources will

explain the benefits at termination during the exit interview.

Employees covered by collective bargaining agreements and/or Civil Service rules will be subject to the specific terms of those agreements or rules with respect to discipline and appeal process. In the event the collective bargaining agreement and/or Civil Service rules do not address a subject, these guidelines shall apply.

### **5-31. If You Must Leave Us**

Should any employees decide to leave the City, we ask that they provide a Supervisor with at least two (2) weeks advance notice of departure. Thoughtfulness will be appreciated. All City, property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., must be returned at separation. Employees also must return all of the City's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the City (through payroll deduction, if lawful) for any lost or damaged City property.

### **5-32. Exit Interviews**

Employees who resign are requested to participate in an exit interview with the Human Resources Director, if possible.

### **5-33. A Few Closing Words**

This handbook is intended to give employees a broad summary of things they should know about The City of Medina. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, The City of Medina, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to management if they have any questions about the City or its personnel policies and practices.

## General Handbook Acknowledgment

This Employee Handbook is an important document intended to help employees become acquainted with The City of Medina. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the City's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Handbook.

**I have received and read a copy of The City of Medina's Employees Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the City at any time.**

**I further understand that my employment is terminable at will, either by myself or the City, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.**

**I understand that no representative of The City of Medina other than the City Manager may alter "at will" status and any such modification must be in a signed writing.**

**I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the City's Employee Handbook.**

Employee's Printed Name: \_\_\_\_\_

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

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.



## Receipt of Non-Harassment Policy

It is The City of Medina's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by The City of Medina.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on City premises, while on City business (whether or not on City premises) or while representing the City. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

### **Harassment Defined**

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

### **Sexual Harassment Defined**

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of conduct that violate this policy include:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

**Reporting Procedures**

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to the City Manager. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the Human Resources Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

**Investigation Procedures**

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

**Retaliation Prohibited**

In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

I have read and I understand The City of Medina's Non-Harassment Policy.

Employee's Printed Name: \_\_\_\_\_

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

Position: \_\_\_\_\_

Date: \_\_\_\_\_

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.